

As Pending in House Finance Committee

131st General Assembly

Regular Session

2015-2016

Sub. H. B. No. 64

Representative Smith, R.

A BILL

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of the Revised Code; to amend Section 755.40 of 195
Sub. H.B. 53 of the 131st General Assembly, to 196
amend Sections 125.10 and 125.11 of Am. Sub. H.B. 197
59 of the 130th General Assembly, to amend Section 198
745.10 of Am. Sub. H.B. 483 of the 130th General 199
Assembly, to amend Sections 235.10, 245.10, and 200
259.10 of Am. H.B. 497 of the 130th General 201
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Am. H.B. 497 of the 130th General Assembly, as 203
subsequently amended, to amend Section 5 of Am. 204
Sub. S.B. 314 of the 129th General Assembly, and 205
to amend Section 20.15 of H.B. 215 of the 122nd 206
General Assembly; to repeal Sections 701.10 and 207
701.61 of Am. Sub. H.B. 59 of the 130th General 208
Assembly and Sections 551.10 and 733.20 of Am. 209
Sub. H.B. 483 of the 130th General Assembly; to 210
amend the versions of sections 340.01, 340.03, 211
340.15, and 5119.21 of the Revised Code that are 212
scheduled to take effect September 15, 2016, to 213
continue the provisions of this act on and after 214
the effective date, to make operating 215
appropriations for the biennium beginning July 1, 216
2015, and ending June 30, 2017, to provide 217
authorization and conditions for the operation of 218
state programs, and to provide that the amendments 219
by this act to section 5124.67 of the Revised Code 220
terminate on July 1, 2018, when section 5124.67 of 221
the Revised Code is repealed on that date. 222

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

Section 101.01. That sections 1.05, 9.06, 9.312, 9.333, 9.83, 223
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5902.02, 5903.12, 5910.08, 5919.341, 6101.16, 6109.30, 6111.01, 330
6111.02, 6111.027, 6111.30, and 6111.99 be amended; sections 331
3333.031 (3333.012), 5108.05 (5108.041), 5108.03 (5108.05), 332
5123.1610 (5123.1611), and 5101.98 (5902.05) be amended for the 333
purpose of adopting new section numbers as indicated in 334
parentheses; new sections 5108.03, 5123.1610, 5164.37, and 5165.25 335
and sections 9.318, 9.483, 118.041, 125.035, 125.061, 131.025, 336
133.083, 169.051, 171.08, 173.525, 173.548, 174.09, 339.061, 337
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5166.529, 5166.5210, 5703.361, 5703.94, 5709.92, 5709.93, 354
5739.024, 5739.50, 5739.51, 5739.52, 5739.53, 5739.54, 5741.024, 355
5747.502, and 6301.16 of the Revised Code be enacted to read as 356
follows: 357

Sec. 1.05. (A)(1) As used in the Revised Code, unless the 358
context otherwise requires, and subject to division (A)(2) of this 359
section "imprisoned" or "imprisonment" means being imprisoned 360
under a sentence imposed for an offense or serving a term of 361
imprisonment, prison term, jail term, term of local incarceration, 362
or other term under a sentence imposed for an offense in an 363
institution under the control of the department of rehabilitation 364
and correction, a county, multicounty, municipal, 365
municipal-county, or multicounty-municipal jail or workhouse, a 366
minimum security jail, a community-based correctional facility, a 367
halfway house while under transitional control, an alternative 368
residential facility, or another facility described or referred to 369
in section 2929.34 of the Revised Code for the type of criminal 370
offense and under the circumstances specified or referred to in 371
that section. 372

(2) "Imprisoned" or "imprisonment" does not include serving a 373
term at a halfway house imposed as a community residential 374
sanction under section 2929.16 or 2929.26 of the Revised Code or 375
imposed as a post-release control sanction under section 2967.28 376
of the Revised Code. 377

(B) As used in division (A) of this section, 378
~~"community based:~~ 379

(1) "Community-based correctional facility," "halfway house," 380
and "alternative residential facility" have the same meanings as 381
in section 2929.01 of the Revised Code. 382

(2) "Post-release control sanction" and "transitional 383
control" have the same meanings as in section 2967.01 of the 384
Revised Code. 385

Sec. 9.06. (A)(1) The department of rehabilitation and 386
correction may contract for the private operation and management 387
pursuant to this section of the initial intensive program prison 388
established pursuant to section 5120.033 of the Revised Code, if 389
one or more intensive program prisons are established under that 390
section, and may contract for the private operation and management 391
of any other facility under this section. Counties and municipal 392
corporations to the extent authorized in sections 307.93, 341.35, 393
753.03, and 753.15 of the Revised Code may contract for the 394
private operation and management of a facility under this section. 395
A contract entered into under this section shall be for an initial 396
term specified in the contract with an option to renew for 397
additional periods of two years. 398

(2) The department of rehabilitation and correction, by rule, 399
shall adopt minimum criteria and specifications that a person or 400
entity, other than a person or entity that satisfies the criteria 401
set forth in division (A)(3)(a) of this section and subject to 402
division (I) of this section, must satisfy in order to apply to 403
operate and manage as a contractor pursuant to this section the 404
initial intensive program prison established pursuant to section 405
5120.033 of the Revised Code, if one or more intensive program 406
prisons are established under that section. 407

(3) Subject to division (I) of this section, any person or 408
entity that applies to operate and manage a facility as a 409
contractor pursuant to this section shall satisfy one or more of 410

the following criteria: 411

(a) The person or entity, at the time of the application, 412
operates and manages one or more facilities accredited by the 413
American correctional association. 414

(b) The person or entity satisfies all of the minimum 415
criteria and specifications adopted by the department of 416
rehabilitation and correction pursuant to division (A)(2) of this 417
section, provided that this alternative shall be available only in 418
relation to the initial intensive program prison established 419
pursuant to section 5120.033 of the Revised Code, if one or more 420
intensive program prisons are established under that section. 421

(4) Subject to division (I) of this section, before a public 422
entity may enter into a contract under this section, the 423
contractor shall convincingly demonstrate to the public entity 424
that it can operate the facility with the inmate capacity required 425
by the public entity and provide the services required in this 426
section and realize at least a five per cent savings over the 427
projected cost to the public entity of providing these same 428
services to operate the facility that is the subject of the 429
contract. No out-of-state prisoners may be housed in any facility 430
that is the subject of a contract entered into under this section. 431

(B) Subject to division (I) of this section, any contract 432
entered into under this section shall include all of the 433
following: 434

(1) A requirement that, if the contractor applied pursuant to 435
division (A)(3)(b) of this section, the contractor continue 436
complying with the applicable criteria and specifications adopted 437
by the department of rehabilitation and correction pursuant to 438
division (A)(2) of this section; 439

(2) A requirement that all of the following conditions be 440
met: 441

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

(b) The contractor receives accreditation of the facility within twelve months after the date the contractor applies to the American correctional association for accreditation.

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

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

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

(4) A requirement that the contractor report for investigation all crimes in connection with the facility to the public entity, to all local law enforcement agencies with jurisdiction over the place at which the facility is located, and,

for a crime committed at a state correctional institution, to the 473
state highway patrol; 474

(5) A requirement that the contractor immediately report all 475
escapes from the facility, and the apprehension of all escapees, 476
by telephone and in writing to all local law enforcement agencies 477
with jurisdiction over the place at which the facility is located, 478
to the prosecuting attorney of the county in which the facility is 479
located, to the state highway patrol, to a daily newspaper having 480
general circulation in the county in which the facility is 481
located, and, if the facility is a state correctional institution, 482
to the department of rehabilitation and correction. The written 483
notice may be by either facsimile transmission or mail. A failure 484
to comply with this requirement regarding an escape is a violation 485
of section 2921.22 of the Revised Code. 486

(6) A requirement that, if the facility is a state 487
correctional institution, the contractor provide a written report 488
within specified time limits to the director of rehabilitation and 489
correction or the director's designee of all unusual incidents at 490
the facility as defined in rules promulgated by the department of 491
rehabilitation and correction or, if the facility is a local 492
correctional institution, that the contractor provide a written 493
report of all unusual incidents at the facility to the governing 494
authority of the local public entity; 495

(7) A requirement that the contractor maintain proper control 496
of inmates' personal funds pursuant to rules promulgated by the 497
department of rehabilitation and correction for state correctional 498
institutions or pursuant to the minimum standards for jails along 499
with any additional standards established by the local public 500
entity for local correctional institutions and that records 501
pertaining to these funds be made available to representatives of 502
the public entity for review or audit; 503

(8) A requirement that the contractor prepare and distribute 504

to the director of rehabilitation and correction or, if 505
contracting with a local public entity, to the governing authority 506
of the local entity annual budget income and expenditure 507
statements and funding source financial reports; 508

(9) A requirement that the public entity appoint and 509
supervise a full-time contract monitor, that the contractor 510
provide suitable office space for the contract monitor at the 511
facility, and that the contractor allow the contract monitor 512
unrestricted access to all parts of the facility and all records 513
of the facility except the contractor's financial records; 514

(10) A requirement that if the facility is a state 515
correctional institution designated department of rehabilitation 516
and correction staff members be allowed access to the facility in 517
accordance with rules promulgated by the department; 518

(11) A requirement that the contractor provide internal and 519
perimeter security as agreed upon in the contract; 520

(12) If the facility is a state correctional institution, a 521
requirement that the contractor impose discipline on inmates 522
housed in the facility only in accordance with rules promulgated 523
by the department of rehabilitation and correction; 524

(13) A requirement that the facility be staffed at all times 525
with a staffing pattern approved by the public entity and adequate 526
both to ensure supervision of inmates and maintenance of security 527
within the facility and to provide for programs, transportation, 528
security, and other operational needs. In determining security 529
needs, the contractor shall be required to consider, among other 530
things, the proximity of the facility to neighborhoods and 531
schools. 532

(14) If the contract is with a local public entity, a 533
requirement that the contractor provide services and programs, 534
consistent with the minimum standards for jails promulgated by the 535

department of rehabilitation and correction under section 5120.10 536
of the Revised Code; 537

(15) A clear statement that no immunity from liability 538
granted to the state, and no immunity from liability granted to 539
political subdivisions under Chapter 2744. of the Revised Code, 540
shall extend to the contractor or any of the contractor's 541
employees; 542

(16) A statement that all documents and records relevant to 543
the facility shall be maintained in the same manner required for, 544
and subject to the same laws, rules, and regulations as apply to, 545
the records of the public entity; 546

(17) Authorization for the public entity to impose a fine on 547
the contractor from a schedule of fines included in the contract 548
for the contractor's failure to perform its contractual duties or 549
to cancel the contract, as the public entity considers 550
appropriate. If a fine is imposed, the public entity may reduce 551
the payment owed to the contractor pursuant to any invoice in the 552
amount of the imposed fine. 553

(18) A statement that all services provided or goods produced 554
at the facility shall be subject to the same regulations, and the 555
same distribution limitations, as apply to goods and services 556
produced at other correctional institutions; 557

(19) If the facility is a state correctional institution, 558
authorization for the department to establish one or more prison 559
industries at the facility; 560

(20) A requirement that, if the facility is an intensive 561
program prison established pursuant to section 5120.033 of the 562
Revised Code, the facility shall comply with all criteria for 563
intensive program prisons of that type that are set forth in that 564
section; 565

(21) If the facility is a state correctional institution, a 566

requirement that the contractor provide clothing for all inmates 567
housed in the facility that is conspicuous in its color, style, or 568
color and style, that conspicuously identifies its wearer as an 569
inmate, and that is readily distinguishable from clothing of a 570
nature that normally is worn outside the facility by non-inmates, 571
that the contractor require all inmates housed in the facility to 572
wear the clothing so provided, and that the contractor not permit 573
any inmate, while inside or on the premises of the facility or 574
while being transported to or from the facility, to wear any 575
clothing of a nature that does not conspicuously identify its 576
wearer as an inmate and that normally is worn outside the facility 577
by non-inmates. 578

(C) No contract entered into under this section may require, 579
authorize, or imply a delegation of the authority or 580
responsibility of the public entity to a contractor for any of the 581
following: 582

(1) Developing or implementing procedures for calculating 583
inmate release and parole eligibility dates and recommending the 584
granting or denying of parole, although the contractor may submit 585
written reports that have been prepared in the ordinary course of 586
business; 587

(2) Developing or implementing procedures for calculating and 588
awarding earned credits, approving the type of work inmates may 589
perform and the wage or earned credits, if any, that may be 590
awarded to inmates engaging in that work, and granting, denying, 591
or revoking earned credits; 592

(3) For inmates serving a term imposed for a felony offense 593
committed prior to July 1, 1996, or for a misdemeanor offense, 594
developing or implementing procedures for calculating and awarding 595
good time, approving the good time, if any, that may be awarded to 596
inmates engaging in work, and granting, denying, or revoking good 597
time; 598

(4) Classifying an inmate or placing an inmate in a more or a 599
less restrictive custody than the custody ordered by the public 600
entity; 601

(5) Approving inmates for work release; 602

(6) Contracting for local or long distance telephone services 603
for inmates or receiving commissions from those services at a 604
facility that is owned by or operated under a contract with the 605
department. 606

(D) A contractor that has been approved to operate a facility 607
under this section, and a person or entity that enters into a 608
contract for specialized services, as described in division (I) of 609
this section, relative to an intensive program prison established 610
pursuant to section 5120.033 of the Revised Code to be operated by 611
a contractor that has been approved to operate the prison under 612
this section, shall provide an adequate policy of insurance 613
specifically including, but not limited to, insurance for civil 614
rights claims as determined by a risk management or actuarial firm 615
with demonstrated experience in public liability for state 616
governments. The insurance policy shall provide that the state, 617
including all state agencies, and all political subdivisions of 618
the state with jurisdiction over the facility or in which a 619
facility is located are named as insured, and that the state and 620
its political subdivisions shall be sent any notice of 621
cancellation. The contractor may not self-insure. 622

A contractor that has been approved to operate a facility 623
under this section, and a person or entity that enters into a 624
contract for specialized services, as described in division (I) of 625
this section, relative to an intensive program prison established 626
pursuant to section 5120.033 of the Revised Code to be operated by 627
a contractor that has been approved to operate the prison under 628
this section, shall indemnify and hold harmless the state, its 629
officers, agents, and employees, and any local government entity 630

in the state having jurisdiction over the facility or ownership of 631
the facility, shall reimburse the state for its costs in defending 632
the state or any of its officers, agents, or employees, and shall 633
reimburse any local government entity of that nature for its costs 634
in defending the local government entity, from all of the 635
following: 636

(1) Any claims or losses for services rendered by the 637
contractor, person, or entity performing or supplying services in 638
connection with the performance of the contract; 639

(2) Any failure of the contractor, person, or entity or its 640
officers or employees to adhere to the laws, rules, regulations, 641
or terms agreed to in the contract; 642

(3) Any constitutional, federal, state, or civil rights claim 643
brought against the state related to the facility operated and 644
managed by the contractor; 645

(4) Any claims, losses, demands, or causes of action arising 646
out of the contractor's, person's, or entity's activities in this 647
state; 648

(5) Any attorney's fees or court costs arising from any 649
habeas corpus actions or other inmate suits that may arise from 650
any event that occurred at the facility or was a result of such an 651
event, or arise over the conditions, management, or operation of 652
the facility, which fees and costs shall include, but not be 653
limited to, attorney's fees for the state's representation and for 654
any court-appointed representation of any inmate, and the costs of 655
any special judge who may be appointed to hear those actions or 656
suits. 657

(E) Private correctional officers of a contractor operating 658
and managing a facility pursuant to a contract entered into under 659
this section may carry and use firearms in the course of their 660
employment only after being certified as satisfactorily completing 661

an approved training program as described in division (A) of 662
section 109.78 of the Revised Code. 663

(F) Upon notification by the contractor of an escape from, or 664
of a disturbance at, the facility that is the subject of a 665
contract entered into under this section, the department of 666
rehabilitation and correction and state and local law enforcement 667
agencies shall use all reasonable means to recapture escapees or 668
quell any disturbance. Any cost incurred by the state or its 669
political subdivisions relating to the apprehension of an escapee 670
or the quelling of a disturbance at the facility shall be 671
chargeable to and borne by the contractor. The contractor shall 672
also reimburse the state or its political subdivisions for all 673
reasonable costs incurred relating to the temporary detention of 674
the escapee following recapture. 675

(G) Any offense that would be a crime if committed at a state 676
correctional institution or jail, workhouse, prison, or other 677
correctional facility shall be a crime if committed by or with 678
regard to inmates at facilities operated pursuant to a contract 679
entered into under this section. 680

(H) A contractor operating and managing a facility pursuant 681
to a contract entered into under this section shall pay any inmate 682
workers at the facility at the rate approved by the public entity. 683
Inmates working at the facility shall not be considered employees 684
of the contractor. 685

(I) In contracting for the private operation and management 686
pursuant to division (A) of this section of any intensive program 687
prison established pursuant to section 5120.033 of the Revised 688
Code, the department of rehabilitation and correction may enter 689
into a contract with a contractor for the general operation and 690
management of the prison and may enter into one or more separate 691
contracts with other persons or entities for the provision of 692
specialized services for persons confined in the prison, 693

including, but not limited to, security or training services or 694
medical, counseling, educational, or similar treatment programs. 695
If, pursuant to this division, the department enters into a 696
contract with a contractor for the general operation and 697
management of the prison and also enters into one or more 698
specialized service contracts with other persons or entities, all 699
of the following apply: 700

(1) The contract for the general operation and management 701
shall comply with all requirements and criteria set forth in this 702
section, and all provisions of this section apply in relation to 703
the prison operated and managed pursuant to the contract. 704

(2) Divisions (A)(2), (B), and (C) of this section do not 705
apply in relation to any specialized services contract, except to 706
the extent that the provisions of those divisions clearly are 707
relevant to the specialized services to be provided under the 708
specialized services contract. Division (D) of this section 709
applies in relation to each specialized services contract. 710

(J) If, on or after ~~the effective date of this amendment~~ June 711
30, 2011, a contractor enters into a contract with the department 712
of rehabilitation and correction under this section for the 713
operation and management of any facility described in Section 714
753.10 of the act in which this amendment was adopted, if the 715
contract provides for the sale of the facility to the contractor, 716
if the facility is sold to the contractor subsequent to the 717
execution of the contract, and if the contractor is privately 718
operating and managing the facility, notwithstanding the 719
contractor's private operation and management of the facility, all 720
of the following apply: 721

(1) Except as expressly provided to the contrary in this 722
section, the facility being privately operated and managed by the 723
contractor shall be considered for purposes of the Revised Code as 724
being under the control of, or under the jurisdiction of, the 725

department of rehabilitation and correction. 726

(2) Any reference in this section to "state correctional 727
institution," any reference in Chapter 2967. of the Revised Code 728
to "state correctional institution," other than the definition of 729
that term set forth in section 2967.01 of the Revised Code, or to 730
"prison," and any reference in Chapter 2929., 5120., 5145., 5147., 731
or 5149. or any other provision of the Revised Code to "state 732
correctional institution" or "prison" shall be considered to 733
include a reference to the facility being privately operated and 734
managed by the contractor, unless the context makes the inclusion 735
of that facility clearly inapplicable. 736

(3) Upon the sale and conveyance of the facility, the 737
facility shall be returned to the tax list and duplicate 738
maintained by the county auditor, and the facility shall be 739
subject to all real property taxes and assessments. No exemption 740
from real property taxation pursuant to Chapter 5709. of the 741
Revised Code shall apply to the facility conveyed. The gross 742
receipts and income of the contractor to whom the facility is 743
conveyed that are derived from operating and managing the facility 744
under this section shall be subject to gross receipts and income 745
taxes levied by the state and its subdivisions, including the 746
taxes levied pursuant to Chapters 718., 5747., 5748., and 5751. of 747
the Revised Code. Unless exempted under another section of the 748
Revised Code, transactions involving a contractor as a consumer or 749
purchaser are subject to any tax levied under Chapters 5739. and 750
5741. of the Revised Code. 751

(4) After the sale and conveyance of the facility, all of the 752
following apply: 753

(a) Before the contractor may resell or otherwise transfer 754
the facility and the real property on which it is situated, any 755
surrounding land that also was transferred under the contract, or 756
both the facility and real property on which it is situated plus 757

the surrounding land that was transferred under the contract, the 758
contractor first must offer the state the opportunity to 759
repurchase the facility, real property, and surrounding land that 760
is to be resold or transferred and must sell the facility, real 761
property, and surrounding land to the state if the state so 762
desires, pursuant to and in accordance with the repurchase clause 763
included in the contract. 764

(b) Upon the default by the contractor of any financial 765
agreement for the purchase of the facility and the real property 766
on which it is situated, any surrounding land that also was 767
transferred under the contract, or both the facility and real 768
property on which it is situated plus the surrounding land that 769
was transferred under the contract, upon the default by the 770
contractor of any other term in the contract, or upon the 771
financial insolvency of the contractor or inability of the 772
contractor to meet its contractual obligations, the state may 773
repurchase the facility, real property, and surrounding land, if 774
the state so desires, pursuant to and in accordance with the 775
repurchase clause included in the contract. 776

(c) If the contract entered into under this section for the 777
operation and management of a state correctional institution is 778
terminated, both of the following apply: 779

(i) The operation and management responsibilities of the 780
state correctional institution shall be transferred to another 781
contractor under the same terms and conditions as applied to the 782
original contractor or to the department of rehabilitation and 783
correction. 784

(ii) The department of rehabilitation and correction or the 785
new contractor, whichever is applicable, may enter into an 786
agreement with the terminated contractor to purchase the 787
terminated contractor's equipment, supplies, furnishings, and 788
consumables. 789

(K) Any action asserting that section 9.06 of the Revised Code or ~~section~~ Section 753.10 of the act in which this amendment was adopted violates any provision of the Ohio ~~constitution~~ Constitution and any claim asserting that any action taken by the governor or the department of administrative services or the department of rehabilitation and correction pursuant to section 9.06 of the Revised Code or ~~section~~ Section 753.10 of the act in which this amendment was adopted violates any provision of the Ohio ~~constitution~~ Constitution or any provision of the Revised Code shall be brought in the court of common pleas of Franklin county. The court shall give any action filed pursuant to this division priority over all other civil cases pending on its docket and expeditiously make a determination on the claim. If an appeal is taken from any final order issued in a case brought pursuant to this division, the court of appeals shall give the case priority over all other civil cases pending on its docket and expeditiously make a determination on the appeal.

(L) As used in this section:

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

(2) "Local public entity" means a county or municipal corporation, or a combination of counties and municipal corporations, that has jurisdiction over a jail, workhouse, or other correctional facility ~~used only for misdemeanants~~ that is the subject of a contract entered into under this section.

(3) "Governing authority of a local public entity" means, for a county, the board of county commissioners; for a municipal corporation, the legislative authority; for a combination of counties and municipal corporations, all the boards of county

commissioners and municipal legislative authorities that joined to 822
create the facility. 823

(4) "Contractor" means a person or entity that enters into a 824
contract under this section to operate and manage a jail, 825
workhouse, or other correctional facility. 826

(5) "Facility" means any of the following: 827

(a) The specific county, multicounty, municipal, 828
municipal-county, or multicounty-municipal jail, workhouse, 829
prison, or other type of correctional institution or facility ~~used~~ 830
~~only for misdemeanants~~ that is the subject of a contract entered 831
into under this section; 832

(b) Any state correctional institution that is the subject of 833
a contract entered into under this section, including any facility 834
described in Section 753.10 of the act in which this amendment was 835
adopted at any time prior to or after any sale to a contractor of 836
the state's right, title, and interest in the facility, the land 837
situated thereon, and specified surrounding land. 838

(6) "Person or entity" in the case of a contract for the 839
private operation and management of a state correctional 840
institution, includes an employee organization, as defined in 841
section 4117.01 of the Revised Code, that represents employees at 842
state correctional institutions. 843

Sec. 9.312. (A) If a state agency or political subdivision is 844
required by law or by an ordinance or resolution adopted under 845
division (C) of this section to award a contract to the lowest 846
responsive and responsible bidder, a bidder on the contract shall 847
be considered responsive if the bidder's proposal responds to bid 848
specifications in all material respects and contains no 849
irregularities or deviations from the specifications which would 850
affect the amount of the bid or otherwise give the bidder a 851

competitive advantage. The factors that the state agency or 852
political subdivision shall consider in determining whether a 853
bidder on the contract is responsible include the experience of 854
the bidder, the bidder's financial condition, conduct and 855
performance on previous contracts, facilities, management skills, 856
and ability to execute the contract properly. 857

For purposes of this division, the provision of a bid 858
guaranty in accordance with divisions (A)(1) and (B) of section 859
153.54 of the Revised Code issued by a surety licensed to do 860
business in this state is evidence of financial responsibility, 861
but a state agency or political subdivision may request additional 862
financial information for review from an apparent low bidder after 863
it opens all submitted bids. A state agency or political 864
subdivision shall keep additional financial information it 865
receives pursuant to a request under this division confidential, 866
except under proper order of a court. The additional financial 867
information is not a public record under section 149.43 of the 868
Revised Code. 869

An apparent low bidder found not to be responsive and 870
responsible shall be notified by the state agency or political 871
subdivision of that finding and the reasons for it. Except for 872
contracts awarded by the department of administrative services 873
pursuant to section 125.11 of the Revised Code, the notification 874
shall be given in writing and by certified mail. When awarding 875
contracts pursuant to section 125.11 of the Revised Code, the 876
department may send such notice in writing by first class mail or 877
by electronic means. 878

(B) Where a state agency or a political subdivision that has 879
adopted an ordinance or resolution under division (C) of this 880
section determines to award a contract to a bidder other than the 881
apparent low bidder or bidders for the construction, 882
reconstruction, improvement, enlargement, alteration, repair, 883

painting, or decoration of a public improvement, it shall meet 884
with the apparent low bidder or bidders upon a filing of a timely 885
written protest. The protest must be received within five days of 886
the notification required in division (A) of this section. No 887
final award shall be made until the state agency or political 888
subdivision either affirms or reverses its earlier determination. 889
Notwithstanding any other provisions of the Revised Code, the 890
procedure described in this division is not subject to Chapter 891
119. of the Revised Code. 892

(C) A municipal corporation, township, school district, board 893
of county commissioners, any other county board or commission, or 894
any other political subdivision required by law to award contracts 895
by competitive bidding may by ordinance or resolution adopt a 896
policy of requiring each competitively bid contract it awards to 897
be awarded to the lowest responsive and responsible bidder in 898
accordance with this section. 899

Sec. 9.318. (A) As used in this section: 900

"Armed forces" means the armed forces of the United States, 901
including the army, navy, air force, marine corps, coast guard, or 902
any reserve component of those forces; the national guard of any 903
state; the commissioned corps of the United States public health 904
service; the merchant marine service during wartime; such other 905
service as may be designated by congress; and the Ohio organized 906
militia when engaged in full-time national guard duty for a period 907
of more than thirty days. 908

"State agency" has the meaning defined in section 1.60 of the 909
Revised Code. 910

"Veteran" means any person who has completed service in the 911
armed forces, including the national guard of any state, or a 912
reserve component of the armed forces, who has been honorably 913
discharged or discharged under honorable conditions from the armed 914

forces or who has been transferred to the reserve with evidence of 915
satisfactory service. 916

"Veteran-friendly business enterprise" means a sole 917
proprietorship, association, partnership, corporation, limited 918
liability company, or joint venture that meets veteran employment 919
standards established by the director of administrative services 920
and the director of transportation under this section. 921

(B) The director of administrative services and the director 922
of transportation shall establish and maintain the 923
veteran-friendly business procurement program. The director of 924
administrative services shall adopt rules to administer the 925
program for all state agencies except the department of 926
transportation, and the director of transportation shall adopt 927
rules to administer the program for the department of 928
transportation. The rules shall be adopted under Chapter 119. of 929
the Revised Code. The rules, as adopted separately by but with the 930
great degree of consistency possible between the two directors, 931
shall do all of the following: 932

(1) Establish criteria, based on the percentage of an 933
applicant's employees who are veterans, that qualifies an 934
applicant for certification as a veteran-friendly business 935
enterprise; 936

(2) Establish procedures by which a sole proprietorship, 937
association, partnership, corporation, limited liability company, 938
or joint venture may apply for certification as a veteran-friendly 939
business enterprise; 940

(3) Establish procedures for certifying a sole 941
proprietorship, association, partnership, corporation, limited 942
liability company, or joint venture as a veteran-friendly business 943
enterprise; 944

(4) Establish standards for determining when a 945

veteran-friendly business enterprise no longer qualifies for 946
certification as a veteran-friendly business enterprise; 947

(5) Establish procedures, to be used by state agencies or the 948
department of transportation, for the evaluation and ranking of 949
proposals, which provide preference or bonus points to each 950
certified veteran-friendly business enterprise that submits a bid 951
or other proposal for a contract with the state or an agency of 952
the state other than the department of transportation, or with the 953
department of transportation, for the rendering of services, or 954
the supplying of materials, or for the construction, demolition, 955
alteration, repair, or reconstruction of any public building, 956
structure, highway, or other improvement; 957

(6) Implement an outreach program to educate potential 958
participants about the veteran-friendly business enterprise 959
program; and 960

(7) Establish a process for monitoring overall performance of 961
the veteran-friendly business enterprise program. 962

Sec. 9.333. (A) No public authority shall enter into a 963
construction management contract with a construction manager 964
unless the construction manager provides a letter of credit 965
pursuant to Chapter 1305. of the Revised Code, a surety bond 966
pursuant to sections 153.54 and 153.57 of the Revised Code, a 967
certified check or cashier's check in an amount equal to the value 968
of the construction management contract for the project, or 969
provides other reasonable financial assurance of a nature and in 970
an amount satisfactory to the public authority. The public 971
authority may waive this requirement for good cause. 972

(B) Before construction begins pursuant to a construction 973
management contract with a construction manager at risk, the 974
construction manager at risk shall provide a surety bond to the 975
public authority in accordance with rules adopted by the executive 976

director of ~~administrative services~~ the Ohio facilities 977
construction commission under Chapter 119. of the Revised Code. 978

Sec. 9.483. Notwithstanding limitations imposed by the 979
Revised Code to the contrary, a political subdivision may enter 980
into a sale and leaseback agreement under which the legislative 981
authority agrees to convey a building owned by the political 982
subdivision to a purchaser who is obligated, immediately upon 983
closing, to lease all or portions of the building back to the 984
legislative authority. The sale and leaseback agreement shall 985
obligate the lessor to make public improvements to all or portions 986
of the building subject to the lease, including renovations, 987
energy conservation measures, and other measures that are 988
necessary to improve the functionality and reduce the operating 989
costs of the portions of the building that are subject to the 990
lease. 991

Sec. 9.83. (A) The state and any political subdivision may 992
procure a policy or policies of insurance insuring its officers 993
and employees against liability for injury, death, or loss to 994
person or property that arises out of the operation of an 995
automobile, truck, motor vehicle with auxiliary equipment, 996
self-propelling equipment or trailer, aircraft, or watercraft by 997
the officers or employees while engaged in the course of their 998
employment or official responsibilities for the state or the 999
political subdivision. The state is authorized to expend funds to 1000
pay judgments that are rendered in any court against its officers 1001
or employees and that result from such operation, and is 1002
authorized to expend funds to compromise claims for liability 1003
against its officers or employees that result from such operation. 1004
No insurer shall deny coverage under such a policy, and the state 1005
shall not refuse to pay judgments or compromise claims, on the 1006
ground that an automobile, truck, motor vehicle with auxiliary 1007

equipment, self-propelling equipment or trailer, aircraft, or 1008
watercraft was not being used in the course of an officer's or 1009
employee's employment or official responsibilities for the state 1010
or a political subdivision unless the officer or employee who was 1011
operating an automobile, truck, motor vehicle with auxiliary 1012
equipment, or self-propelling equipment or trailer is convicted of 1013
a violation of section 124.71 of the Revised Code as a result of 1014
the same events. 1015

(B) Funds shall be reserved as necessary, in the exercise of 1016
sound and prudent actuarial judgment, to cover potential expense, 1017
fees, damage, loss, or other liability. The office of risk 1018
management may recommend or, if the state requests of the office 1019
of risk management, shall recommend a specific amount for any 1020
period of time that, in the opinion of the office of risk 1021
management, represents such a judgment. 1022

(C) Nothing in this section shall be construed to require the 1023
department of administrative services to purchase liability 1024
insurance for all state vehicles in a single policy of insurance 1025
or to cover all state vehicles under a single plan of 1026
self-insurance. 1027

(D) Insurance procured by the state pursuant to this section 1028
shall be procured as provided in division (G) of section ~~125.03~~ 1029
125.02 of the Revised Code. 1030

(E) For purposes of liability insurance procured under this 1031
section to cover the operation of a motor vehicle by a prisoner 1032
for whom the insurance is procured, "employee" includes a prisoner 1033
in the custody of the department of rehabilitation and correction 1034
who is enrolled in a work program that is established by the 1035
department pursuant to section 5145.16 of the Revised Code and in 1036
which the prisoner is required to operate a motor vehicle, as 1037
defined in section 4509.01 of the Revised Code, and who is engaged 1038
in the operation of a motor vehicle in the course of the work 1039

program. 1040

(F) All contributions collected by the director of 1041
administrative services under division (H) of this section shall 1042
be deposited into the risk management reserve fund created in 1043
section 9.823 of the Revised Code to the credit of the vehicle 1044
liability program. 1045

(G) Reserves shall be maintained in the risk management 1046
reserve fund to the credit of the vehicle liability program in any 1047
amount that is necessary and adequate, in the exercise of sound 1048
and prudent actuarial judgment, to cover potential liability 1049
claims, expenses, fees, or damages. Money in the fund may be 1050
applied to the payment of liability claims that are filed against 1051
the state in the court of claims and determined in the manner 1052
provided in Chapter 2743. of the Revised Code. The director of 1053
administrative services may procure the services of a qualified 1054
actuarial firm for the purpose of recommending the specific amount 1055
of money that is required to maintain adequate reserves for a 1056
specified period of time. 1057

(H) The director of administrative services shall collect 1058
from each state agency or any participating state body its 1059
contribution to the vehicle liability program for the purpose of 1060
purchasing insurance or administering self-insurance programs for 1061
coverage authorized under this section. The amount of the 1062
contribution shall be determined by the director, with the 1063
approval of the director of budget and management. It shall be 1064
based upon actuarial assumptions and the relative risk and loss 1065
experience of each state agency or participating state body. The 1066
amount of the contribution also shall include a reasonable sum to 1067
cover administrative costs of the department of administrative 1068
services. The amounts collected pursuant to this division shall be 1069
deposited in the risk management reserve fund to the credit of the 1070
vehicle liability program. 1071

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

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

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

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

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

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

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

with other political subdivisions to procure or contract for 1102
policies, contracts, or plans of insurance to provide health care 1103
benefits, which may include a health savings account program for 1104
their officers and employees subject to the agreement; 1105

(6) Use in any combination any of the policies, contracts, 1106
plans, or programs authorized under this division. 1107

(7) Any agreement made under division (B)(3), (4), (5), or 1108
(6) of this section shall be in writing, comply with division (C) 1109
of this section, and contain best practices established in 1110
consultation with and approved by the department of administrative 1111
services. The best practices may be reviewed and amended at the 1112
discretion of the political subdivisions in consultation with the 1113
department. Detailed information regarding the best practices 1114
shall be made available to any employee upon that employee's 1115
request. 1116

(8) Purchase plans containing best practices established 1117
identified by the department of administrative services under 1118
section 9.901 of the Revised Code. 1119

(C) Except as otherwise provided in division (E) of this 1120
section, the following apply to individual or joint self-insurance 1121
programs established pursuant to this section: 1122

(1) Such funds shall be reserved as are necessary, in the 1123
exercise of sound and prudent actuarial judgment, to cover 1124
potential cost of health care benefits for the officers and 1125
employees of the political subdivision. A certified audited 1126
financial statement and a report of aggregate amounts so reserved 1127
and aggregate disbursements made from such funds, together with a 1128
written report of a member of the American academy of actuaries 1129
certifying whether the amounts reserved conform to the 1130
requirements of this division, are computed in accordance with 1131
accepted loss reserving standards, and are fairly stated in 1132

accordance with sound loss reserving principles, shall be prepared 1133
and maintained, within ninety days after the last day of the 1134
fiscal year of the entity for which the report is provided for 1135
that fiscal year, in the office of the program administrator 1136
described in division (C)(3) of this section. 1137

The report required by division (C)(1) of this section shall 1138
include, but not be limited to, the aggregate of disbursements 1139
made for the administration of the program, including claims paid, 1140
costs of the legal representation of political subdivisions and 1141
employees, and fees paid to consultants. 1142

The program administrator described in division (C)(3) of 1143
this section shall make the report required by this division 1144
available for inspection by any person at all reasonable times 1145
during regular business hours, and, upon the request of such 1146
person, shall make copies of the report available at cost within a 1147
reasonable period of time. The program administrator shall further 1148
provide the report to the auditor of state under Chapter 117. of 1149
the Revised Code. The report required by this division is in lieu 1150
of the records required by division (A) of section 149.431 of the 1151
Revised Code. 1152

(2) Each political subdivision shall reserve funds necessary 1153
for an individual or joint self-insurance program in a special 1154
fund that may be established for political subdivisions other than 1155
an agency or instrumentality pursuant to an ordinance or 1156
resolution of the political subdivision and not subject to section 1157
5705.12 of the Revised Code. An agency or instrumentality shall 1158
reserve the funds necessary for an individual or joint 1159
self-insurance program in a special fund established pursuant to a 1160
resolution duly adopted by the agency's or instrumentality's 1161
governing board. The political subdivision may allocate the costs 1162
of insurance or any self-insurance program, or both, among the 1163
funds or accounts established under this division on the basis of 1164

relative exposure and loss experience. 1165

(3) A contract may be awarded, without the necessity of 1166
competitive bidding, to any person, political subdivision, 1167
nonprofit corporation organized under Chapter 1702. of the Revised 1168
Code, or regional council of governments created under Chapter 1169
167. of the Revised Code for purposes of administration of an 1170
individual or joint self-insurance program. No such contract shall 1171
be entered into without full, prior, public disclosure of all 1172
terms and conditions. The disclosure shall include, at a minimum, 1173
a statement listing all representations made in connection with 1174
any possible savings and losses resulting from the contract, and 1175
potential liability of any political subdivision or employee. The 1176
proposed contract and statement shall be disclosed and presented 1177
at a meeting of the political subdivision not less than one week 1178
prior to the meeting at which the political subdivision authorizes 1179
the contract. 1180

A contract awarded to a nonprofit corporation or a regional 1181
council of governments under this division may provide that all 1182
employees of the nonprofit corporation or regional council of 1183
governments, the employees of all entities related to the 1184
nonprofit corporation or regional council of governments, and the 1185
employees of other nonprofit corporations that have fifty or fewer 1186
employees and have been organized for the primary purpose of 1187
representing the interests of political subdivisions, may be 1188
covered by the individual or joint self-insurance program under 1189
the terms and conditions set forth in the contract. 1190

(4) The individual or joint self-insurance program shall 1191
include a contract with a certified public accountant and a member 1192
of the American academy of actuaries for the preparation of the 1193
written evaluations required under division (C)(1) of this 1194
section. 1195

(5) A joint self-insurance program may allocate the costs of 1196

funding the program among the funds or accounts established under 1197
this division to the participating political subdivisions on the 1198
basis of their relative exposure and loss experience. 1199

(6) An individual self-insurance program may allocate the 1200
costs of funding the program among the funds or accounts 1201
established under this division to the political subdivision that 1202
established the program. 1203

(7) Two or more political subdivisions may also authorize the 1204
establishment and maintenance of a joint health care cost 1205
containment program, including, but not limited to, the employment 1206
of risk managers, health care cost containment specialists, and 1207
consultants, for the purpose of preventing and reducing health 1208
care costs covered by insurance, individual self-insurance, or 1209
joint self-insurance programs. 1210

(8) A political subdivision is not liable under a joint 1211
self-insurance program for any amount in excess of amounts payable 1212
pursuant to the written agreement for the participation of the 1213
political subdivision in the joint self-insurance program. Under a 1214
joint self-insurance program agreement, a political subdivision 1215
may, to the extent permitted under the written agreement, assume 1216
the risks of any other political subdivision. A joint 1217
self-insurance program established under this section is deemed a 1218
separate legal entity for the public purpose of enabling the 1219
members of the joint self-insurance program to obtain insurance or 1220
to provide for a formalized, jointly administered self-insurance 1221
fund for its members. An entity created pursuant to this section 1222
is exempt from all state and local taxes. 1223

(9) Any political subdivision, other than an agency or 1224
instrumentality, may issue general obligation bonds, or special 1225
obligation bonds that are not payable from real or personal 1226
property taxes, and may also issue notes in anticipation of such 1227
bonds, pursuant to an ordinance or resolution of its legislative 1228

authority or other governing body for the purpose of providing 1229
funds to pay expenses associated with the settlement of claims, 1230
whether by way of a reserve or otherwise, and to pay the political 1231
subdivision's portion of the cost of establishing and maintaining 1232
an individual or joint self-insurance program or to provide for 1233
the reserve in the special fund authorized by division (C)(2) of 1234
this section. 1235

In its ordinance or resolution authorizing bonds or notes 1236
under this section, a political subdivision may elect to issue 1237
such bonds or notes under the procedures set forth in Chapter 133. 1238
of the Revised Code. In the event of such an election, 1239
notwithstanding Chapter 133. of the Revised Code, the maturity of 1240
the bonds may be for any period authorized in the ordinance or 1241
resolution not exceeding twenty years, which period shall be the 1242
maximum maturity of the bonds for purposes of section 133.22 of 1243
the Revised Code. 1244

Bonds and notes issued under this section shall not be 1245
considered in calculating the net indebtedness of the political 1246
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 1247
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 1248
hereby made applicable to bonds or notes authorized under this 1249
section. 1250

(10) A joint self-insurance program is not an insurance 1251
company. Its operation does not constitute doing an insurance 1252
business and is not subject to the insurance laws of this state. 1253

(11) A joint self-insurance program shall pay the run-off 1254
expenses of a participating political subdivision that terminates 1255
its participation in the program if the political subdivision has 1256
accumulated funds in the reserves for incurred but not reported 1257
claims. The run-off payment, at minimum, shall be limited to an 1258
actuarially determined cap or sixty days, whichever is reached 1259
first. This provision shall not apply during the term of a 1260

specific, separate agreement with a political subdivision to 1261
maintain enrollment for a specified period, not to exceed three 1262
years. 1263

(D) A political subdivision may procure group life insurance 1264
for its employees in conjunction with an individual or joint 1265
self-insurance program authorized by this section, provided that 1266
the policy of group life insurance is not self-insured. 1267

(E) This section does not apply to individual self-insurance 1268
programs created solely by municipal corporations as defined in 1269
section 5705.01 of the Revised Code. 1270

(F) A public official or employee of a political subdivision 1271
who is or becomes a member of the governing body of the program 1272
administrator of a joint self-insurance program in which the 1273
political subdivision participates is not in violation of division 1274
(D) or (E) of section 102.03, division (C) of section 102.04, or 1275
section 2921.42 of the Revised Code as a result of either of the 1276
following: 1277

(1) The political subdivision's entering under this section 1278
into the written agreement to participate in the joint 1279
self-insurance program; 1280

(2) The political subdivision's entering under this section 1281
into any other contract with the joint self-insurance program. 1282

Sec. 9.90. (A) The board of trustees or other governing body 1283
of a state institution of higher education, as defined in section 1284
3345.011 of the Revised Code, board of education of a school 1285
district, or governing board of an educational service center may, 1286
in addition to all other powers provided in the Revised Code: 1287

(1) Contract for, purchase, or otherwise procure from an 1288
insurer or insurers licensed to do business by the state of Ohio 1289
for or on behalf of such of its employees as it may determine, 1290

life insurance, or sickness, accident, annuity, endowment, health, 1291
medical, hospital, dental, or surgical coverage and benefits, or 1292
any combination thereof, by means of insurance plans or other 1293
types of coverage, family, group or otherwise, and may pay from 1294
funds under its control and available for such purpose all or any 1295
portion of the cost, premium, or charge for such insurance, 1296
coverage, or benefits. However, the governing board, in addition 1297
to or as an alternative to the authority otherwise granted by 1298
division (A)(1) of this section, may elect to procure coverage for 1299
health care services, for or on behalf of such of its employees as 1300
it may determine, by means of policies, contracts, certificates, 1301
or agreements issued by at least two health insuring corporations 1302
holding a certificate of authority under Chapter 1751. of the 1303
Revised Code and may pay from funds under the governing board's 1304
control and available for such purpose all or any portion of the 1305
cost of such coverage. 1306

(2) Make payments to a custodial account for investment in 1307
regulated investment company stock that is treated as an annuity 1308
under Internal Revenue Code section 403(b). 1309

Any income of an employee deferred under divisions (A)(1) and 1310
(2) of this section in a deferred compensation program eligible 1311
for favorable tax treatment under the Internal Revenue Code shall 1312
continue to be included as regular compensation for the purpose of 1313
computing the contributions to and benefits from the retirement 1314
system of such employee. Any sum so deferred shall not be included 1315
in the computation of any federal and state income taxes withheld 1316
on behalf of any such employee. 1317

(B) All or any portion of the cost, premium, or charge 1318
therefor may be paid in such other manner or combination of 1319
manner as the board or governing body may determine, including 1320
direct payment by the employee in cases under division (A)(1) of 1321
this section, and, if authorized in writing by the employee in 1322

cases under division (A)(1) or (2) of this section, by the board 1323
or governing body with moneys made available by deduction from or 1324
reduction in salary or wages or by the foregoing of a salary or 1325
wage increase. Nothing in section 3917.01 or section 3917.06 of 1326
the Revised Code shall prohibit the issuance or purchase of group 1327
life insurance authorized by this section by reason of payment of 1328
premiums therefor by the board or governing body from its funds, 1329
and such group life insurance may be so issued and purchased if 1330
otherwise consistent with the provisions of sections 3917.01 to 1331
3917.07 of the Revised Code. 1332

(C) The board of education of any school district may 1333
exercise any of the powers granted to the governing boards of 1334
public institutions of higher education under divisions (A) and 1335
(B) of this section. All health care benefits provided to persons 1336
employed by the public schools of this state shall be through 1337
health care plans that contain best practices ~~established~~ 1338
identified by the department of administrative services ~~pursuant~~ 1339
~~to~~ under section 9.901 of the Revised Code. 1340

Sec. 9.901. (A)(1) ~~All health~~ Health care plans that provide 1341
benefits ~~provided~~ to persons employed by public employers as 1342
defined by this section ~~shall be provided by health care plans~~ 1343
~~that contain~~ may consider best practices established by the former 1344
school employees health care board or identified by the department 1345
of administrative services. All policies or contracts for health 1346
care benefits that are issued or renewed after the expiration of 1347
any applicable collective bargaining agreement ~~must contain all~~ 1348
may consider any best practices ~~established pursuant to~~ identified 1349
under this section at the time of renewal. Health care plans that 1350
contain the best practices may be self-insured. 1351

(2) ~~Upon consulting with the department of administrative~~ 1352
~~services, a political subdivision may adopt a delivery system of~~ 1353

~~benefits that is not in accordance with the department's adopted 1354
best practices if it is considered by the department to be most 1355
financially advantageous to the political subdivision. 1356~~

(3) As used in this section: 1357

(a) "Public employer" means political subdivisions, public 1358
school districts, or state institutions of higher education. 1359

(b) "Public school district" means a city, local, exempted 1360
village, or joint vocational school district; a STEM school 1361
established under Chapter 3326. of the Revised Code; or an 1362
educational service center. "Public school district" does not mean 1363
a community school established under Chapter 3314. of the Revised 1364
Code. 1365

(c) "State institution of higher education" or "state 1366
institution" means a state institution of higher education as 1367
defined in section 3345.011 of the Revised Code. 1368

(d) "Political subdivision" has the same meaning as defined 1369
in section 9.833 of the Revised Code. 1370

(e) A "health care plan" includes group policies, contracts, 1371
and agreements that provide hospital, surgical, or medical expense 1372
coverage, including self-insured plans. A "health care plan" does 1373
not include an individual plan offered to the employees of a 1374
political subdivision, public school district, or state 1375
institution, or a plan that provides coverage only for specific 1376
disease or accidents, or a hospital indemnity, medicare 1377
supplement, or other plan that provides only supplemental 1378
benefits, paid for by the employees of a political subdivision, 1379
public school district, or state institution. 1380

(f) A "health plan sponsor" means a political subdivision, 1381
public school district, a state institution of higher education, a 1382
consortium of political subdivisions, public school districts, or 1383
state institutions, or a council of governments. 1384

~~(4) The public employees health care fund is hereby created 1385
in the state treasury. The department shall use all funds in the 1386
public employees health care fund solely to carry out the 1387
provisions of this section and related administrative costs. 1388~~

(B) The department of administrative services shall do all of 1389
the following: 1390

(1) Identify strategies to manage health care costs; 1391

(2) Study the potential benefits of state or regional 1392
consortiums of public employers' health care plans; 1393

(3) ~~Publish~~ Study information regarding the health care plans 1394
offered by political subdivisions, public school districts, state 1395
institutions, and existing consortiums; 1396

(4) ~~Assist in the design~~ Provide representative cost 1397
estimates of options for health care plans for political 1398
subdivisions, public school districts, and state institutions of 1399
higher education in accordance with division (A) of this section 1400
separate from the plans for state agencies; 1401

(5) ~~Adopt~~ Study and release ~~a set of~~ standards that ~~shall~~ may 1402
be considered the best practices for health care plans offered to 1403
employees of political subdivisions, public school districts, and 1404
state institutions; 1405

(6) Require that plans the health plan sponsors administer 1406
make readily available to the public all cost and design elements 1407
of the plan; 1408

(7) Promote cooperation among all organizations affected by 1409
this section in identifying the elements for successful 1410
implementation of this section; and 1411

(8) Promote cost containment measures aligned with patient, 1412
plan, and provider management strategies in developing and 1413
managing health care plans; ~~and~~ 1414

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

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

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

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

~~(F)~~(E) The department may work with other state agencies to 1447
obtain services as the department deems necessary for the 1448
implementation and operation of this section, based on 1449
demonstrated experience and expertise in administration, 1450
management, data handling, actuarial studies, quality assurance, 1451
or for other needed services. 1452

~~(G)~~(F) The department shall hire staff as necessary to 1453
provide administrative support to the department and the public 1454
employee health care plan program established by this section. 1455

~~(H)~~(G) Nothing in this section shall be construed as 1456
prohibiting political subdivisions, public school districts, or 1457
state institutions from consulting with and compensating insurance 1458
agents and brokers for professional services or from establishing 1459
a self-insurance program. 1460

~~(I)~~(H) Pursuant to Chapter 117. of the Revised Code, the 1461
auditor of state shall conduct all necessary and required audits 1462
of the department. The auditor of state, upon request, also shall 1463
furnish to the department copies of audits of political 1464
subdivisions, public school districts, or consortia performed by 1465
the auditor of state. 1466

Sec. 103.412. (A) JMOC shall oversee the medicaid program on 1467
a continuing basis. As part of its oversight, JMOC shall do all of 1468
the following: 1469

(1) Review how the medicaid program relates to the public and 1470
private provision of health care coverage in this state and the 1471
United States; 1472

(2) Review the reforms implemented under section 5162.70 of 1473
the Revised Code and evaluate the reforms' successes in achieving 1474
their objectives; 1475

(3) Recommend policies and strategies to encourage both of 1476

| | |
|--|--|
| the following: | 1477 |
| (a) Medicaid recipients being physically and mentally able to join and stay in the workforce and ultimately becoming self-sufficient; | 1478 1479 1480 |
| (b) Less use of the medicaid program. | 1481 |
| (4) Recommend, to the extent JMOC determines appropriate, improvements in statutes and rules concerning the medicaid program; | 1482 1483 1484 |
| (5) Develop a plan of action for the future of the medicaid program; | 1485 1486 |
| (6) Receive and consider reports submitted by county <u>local</u> healthier buckeye councils under section 355.04 of the Revised Code. | 1487 1488 1489 |
| (B) JMOC may do all of the following: | 1490 |
| (1) Plan, advertise, organize, and conduct forums, conferences, and other meetings at which representatives of state agencies and other individuals having expertise in the medicaid program may participate to increase knowledge and understanding of, and to develop and propose improvements in, the medicaid program; | 1491 1492 1493 1494 1495 1496 |
| (2) Prepare and issue reports on the medicaid program; | 1497 |
| (3) Solicit written comments on, and conduct public hearings at which persons may offer verbal comments on, drafts of its reports. | 1498 1499 1500 |
| Sec. 105.41. (A) There is hereby created in the legislative branch of government the capitol square review and advisory board, consisting of twelve members as follows: | 1501 1502 1503 |
| (1) Two members of the senate, appointed by the president of the senate, both of whom shall not be members of the same | 1504 1505 |

political party; 1506

(2) Two members of the house of representatives, appointed by 1507
the speaker of the house of representatives, both of whom shall 1508
not be members of the same political party; 1509

(3) Four members appointed by the governor, with the advice 1510
and consent of the senate, not more than three of whom shall be 1511
members of the same political party, one of whom shall be the 1512
chief of staff of the governor's office, one of whom shall 1513
represent the Ohio arts council, one of whom shall represent the 1514
Ohio historical society, and one of whom shall represent the 1515
public at large; 1516

(4) One member, who shall be a former president of the 1517
senate, appointed by the current president of the senate. If the 1518
current president of the senate, in the current president's 1519
discretion, decides for any reason not to make the appointment or 1520
if no person is eligible or available to serve, the seat shall 1521
remain vacant. 1522

(5) One member, who shall be a former speaker of the house of 1523
representatives, appointed by the current speaker of the house of 1524
representatives. If the current speaker of the house of 1525
representatives, in the current speaker's discretion, decides for 1526
any reason not to make the appointment or if no person is eligible 1527
or available to serve, the seat shall remain vacant. 1528

(6) The clerk of the senate and the clerk of the house of 1529
representatives. 1530

(B) Terms of office of each appointed member of the board 1531
shall be for three years, except that members of the general 1532
assembly appointed to the board shall be members of the board only 1533
so long as they are members of the general assembly and the chief 1534
of staff of the governor's office shall be a member of the board 1535
only so long as the appointing governor remains in office. Each 1536

member shall hold office from the date of the member's appointment 1537
until the end of the term for which the member was appointed. In 1538
case of a vacancy occurring on the board, the president of the 1539
senate, the speaker of the house of representatives, or the 1540
governor, as the case may be, shall in the same manner prescribed 1541
for the regular appointment to the commission, fill the vacancy by 1542
appointing a member. Any member appointed to fill a vacancy 1543
occurring prior to the expiration of the term for which the 1544
member's predecessor was appointed shall hold office for the 1545
remainder of the term. Any appointed member shall continue in 1546
office subsequent to the expiration date of the member's term 1547
until the member's successor takes office, or until a period of 1548
sixty days has elapsed, whichever occurs first. 1549

(C) The board shall hold meetings in a manner and at times 1550
prescribed by the rules adopted by the board. A majority of the 1551
board constitutes a quorum, and no action shall be taken by the 1552
board unless approved by at least six members or by at least seven 1553
members if a person is appointed under division (A)(4) or (5) of 1554
this section. At its first meeting, the board shall adopt rules 1555
for the conduct of its business and the election of its officers, 1556
and shall organize by selecting ~~a chairperson and other~~ officers 1557
other than a chairperson as it considers necessary. In 1558
odd-numbered years, the majority member from the senate shall 1559
serve as chairperson; in even-numbered years, the majority member 1560
from the house of representatives shall serve as chairperson. 1561
Board members shall serve without compensation but shall be 1562
reimbursed for actual and necessary expenses incurred in the 1563
performance of their duties. 1564

(D) The board may do any of the following: 1565

(1) Employ or hire on a consulting basis professional, 1566
technical, and clerical employees as are necessary for the 1567
performance of its duties. All employees of the board are in the 1568

unclassified service and serve at the pleasure of the board. For 1569
purposes of section 4117.01 of the Revised Code, employees of the 1570
board shall be considered employees of the general assembly, 1571
except that employees who are covered by a collective bargaining 1572
agreement on September 29, 2011, shall remain subject to the 1573
agreement until the agreement expires on its terms, and the 1574
agreement shall not be extended or renewed. Upon expiration of the 1575
agreement, the employees are considered employees of the general 1576
assembly for purposes of section 4117.01 of the Revised Code and 1577
are in the unclassified service and serve at the pleasure of the 1578
board. 1579

(2) Hold public hearings at times and places as determined by 1580
the board; 1581

(3) Adopt, amend, or rescind rules necessary to accomplish 1582
the duties of the board as set forth in this section; 1583

(4) Sponsor, conduct, and support such social events as the 1584
board may authorize and consider appropriate for the employees of 1585
the board, employees and members of the general assembly, 1586
employees of persons under contract with the board or otherwise 1587
engaged to perform services on the premises of capitol square, or 1588
other persons as the board may consider appropriate. Subject to 1589
the requirements of Chapter 4303. of the Revised Code, the board 1590
may provide beer, wine, and intoxicating liquor, with or without 1591
charge, for those events and may use funds only from the sale of 1592
goods and services fund to purchase the beer, wine, and 1593
intoxicating liquor the board provides; 1594

(5) Purchase a warehouse in which to store items of the 1595
capitol collection trust and, whenever necessary, equipment or 1596
other property of the board. 1597

(E) The board shall do all of the following: 1598

(1) Have sole authority to coordinate and approve any 1599

improvements, additions, and renovations that are made to the 1600
capitol square. The improvements shall include, but not be limited 1601
to, the placement of monuments and sculpture on the capitol 1602
grounds. 1603

(2) Subject to section 3353.07 of the Revised Code, operate 1604
the capitol square, and have sole authority to regulate all uses 1605
of the capitol square. The uses shall include, but not be limited 1606
to, the casual and recreational use of the capitol square. 1607

(3) Employ, fix the compensation of, and prescribe the duties 1608
of the executive director of the board and other employees the 1609
board considers necessary for the performance of its powers and 1610
duties; 1611

(4) Establish and maintain the capitol collection trust. The 1612
capitol collection trust shall consist of furniture, antiques, and 1613
other items of personal property that the board shall store in 1614
suitable facilities until they are ready to be displayed in the 1615
capitol square. 1616

(5) Perform repair, construction, contracting, purchasing, 1617
maintenance, supervisory, and operating activities the board 1618
determines are necessary for the operation and maintenance of the 1619
capitol square; 1620

(6) Maintain and preserve the capitol square, in accordance 1621
with guidelines issued by the United States secretary of the 1622
interior for application of the secretary's standards for 1623
rehabilitation adopted in 36 C.F.R. part 67; 1624

(7) Plan and develop a center at the capitol building for the 1625
purpose of educating visitors about the history of Ohio, including 1626
its political, economic, and social development and the design and 1627
erection of the capitol building and its grounds. 1628

(F)(1) The board shall lease capital facilities improved by 1629
the department of administrative services or financed by the 1630

treasurer of state pursuant to Chapter 154. of the Revised Code 1631
for the use of the board, and may enter into any other agreements 1632
with the department, the Ohio public facilities commission, or any 1633
other authorized governmental agency ancillary to improvement, 1634
financing, or leasing of those capital facilities, including, but 1635
not limited to, any agreement required by the applicable bond 1636
proceedings authorized by Chapter 154. of the Revised Code. Any 1637
lease of capital facilities authorized by this section shall be 1638
governed by Chapter 154. of the Revised Code. 1639

(2) Fees, receipts, and revenues received by the board from 1640
the state underground parking garage constitute available receipts 1641
as defined in section 154.24 of the Revised Code, and may be 1642
pledged to the payment of bond service charges on obligations 1643
issued by the treasurer of state pursuant to Chapter 154. of the 1644
Revised Code to improve, finance, or purchase capital facilities 1645
useful to the board. The treasurer of state may, with the consent 1646
of the board, provide in the bond proceedings for a pledge of all 1647
or a portion of those fees, receipts, and revenues as the 1648
treasurer of state determines. The treasurer of state may provide 1649
in the bond proceedings or by separate agreement with the board 1650
for the transfer of those fees, receipts, and revenues to the 1651
appropriate bond service fund or bond service reserve fund as 1652
required to pay the bond service charges when due, and any such 1653
provision for the transfer of those fees, receipts, and revenues 1654
shall be controlling notwithstanding any other provision of law 1655
pertaining to those fees, receipts, and revenues. 1656

(3) All moneys received by the treasurer of state on account 1657
of the board and required by the applicable bond proceedings or by 1658
separate agreement with the board to be deposited, transferred, or 1659
credited to the bond service fund or bond service reserve fund 1660
established by the bond proceedings shall be transferred by the 1661
treasurer of state to such fund, whether or not it is in the 1662

custody of the treasurer of state, without necessity for further 1663
appropriation. 1664

(G)(1) Except as otherwise provided in division (G)(2) of 1665
this section, all fees, receipts, and revenues received by the 1666
board from the state underground parking garage shall be deposited 1667
into the state treasury to the credit of the underground parking 1668
garage operating fund, which is hereby created, to be used for the 1669
purposes specified in division (F) of this section and for the 1670
operation and maintenance of the garage. All investment earnings 1671
of the fund shall be credited to the fund. 1672

(2) There is hereby created the parking garage automated 1673
equipment fund, which shall be in the custody of the treasurer of 1674
state but shall not be part of the state treasury. Money in the 1675
fund shall be used to purchase the automated teller machine 1676
quality dollar bills needed for operation of the parking garage 1677
automated equipment. The fund shall consist of fees, receipts, or 1678
revenues received by the board from the state underground parking 1679
garage; provided, however, that the total amount deposited into 1680
the fund at any one time shall not exceed ten thousand dollars. 1681
All investment earnings of the fund shall be credited to the fund. 1682

(H) All donations received by the board shall be deposited 1683
into the state treasury to the credit of the capitol square 1684
renovation gift fund, which is hereby created. The fund shall be 1685
used by the board as follows: 1686

(1) To provide part or all of the funding related to 1687
construction, goods, or services for the renovation of the capitol 1688
square; 1689

(2) To purchase art, antiques, and artifacts for display at 1690
the capitol square; 1691

(3) To award contracts or make grants to organizations for 1692
educating the public regarding the historical background and 1693

governmental functions of the capitol square. Chapters 125., 127., 1694
and 153. and section 3517.13 of the Revised Code do not apply to 1695
purchases made exclusively from the fund, notwithstanding anything 1696
to the contrary in those chapters or that section. All investment 1697
earnings of the fund shall be credited to the fund. 1698

(I) Except as provided in divisions (G), (H), and (J) of this 1699
section, all fees, receipts, and revenues received by the board 1700
shall be deposited into the state treasury to the credit of the 1701
sale of goods and services fund, which is hereby created. Money 1702
credited to the fund shall be used solely to pay costs of the 1703
board other than those specified in divisions (F) and (G) of this 1704
section. All investment earnings of the fund shall be credited to 1705
the fund. 1706

(J) There is hereby created in the state treasury the capitol 1707
square improvement fund, to be used by the board to pay 1708
construction, renovation, and other costs related to the capitol 1709
square for which money is not otherwise available to the board. 1710
Whenever the board determines that there is a need to incur those 1711
costs and that the unencumbered, unobligated balance to the credit 1712
of the underground parking garage operating fund exceeds the 1713
amount needed for the purposes specified in division (F) of this 1714
section and for the operation and maintenance of the garage, the 1715
board may request the director of budget and management to 1716
transfer from the underground parking garage operating fund to the 1717
capitol square improvement fund the amount needed to pay such 1718
construction, renovation, or other costs. The director then shall 1719
transfer the amount needed from the excess balance of the 1720
underground parking garage operating fund. 1721

(K) As the operation and maintenance of the capitol square 1722
constitute essential government functions of a public purpose, the 1723
board shall not be required to pay taxes or assessments upon the 1724
square, upon any property acquired or used by the board under this 1725

section, or upon any income generated by the operation of the 1726
square. 1727

(L) As used in this section, "capitol square" means the 1728
capitol building, senate building, capitol atrium, capitol 1729
grounds, the state underground parking garage, and the warehouse 1730
owned by the board. 1731

(M) The capitol annex shall be known as the senate building. 1732

(N) Any person may possess a firearm in a motor vehicle in 1733
the state underground parking garage at the state capitol 1734
building, if the person's possession of the firearm in the motor 1735
vehicle is not in violation of section 2923.16 of the Revised Code 1736
or any other provision of the Revised Code. Any person may store 1737
or leave a firearm in a locked motor vehicle that is parked in the 1738
state underground parking garage at the state capitol building, if 1739
the person's transportation and possession of the firearm in the 1740
motor vehicle while traveling to the garage was not in violation 1741
of section 2923.16 of the Revised Code or any other provision of 1742
the Revised Code. 1743

Sec. 109.57. (A)(1) The superintendent of the bureau of 1744
criminal identification and investigation shall procure from 1745
wherever procurable and file for record photographs, pictures, 1746
descriptions, fingerprints, measurements, and other information 1747
that may be pertinent of all persons who have been convicted of 1748
committing within this state a felony, any crime constituting a 1749
misdemeanor on the first offense and a felony on subsequent 1750
offenses, or any misdemeanor described in division (A)(1)(a), 1751
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1752
all children under eighteen years of age who have been adjudicated 1753
delinquent children for committing within this state an act that 1754
would be a felony or an offense of violence if committed by an 1755
adult or who have been convicted of or pleaded guilty to 1756

committing within this state a felony or an offense of violence, 1757
and of all well-known and habitual criminals. The person in charge 1758
of any county, multicounty, municipal, municipal-county, or 1759
multicounty-municipal jail or workhouse, community-based 1760
correctional facility, halfway house, alternative residential 1761
facility, or state correctional institution and the person in 1762
charge of any state institution having custody of a person 1763
suspected of having committed a felony, any crime constituting a 1764
misdemeanor on the first offense and a felony on subsequent 1765
offenses, or any misdemeanor described in division (A)(1)(a), 1766
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 1767
having custody of a child under eighteen years of age with respect 1768
to whom there is probable cause to believe that the child may have 1769
committed an act that would be a felony or an offense of violence 1770
if committed by an adult shall furnish such material to the 1771
superintendent of the bureau. Fingerprints, photographs, or other 1772
descriptive information of a child who is under eighteen years of 1773
age, has not been arrested or otherwise taken into custody for 1774
committing an act that would be a felony or an offense of violence 1775
who is not in any other category of child specified in this 1776
division, if committed by an adult, has not been adjudicated a 1777
delinquent child for committing an act that would be a felony or 1778
an offense of violence if committed by an adult, has not been 1779
convicted of or pleaded guilty to committing a felony or an 1780
offense of violence, and is not a child with respect to whom there 1781
is probable cause to believe that the child may have committed an 1782
act that would be a felony or an offense of violence if committed 1783
by an adult shall not be procured by the superintendent or 1784
furnished by any person in charge of any county, multicounty, 1785
municipal, municipal-county, or multicounty-municipal jail or 1786
workhouse, community-based correctional facility, halfway house, 1787
alternative residential facility, or state correctional 1788

institution, except as authorized in section 2151.313 of the Revised Code.

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

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

(b) The style and number of the case;

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

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed

by an adult, the date of an entry dismissing the charge, an entry 1820
declaring a mistrial of the offense in which the person is 1821
discharged, an entry finding that the person or child is not 1822
competent to stand trial, or an entry of a nolle prosequi, or the 1823
date of any other determination that constitutes final resolution 1824
of the case; 1825

(e) A statement of the original charge with the section of 1826
the Revised Code that was alleged to be violated; 1827

(f) If the person or child was convicted, pleaded guilty, or 1828
was adjudicated a delinquent child, the sentence or terms of 1829
probation imposed or any other disposition of the offender or the 1830
delinquent child. 1831

If the offense involved the disarming of a law enforcement 1832
officer or an attempt to disarm a law enforcement officer, the 1833
clerk shall clearly state that fact in the summary, and the 1834
superintendent shall ensure that a clear statement of that fact is 1835
placed in the bureau's records. 1836

(3) The superintendent shall cooperate with and assist 1837
sheriffs, chiefs of police, and other law enforcement officers in 1838
the establishment of a complete system of criminal identification 1839
and in obtaining fingerprints and other means of identification of 1840
all persons arrested on a charge of a felony, any crime 1841
constituting a misdemeanor on the first offense and a felony on 1842
subsequent offenses, or a misdemeanor described in division 1843
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 1844
Revised Code and of all children under eighteen years of age 1845
arrested or otherwise taken into custody for committing an act 1846
that would be a felony or an offense of violence if committed by 1847
an adult. The superintendent also shall file for record the 1848
fingerprint impressions of all persons confined in a county, 1849
multicounty, municipal, municipal-county, or multicounty-municipal 1850
jail or workhouse, community-based correctional facility, halfway 1851

house, alternative residential facility, or state correctional 1852
institution for the violation of state laws and of all children 1853
under eighteen years of age who are confined in a county, 1854
multicounty, municipal, municipal-county, or multicounty-municipal 1855
jail or workhouse, community-based correctional facility, halfway 1856
house, alternative residential facility, or state correctional 1857
institution or in any facility for delinquent children for 1858
committing an act that would be a felony or an offense of violence 1859
if committed by an adult, and any other information that the 1860
superintendent may receive from law enforcement officials of the 1861
state and its political subdivisions. 1862

(4) The superintendent shall carry out Chapter 2950. of the 1863
Revised Code with respect to the registration of persons who are 1864
convicted of or plead guilty to a sexually oriented offense or a 1865
child-victim oriented offense and with respect to all other duties 1866
imposed on the bureau under that chapter. 1867

(5) The bureau shall perform centralized recordkeeping 1868
functions for criminal history records and services in this state 1869
for purposes of the national crime prevention and privacy compact 1870
set forth in section 109.571 of the Revised Code and is the 1871
criminal history record repository as defined in that section for 1872
purposes of that compact. The superintendent or the 1873
superintendent's designee is the compact officer for purposes of 1874
that compact and shall carry out the responsibilities of the 1875
compact officer specified in that compact. 1876

(B) The superintendent shall prepare and furnish to every 1877
county, multicounty, municipal, municipal-county, or 1878
multicounty-municipal jail or workhouse, community-based 1879
correctional facility, halfway house, alternative residential 1880
facility, or state correctional institution and to every clerk of 1881
a court in this state specified in division (A)(2) of this section 1882
standard forms for reporting the information required under 1883

division (A) of this section. The standard forms that the 1884
superintendent prepares pursuant to this division may be in a 1885
tangible format, in an electronic format, or in both tangible 1886
formats and electronic formats. 1887

(C)(1) The superintendent may operate a center for 1888
electronic, automated, or other data processing for the storage 1889
and retrieval of information, data, and statistics pertaining to 1890
criminals and to children under eighteen years of age who are 1891
adjudicated delinquent children for committing an act that would 1892
be a felony or an offense of violence if committed by an adult, 1893
criminal activity, crime prevention, law enforcement, and criminal 1894
justice, and may establish and operate a statewide communications 1895
network to be known as the Ohio law enforcement gateway to gather 1896
and disseminate information, data, and statistics for the use of 1897
law enforcement agencies and for other uses specified in this 1898
division. The superintendent may gather, store, retrieve, and 1899
disseminate information, data, and statistics that pertain to 1900
children who are under eighteen years of age and that are gathered 1901
pursuant to sections 109.57 to 109.61 of the Revised Code together 1902
with information, data, and statistics that pertain to adults and 1903
that are gathered pursuant to those sections. 1904

(2) The superintendent or the superintendent's designee shall 1905
gather information of the nature described in division (C)(1) of 1906
this section that pertains to the offense and delinquency history 1907
of a person who has been convicted of, pleaded guilty to, or been 1908
adjudicated a delinquent child for committing a sexually oriented 1909
offense or a child-victim oriented offense for inclusion in the 1910
state registry of sex offenders and child-victim offenders 1911
maintained pursuant to division (A)(1) of section 2950.13 of the 1912
Revised Code and in the internet database operated pursuant to 1913
division (A)(13) of that section and for possible inclusion in the 1914
internet database operated pursuant to division (A)(11) of that 1915

section. 1916

(3) In addition to any other authorized use of information, 1917
data, and statistics of the nature described in division (C)(1) of 1918
this section, the superintendent or the superintendent's designee 1919
may provide and exchange the information, data, and statistics 1920
pursuant to the national crime prevention and privacy compact as 1921
described in division (A)(5) of this section. 1922

(4) The attorney general may adopt rules under Chapter 119. 1923
of the Revised Code establishing guidelines for the operation of 1924
and participation in the Ohio law enforcement gateway. The rules 1925
may include criteria for granting and restricting access to 1926
information gathered and disseminated through the Ohio law 1927
enforcement gateway. The attorney general shall permit the state 1928
medical board and board of nursing to access and view, but not 1929
alter, information gathered and disseminated through the Ohio law 1930
enforcement gateway. 1931

The attorney general may appoint a steering committee to 1932
advise the attorney general in the operation of the Ohio law 1933
enforcement gateway that is comprised of persons who are 1934
representatives of the criminal justice agencies in this state 1935
that use the Ohio law enforcement gateway and is chaired by the 1936
superintendent or the superintendent's designee. 1937

(D)(1) The following are not public records under section 1938
149.43 of the Revised Code: 1939

(a) Information and materials furnished to the superintendent 1940
pursuant to division (A) of this section; 1941

(b) Information, data, and statistics gathered or 1942
disseminated through the Ohio law enforcement gateway pursuant to 1943
division (C)(1) of this section; 1944

(c) Information and materials furnished to any board or 1945
person under division (F) or (G) of this section. 1946

(2) The superintendent or the superintendent's designee shall 1947
gather and retain information so furnished under division (A) of 1948
this section that pertains to the offense and delinquency history 1949
of a person who has been convicted of, pleaded guilty to, or been 1950
adjudicated a delinquent child for committing a sexually oriented 1951
offense or a child-victim oriented offense for the purposes 1952
described in division (C)(2) of this section. 1953

(E)(1) The attorney general shall adopt rules, in accordance 1954
with Chapter 119. of the Revised Code and subject to division 1955
(E)(2) of this section, setting forth the procedure by which a 1956
person may receive or release information gathered by the 1957
superintendent pursuant to division (A) of this section. A 1958
reasonable fee may be charged for this service. If a temporary 1959
employment service submits a request for a determination of 1960
whether a person the service plans to refer to an employment 1961
position has been convicted of or pleaded guilty to an offense 1962
listed or described in division (A)(1), (2), or (3) of section 1963
109.572 of the Revised Code, the request shall be treated as a 1964
single request and only one fee shall be charged. 1965

(2) Except as otherwise provided in this division or division 1966
(E)(3) or (4) of this section, a rule adopted under division 1967
(E)(1) of this section may provide only for the release of 1968
information gathered pursuant to division (A) of this section that 1969
relates to the conviction of a person, or a person's plea of 1970
guilty to, a criminal offense or to the arrest of a person as 1971
provided in division (E)(3) of this section. The superintendent 1972
shall not release, and the attorney general shall not adopt any 1973
rule under division (E)(1) of this section that permits the 1974
release of, any information gathered pursuant to division (A) of 1975
this section that relates to an adjudication of a child as a 1976
delinquent child, or that relates to a criminal conviction of a 1977
person under eighteen years of age if the person's case was 1978

transferred back to a juvenile court under division (B)(2) or (3) 1979
of section 2152.121 of the Revised Code and the juvenile court 1980
imposed a disposition or serious youthful offender disposition 1981
upon the person under either division, unless either of the 1982
following applies with respect to the adjudication or conviction: 1983

(a) The adjudication or conviction was for a violation of 1984
section 2903.01 or 2903.02 of the Revised Code. 1985

(b) The adjudication or conviction was for a sexually 1986
oriented offense, the juvenile court was required to classify the 1987
child a juvenile offender registrant for that offense under 1988
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1989
classification has not been removed, and the records of the 1990
adjudication or conviction have not been sealed or expunged 1991
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 1992
section 2952.32 of the Revised Code. 1993

(3) A rule adopted under division (E)(1) of this section may 1994
provide for the release of information gathered pursuant to 1995
division (A) of this section that relates to the arrest of a 1996
person who is eighteen years of age or older when the person has 1997
not been convicted as a result of that arrest if any of the 1998
following applies: 1999

(a) The arrest was made outside of this state. 2000

(b) A criminal action resulting from the arrest is pending, 2001
and the superintendent confirms that the criminal action has not 2002
been resolved at the time the criminal records check is performed. 2003

(c) The bureau cannot reasonably determine whether a criminal 2004
action resulting from the arrest is pending, and not more than one 2005
year has elapsed since the date of the arrest. 2006

(4) A rule adopted under division (E)(1) of this section may 2007
provide for the release of information gathered pursuant to 2008
division (A) of this section that relates to an adjudication of a 2009

child as a delinquent child if not more than five years have 2010
elapsed since the date of the adjudication, the adjudication was 2011
for an act that would have been a felony if committed by an adult, 2012
the records of the adjudication have not been sealed or expunged 2013
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 2014
the request for information is made under division (F) of this 2015
section or under section 109.572 of the Revised Code. In the case 2016
of an adjudication for a violation of the terms of community 2017
control or supervised release, the five-year period shall be 2018
calculated from the date of the adjudication to which the 2019
community control or supervised release pertains. 2020

(F)(1) As used in division (F)(2) of this section, "head 2021
start agency" means an entity in this state that has been approved 2022
to be an agency for purposes of subchapter II of the "Community 2023
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2024
as amended. 2025

(2)(a) In addition to or in conjunction with any request that 2026
is required to be made under section 109.572, 2151.86, 3301.32, 2027
3301.541, division (C) of section 3310.58, or section 3319.39, 2028
3319.391, 3327.10, 3701.881, ~~5104.012~~, 5104.013, 5123.081, or 2029
5153.111 of the Revised Code or that is made under section 2030
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2031
board of education of any school district; the director of 2032
developmental disabilities; any county board of developmental 2033
disabilities; any provider or subcontractor as defined in section 2034
5123.081 of the Revised Code; the chief administrator of any 2035
chartered nonpublic school; the chief administrator of a 2036
registered private provider that is not also a chartered nonpublic 2037
school; the chief administrator of any home health agency; the 2038
chief administrator of or person operating any child day-care 2039
center, type A family day-care home, or type B family day-care 2040
home licensed under Chapter 5104. of the Revised Code; the chief 2041

administrator of any head start agency; the executive director of 2042
a public children services agency; a private company described in 2043
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 2044
Code; or an employer described in division (J)(2) of section 2045
3327.10 of the Revised Code may request that the superintendent of 2046
the bureau investigate and determine, with respect to any 2047
individual who has applied for employment in any position after 2048
October 2, 1989, or any individual wishing to apply for employment 2049
with a board of education may request, with regard to the 2050
individual, whether the bureau has any information gathered under 2051
division (A) of this section that pertains to that individual. On 2052
receipt of the request, subject to division (E)(2) of this 2053
section, the superintendent shall determine whether that 2054
information exists and, upon request of the person, board, or 2055
entity requesting information, also shall request from the federal 2056
bureau of investigation any criminal records it has pertaining to 2057
that individual. The superintendent or the superintendent's 2058
designee also may request criminal history records from other 2059
states or the federal government pursuant to the national crime 2060
prevention and privacy compact set forth in section 109.571 of the 2061
Revised Code. Within thirty days of the date that the 2062
superintendent receives a request, subject to division (E)(2) of 2063
this section, the superintendent shall send to the board, entity, 2064
or person a report of any information that the superintendent 2065
determines exists, including information contained in records that 2066
have been sealed under section 2953.32 of the Revised Code, and, 2067
within thirty days of its receipt, subject to division (E)(2) of 2068
this section, shall send the board, entity, or person a report of 2069
any information received from the federal bureau of investigation, 2070
other than information the dissemination of which is prohibited by 2071
federal law. 2072

(b) When a board of education or a registered private 2073
provider is required to receive information under this section as 2074

a prerequisite to employment of an individual pursuant to division 2075
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2076
may accept a certified copy of records that were issued by the 2077
bureau of criminal identification and investigation and that are 2078
presented by an individual applying for employment with the 2079
district in lieu of requesting that information itself. In such a 2080
case, the board shall accept the certified copy issued by the 2081
bureau in order to make a photocopy of it for that individual's 2082
employment application documents and shall return the certified 2083
copy to the individual. In a case of that nature, a district or 2084
provider only shall accept a certified copy of records of that 2085
nature within one year after the date of their issuance by the 2086
bureau. 2087

(c) Notwithstanding division (F)(2)(a) of this section, in 2088
the case of a request under section 3319.39, 3319.391, or 3327.10 2089
of the Revised Code only for criminal records maintained by the 2090
federal bureau of investigation, the superintendent shall not 2091
determine whether any information gathered under division (A) of 2092
this section exists on the person for whom the request is made. 2093

(3) The state board of education may request, with respect to 2094
any individual who has applied for employment after October 2, 2095
1989, in any position with the state board or the department of 2096
education, any information that a school district board of 2097
education is authorized to request under division (F)(2) of this 2098
section, and the superintendent of the bureau shall proceed as if 2099
the request has been received from a school district board of 2100
education under division (F)(2) of this section. 2101

(4) When the superintendent of the bureau receives a request 2102
for information under section 3319.291 of the Revised Code, the 2103
superintendent shall proceed as if the request has been received 2104
from a school district board of education and shall comply with 2105
divisions (F)(2)(a) and (c) of this section. 2106

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

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

In addition to or in conjunction with any request that is required to be made under section 173.27 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing ombudsman services to residents of long-term care facilities or recipients of community-based long-term care services, the state long-term care ombudsman, the director of aging, a regional long-term care ombudsman program, or the designee of the ombudsman, director, or program may request that the superintendent investigate and determine, with respect to

any individual who has applied for employment in a position that 2139
does not involve providing such ombudsman services, whether the 2140
bureau has any information gathered under division (A) of this 2141
section that pertains to that applicant. 2142

In addition to or in conjunction with any request that is 2143
required to be made under section 173.38 of the Revised Code with 2144
respect to an individual who has applied for employment in a 2145
direct-care position, the chief administrator of a provider, as 2146
defined in section 173.39 of the Revised Code, may request that 2147
the superintendent investigate and determine, with respect to any 2148
individual who has applied for employment in a position that is 2149
not a direct-care position, whether the bureau has any information 2150
gathered under division (A) of this section that pertains to that 2151
applicant. 2152

In addition to or in conjunction with any request that is 2153
required to be made under section 3712.09 of the Revised Code with 2154
respect to an individual who has applied for employment in a 2155
position that involves providing direct care to a pediatric 2156
respite care patient, the chief administrator of a pediatric 2157
respite care program may request that the superintendent of the 2158
bureau investigate and determine, with respect to any individual 2159
who has applied for employment in a position that does not involve 2160
providing direct care to a pediatric respite care patient, whether 2161
the bureau has any information gathered under division (A) of this 2162
section that pertains to that individual. 2163

On receipt of a request under this division, the 2164
superintendent shall determine whether that information exists 2165
and, on request of the individual requesting information, shall 2166
also request from the federal bureau of investigation any criminal 2167
records it has pertaining to the applicant. The superintendent or 2168
the superintendent's designee also may request criminal history 2169
records from other states or the federal government pursuant to 2170

the national crime prevention and privacy compact set forth in 2171
section 109.571 of the Revised Code. Within thirty days of the 2172
date a request is received, subject to division (E)(2) of this 2173
section, the superintendent shall send to the requester a report 2174
of any information determined to exist, including information 2175
contained in records that have been sealed under section 2953.32 2176
of the Revised Code, and, within thirty days of its receipt, shall 2177
send the requester a report of any information received from the 2178
federal bureau of investigation, other than information the 2179
dissemination of which is prohibited by federal law. 2180

(H) Information obtained by a government entity or person 2181
under this section is confidential and shall not be released or 2182
disseminated. 2183

(I) The superintendent may charge a reasonable fee for 2184
providing information or criminal records under division (F)(2) or 2185
(G) of this section. 2186

(J) As used in this section: 2187

(1) "Pediatric respite care program" and "pediatric care 2188
patient" have the same meanings as in section 3712.01 of the 2189
Revised Code. 2190

(2) "Sexually oriented offense" and "child-victim oriented 2191
offense" have the same meanings as in section 2950.01 of the 2192
Revised Code. 2193

(3) "Registered private provider" means a nonpublic school or 2194
entity registered with the superintendent of public instruction 2195
under section 3310.41 of the Revised Code to participate in the 2196
autism scholarship program or section 3310.58 of the Revised Code 2197
to participate in the Jon Peterson special needs scholarship 2198
program. 2199

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2200

section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2201
a completed form prescribed pursuant to division (C)(1) of this 2202
section, and a set of fingerprint impressions obtained in the 2203
manner described in division (C)(2) of this section, the 2204
superintendent of the bureau of criminal identification and 2205
investigation shall conduct a criminal records check in the manner 2206
described in division (B) of this section to determine whether any 2207
information exists that indicates that the person who is the 2208
subject of the request previously has been convicted of or pleaded 2209
guilty to any of the following: 2210

(a) A violation of section 2903.01, 2903.02, 2903.03, 2211
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2212
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2213
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2214
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2215
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2216
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2217
2925.06, or 3716.11 of the Revised Code, felonious sexual 2218
penetration in violation of former section 2907.12 of the Revised 2219
Code, a violation of section 2905.04 of the Revised Code as it 2220
existed prior to July 1, 1996, a violation of section 2919.23 of 2221
the Revised Code that would have been a violation of section 2222
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2223
had the violation been committed prior to that date, or a 2224
violation of section 2925.11 of the Revised Code that is not a 2225
minor drug possession offense; 2226

(b) A violation of an existing or former law of this state, 2227
any other state, or the United States that is substantially 2228
equivalent to any of the offenses listed in division (A)(1)(a) of 2229
this section; 2230

(c) If the request is made pursuant to section 3319.39 of the 2231
Revised Code for an applicant who is a teacher, any offense 2232

specified in section 3319.31 of the Revised Code. 2233

(2) On receipt of a request pursuant to section 3712.09 or 2234
3721.121 of the Revised Code, a completed form prescribed pursuant 2235
to division (C)(1) of this section, and a set of fingerprint 2236
impressions obtained in the manner described in division (C)(2) of 2237
this section, the superintendent of the bureau of criminal 2238
identification and investigation shall conduct a criminal records 2239
check with respect to any person who has applied for employment in 2240
a position for which a criminal records check is required by those 2241
sections. The superintendent shall conduct the criminal records 2242
check in the manner described in division (B) of this section to 2243
determine whether any information exists that indicates that the 2244
person who is the subject of the request previously has been 2245
convicted of or pleaded guilty to any of the following: 2246

(a) A violation of section 2903.01, 2903.02, 2903.03, 2247
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2248
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2249
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2250
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2251
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2252
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2253
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2254
2925.22, 2925.23, or 3716.11 of the Revised Code; 2255

(b) An existing or former law of this state, any other state, 2256
or the United States that is substantially equivalent to any of 2257
the offenses listed in division (A)(2)(a) of this section. 2258

(3) On receipt of a request pursuant to section 173.27, 2259
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 2260
or 5123.169 of the Revised Code, a completed form prescribed 2261
pursuant to division (C)(1) of this section, and a set of 2262
fingerprint impressions obtained in the manner described in 2263
division (C)(2) of this section, the superintendent of the bureau 2264

of criminal identification and investigation shall conduct a 2265
criminal records check of the person for whom the request is made. 2266
The superintendent shall conduct the criminal records check in the 2267
manner described in division (B) of this section to determine 2268
whether any information exists that indicates that the person who 2269
is the subject of the request previously has been convicted of, 2270
has pleaded guilty to, or (except in the case of a request 2271
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2272
Code) has been found eligible for intervention in lieu of 2273
conviction for any of the following, regardless of the date of the 2274
conviction, the date of entry of the guilty plea, or (except in 2275
the case of a request pursuant to section 5164.34, 5164.341, or 2276
5164.342 of the Revised Code) the date the person was found 2277
eligible for intervention in lieu of conviction: 2278

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2279
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2280
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2281
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2282
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2283
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2284
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2285
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2286
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2287
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2288
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2289
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2290
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2291
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2292
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2293
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2294
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2295
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2296
2927.12, or 3716.11 of the Revised Code; 2297

| | |
|---|--|
| (b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code; | 2298 2299 |
| (c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; | 2300 2301 |
| (d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section; | 2302 2303 2304 2305 |
| (e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section. | 2306 2307 2308 2309 |
| (4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: | 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 |
| (a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 | 2320 2321 2322 2323 2324 2325 2326 2327 2328 |

of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

(5) Upon receipt of a request pursuant to section ~~5104.012~~ or 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02,

2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2361
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2362
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2363
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2364
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2365
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2366
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2367
Revised Code, felonious sexual penetration in violation of former 2368
section 2907.12 of the Revised Code, a violation of section 2369
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2370
violation of section 2919.23 of the Revised Code that would have 2371
been a violation of section 2905.04 of the Revised Code as it 2372
existed prior to July 1, 1996, had the violation been committed 2373
prior to that date, a violation of section 2925.11 of the Revised 2374
Code that is not a minor drug possession offense, a violation of 2375
section 2923.02 or 2923.03 of the Revised Code that relates to a 2376
crime specified in this division, or a second violation of section 2377
4511.19 of the Revised Code within five years of the date of 2378
application for licensure or certification. 2379

(b) A violation of an existing or former law of this state, 2380
any other state, or the United States that is substantially 2381
equivalent to any of the offenses or violations described in 2382
division (A)(5)(a) of this section. 2383

(6) Upon receipt of a request pursuant to section 5153.111 of 2384
the Revised Code, a completed form prescribed pursuant to division 2385
(C)(1) of this section, and a set of fingerprint impressions 2386
obtained in the manner described in division (C)(2) of this 2387
section, the superintendent of the bureau of criminal 2388
identification and investigation shall conduct a criminal records 2389
check in the manner described in division (B) of this section to 2390
determine whether any information exists that indicates that the 2391
person who is the subject of the request previously has been 2392

convicted of or pleaded guilty to any of the following: 2393

(a) A violation of section 2903.01, 2903.02, 2903.03, 2394
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2395
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2396
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2397
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2398
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2399
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2400
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2401
felonious sexual penetration in violation of former section 2402
2907.12 of the Revised Code, a violation of section 2905.04 of the 2403
Revised Code as it existed prior to July 1, 1996, a violation of 2404
section 2919.23 of the Revised Code that would have been a 2405
violation of section 2905.04 of the Revised Code as it existed 2406
prior to July 1, 1996, had the violation been committed prior to 2407
that date, or a violation of section 2925.11 of the Revised Code 2408
that is not a minor drug possession offense; 2409

(b) A violation of an existing or former law of this state, 2410
any other state, or the United States that is substantially 2411
equivalent to any of the offenses listed in division (A)(6)(a) of 2412
this section. 2413

(7) On receipt of a request for a criminal records check from 2414
an individual pursuant to section 4749.03 or 4749.06 of the 2415
Revised Code, accompanied by a completed copy of the form 2416
prescribed in division (C)(1) of this section and a set of 2417
fingerprint impressions obtained in a manner described in division 2418
(C)(2) of this section, the superintendent of the bureau of 2419
criminal identification and investigation shall conduct a criminal 2420
records check in the manner described in division (B) of this 2421
section to determine whether any information exists indicating 2422
that the person who is the subject of the request has been 2423
convicted of or pleaded guilty to a felony in this state or in any 2424

other state. If the individual indicates that a firearm will be 2425
carried in the course of business, the superintendent shall 2426
require information from the federal bureau of investigation as 2427
described in division (B)(2) of this section. Subject to division 2428
(F) of this section, the superintendent shall report the findings 2429
of the criminal records check and any information the federal 2430
bureau of investigation provides to the director of public safety. 2431

(8) On receipt of a request pursuant to section 1321.37, 2432
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2433
Code, a completed form prescribed pursuant to division (C)(1) of 2434
this section, and a set of fingerprint impressions obtained in the 2435
manner described in division (C)(2) of this section, the 2436
superintendent of the bureau of criminal identification and 2437
investigation shall conduct a criminal records check with respect 2438
to any person who has applied for a license, permit, or 2439
certification from the department of commerce or a division in the 2440
department. The superintendent shall conduct the criminal records 2441
check in the manner described in division (B) of this section to 2442
determine whether any information exists that indicates that the 2443
person who is the subject of the request previously has been 2444
convicted of or pleaded guilty to any of the following: a 2445
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2446
2925.03 of the Revised Code; any other criminal offense involving 2447
theft, receiving stolen property, embezzlement, forgery, fraud, 2448
passing bad checks, money laundering, or drug trafficking, or any 2449
criminal offense involving money or securities, as set forth in 2450
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2451
the Revised Code; or any existing or former law of this state, any 2452
other state, or the United States that is substantially equivalent 2453
to those offenses. 2454

(9) On receipt of a request for a criminal records check from 2455
the treasurer of state under section 113.041 of the Revised Code 2456

or from an individual under section 4701.08, 4715.101, 4717.061, 2457
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 2458
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2459
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2460
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2461
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 2462
accompanied by a completed form prescribed under division (C)(1) 2463
of this section and a set of fingerprint impressions obtained in 2464
the manner described in division (C)(2) of this section, the 2465
superintendent of the bureau of criminal identification and 2466
investigation shall conduct a criminal records check in the manner 2467
described in division (B) of this section to determine whether any 2468
information exists that indicates that the person who is the 2469
subject of the request has been convicted of or pleaded guilty to 2470
any criminal offense in this state or any other state. Subject to 2471
division (F) of this section, the superintendent shall send the 2472
results of a check requested under section 113.041 of the Revised 2473
Code to the treasurer of state and shall send the results of a 2474
check requested under any of the other listed sections to the 2475
licensing board specified by the individual in the request. 2476

(10) On receipt of a request pursuant to section 1121.23, 2477
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2478
Code, a completed form prescribed pursuant to division (C)(1) of 2479
this section, and a set of fingerprint impressions obtained in the 2480
manner described in division (C)(2) of this section, the 2481
superintendent of the bureau of criminal identification and 2482
investigation shall conduct a criminal records check in the manner 2483
described in division (B) of this section to determine whether any 2484
information exists that indicates that the person who is the 2485
subject of the request previously has been convicted of or pleaded 2486
guilty to any criminal offense under any existing or former law of 2487
this state, any other state, or the United States. 2488

(11) On receipt of a request for a criminal records check 2489
from an appointing or licensing authority under section 3772.07 of 2490
the Revised Code, a completed form prescribed under division 2491
(C)(1) of this section, and a set of fingerprint impressions 2492
obtained in the manner prescribed in division (C)(2) of this 2493
section, the superintendent of the bureau of criminal 2494
identification and investigation shall conduct a criminal records 2495
check in the manner described in division (B) of this section to 2496
determine whether any information exists that indicates that the 2497
person who is the subject of the request previously has been 2498
convicted of or pleaded guilty or no contest to any offense under 2499
any existing or former law of this state, any other state, or the 2500
United States that is a disqualifying offense as defined in 2501
section 3772.07 of the Revised Code or substantially equivalent to 2502
such an offense. 2503

(12) On receipt of a request pursuant to section 2151.33 or 2504
2151.412 of the Revised Code, a completed form prescribed pursuant 2505
to division (C)(1) of this section, and a set of fingerprint 2506
impressions obtained in the manner described in division (C)(2) of 2507
this section, the superintendent of the bureau of criminal 2508
identification and investigation shall conduct a criminal records 2509
check with respect to any person for whom a criminal records check 2510
is required by that section. The superintendent shall conduct the 2511
criminal records check in the manner described in division (B) of 2512
this section to determine whether any information exists that 2513
indicates that the person who is the subject of the request 2514
previously has been convicted of or pleaded guilty to any of the 2515
following: 2516

(a) A violation of section 2903.01, 2903.02, 2903.03, 2517
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2518
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2519
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2520

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2521
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2522
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2523
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2524
2925.22, 2925.23, or 3716.11 of the Revised Code; 2525

(b) An existing or former law of this state, any other state, 2526
or the United States that is substantially equivalent to any of 2527
the offenses listed in division (A)(12)(a) of this section. 2528

(B) Subject to division (F) of this section, the 2529
superintendent shall conduct any criminal records check to be 2530
conducted under this section as follows: 2531

(1) The superintendent shall review or cause to be reviewed 2532
any relevant information gathered and compiled by the bureau under 2533
division (A) of section 109.57 of the Revised Code that relates to 2534
the person who is the subject of the criminal records check, 2535
including, if the criminal records check was requested under 2536
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2537
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2538
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2539
3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 2540
~~5104.012~~, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2541
5123.169, or 5153.111 of the Revised Code, any relevant 2542
information contained in records that have been sealed under 2543
section 2953.32 of the Revised Code; 2544

(2) If the request received by the superintendent asks for 2545
information from the federal bureau of investigation, the 2546
superintendent shall request from the federal bureau of 2547
investigation any information it has with respect to the person 2548
who is the subject of the criminal records check, including 2549
fingerprint-based checks of national crime information databases 2550
as described in 42 U.S.C. 671 if the request is made pursuant to 2551
section 2151.86, ~~5104.012~~, or 5104.013 of the Revised Code or if 2552

any other Revised Code section requires fingerprint-based checks 2553
of that nature, and shall review or cause to be reviewed any 2554
information the superintendent receives from that bureau. If a 2555
request under section 3319.39 of the Revised Code asks only for 2556
information from the federal bureau of investigation, the 2557
superintendent shall not conduct the review prescribed by division 2558
(B)(1) of this section. 2559

(3) The superintendent or the superintendent's designee may 2560
request criminal history records from other states or the federal 2561
government pursuant to the national crime prevention and privacy 2562
compact set forth in section 109.571 of the Revised Code. 2563

(4) The superintendent shall include in the results of the 2564
criminal records check a list or description of the offenses 2565
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2566
(7), (8), (9), (10), (11), or (12) of this section, whichever 2567
division requires the superintendent to conduct the criminal 2568
records check. The superintendent shall exclude from the results 2569
any information the dissemination of which is prohibited by 2570
federal law. 2571

(5) The superintendent shall send the results of the criminal 2572
records check to the person to whom it is to be sent not later 2573
than the following number of days after the date the 2574
superintendent receives the request for the criminal records 2575
check, the completed form prescribed under division (C)(1) of this 2576
section, and the set of fingerprint impressions obtained in the 2577
manner described in division (C)(2) of this section: 2578

(a) If the superintendent is required by division (A) of this 2579
section (other than division (A)(3) of this section) to conduct 2580
the criminal records check, thirty; 2581

(b) If the superintendent is required by division (A)(3) of 2582
this section to conduct the criminal records check, sixty. 2583

(C)(1) The superintendent shall prescribe a form to obtain 2584
the information necessary to conduct a criminal records check from 2585
any person for whom a criminal records check is to be conducted 2586
under this section. The form that the superintendent prescribes 2587
pursuant to this division may be in a tangible format, in an 2588
electronic format, or in both tangible and electronic formats. 2589

(2) The superintendent shall prescribe standard impression 2590
sheets to obtain the fingerprint impressions of any person for 2591
whom a criminal records check is to be conducted under this 2592
section. Any person for whom a records check is to be conducted 2593
under this section shall obtain the fingerprint impressions at a 2594
county sheriff's office, municipal police department, or any other 2595
entity with the ability to make fingerprint impressions on the 2596
standard impression sheets prescribed by the superintendent. The 2597
office, department, or entity may charge the person a reasonable 2598
fee for making the impressions. The standard impression sheets the 2599
superintendent prescribes pursuant to this division may be in a 2600
tangible format, in an electronic format, or in both tangible and 2601
electronic formats. 2602

(3) Subject to division (D) of this section, the 2603
superintendent shall prescribe and charge a reasonable fee for 2604
providing a criminal records check under this section. The person 2605
requesting the criminal records check shall pay the fee prescribed 2606
pursuant to this division. In the case of a request under section 2607
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2608
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2609
the manner specified in that section. 2610

(4) The superintendent of the bureau of criminal 2611
identification and investigation may prescribe methods of 2612
forwarding fingerprint impressions and information necessary to 2613
conduct a criminal records check, which methods shall include, but 2614
not be limited to, an electronic method. 2615

(D) The results of a criminal records check conducted under 2616
this section, other than a criminal records check specified in 2617
division (A)(7) of this section, are valid for the person who is 2618
the subject of the criminal records check for a period of one year 2619
from the date upon which the superintendent completes the criminal 2620
records check. If during that period the superintendent receives 2621
another request for a criminal records check to be conducted under 2622
this section for that person, the superintendent shall provide the 2623
results from the previous criminal records check of the person at 2624
a lower fee than the fee prescribed for the initial criminal 2625
records check. 2626

(E) When the superintendent receives a request for 2627
information from a registered private provider, the superintendent 2628
shall proceed as if the request was received from a school 2629
district board of education under section 3319.39 of the Revised 2630
Code. The superintendent shall apply division (A)(1)(c) of this 2631
section to any such request for an applicant who is a teacher. 2632

(F)(1) All information regarding the results of a criminal 2633
records check conducted under this section that the superintendent 2634
reports or sends under division (A)(7) or (9) of this section to 2635
the director of public safety, the treasurer of state, or the 2636
person, board, or entity that made the request for the criminal 2637
records check shall relate to the conviction of the subject 2638
person, or the subject person's plea of guilty to, a criminal 2639
offense. 2640

(2) Division (F)(1) of this section does not limit, restrict, 2641
or preclude the superintendent's release of information that 2642
relates to the arrest of a person who is eighteen years of age or 2643
older, to an adjudication of a child as a delinquent child, or to 2644
a criminal conviction of a person under eighteen years of age in 2645
circumstances in which a release of that nature is authorized 2646
under division (E)(2), (3), or (4) of section 109.57 of the 2647

Revised Code pursuant to a rule adopted under division (E)(1) of 2648
that section. 2649

(G) As used in this section: 2650

(1) "Criminal records check" means any criminal records check 2651
conducted by the superintendent of the bureau of criminal 2652
identification and investigation in accordance with division (B) 2653
of this section. 2654

(2) "Minor drug possession offense" has the same meaning as 2655
in section 2925.01 of the Revised Code. 2656

(3) "OVI or OVUAC violation" means a violation of section 2657
4511.19 of the Revised Code or a violation of an existing or 2658
former law of this state, any other state, or the United States 2659
that is substantially equivalent to section 4511.19 of the Revised 2660
Code. 2661

(4) "Registered private provider" means a nonpublic school or 2662
entity registered with the superintendent of public instruction 2663
under section 3310.41 of the Revised Code to participate in the 2664
autism scholarship program or section 3310.58 of the Revised Code 2665
to participate in the Jon Peterson special needs scholarship 2666
program. 2667

Sec. 113.07. The treasurer of state may enter into a contract 2668
with any financial institution under which the financial 2669
institution, in accordance with the terms of the contract, 2670
receives tax and fee payments at a post office box, opens the mail 2671
delivered to that box, processes the checks and other payments 2672
received in such mail and deposits them into the treasurer of 2673
state's account, and provides the treasurer of state daily receipt 2674
information with respect to such payments. The contract shall not 2675
be entered into unless: 2676

(A) There is attached to the contract a certification by the 2677

auditor of state that the financial institution and the treasurer 2678
of state have given assurances satisfactory to the auditor of 2679
state that the records of the financial institution which relate 2680
to tax and fee payments covered by the contract, and only such 2681
records, shall be subject to audit by the auditor of state to the 2682
same extent as if the services which the financial institution has 2683
agreed to perform were being performed by the treasurer of state; 2684

(B) The contract is awarded in accordance with ~~section 125.07~~ 2685
Chapter 125. of the Revised Code; 2686

(C) The treasurer of state's surety bond includes within its 2687
coverage any loss that may occur as the result of the contract; 2688

(D) The contract does not conflict with the requirements for 2689
accounting and financial reporting for public offices prescribed 2690
by the auditor of state. 2691

Sec. 117.11. (A) Except as otherwise provided in this 2692
division and in sections 117.112, 117.113, and 117.114 of the 2693
Revised Code, the auditor of state shall audit each public office 2694
at least once every two fiscal years. The auditor of state shall 2695
audit a public office each fiscal year if that public office is 2696
required to be audited on an annual basis pursuant to "The Single 2697
Audit Act of 1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as 2698
amended. In the annual or biennial audit, inquiry shall be made 2699
into the methods, accuracy, and legality of the accounts, 2700
financial reports, records, files, and reports of the office, 2701
whether the laws, rules, ordinances, and orders pertaining to the 2702
office have been observed, and whether the requirements and rules 2703
of the auditor of state have been complied with. Except as 2704
otherwise provided in this division or where auditing standards or 2705
procedures dictate otherwise, each audit shall cover at least one 2706
fiscal year. If a public office is audited only once every two 2707
fiscal years, the audit shall cover both fiscal years. 2708

(B) In addition to the annual or biennial audit provided for 2709
in division (A) of this section or in section 117.114 of the 2710
Revised Code, the auditor of state may conduct an audit of a 2711
public office at any time when so requested by the public office 2712
or upon the auditor of state's own initiative if the auditor of 2713
state has reasonable cause to believe that an additional audit is 2714
in the public interest. The auditor of state shall not conduct an 2715
additional audit of a state entity for compliance with Chapter 2716
149. of the Revised Code. The auditor of state shall not accept 2717
for filing or review complaints regarding an alleged violation of 2718
that chapter by a state entity, issue a report to the complainant 2719
as to whether a state entity violated that chapter, or issue a 2720
noncompliance citation to a state entity as a result of the filing 2721
of such a complaint. 2722

As used in this division, "state entity" means a public 2723
office that is a state agency, a statewide elected office, the 2724
general assembly, and the supreme court. 2725

(C)(1) The auditor of state shall identify any public office 2726
in which the auditor of state will be unable to conduct an audit 2727
at least once every two fiscal years as required by division (A) 2728
of this section and shall provide immediate written notice to the 2729
clerk of the legislative authority or governing board of the 2730
public office so identified. Within six months of the receipt of 2731
such notice, the legislative authority or governing board may 2732
engage an independent certified public accountant to conduct an 2733
audit pursuant to section 117.12 of the Revised Code. 2734

(2) When the chief fiscal officer of a public office notifies 2735
the auditor of state that an audit is required at a time prior to 2736
the next regularly scheduled audit by the auditor of state, the 2737
auditor of state shall either cause an earlier audit to be made by 2738
the auditor of state or authorize the legislative authority or 2739
governing board of the public office to engage an independent 2740

certified public accountant to conduct the required audit. The 2741
scope of the audit shall be as authorized by the auditor of state. 2742

(3) The auditor of state shall approve the scope of an audit 2743
under division (C)(1) or (2) of this section as set forth in the 2744
contract for the proposed audit before the contract is executed on 2745
behalf of the public office that is to be audited. The independent 2746
accountant conducting an audit under division (C)(1) or (2) of 2747
this section shall be paid by the public office. 2748

(4) The contract for attest services with an independent 2749
accountant employed pursuant to this section or section 115.56 of 2750
the Revised Code may include binding arbitration provisions, 2751
provisions of Chapter 2711. of the Revised Code, or any other 2752
alternative dispute resolution procedures to be followed in the 2753
event a dispute remains between the state or public office and the 2754
independent accountant concerning the terms of or services under 2755
the contract, or a breach of the contract, after the 2756
administrative provisions of the contract have been exhausted. 2757

(D) If a uniform accounting network is established under 2758
section 117.101 of the Revised Code, the auditor of state or a 2759
certified public accountant employed pursuant to this section or 2760
section 115.56 or 117.112 of the Revised Code shall, to the extent 2761
practicable, utilize services offered by the network in order to 2762
conduct efficient and economical audits of public offices. 2763

(E) The auditor of state, in accordance with division (A)(3) 2764
of section 9.65 of the Revised Code and this section, may audit an 2765
annuity program for volunteer fire fighters established by a 2766
political subdivision under section 9.65 of the Revised Code. As 2767
used in this section, "volunteer fire fighters" and "political 2768
subdivision" have the same meanings as in division (C) of section 2769
9.65 of the Revised Code. 2770

Sec. 118.04. (A) The existence of a fiscal emergency 2771

condition constitutes a fiscal emergency. The existence of fiscal 2772
emergency conditions shall be determined by the auditor of state. 2773
Such determination, for purposes of this chapter, may be made only 2774
upon the filing with the auditor of state of a written request for 2775
such a determination by the governor, by the county budget 2776
commission, by the mayor of the municipal corporation, or by the 2777
presiding officer of the legislative authority of the municipal 2778
corporation when authorized by a majority of the members of such 2779
legislative authority, by the board of county commissioners, or by 2780
the board of township trustees, or upon initiation by the auditor 2781
of state. The request may designate in general or specific terms, 2782
but without thereby limiting the determination thereto, the 2783
condition or conditions to be examined to determine whether they 2784
constitute fiscal emergency conditions. Promptly upon receipt of 2785
such written request, or upon initiation by the auditor of state, 2786
the auditor of state shall transmit copies of such request or a 2787
written notice of such initiation to the mayor and the presiding 2788
officer of the legislative authority of the municipal corporation 2789
or to the board of county commissioners or the board of township 2790
trustees by personal service or certified mail. Such 2791
determinations shall be set forth in written reports and 2792
supplemental reports, which shall be filed with the mayor, fiscal 2793
officer, and presiding officer of the legislative authority of the 2794
municipal corporation, or with the board of county commissioners 2795
or the board of township trustees, and with the treasurer of 2796
state, secretary of state, governor, director of budget and 2797
management, and county budget commission, within thirty days after 2798
the request. The auditor of state shall so file an initial report 2799
immediately upon determining the existence of any fiscal emergency 2800
condition. 2801

(B) In making such determination, the auditor of state may 2802
rely on reports or other information filed or otherwise made 2803
available by the municipal corporation, county, or township, 2804

accountants' reports, or other sources and data the auditor of 2805
state considers reliable for such purpose. As to the status of 2806
funds or accounts, a determination that the amounts stated in 2807
section 118.03 of the Revised Code are exceeded may be made 2808
without need for determination of the specific amount of the 2809
excess. The auditor of state may engage the services of 2810
independent certified or registered public accountants, including 2811
public accountants engaged or previously engaged by the municipal 2812
corporation, county, or township, to conduct audits or make 2813
reports or render such opinions as the auditor of state considers 2814
desirable with respect to any aspect of the determinations to be 2815
made by the auditor of state. 2816

(C) A determination by the auditor of state under this 2817
section that a fiscal emergency condition does not exist is final 2818
and conclusive and not appealable. A determination by the auditor 2819
of state under this section that a fiscal emergency exists is 2820
final, except that the mayor of any municipal corporation affected 2821
by a determination of the existence of a fiscal emergency 2822
condition under this section, when authorized by a majority of the 2823
members of the legislative authority, or the board of county 2824
commissioners or board of township trustees, may appeal the 2825
determination of the existence of a fiscal emergency condition to 2826
the court of appeals having territorial jurisdiction over the 2827
municipal corporation, county, or township. The appeal shall be 2828
heard expeditiously by the court of appeals and for good cause 2829
shown shall take precedence over all other civil matters except 2830
earlier matters of the same character. Notice of such appeal must 2831
be filed with the auditor of state and such court within thirty 2832
days after certification by the auditor of state to the mayor and 2833
presiding officer of the legislative authority of the municipal 2834
corporation or to the board of county commissioners or board of 2835
township trustees as provided for in division (A) of this section. 2836
In such appeal, determinations of the auditor of state shall be 2837

presumed to be valid and the municipal corporation, county, or township shall have the burden of proving, by clear and convincing evidence, that each of the determinations made by the auditor of state as to the existence of a fiscal emergency condition under section 118.03 of the Revised Code was in error. If the municipal corporation, county, or township fails, upon presentation of its case, to prove by clear and convincing evidence that each such determination by the auditor of state was in error, the court shall dismiss the appeal. The municipal corporation, county, or township and the auditor of state may introduce any evidence relevant to the existence or nonexistence of such fiscal emergency conditions at the times indicated in the applicable provisions of divisions (A) and (B) of section 118.03 of the Revised Code. The pendency of any such appeal shall not affect or impede the operations of this chapter; no restraining order, temporary injunction, or other similar restraint upon actions consistent with this chapter shall be imposed by the court or any court pending determination of such appeal; and all things may be done under this chapter that may be done regardless of the pendency of any such appeal. Any action taken or contract executed pursuant to this chapter during the pendency of such appeal is valid and enforceable among all parties, notwithstanding the decision in such appeal. If the court of appeals reverses the determination of the existence of a fiscal emergency condition by the auditor of state, the determination no longer has any effect, and any procedures undertaken as a result of the determination shall be terminated.

(D) All expenses incurred by the auditor of state relating to a determination or termination of a fiscal emergency under this section, a fiscal watch under section 118.021 of the Revised Code, or a fiscal caution under section 118.025 of the Revised Code, including providing technical and support services, or for conducting a performance audit under section 118.041 of the

Revised Code, shall be reimbursed from an appropriation for that 2871
purpose. If necessary, the controlling board may provide 2872
sufficient funds for these purposes. 2873

Sec. 118.041. The auditor of state, on the auditor of state's 2874
initiative, may conduct a performance audit of a municipal 2875
corporation, county, or township that is under a fiscal caution, a 2876
fiscal watch, or a fiscal emergency. 2877

Sec. 119.12. Any party adversely affected by any order of an 2878
agency issued pursuant to an adjudication denying an applicant 2879
admission to an examination, or denying the issuance or renewal of 2880
a license or registration of a licensee, or revoking or suspending 2881
a license, or allowing the payment of a forfeiture under section 2882
4301.252 of the Revised Code may appeal from the order of the 2883
agency to the court of common pleas of the county in which the 2884
place of business of the licensee is located or the county in 2885
which the licensee is a resident, except that appeals from 2886
decisions of the liquor control commission, the Ohio casino 2887
control commission, the state medical board, the state 2888
chiropractic board, and the board of nursing shall be to the court 2889
of common pleas of Franklin county. If any party appealing from 2890
the order is not a resident of and has no place of business in 2891
this state, the party may appeal to the court of common pleas of 2892
Franklin county. 2893

Any party adversely affected by any order of an agency issued 2894
pursuant to any other adjudication may appeal to the court of 2895
common pleas of Franklin county, except that appeals from orders 2896
of the fire marshal issued under Chapter 3737. of the Revised Code 2897
may be to the court of common pleas of the county in which the 2898
building of the aggrieved person is located and except that 2899
appeals under division (B) of section 124.34 of the Revised Code 2900
from a decision of the state personnel board of review or a 2901

municipal or civil service township civil service commission shall 2902
be taken to the court of common pleas of the county in which the 2903
appointing authority is located or, in the case of an appeal by 2904
the department of rehabilitation and correction, to the court of 2905
common pleas of Franklin county. 2906

This section does not apply to appeals from the department of 2907
taxation. 2908

Any party desiring to appeal shall file a notice of appeal 2909
with the agency setting forth the order appealed from and stating 2910
that the agency's order is not supported by reliable, probative, 2911
and substantial evidence and is not in accordance with law. The 2912
notice of appeal may, but need not, set forth the specific grounds 2913
of the party's appeal beyond the statement that the agency's order 2914
is not supported by reliable, probative, and substantial evidence 2915
and is not in accordance with law. The notice of appeal shall also 2916
be filed by the appellant with the court. In filing a notice of 2917
appeal with the agency or court, the notice that is filed may be 2918
either the original notice or a copy of the original notice. 2919
Unless otherwise provided by law relating to a particular agency, 2920
notices of appeal shall be filed within fifteen days after the 2921
mailing of the notice of the agency's order as provided in this 2922
section. For purposes of this paragraph, an order includes a 2923
determination appealed pursuant to division (C) of section 119.092 2924
of the Revised Code. The amendments made to this paragraph by Sub. 2925
H.B. 215 of the 128th general assembly are procedural, and this 2926
paragraph as amended by those amendments shall be applied 2927
retrospectively to all appeals pursuant to this paragraph filed 2928
before ~~the effective date of those amendments~~ September 13, 2010, 2929
but not earlier than May 7, 2009, which was the date the supreme 2930
court of Ohio released its opinion and judgment in *Medcorp, Inc.* 2931
v. Ohio Dep't. of Job and Family Servs. (2009), 121 Ohio St.3d 2932
622. 2933

The filing of a notice of appeal shall not automatically operate as a suspension of the order of an agency. If it appears to the court that an unusual hardship to the appellant will result from the execution of the agency's order pending determination of the appeal, the court may grant a suspension and fix its terms. If an appeal is taken from the judgment of the court and the court has previously granted a suspension of the agency's order as provided in this section, the suspension of the agency's order shall not be vacated and shall be given full force and effect until the matter is finally adjudicated. No renewal of a license or permit shall be denied by reason of the suspended order during the period of the appeal from the decision of the court of common pleas. In the case of an appeal from the Ohio casino control commission, the state medical board, or the state chiropractic board, the court may grant a suspension and fix its terms if it appears to the court that an unusual hardship to the appellant will result from the execution of the agency's order pending determination of the appeal and the health, safety, and welfare of the public will not be threatened by suspension of the order. This provision shall not be construed to limit the factors the court may consider in determining whether to suspend an order of any other agency pending determination of an appeal.

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

Notwithstanding any other provision of this section, any order issued by a court of common pleas or a court of appeals suspending the effect of an order of the liquor control commission issued pursuant to Chapter 4301. or 4303. of the Revised Code that suspends, revokes, or cancels a permit issued under Chapter 4303. of the Revised Code or that allows the payment of a forfeiture under section 4301.252 of the Revised Code shall terminate not

more than six months after the date of the filing of the record of 2966
the liquor control commission with the clerk of the court of 2967
common pleas and shall not be extended. The court of common pleas, 2968
or the court of appeals on appeal, shall render a judgment in that 2969
matter within six months after the date of the filing of the 2970
record of the liquor control commission with the clerk of the 2971
court of common pleas. A court of appeals shall not issue an order 2972
suspending the effect of an order of the liquor control commission 2973
that extends beyond six months after the date on which the record 2974
of the liquor control commission is filed with a court of common 2975
pleas. 2976

Notwithstanding any other provision of this section, any 2977
order issued by a court of common pleas or a court of appeals 2978
suspending the effect of an order of the Ohio casino control 2979
commission issued under Chapter 3772. of the Revised Code that 2980
limits, conditions, restricts, suspends, revokes, denies, not 2981
renews, fines, or otherwise penalizes an applicant, licensee, or 2982
person excluded or ejected from a casino facility in accordance 2983
with section 3772.031 of the Revised Code shall terminate not more 2984
than six months after the date of the filing of the record of the 2985
Ohio casino control commission with the clerk of the court of 2986
common pleas and shall not be extended. The court of common pleas, 2987
or the court of appeals on appeal, shall render a judgment in that 2988
matter within six months after the date of the filing of the 2989
record of the Ohio casino control commission with the clerk of the 2990
court of common pleas. A court of appeals shall not issue an order 2991
suspending the effect of an order of the Ohio casino control 2992
commission that extends beyond six months after the date on which 2993
the record of the Ohio casino control commission is filed with the 2994
clerk of a court of common pleas. 2995

Notwithstanding any other provision of this section, any 2996
order issued by a court of common pleas suspending the effect of 2997

an order of the state medical board or state chiropractic board 2998
that limits, revokes, suspends, places on probation, or refuses to 2999
register or reinstate a certificate issued by the board or 3000
reprimands the holder of the certificate shall terminate not more 3001
than fifteen months after the date of the filing of a notice of 3002
appeal in the court of common pleas, or upon the rendering of a 3003
final decision or order in the appeal by the court of common 3004
pleas, whichever occurs first. 3005

Within thirty days after receipt of a notice of appeal from 3006
an order in any case in which a hearing is required by sections 3007
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3008
certify to the court a complete record of the proceedings in the 3009
case. Failure of the agency to comply within the time allowed, 3010
upon motion, shall cause the court to enter a finding in favor of 3011
the party adversely affected. Additional time, however, may be 3012
granted by the court, not to exceed thirty days, when it is shown 3013
that the agency has made substantial effort to comply. The record 3014
shall be prepared and transcribed, and the expense of it shall be 3015
taxed as a part of the costs on the appeal. The appellant shall 3016
provide security for costs satisfactory to the court of common 3017
pleas. Upon demand by any interested party, the agency shall 3018
furnish at the cost of the party requesting it a copy of the 3019
stenographic report of testimony offered and evidence submitted at 3020
any hearing and a copy of the complete record. 3021

Notwithstanding any other provision of this section, any 3022
party desiring to appeal an order or decision of the state 3023
personnel board of review shall, at the time of filing a notice of 3024
appeal with the board, provide a security deposit in an amount and 3025
manner prescribed in rules that the board shall adopt in 3026
accordance with this chapter. In addition, the board is not 3027
required to prepare or transcribe the record of any of its 3028
proceedings unless the appellant has provided the deposit 3029

described above. The failure of the board to prepare or transcribe 3030
a record for an appellant who has not provided a security deposit 3031
shall not cause a court to enter a finding adverse to the board. 3032

Unless otherwise provided by law, in the hearing of the 3033
appeal, the court is confined to the record as certified to it by 3034
the agency. Unless otherwise provided by law, the court may grant 3035
a request for the admission of additional evidence when satisfied 3036
that the additional evidence is newly discovered and could not 3037
with reasonable diligence have been ascertained prior to the 3038
hearing before the agency. 3039

The court shall conduct a hearing on the appeal and shall 3040
give preference to all proceedings under sections 119.01 to 119.13 3041
of the Revised Code, over all other civil cases, irrespective of 3042
the position of the proceedings on the calendar of the court. An 3043
appeal from an order of the state medical board issued pursuant to 3044
division (G) of either section 4730.25 or 4731.22 of the Revised 3045
Code, ~~or~~ the state chiropractic board issued pursuant to section 3046
4734.37 of the Revised Code, ~~or~~ the liquor control commission 3047
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 3048
the Ohio casino control commission issued pursuant to Chapter 3049
3772. of the Revised Code shall be set down for hearing at the 3050
earliest possible time and takes precedence over all other 3051
actions. The hearing in the court of common pleas shall proceed as 3052
in the trial of a civil action, and the court shall determine the 3053
rights of the parties in accordance with the laws applicable to a 3054
civil action. At the hearing, counsel may be heard on oral 3055
argument, briefs may be submitted, and evidence may be introduced 3056
if the court has granted a request for the presentation of 3057
additional evidence. 3058

The court may affirm the order of the agency complained of in 3059
the appeal if it finds, upon consideration of the entire record 3060
and any additional evidence the court has admitted, that the order 3061

is supported by reliable, probative, and substantial evidence and 3062
is in accordance with law. In the absence of this finding, it may 3063
reverse, vacate, or modify the order or make such other ruling as 3064
is supported by reliable, probative, and substantial evidence and 3065
is in accordance with law. The court shall award compensation for 3066
fees in accordance with section 2335.39 of the Revised Code to a 3067
prevailing party, other than an agency, in an appeal filed 3068
pursuant to this section. 3069

The judgment of the court shall be final and conclusive 3070
unless reversed, vacated, or modified on appeal. These appeals may 3071
be taken either by the party or the agency, shall proceed as in 3072
the case of appeals in civil actions, and shall be pursuant to the 3073
Rules of Appellate Procedure and, to the extent not in conflict 3074
with those rules, Chapter 2505. of the Revised Code. An appeal by 3075
the agency shall be taken on questions of law relating to the 3076
constitutionality, construction, or interpretation of statutes and 3077
rules of the agency, and, in the appeal, the court may also review 3078
and determine the correctness of the judgment of the court of 3079
common pleas that the order of the agency is not supported by any 3080
reliable, probative, and substantial evidence in the entire 3081
record. 3082

The court shall certify its judgment to the agency or take 3083
any other action necessary to give its judgment effect. 3084

Sec. 121.03. The following administrative department heads 3085
shall be appointed by the governor, with the advice and consent of 3086
the senate, and shall hold their offices during the term of the 3087
appointing governor, and are subject to removal at the pleasure of 3088
the governor. 3089

(A) The director of budget and management; 3090

(B) The director of commerce; 3091

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| (C) The director of transportation; | 3092 |
| (D) The director of agriculture; | 3093 |
| (E) The director of job and family services; | 3094 |
| (F) Until July 1, 1997, the director of liquor control; | 3095 |
| (G) The director of public safety; | 3096 |
| (H) The superintendent of insurance; | 3097 |
| (I) The director of development services; | 3098 |
| (J) The tax commissioner; | 3099 |
| (K) The director of administrative services; | 3100 |
| (L) The director of natural resources; | 3101 |
| (M) The director of mental health and addiction services; | 3102 |
| (N) The director of developmental disabilities; | 3103 |
| (O) The director of health; | 3104 |
| (P) The director of youth services; | 3105 |
| (Q) The director of rehabilitation and correction; | 3106 |
| (R) The director of environmental protection; | 3107 |
| (S) The director of aging; | 3108 |
| (T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code; | 3109 3110 3111 |
| (U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code; | 3112 3113 |
| (V) The chancellor of the Ohio board of regents <u>director of higher education</u> ; | 3114 3115 |
| (W) The medicaid director. | 3116 |
| Sec. 121.22. (A) This section shall be liberally construed to | 3117 |

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| require public officials to take official action and to conduct | 3118 |
| all deliberations upon official business only in open meetings | 3119 |
| unless the subject matter is specifically excepted by law. | 3120 |
| (B) As used in this section: | 3121 |
| (1) "Public body" means any of the following: | 3122 |
| (a) Any board, commission, committee, council, or similar | 3123 |
| decision-making body of a state agency, institution, or authority, | 3124 |
| and any legislative authority or board, commission, committee, | 3125 |
| council, agency, authority, or similar decision-making body of any | 3126 |
| county, township, municipal corporation, school district, or other | 3127 |
| political subdivision or local public institution; | 3128 |
| (b) Any committee or subcommittee of a body described in | 3129 |
| division (B)(1)(a) of this section; | 3130 |
| (c) A court of jurisdiction of a sanitary district organized | 3131 |
| wholly for the purpose of providing a water supply for domestic, | 3132 |
| municipal, and public use when meeting for the purpose of the | 3133 |
| appointment, removal, or reappointment of a member of the board of | 3134 |
| directors of such a district pursuant to section 6115.10 of the | 3135 |
| Revised Code, if applicable, or for any other matter related to | 3136 |
| such a district other than litigation involving the district. As | 3137 |
| used in division (B)(1)(c) of this section, "court of | 3138 |
| jurisdiction" has the same meaning as "court" in section 6115.01 | 3139 |
| of the Revised Code. | 3140 |
| (2) "Meeting" means any prearranged discussion of the public | 3141 |
| business of the public body by a majority of its members. | 3142 |
| (3) "Regulated individual" means either of the following: | 3143 |
| (a) A student in a state or local public educational | 3144 |
| institution; | 3145 |
| (b) A person who is, voluntarily or involuntarily, an inmate, | 3146 |
| patient, or resident of a state or local institution because of | 3147 |

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| criminal behavior, mental illness or retardation, disease, | 3148 |
| disability, age, or other condition requiring custodial care. | 3149 |
| (4) "Public office" has the same meaning as in section | 3150 |
| 149.011 of the Revised Code. | 3151 |
| (C) All meetings of any public body are declared to be public | 3152 |
| meetings open to the public at all times. A member of a public | 3153 |
| body shall be present in person at a meeting open to the public to | 3154 |
| be considered present or to vote at the meeting and for purposes | 3155 |
| of determining whether a quorum is present at the meeting. | 3156 |
| The minutes of a regular or special meeting of any public | 3157 |
| body shall be promptly prepared, filed, and maintained and shall | 3158 |
| be open to public inspection. The minutes need only reflect the | 3159 |
| general subject matter of discussions in executive sessions | 3160 |
| authorized under division (G) or (J) of this section. | 3161 |
| (D) This section does not apply to any of the following: | 3162 |
| (1) A grand jury; | 3163 |
| (2) An audit conference conducted by the auditor of state or | 3164 |
| independent certified public accountants with officials of the | 3165 |
| public office that is the subject of the audit; | 3166 |
| (3) The adult parole authority when its hearings are | 3167 |
| conducted at a correctional institution for the sole purpose of | 3168 |
| interviewing inmates to determine parole or pardon; | 3169 |
| (4) The organized crime investigations commission established | 3170 |
| under section 177.01 of the Revised Code; | 3171 |
| (5) Meetings of a child fatality review board established | 3172 |
| under section 307.621 of the Revised Code, <u>meetings related to a</u> | 3173 |
| <u>review conducted pursuant to guidelines established by the</u> | 3174 |
| <u>director of health under section 3701.70 of the Revised Code,</u> and | 3175 |
| meetings conducted pursuant to sections 5153.171 to 5153.173 of | 3176 |
| the Revised Code; | 3177 |

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| (6) The state medical board when determining whether to | 3178 |
| suspend a certificate without a prior hearing pursuant to division | 3179 |
| (G) of either section 4730.25 or 4731.22 of the Revised Code; | 3180 |
| (7) The board of nursing when determining whether to suspend | 3181 |
| a license or certificate without a prior hearing pursuant to | 3182 |
| division (B) of section 4723.281 of the Revised Code; | 3183 |
| (8) The state board of pharmacy when determining whether to | 3184 |
| suspend a license without a prior hearing pursuant to division (D) | 3185 |
| of section 4729.16 of the Revised Code; | 3186 |
| (9) The state chiropractic board when determining whether to | 3187 |
| suspend a license without a hearing pursuant to section 4734.37 of | 3188 |
| the Revised Code; | 3189 |
| (10) The executive committee of the emergency response | 3190 |
| commission when determining whether to issue an enforcement order | 3191 |
| or request that a civil action, civil penalty action, or criminal | 3192 |
| action be brought to enforce Chapter 3750. of the Revised Code; | 3193 |
| (11) The board of directors of the nonprofit corporation | 3194 |
| formed under section 187.01 of the Revised Code or any committee | 3195 |
| thereof, and the board of directors of any subsidiary of that | 3196 |
| corporation or a committee thereof; | 3197 |
| (12) An audit conference conducted by the audit staff of the | 3198 |
| department of job and family services with officials of the public | 3199 |
| office that is the subject of that audit under section 5101.37 of | 3200 |
| the Revised Code; | 3201 |
| (13) The occupational therapy section of the occupational | 3202 |
| therapy, physical therapy, and athletic trainers board when | 3203 |
| determining whether to suspend a license or limited permit without | 3204 |
| a hearing pursuant to division (D) of section 4755.11 of the | 3205 |
| Revised Code; | 3206 |
| (14) The physical therapy section of the occupational | 3207 |

therapy, physical therapy, and athletic trainers board when 3208
determining whether to suspend a license without a hearing 3209
pursuant to division (E) of section 4755.47 of the Revised Code; 3210

(15) The athletic trainers section of the occupational 3211
therapy, physical therapy, and athletic trainers board when 3212
determining whether to suspend a license without a hearing 3213
pursuant to division (D) of section 4755.64 of the Revised Code. 3214

(E) The controlling board, the tax credit authority, or the 3215
minority development financing advisory board, when meeting to 3216
consider granting assistance pursuant to Chapter 122. or 166. of 3217
the Revised Code, in order to protect the interest of the 3218
applicant or the possible investment of public funds, by unanimous 3219
vote of all board or authority members present, may close the 3220
meeting during consideration of the following information 3221
confidentially received by the authority or board from the 3222
applicant: 3223

(1) Marketing plans; 3224

(2) Specific business strategy; 3225

(3) Production techniques and trade secrets; 3226

(4) Financial projections; 3227

(5) Personal financial statements of the applicant or members 3228
of the applicant's immediate family, including, but not limited 3229
to, tax records or other similar information not open to public 3230
inspection. 3231

The vote by the authority or board to accept or reject the 3232
application, as well as all proceedings of the authority or board 3233
not subject to this division, shall be open to the public and 3234
governed by this section. 3235

(F) Every public body, by rule, shall establish a reasonable 3236
method whereby any person may determine the time and place of all 3237

regularly scheduled meetings and the time, place, and purpose of 3238
all special meetings. A public body shall not hold a special 3239
meeting unless it gives at least twenty-four hours' advance notice 3240
to the news media that have requested notification, except in the 3241
event of an emergency requiring immediate official action. In the 3242
event of an emergency, the member or members calling the meeting 3243
shall notify the news media that have requested notification 3244
immediately of the time, place, and purpose of the meeting. 3245

The rule shall provide that any person, upon request and 3246
payment of a reasonable fee, may obtain reasonable advance 3247
notification of all meetings at which any specific type of public 3248
business is to be discussed. Provisions for advance notification 3249
may include, but are not limited to, mailing the agenda of 3250
meetings to all subscribers on a mailing list or mailing notices 3251
in self-addressed, stamped envelopes provided by the person. 3252

(G) Except as provided in divisions (G)(8) and (J) of this 3253
section, the members of a public body may hold an executive 3254
session only after a majority of a quorum of the public body 3255
determines, by a roll call vote, to hold an executive session and 3256
only at a regular or special meeting for the sole purpose of the 3257
consideration of any of the following matters: 3258

(1) To consider the appointment, employment, dismissal, 3259
discipline, promotion, demotion, or compensation of a public 3260
employee or official, or the investigation of charges or 3261
complaints against a public employee, official, licensee, or 3262
regulated individual, unless the public employee, official, 3263
licensee, or regulated individual requests a public hearing. 3264
Except as otherwise provided by law, no public body shall hold an 3265
executive session for the discipline of an elected official for 3266
conduct related to the performance of the elected official's 3267
official duties or for the elected official's removal from office. 3268
If a public body holds an executive session pursuant to division 3269

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

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

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

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

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

(5) Matters required to be kept confidential by federal law 3301
or regulations or state statutes; 3302

(6) Details relative to the security arrangements and 3303
emergency response protocols for a public body or a public office, 3304
if disclosure of the matters discussed could reasonably be 3305
expected to jeopardize the security of the public body or public 3306
office; 3307

(7) In the case of a county hospital operated pursuant to 3308
Chapter 339. of the Revised Code, a joint township hospital 3309
operated pursuant to Chapter 513. of the Revised Code, or a 3310
municipal hospital operated pursuant to Chapter 749. of the 3311
Revised Code, to consider trade secrets, as defined in section 3312
1333.61 of the Revised Code; 3313

(8) To consider confidential information related to the 3314
marketing plans, specific business strategy, production 3315
techniques, trade secrets, or personal financial statements of an 3316
applicant for economic development assistance, or to negotiations 3317
with other political subdivisions respecting requests for economic 3318
development assistance, provided that both of the following 3319
conditions apply: 3320

~~(1)~~(a) The information is directly related to a request for 3321
economic development assistance that is to be provided or 3322
administered under any provision of Chapter 715., 725., 1724., or 3323
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 3324
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 3325
the Revised Code, or that involves public infrastructure 3326
improvements or the extension of utility services that are 3327
directly related to an economic development project. 3328

~~(2)~~(b) A unanimous quorum of the public body determines, by a 3329
roll call vote, that the executive session is necessary to protect 3330
the interests of the applicant or the possible investment or 3331

expenditure of public funds to be made in connection with the 3332
economic development project. 3333

If a public body holds an executive session to consider any 3334
of the matters listed in divisions (G)(2) to (8) of this section, 3335
the motion and vote to hold that executive session shall state 3336
which one or more of the approved matters listed in those 3337
divisions are to be considered at the executive session. 3338

A public body specified in division (B)(1)(c) of this section 3339
shall not hold an executive session when meeting for the purposes 3340
specified in that division. 3341

(H) A resolution, rule, or formal action of any kind is 3342
invalid unless adopted in an open meeting of the public body. A 3343
resolution, rule, or formal action adopted in an open meeting that 3344
results from deliberations in a meeting not open to the public is 3345
invalid unless the deliberations were for a purpose specifically 3346
authorized in division (G) or (J) of this section and conducted at 3347
an executive session held in compliance with this section. A 3348
resolution, rule, or formal action adopted in an open meeting is 3349
invalid if the public body that adopted the resolution, rule, or 3350
formal action violated division (F) of this section. 3351

(I)(1) Any person may bring an action to enforce this 3352
section. An action under division (I)(1) of this section shall be 3353
brought within two years after the date of the alleged violation 3354
or threatened violation. Upon proof of a violation or threatened 3355
violation of this section in an action brought by any person, the 3356
court of common pleas shall issue an injunction to compel the 3357
members of the public body to comply with its provisions. 3358

(2)(a) If the court of common pleas issues an injunction 3359
pursuant to division (I)(1) of this section, the court shall order 3360
the public body that it enjoins to pay a civil forfeiture of five 3361
hundred dollars to the party that sought the injunction and shall 3362

award to that party all court costs and, subject to reduction as 3363
described in division (I)(2) of this section, reasonable 3364
attorney's fees. The court, in its discretion, may reduce an award 3365
of attorney's fees to the party that sought the injunction or not 3366
award attorney's fees to that party if the court determines both 3367
of the following: 3368

(i) That, based on the ordinary application of statutory law 3369
and case law as it existed at the time of violation or threatened 3370
violation that was the basis of the injunction, a well-informed 3371
public body reasonably would believe that the public body was not 3372
violating or threatening to violate this section; 3373

(ii) That a well-informed public body reasonably would 3374
believe that the conduct or threatened conduct that was the basis 3375
of the injunction would serve the public policy that underlies the 3376
authority that is asserted as permitting that conduct or 3377
threatened conduct. 3378

(b) If the court of common pleas does not issue an injunction 3379
pursuant to division (I)(1) of this section and the court 3380
determines at that time that the bringing of the action was 3381
frivolous conduct, as defined in division (A) of section 2323.51 3382
of the Revised Code, the court shall award to the public body all 3383
court costs and reasonable attorney's fees, as determined by the 3384
court. 3385

(3) Irreparable harm and prejudice to the party that sought 3386
the injunction shall be conclusively and irrebuttably presumed 3387
upon proof of a violation or threatened violation of this section. 3388

(4) A member of a public body who knowingly violates an 3389
injunction issued pursuant to division (I)(1) of this section may 3390
be removed from office by an action brought in the court of common 3391
pleas for that purpose by the prosecuting attorney or the attorney 3392
general. 3393

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

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

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

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

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

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

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

(1) A community addiction services provider ~~subject to certification under section 5119.36,~~ as defined in section 5119.01

of the Revised Code; 3424

(2) An institution or association subject to certification 3425
under section 5103.03 of the Revised Code; 3426

(3) A residential facility subject to licensure under section 3427
5119.34 of the Revised Code; 3428

(4) A residential facility subject to licensure under section 3429
5123.19 of the Revised Code. 3430

(B) Not later than ninety days after March 18, 1999, the 3431
members of the Ohio family and children first cabinet council, 3432
other than the director of budget and management, shall enter into 3433
an agreement to establish an office to perform the duties 3434
prescribed by division (C) of this section. The agreement shall 3435
specify one of the departments represented on the council as the 3436
department responsible for housing and supervising the office. The 3437
agreement shall include the recommendation of the council for 3438
funding the office. 3439

(C) The office established pursuant to the agreement entered 3440
into under this section shall review rules governing the 3441
certification and licensure of substitute care providers and 3442
determine which of the rules can be made substantively identical 3443
or more similar in order to minimize the number of differing 3444
certification and licensure standards and simplify the 3445
certification or licensure process for substitute care providers 3446
seeking certification or licensure from two or more of the 3447
departments represented on the council. The office shall provide 3448
county family and children first councils, substitute care 3449
providers, and persons interested in substitute care providers the 3450
opportunity to help the office with the review and determination. 3451
The office shall report its findings to the council. Each of the 3452
departments represented on the council that has adopted rules 3453
governing the certification or licensure of substitute care 3454

providers shall review the report and amend the rules as that 3455
department considers appropriate, except that no rule shall be 3456
amended so as to make it inconsistent with substitute care 3457
provider certification or licensure procedures and standards 3458
established by federal or state law. A department shall give 3459
priority to amendments that will not increase the department's 3460
administrative costs. In amending a rule, a department shall 3461
comply with Chapter 119. or section 111.15 of the Revised Code, as 3462
required by the Revised Code section governing the adoption of the 3463
particular rule. 3464

(D) In accordance with section 124.27 of the Revised Code, 3465
the council shall select a coordinator to oversee the office 3466
established pursuant to the agreement entered into under this 3467
section. The coordinator shall be in the classified service. In 3468
addition to overseeing the office, the coordinator shall perform 3469
any other duties the council assigns to the coordinator. The 3470
duties the council assigns to the coordinator shall be related to 3471
the duties of the office under division (C) of this section. 3472

Sec. 121.40. (A) There is hereby created in the Governor's 3473
office of faith-based and community initiatives the Ohio 3474
commission on service and volunteerism consisting of twenty-one 3475
voting members including the superintendent of public instruction 3476
or the superintendent's designee, the chancellor of the Ohio board 3477
of regents or the chancellor's designee, the director of youth 3478
services or the director's designee, the director of aging or the 3479
director's designee, the chairperson of the committee of the house 3480
of representatives dealing with education or the chairperson's 3481
designee, the chairperson of the committee of the senate dealing 3482
with education or the chairperson's designee, and fifteen members 3483
who shall be appointed by the governor with the advice and consent 3484
of the senate and who shall serve terms of office of three years. 3485
The appointees shall include educators, including teachers and 3486

administrators; representatives of youth organizations; students 3487
and parents; representatives of organizations engaged in volunteer 3488
program development and management throughout the state, including 3489
youth and conservation programs; and representatives of business, 3490
government, nonprofit organizations, social service agencies, 3491
veterans organizations, religious organizations, or philanthropies 3492
that support or encourage volunteerism within the state. The 3493
director of the governor's office of faith-based and community 3494
initiatives shall serve as a nonvoting ex officio member of the 3495
commission. Members of the commission shall receive no 3496
compensation, but shall be reimbursed for actual and necessary 3497
expenses incurred in the performance of their official duties. 3498

(B) The commission shall appoint an executive director for 3499
the commission, who shall be in the unclassified civil service. 3500
The governor shall be informed of the appointment of an executive 3501
director before such an appointment is made. The executive 3502
director shall supervise the commission's activities and report to 3503
the commission on the progress of those activities. The executive 3504
director shall do all things necessary for the efficient and 3505
effective implementation of the duties of the commission. 3506

The responsibilities assigned to the executive director do 3507
not relieve the members of the commission from final 3508
responsibility for the proper performance of the requirements of 3509
this section. 3510

(C) The commission or its designee shall do all of the 3511
following: 3512

(1) Employ, promote, supervise, and remove all employees as 3513
needed in connection with the performance of its duties under this 3514
section and may assign duties to those employees as necessary to 3515
achieve the most efficient performance of its functions, and to 3516
that end may establish, change, or abolish positions, and assign 3517
and reassign duties and responsibilities of any employee of the 3518

commission. Personnel employed by the commission who are subject 3519
to Chapter 4117. of the Revised Code shall retain all of their 3520
rights and benefits conferred pursuant to that chapter. Nothing in 3521
this chapter shall be construed as eliminating or interfering with 3522
Chapter 4117. of the Revised Code or the rights and benefits 3523
conferred under that chapter to public employees or to any 3524
bargaining unit. 3525

(2) Maintain its office in Columbus, and may hold sessions at 3526
any place within the state; 3527

(3) Acquire facilities, equipment, and supplies necessary to 3528
house the commission, its employees, and files and records under 3529
its control, and to discharge any duty imposed upon it by law. The 3530
expense of these acquisitions shall be audited and paid for in the 3531
same manner as other state expenses. For that purpose, the 3532
commission shall prepare and submit to the office of budget and 3533
management a budget for each biennium according to sections 3534
101.532 and 107.03 of the Revised Code. The budget submitted shall 3535
cover the costs of the commission and its staff in the discharge 3536
of any duty imposed upon the commission by law. The commission 3537
shall not delegate any authority to obligate funds. 3538

(4) Pay its own payroll and other operating expenses from 3539
line items designated by the general assembly; 3540

(5) Retain its fiduciary responsibility as appointing 3541
authority. Any transaction instructions shall be certified by the 3542
appointing authority or its designee. 3543

(6) Establish the overall policy and management of the 3544
commission in accordance with this chapter; 3545

(7) Assist in coordinating and preparing the state 3546
application for funds under sections 101 to 184 of the "National 3547
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 3548
U.S.C.A. 12411 to 12544, as amended, assist in administering and 3549

overseeing the "National and Community Service Trust Act of 1993," 3550
P.L. 103-82, 107 Stat. 785, and the americorps program in this 3551
state, and assist in developing objectives for a comprehensive 3552
strategy to encourage and expand community service programs 3553
throughout the state; 3554

(8) Assist the state board of education, school districts, 3555
the chancellor of the board of regents, and institutions of higher 3556
education in coordinating community service education programs 3557
through cooperative efforts between institutions and organizations 3558
in the public and private sectors; 3559

(9) Assist the departments of natural resources, youth 3560
services, aging, and job and family services in coordinating 3561
community service programs through cooperative efforts between 3562
institutions and organizations in the public and private sectors; 3563

(10) Suggest individuals and organizations that are available 3564
to assist school districts, institutions of higher education, and 3565
the departments of natural resources, youth services, aging, and 3566
job and family services in the establishment of community service 3567
programs and assist in investigating sources of funding for 3568
implementing these programs; 3569

(11) Assist in evaluating the state's efforts in providing 3570
community service programs using standards and methods that are 3571
consistent with any statewide objectives for these programs and 3572
provide information to the state board of education, school 3573
districts, the chancellor of the board of regents, institutions of 3574
higher education, and the departments of natural resources, youth 3575
services, aging, and job and family services to guide them in 3576
making decisions about these programs; 3577

(12) Assist the state board of education in complying with 3578
section 3301.70 of the Revised Code and the chancellor of the 3579
board of regents in complying with division (B)(2) of section 3580

3333.043 of the Revised Code. 3581

(D) The commission shall in writing enter into an agreement 3582
with another state agency to serve as the commission's fiscal 3583
agent. Before entering into such an agreement, the commission 3584
shall inform the governor of the terms of the agreement and of the 3585
state agency designated to serve as the commission's fiscal agent. 3586
The fiscal agent shall be responsible for all the commission's 3587
fiscal matters and financial transactions, as specified in the 3588
agreement. Services to be provided by the fiscal agent include, 3589
but are not limited to, the following: 3590

(1) Preparing and processing payroll and other personnel 3591
documents that the commission executes as the appointing 3592
authority; 3593

(2) Maintaining ledgers of accounts and reports of account 3594
balances, and monitoring budgets and allotment plans in 3595
consultation with the commission; and 3596

(3) Performing other routine support services that the fiscal 3597
agent considers appropriate to achieve efficiency. 3598

(E)(1) The commission, in conjunction and consultation with 3599
the fiscal agent, has the following authority and responsibility 3600
relative to fiscal matters: 3601

(a) Sole authority to draw funds for any and all federal 3602
programs in which the commission is authorized to participate; 3603

(b) Sole authority to expend funds from their accounts for 3604
programs and any other necessary expenses the commission may incur 3605
and its subgrantees may incur; and 3606

(c) Responsibility to cooperate with and inform the fiscal 3607
agent fully of all financial transactions. 3608

(2) The commission shall follow all state procurement, 3609
fiscal, human resources, statutory, and administrative rule 3610

requirements. 3611

(3) The fiscal agent shall determine fees to be charged to 3612
the commission, which shall be in proportion to the services 3613
performed for the commission. 3614

(4) The commission shall pay fees owed to the fiscal agent 3615
from a general revenue fund of the commission or from any other 3616
fund from which the operating expenses of the commission are paid. 3617
Any amounts set aside for a fiscal year for the payment of these 3618
fees shall be used only for the services performed for the 3619
commission by the fiscal agent in that fiscal year. 3620

(F) The commission may accept and administer grants from any 3621
source, public or private, to carry out any of the commission's 3622
functions this section establishes. 3623

Sec. 122.121. (A) If a local organizing committee, endorsing 3624
municipality, or endorsing county enters into a joinder 3625
undertaking with a site selection organization, the local 3626
organizing committee, endorsing municipality, or endorsing county 3627
may apply to the director of development services, on a form and 3628
in the manner prescribed by the director, for a grant based on the 3629
projected incremental increase in the receipts from the tax 3630
imposed under section 5739.02 of the Revised Code within the 3631
market area designated under division (C) of this section, for the 3632
two-week period that ends at the end of the day after the date on 3633
which a game will be held, that is directly attributable, as 3634
determined by the director, to the preparation for and 3635
presentation of the game. The director shall determine the 3636
projected incremental increase in the tax imposed under section 3637
5739.02 of the Revised Code by using a formula approved by the 3638
destination marketing association international for event impact 3639
or another formula of similar purpose approved by the director. 3640
The local organizing committee, endorsing municipality, or 3641

endorsing county is eligible to receive a grant under this section 3642
only if the projected incremental increase in receipts from the 3643
tax imposed under section 5739.02 of the Revised Code, as 3644
determined by the director, exceeds two hundred fifty thousand 3645
dollars. The amount of the grant shall be not less than fifty per 3646
cent of the projected incremental increase in receipts, as 3647
determined by the director, but shall not exceed five hundred 3648
thousand dollars. The director shall not issue grants with a total 3649
value of more than one million dollars in any fiscal year, and 3650
shall not issue any grant before July 1, 2013. 3651

(B) If the director of development services approves an 3652
application for a local organizing committee, endorsing 3653
municipality, or endorsing county and that local organizing 3654
committee, endorsing municipality, or endorsing county enters into 3655
a joinder agreement with a site selection organization, the local 3656
organizing committee, endorsing municipality, or endorsing county 3657
shall file a copy of the joinder agreement with the director. The 3658
grant shall be used exclusively by the local organizing committee, 3659
endorsing municipality, or endorsing county to fulfill a portion 3660
of its obligations to a site selection organization under game 3661
support contracts, which obligations may include the payment of 3662
costs relating to the preparations necessary for the conduct of 3663
the game, including acquiring, renovating, or constructing 3664
facilities; to pay the costs of conducting the game; and to assist 3665
the local organizing committee, endorsing municipality, or 3666
endorsing county in providing assurances required by a site 3667
selection organization sponsoring one or more games. 3668

(C) For the purposes of division (A) of this section, the 3669
director of development services, in consultation with the tax 3670
commissioner, shall designate the market area for a game. The 3671
market area shall consist of the combined statistical area, as 3672
defined by the United States office of management and budget, in 3673

which an endorsing municipality or endorsing county is located. 3674

(D) A local organizing committee, endorsing municipality, or 3675
endorsing county shall provide information required by the 3676
director of development services and tax commissioner to enable 3677
the director and commissioner to fulfill their duties under this 3678
section, including annual audited statements of any financial 3679
records required by a site selection organization and data 3680
obtained by the local organizing committee, endorsing 3681
municipality, or endorsing county relating to attendance at a game 3682
and to the economic impact of the game. A local organizing 3683
committee, an endorsing municipality, or an endorsing county shall 3684
provide an annual audited financial statement if so required by 3685
the director and commissioner, not later than the end of the 3686
fourth month after the date the period covered by the financial 3687
statement ends. 3688

(E) Within thirty days after the game, the local organizing 3689
committee, endorsing municipality, or endorsing county shall 3690
report to the director of development services about the economic 3691
impact of the game. The report shall be in the form and substance 3692
required by the director, including, but not limited to, a final 3693
income statement for the event showing total revenue and 3694
expenditures and revenue and expenditures in the market area for 3695
the game, and ticket sales for the game and any related activities 3696
for which admission was charged. The director shall determine, 3697
based on the reported information and the exercise of reasonable 3698
judgment, the incremental increase in receipts from the tax 3699
imposed under section 5739.02 of the Revised Code directly 3700
attributable to the game. If the actual incremental increase in 3701
such receipts is less than the projected incremental increase in 3702
receipts, the director may require the local organizing committee, 3703
endorsing municipality, or endorsing county to refund to the state 3704
all or a portion of the grant. 3705

(F) No disbursement may be made under this section if the 3706
director of development services determines that it would be used 3707
for the purpose of soliciting the relocation of a professional 3708
sports franchise located in this state. 3709

(G) This section may not be construed as creating or 3710
requiring a state guarantee of obligations imposed on an endorsing 3711
municipality or endorsing county under a game support contract or 3712
any other agreement relating to hosting one or more games in this 3713
state. 3714

(H) The director may make grants under this section from the 3715
major sporting events site selection fund created in section 3716
4301.46 of the Revised Code or from any other money appropriated 3717
or allocated for that purpose. 3718

Sec. 122.17. (A) As used in this section: 3719

(1) "~~Income tax revenue Payroll~~" means the total amount 3720
~~withheld under section 5747.06 of the Revised Code taxable income~~ 3721
~~paid~~ by the ~~taxpayer~~ employer during the employer's taxable year, 3722
or during the calendar year that includes the employer's tax 3723
period, ~~from the compensation of to~~ each employee or each 3724
home-based employee employed in the project to the extent ~~the~~ 3725
~~employee's withholdings are~~ such payroll is not used to determine 3726
the credit under section 122.171 of the Revised Code. "~~Income tax~~ 3727
~~revenue Payroll~~" excludes amounts ~~withheld paid~~ before the day the 3728
taxpayer becomes eligible for the credit and retirement or other 3729
benefits paid or contributed by the employer to or on behalf of 3730
employees. 3731

(2) "Baseline ~~income tax revenue payroll~~" means ~~income tax~~ 3732
~~revenue~~ Ohio employee payroll, except that the applicable 3733
~~withholding measurement~~ period is the twelve months immediately 3734
preceding the date the tax credit authority approves the 3735
taxpayer's application or the date the tax credit authority 3736

receives the recommendation described in division (C)(2)(a) of 3737
this section, whichever occurs first, multiplied by the sum of one 3738
plus an annual pay increase factor to be determined by the tax 3739
credit authority. 3740

(3) "Ohio employee payroll" means the total taxable income 3741
paid by the employer during the employer's taxable year, or during 3742
the calendar year that includes the employer's tax period, to each 3743
employee employed in the project who is a resident of this state, 3744
as defined in section 5747.01 of the Revised Code, or to each 3745
home-based employee employed in the project, to the extent such 3746
payroll is not used to determine the credit under section 122.171 3747
of the Revised Code. "Ohio employee payroll" excludes amounts paid 3748
before the day the taxpayer becomes eligible for the credit and 3749
retirement or other benefits paid or contributed by the employer 3750
to or on behalf of employees. 3751

(4) "Excess income tax revenue payroll" means income tax 3752
revenue Ohio employee payroll minus baseline income tax revenue 3753
payroll. 3754

~~(4)~~(5) "Home-based employee" means an employee whose services 3755
are performed primarily from the employee's residence in this 3756
state exclusively for the benefit of the project and whose rate of 3757
pay is at least one hundred thirty-one per cent of the federal 3758
minimum wage under 29 U.S.C. 206. 3759

(6) "Full-time equivalent employees" means the quotient 3760
obtained by dividing the total number of hours for which employees 3761
were compensated for employment in the project by two thousand 3762
eighty. "Full-time equivalent employees" excludes hours that are 3763
counted for a credit under section 122.171 of the Revised Code. 3764

(7) "Metric evaluation date" means the date by which the 3765
taxpayer must meet all of the commitments included in the 3766
agreement. 3767

(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5747.02 or levied under Chapter 5751. of the Revised Code. The credit shall be claimed for the taxable years or tax periods specified in the taxpayer's agreement with the tax credit authority under division (D) of this section. With respect to taxes imposed under section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the Revised Code, the credit shall be claimed in the order required under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of the credit available for a taxable year or for a calendar year that includes a tax period equals the excess ~~income tax revenue~~ payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority. ~~Any credit granted under this section against the tax imposed by section 5733.06 or 5747.02 of the Revised Code, to the extent not fully utilized against such tax for taxable years ending prior to 2008, shall automatically be converted without any action taken by the tax credit authority to a credit against the tax levied under Chapter 5751. of the Revised Code for tax periods beginning on or after July 1, 2008, provided that the person to whom the credit was granted is subject to such tax. The converted credit shall apply to those calendar years in which the remaining taxable years specified in the agreement end.~~

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

An application shall not propose to include both home-based employees and employees who are not home-based employees in the computation of ~~income tax revenue~~ Ohio employee payroll for the

purposes of the same tax credit agreement. If a taxpayer or 3800
potential taxpayer employs both home-based employees and employees 3801
who are not home-based employees in a project, the taxpayer shall 3802
submit separate applications for separate tax credit agreements 3803
for the project, one of which shall include home-based employees 3804
in the computation of ~~income tax revenue~~ Ohio employee payroll and 3805
one of which shall include all other employees in the computation 3806
of ~~income tax revenue~~ Ohio employee payroll. 3807

The director of development services shall prescribe the form 3808
of the application. After receipt of an application, the authority 3809
may enter into an agreement with the taxpayer for a credit under 3810
this section if it determines all of the following: 3811

(a) The taxpayer's project will increase payroll ~~and income~~ 3812
~~tax revenue~~; 3813

(b) The taxpayer's project is economically sound and will 3814
benefit the people of this state by increasing opportunities for 3815
employment and strengthening the economy of this state; 3816

(c) Receiving the tax credit is a major factor in the 3817
taxpayer's decision to go forward with the project. 3818

(2)(a) A taxpayer that chooses to begin the project prior to 3819
receiving the determination of the authority may, upon submitting 3820
the taxpayer's application to the authority, request that the 3821
chief investment officer of the nonprofit corporation formed under 3822
section 187.01 of the Revised Code and the director review the 3823
taxpayer's application and recommend to the authority that the 3824
taxpayer's application be considered. As soon as possible after 3825
receiving such a request, the chief investment officer and the 3826
director shall review the taxpayer's application and, if they 3827
determine that the application warrants consideration by the 3828
authority, make that recommendation to the authority not later 3829
than six months after the application is received by the 3830

authority. 3831

(b) The authority shall consider any taxpayer's application 3832
for which it receives a recommendation under division (C)(2)(a) of 3833
this section. If the authority determines that the taxpayer does 3834
not meet all of the criteria set forth in division (C)(1) of this 3835
section, the authority and the development services agency shall 3836
proceed in accordance with rules adopted by the director pursuant 3837
to division (I) of this section. 3838

(D) An agreement under this section shall include all of the 3839
following: 3840

(1) A detailed description of the project that is the subject 3841
of the agreement; 3842

(2)(a) The term of the tax credit, which, except as provided 3843
in division (D)(2)(b) of this section, shall not exceed fifteen 3844
years, and the first taxable year, or first calendar year that 3845
includes a tax period, for which the credit may be claimed; 3846

(b) If the tax credit is computed on the basis of home-based 3847
employees, the term of the credit shall expire on or before the 3848
last day of the taxable or calendar year ending before the 3849
beginning of the seventh year after September 6, 2012, the 3850
effective date of H.B. 327 of the 129th general assembly. 3851

(3) A requirement that the taxpayer shall maintain operations 3852
at the project location for at least the greater of seven years or 3853
the term of the credit plus three years; 3854

(4) The percentage, as determined by the tax credit 3855
authority, of excess ~~income tax revenue~~ payroll that will be 3856
allowed as the amount of the credit for each taxable year or for 3857
each calendar year that includes a tax period; 3858

(5) The pay increase factor to be applied to the taxpayer's 3859
baseline ~~income tax revenue~~ payroll; 3860

(6) A requirement that the taxpayer annually shall report to 3861
the director of development services ~~employment, tax withholding~~ 3862
full-time equivalent employees, payroll, Ohio employee payroll, 3863
investment, the provision of health care benefits and tuition 3864
reimbursement if required in the agreement, and other information 3865
the director needs to perform the director's duties under this 3866
section; 3867

(7) A requirement that the director of development services 3868
annually review the information reported under division (D)(6) of 3869
this section and verify compliance with the agreement; if the 3870
taxpayer is in compliance, a requirement that the director issue a 3871
certificate to the taxpayer stating that the information has been 3872
verified and identifying the amount of the credit that may be 3873
claimed for the taxable or calendar year; 3874

(8) A provision providing that the taxpayer may not relocate 3875
a substantial number of employment positions from elsewhere in 3876
this state to the project location unless the director of 3877
development services determines that the legislative authority of 3878
the county, township, or municipal corporation from which the 3879
employment positions would be relocated has been notified by the 3880
taxpayer of the relocation. 3881

For purposes of this section, the movement of an employment 3882
position from one political subdivision to another political 3883
subdivision shall be considered a relocation of an employment 3884
position unless the employment position in the first political 3885
subdivision is replaced. 3886

(9) If the tax credit is computed on the basis of home-based 3887
employees, that the tax credit may not be claimed by the taxpayer 3888
until the taxable year or tax period in which the taxpayer employs 3889
at least two hundred employees more than the number of employees 3890
the taxpayer employed on June 30, 2011. 3891

(E) If a taxpayer fails to meet or comply with any condition 3892
or requirement set forth in a tax credit agreement, the tax credit 3893
authority may amend the agreement to reduce the percentage or term 3894
of the tax credit. The reduction of the percentage or term may 3895
take effect in the current taxable or calendar year. 3896

(F) Projects that consist solely of point-of-final-purchase 3897
retail facilities are not eligible for a tax credit under this 3898
section. If a project consists of both point-of-final-purchase 3899
retail facilities and nonretail facilities, only the portion of 3900
the project consisting of the nonretail facilities is eligible for 3901
a tax credit and only the excess ~~income tax revenue~~ payroll from 3902
the nonretail facilities shall be considered when computing the 3903
amount of the tax credit. If a warehouse facility is part of a 3904
point-of-final-purchase retail facility and supplies only that 3905
facility, the warehouse facility is not eligible for a tax credit. 3906
Catalog distribution centers are not considered 3907
point-of-final-purchase retail facilities for the purposes of this 3908
division, and are eligible for tax credits under this section. 3909

(G) Financial statements and other information submitted to 3910
the development services agency or the tax credit authority by an 3911
applicant or recipient of a tax credit under this section, and any 3912
information taken for any purpose from such statements or 3913
information, are not public records subject to section 149.43 of 3914
the Revised Code. However, the chairperson of the authority may 3915
make use of the statements and other information for purposes of 3916
issuing public reports or in connection with court proceedings 3917
concerning tax credit agreements under this section. Upon the 3918
request of the tax commissioner or, if the applicant or recipient 3919
is an insurance company, upon the request of the superintendent of 3920
insurance, the chairperson of the authority shall provide to the 3921
commissioner or superintendent any statement or information 3922
submitted by an applicant or recipient of a tax credit in 3923

connection with the credit. The commissioner or superintendent 3924
shall preserve the confidentiality of the statement or 3925
information. 3926

(H) A taxpayer claiming a credit under this section shall 3927
submit to the tax commissioner or, if the taxpayer is an insurance 3928
company, to the superintendent of insurance, a copy of the 3929
director of development services' certificate of verification 3930
under division (D)(7) of this section with the taxpayer's tax 3931
report or return for the taxable year or for the calendar year 3932
that includes the tax period. Failure to submit a copy of the 3933
certificate with the report or return does not invalidate a claim 3934
for a credit if the taxpayer submits a copy of the certificate to 3935
the commissioner or superintendent within ~~sixty~~ thirty days after 3936
the commissioner or superintendent requests it. 3937

(I) The director of development services, after consultation 3938
with the tax commissioner and the superintendent of insurance and 3939
in accordance with Chapter 119. of the Revised Code, shall adopt 3940
rules necessary to implement this section, including rules that 3941
establish a procedure to be followed by the tax credit authority 3942
and the development services agency in the event the authority 3943
considers a taxpayer's application for which it receives a 3944
recommendation under division (C)(2)(a) of this section but does 3945
not approve it. The rules may provide for recipients of tax 3946
credits under this section to be charged fees to cover 3947
administrative costs of the tax credit program. The fees collected 3948
shall be credited to the business assistance fund created in 3949
section 122.174 of the Revised Code. At the time the director 3950
gives public notice under division (A) of section 119.03 of the 3951
Revised Code of the adoption of the rules, the director shall 3952
submit copies of the proposed rules to the chairpersons of the 3953
standing committees on economic development in the senate and the 3954
house of representatives. 3955

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

(K)(1) If the director of development services determines that a taxpayer who has received a credit under this section is not complying with the ~~requirement under division (D)(3) of this section~~ requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following:

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

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

~~(2)(ii)~~ If the taxpayer maintained operations at the project location for a period longer than the term of the credit, but less

than the greater of seven years or the term of the credit plus 3988
three years, an amount not exceeding seventy-five per cent of the 3989
sum of any credits allowed and received under this section. 3990

(b) If, on the metric evaluation date, the taxpayer fails to 3991
substantially meet the job creation, payroll, or investment 3992
requirements included in the agreement, an amount determined at 3993
the discretion of the authority; 3994

(c) If the taxpayer fails to substantially maintain the 3995
number of new full-time equivalent employees or amount of payroll 3996
required under the agreement at any time during the term of the 3997
agreement after the metric evaluation date, an amount determined 3998
at the discretion of the authority. 3999

(2) If a taxpayer files for bankruptcy and fails as described 4000
in division (K)(1)(a), (b), or (c) of this section, the director 4001
may immediately commence an action to recoup an amount not 4002
exceeding one hundred per cent of the sum of any credits received 4003
by the taxpayer under this section. 4004

(3) In determining the portion of the tax credit to be 4005
refunded to this state, the tax credit authority shall consider 4006
the effect of market conditions on the taxpayer's project and 4007
whether the taxpayer continues to maintain other operations in 4008
this state. After making the determination, the authority shall 4009
certify the amount to be refunded to the tax commissioner or 4010
superintendent of insurance, as appropriate. If the amount is 4011
certified to the commissioner, the commissioner shall make an 4012
assessment for that amount against the taxpayer under Chapter 4013
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 4014
amount is certified to the superintendent, the superintendent 4015
shall make an assessment for that amount against the taxpayer 4016
under Chapter 5725. or 5729. of the Revised Code. The time 4017
limitations on assessments under those chapters do not apply to an 4018
assessment under this division, but the commissioner or 4019

superintendent, as appropriate, shall make the assessment within 4020
one year after the date the authority certifies to the 4021
commissioner or superintendent the amount to be refunded. 4022

(L) On or before the first day of August each year, the 4023
director of development services shall submit a report to the 4024
governor, the president of the senate, and the speaker of the 4025
house of representatives on the tax credit program under this 4026
section. The report shall include information on the number of 4027
agreements that were entered into under this section during the 4028
preceding calendar year, a description of the project that is the 4029
subject of each such agreement, and an update on the status of 4030
projects under agreements entered into before the preceding 4031
calendar year. 4032

(M) There is hereby created the tax credit authority, which 4033
consists of the director of development services and four other 4034
members appointed as follows: the governor, the president of the 4035
senate, and the speaker of the house of representatives each shall 4036
appoint one member who shall be a specialist in economic 4037
development; the governor also shall appoint a member who is a 4038
specialist in taxation. ~~Of the initial appointees, the members~~ 4039
~~appointed by the governor shall serve a term of two years; the~~ 4040
~~members appointed by the president of the senate and the speaker~~ 4041
~~of the house of representatives shall serve a term of four years.~~ 4042
~~Thereafter, terms Terms of office shall be for four years. Initial~~ 4043
~~appointments to the authority shall be made within thirty days~~ 4044
~~after January 13, 1993.~~ Each member shall serve on the authority 4045
until the end of the term for which the member was appointed. 4046
Vacancies shall be filled in the same manner provided for original 4047
appointments. Any member appointed to fill a vacancy occurring 4048
prior to the expiration of the term for which the member's 4049
predecessor was appointed shall hold office for the remainder of 4050
that term. Members may be reappointed to the authority. Members of 4051

the authority shall receive their necessary and actual expenses 4052
while engaged in the business of the authority. The director of 4053
development services shall serve as chairperson of the authority, 4054
and the members annually shall elect a vice-chairperson from among 4055
themselves. Three members of the authority constitute a quorum to 4056
transact and vote on the business of the authority. The majority 4057
vote of the membership of the authority is necessary to approve 4058
any such business, including the election of the vice-chairperson. 4059

The director of development services may appoint a 4060
professional employee of the development services agency to serve 4061
as the director's substitute at a meeting of the authority. The 4062
director shall make the appointment in writing. In the absence of 4063
the director from a meeting of the authority, the appointed 4064
substitute shall serve as chairperson. In the absence of both the 4065
director and the director's substitute from a meeting, the 4066
vice-chairperson shall serve as chairperson. 4067

(N) For purposes of the credits granted by this section 4068
against the taxes imposed under sections 5725.18 and 5729.03 of 4069
the Revised Code, "taxable year" means the period covered by the 4070
taxpayer's annual statement to the superintendent of insurance. 4071

(O) On or before the first day of March of each of the five 4072
calendar years beginning with 2014, each taxpayer subject to an 4073
agreement with the tax credit authority under this section on the 4074
basis of home-based employees shall report the number of 4075
home-based employees and other employees employed by the taxpayer 4076
in this state to the development services agency. 4077

(P) On or before the first day of January of 2019, the 4078
director of development services shall submit a report to the 4079
governor, the president of the senate, and the speaker of the 4080
house of representatives on the effect of agreements entered into 4081
under this section in which the taxpayer included home-based 4082
employees in the computation of income tax revenue, as that term 4083

was defined in this section prior to the amendment of this section 4084
by H.B. 64 of the 131st general assembly. The report shall include 4085
information on the number of such agreements that were entered 4086
into in the preceding six years, a description of the projects 4087
that were the subjects of such agreements, and an analysis of 4088
nationwide home-based employment trends, including the number of 4089
home-based jobs created from July 1, 2011, through June 30, 2017, 4090
and a description of any home-based employment tax incentives 4091
provided by other states during that time. 4092

(Q) The director of development services may require any 4093
agreement entered into under this section for a tax credit 4094
computed on the basis of home-based employees to contain a 4095
provision that the taxpayer makes available health care benefits 4096
and tuition reimbursement to all employees. 4097

(R) Original agreements approved by the tax credit authority 4098
under this section in 2014 or 2015 before the effective date of 4099
this division may be revised at the request of the taxpayer to 4100
conform with the amendments to this section and sections 4101
5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised Code by 4102
H.B. 64 of the 131st general assembly, upon mutual agreement of 4103
the taxpayer and the development services agency, and approval by 4104
the tax credit authority. 4105

(S) Upon the request of a taxpayer subject to an agreement 4106
approved under this section before the effective date of this 4107
division, the tax credit authority shall amend the agreement as 4108
follows: 4109

(1) The percentage of excess income tax revenue allowed as 4110
the amount of the credit shall be decreased by the same percentage 4111
that the income tax rates prescribed by section 5747.02 of the 4112
Revised Code have decreased since June 30, 2013, or the effective 4113
date of the agreement, whichever is later. The tax credit 4114
percentage shall thereafter be annually adjusted to account for 4115

any decreases in such income tax rates applicable to subsequent taxable years. 4116
4117

(2) If the agreement requires the taxpayer to attain a threshold excess income tax revenue, as that term was defined in this section before its amendment by H.B. 64 of the 131st general assembly, the threshold shall be decreased by the same percentage that the income tax rates prescribed by section 5747.02 of the Revised Code have decreased since June 30, 2013, or the effective date of the agreement, whichever is later. The threshold shall thereafter be annually adjusted to account for any decreases in such income tax rates applicable to subsequent taxable years. 4118
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Agreements amended under this division shall otherwise remain subject to this section as it existed before the amendment by H.B. 64 of the 131st general assembly. Amendments authorized under this division apply to taxable years and calendar years ending on or after the effective date of the amendment. This division does not preclude a taxpayer from requesting that an eligible agreement be revised under division (R) of this section. 4127
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Sec. 122.171. (A) As used in this section: 4134

(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, or repair of buildings, machinery, or equipment, or for capitalized costs of basic research and new product development determined in accordance with generally accepted accounting principles, but does not include any of the following: 4135
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(a) Payments made for the acquisition of personal property through operating leases; 4141
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(b) Project costs paid before January 1, 2002; 4143

(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer 4144
4145

or a combined taxpayer as defined in section 5751.01 of the Revised Code.

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

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

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

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

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

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

(c) The taxpayer had a capital investment project reviewed and approved by the tax credit authority as provided in divisions

(C), (D), and (E) of this section. 4177

(3) "Full-time equivalent employees" means the quotient 4178
obtained by dividing the total number of hours for which employees 4179
were compensated for employment in the project by two thousand 4180
eighty. "Full-time equivalent employees" shall exclude hours that 4181
are counted for a credit under section 122.17 of the Revised Code. 4182

(4) "~~Income tax revenue Ohio employee payroll~~" ~~means the~~ 4183
~~total amount withheld under section 5747.06 of the Revised Code by~~ 4184
~~the taxpayer during the taxable year, or during the calendar year~~ 4185
~~that includes the tax period, from the compensation of all~~ 4186
~~employees employed in the project whose hours of compensation are~~ 4187
~~included in calculating the number of full-time equivalent~~ 4188
~~employees~~ has the same meaning as in section 122.17 of the Revised 4189
Code. 4190

(5) "Manufacturer" has the same meaning as in section 4191
5739.011 of the Revised Code. 4192

(6) "Project site" means an integrated complex of facilities 4193
in this state, as specified by the tax credit authority under this 4194
section, within a fifteen-mile radius where a taxpayer is 4195
primarily operating as an eligible business. 4196

(7) "Related member" has the same meaning as in section 4197
5733.042 of the Revised Code as that section existed on the 4198
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 4199
general assembly, September 29, 1997. 4200

(8) "Taxable year" includes, in the case of a domestic or 4201
foreign insurance company, the calendar year ending on the 4202
thirty-first day of December preceding the day the superintendent 4203
of insurance is required to certify to the treasurer of state 4204
under section 5725.20 or 5729.05 of the Revised Code the amount of 4205
taxes due from insurance companies. 4206

(B) The tax credit authority created under section 122.17 of 4207

the Revised Code may grant a nonrefundable tax credits credit to 4208
an eligible business under this section for the purpose of 4209
fostering job retention in this state. Upon application by an 4210
eligible business and upon consideration of the ~~recommendation~~ 4211
determination of the director of budget and management, tax 4212
commissioner, and the superintendent of insurance in the case of 4213
an insurance company, and the recommendation and determination of 4214
the director of development services under division (C) of this 4215
section, the tax credit authority may grant the ~~following credits~~ 4216
credit against the tax imposed by section 5725.18, 5726.02, 4217
5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised 4218
Code:- 4219

~~(1) A nonrefundable credit to an eligible business:-~~ 4220

~~(2) A refundable credit to an eligible business meeting the 4221
following conditions, provided that the director of budget and 4222
management, tax commissioner, superintendent of insurance in the 4223
case of an insurance company, and director of development services 4224
have recommended the granting of the credit to the tax credit 4225
authority before July 1, 2011:-~~ 4226

~~(a) The business retains at least one thousand full time 4227
equivalent employees at the project site.~~ 4228

~~(b) The business makes or causes to be made payments for a 4229
capital investment project of at least twenty five million dollars 4230
in the aggregate at the project site during a period of three 4231
consecutive calendar years, including the calendar year that 4232
includes a day of the business' taxable year or tax period with 4233
respect to which the credit is granted.~~ 4234

~~(c) In 2010, the business received a written offer of 4235
financial incentives from another state of the United States that 4236
the director determines to be sufficient inducement for the 4237
business to relocate the business' operations from this state to 4238~~

~~that state.~~ 4239

~~(3) A refundable credit to an eligible business with a total 4240
annual payroll of at least twenty million dollars, provided that 4241
the tax credit authority grants the tax credit on or after July 1, 4242
2011, and before January 1, 2014. 4243~~

The ~~credits~~ credit authorized in ~~divisions (B)(1), (2), and 4244
(3)~~ of this section may be granted for a period up to fifteen 4245
taxable years or, in the case of the tax levied by section 5736.02 4246
or 5751.02 of the Revised Code, for a period of up to fifteen 4247
calendar years. The credit amount for a taxable year or a calendar 4248
year that includes the tax period for which a credit may be 4249
claimed equals the ~~income tax revenue~~ Ohio employee payroll for 4250
that year multiplied by the percentage specified in the agreement 4251
with the tax credit authority. ~~The percentage may not exceed 4252
seventy five per cent.~~ The credit shall be claimed in the order 4253
required under section 5725.98, 5726.98, 5729.98, 5733.98, 4254
5747.98, or 5751.98 of the Revised Code. In determining the 4255
percentage and term of the credit, the tax credit authority shall 4256
consider both the number of full-time equivalent employees and the 4257
value of the capital investment project. The credit amount may not 4258
be based on the ~~income tax revenue~~ Ohio employee payroll for a 4259
calendar year before the calendar year in which the tax credit 4260
authority specifies the tax credit is to begin, and the credit 4261
shall be claimed only for the taxable years or tax periods 4262
specified in the eligible business' agreement with the tax credit 4263
authority. In no event shall the credit be claimed for a taxable 4264
year or tax period terminating before the date specified in the 4265
agreement. ~~Any credit granted under this section against the tax 4266
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 4267
extent not fully utilized against such tax for taxable years 4268
ending prior to 2008, shall automatically be converted without any 4269
action taken by the tax credit authority to a credit against the 4270~~

~~tax levied under Chapter 5751. of the Revised Code for tax periods 4271
beginning on or after July 1, 2008, provided that the person to 4272
whom the credit was granted is subject to such tax. The converted 4273
credit shall apply to those calendar years in which the remaining 4274
taxable years specified in the agreement end. 4275~~

If a nonrefundable credit allowed under ~~division (B)(1) of 4276
this section for a taxable year or tax period exceeds the 4277
taxpayer's tax liability for that year or period, the excess may 4278
be carried forward for the three succeeding taxable or calendar 4279
years, but the amount of any excess credit allowed in any taxable 4280
year or tax period shall be deducted from the balance carried 4281
forward to the succeeding year or period. 4282~~

(C) A taxpayer that proposes a capital investment project to 4283
retain jobs in this state may apply to the tax credit authority to 4284
enter into an agreement for a tax credit under this section. The 4285
director of development services shall prescribe the form of the 4286
application. After receipt of an application, the authority shall 4287
forward copies of the application to the director of budget and 4288
management, the tax commissioner, and the superintendent of 4289
insurance in the case of an insurance company, ~~and the director of 4290
development services~~, each of whom shall review the application to 4291
determine the economic impact the proposed project would have on 4292
the state and the affected political subdivisions and shall submit 4293
a summary of their determinations and recommendations to the 4294
authority. The authority shall also forward a copy of the 4295
application to the director of development services, who shall 4296
review the application to determine the economic impact the 4297
proposed project would have on the state and the affected 4298
political subdivisions and shall submit a summary of their 4299
determinations and recommendations to the authority. 4300

(D) Upon review and consideration of the determinations and 4301
recommendations described in division (C) of this section, the tax 4302

credit authority may enter into an agreement with the taxpayer for 4303
a credit under this section if the authority determines all of the 4304
following: 4305

(1) The taxpayer's capital investment project will result in 4306
the retention of employment in this state. 4307

(2) The taxpayer is economically sound and has the ability to 4308
complete the proposed capital investment project. 4309

(3) The taxpayer intends to and has the ability to maintain 4310
operations at the project site for at least the greater of (a) the 4311
term of the credit plus three years, or (b) seven years. 4312

(4) Receiving the credit is a major factor in the taxpayer's 4313
decision to begin, continue with, or complete the project. 4314

~~(5) If the taxpayer is applying to enter into an agreement 4315
for a tax credit authorized under division (B)(3) of this section, 4316
the taxpayer's capital investment project will be located in the 4317
political subdivision in which the taxpayer maintains its 4318
principal place of business or maintains a unit or division with 4319
at least four thousand two hundred employees at the project site. 4320~~

(E) An agreement under this section shall include all of the 4321
following: 4322

(1) A detailed description of the project that is the subject 4323
of the agreement, including the amount of the investment, the 4324
period over which the investment has been or is being made, the 4325
number of full-time equivalent employees at the project site, and 4326
the anticipated ~~income tax revenue~~ Ohio employee payroll to be 4327
generated. 4328

(2) The term of the credit, the percentage of the tax credit, 4329
the maximum annual value of tax credits that may be allowed each 4330
year, and the first year for which the credit may be claimed. 4331

(3) A requirement that the taxpayer maintain operations at 4332

the project site for at least the greater of (a) the term of the 4333
credit plus three years, or (b) seven years. 4334

~~(4)(a) In the case of a credit granted under division (B)(1)~~ 4335
~~of this section, a~~ A requirement that the taxpayer retain at least 4336
five hundred full-time equivalent employees at the project site 4337
and within this state for the entire term of the credit, or a 4338
requirement that the taxpayer maintain an annual Ohio employee 4339
payroll of at least thirty-five million dollars for the entire 4340
term of the credit. 4341

~~(b) In the case of a credit granted under division (B)(2) of~~ 4342
~~this section, a requirement that the taxpayer retain at least one~~ 4343
~~thousand full-time equivalent employees at the project site and~~ 4344
~~within this state for the entire term of the credit.~~ 4345

~~(c) In the case of a credit granted under division (B)(3) of~~ 4346
~~this section, either of the following:~~ 4347

~~(i) A requirement that the taxpayer retain at least five~~ 4348
~~hundred full-time equivalent employees at the project site and~~ 4349
~~within this state for the entire term of the credit and a~~ 4350
~~requirement that the taxpayer maintain an annual payroll of at~~ 4351
~~least twenty million dollars for the entire term of the credit.~~ 4352

~~(ii) A requirement that the taxpayer maintain an annual~~ 4353
~~payroll of at least thirty-five million dollars for the entire~~ 4354
~~term of the credit.~~ 4355

(5) A requirement that the taxpayer annually report to the 4356
director of development services ~~employment, tax withholding~~ 4357
full-time equivalent employees, Ohio employee payroll, capital 4358
investment, and other information the director needs to perform 4359
the director's duties under this section. 4360

(6) A requirement that the director of development services 4361
annually review the annual reports of the taxpayer to verify the 4362
information reported under division (E)(5) of this section and 4363

compliance with the agreement. Upon verification, the director 4364
shall issue a certificate to the taxpayer stating that the 4365
information has been verified and identifying the amount of the 4366
credit for the taxable year or calendar year that includes the tax 4367
period. In determining the number of full-time equivalent 4368
employees, no position shall be counted that is filled by an 4369
employee who is included in the calculation of a tax credit under 4370
section 122.17 of the Revised Code. 4371

(7) A provision providing that the taxpayer may not relocate 4372
a substantial number of employment positions from elsewhere in 4373
this state to the project site unless the director of development 4374
services determines that the taxpayer notified the legislative 4375
authority of the county, township, or municipal corporation from 4376
which the employment positions would be relocated. 4377

For purposes of this section, the movement of an employment 4378
position from one political subdivision to another political 4379
subdivision shall be considered a relocation of an employment 4380
position unless the movement is confined to the project site. The 4381
transfer of an employment position from one political subdivision 4382
to another political subdivision shall not be considered a 4383
relocation of an employment position if the employment position in 4384
the first political subdivision is replaced by another employment 4385
position. 4386

(8) A waiver by the taxpayer of any limitations periods 4387
relating to assessments or adjustments resulting from the 4388
taxpayer's failure to comply with the agreement. 4389

(F) If a taxpayer fails to meet or comply with any condition 4390
or requirement set forth in a tax credit agreement, the tax credit 4391
authority may amend the agreement to reduce the percentage or term 4392
of the credit. The reduction of the percentage or term may take 4393
effect in the current taxable or calendar year. 4394

(G) Financial statements and other information submitted to 4395
the department of development services or the tax credit authority 4396
by an applicant for or recipient of a tax credit under this 4397
section, and any information taken for any purpose from such 4398
statements or information, are not public records subject to 4399
section 149.43 of the Revised Code. However, the chairperson of 4400
the authority may make use of the statements and other information 4401
for purposes of issuing public reports or in connection with court 4402
proceedings concerning tax credit agreements under this section. 4403
Upon the request of the tax commissioner, or the superintendent of 4404
insurance in the case of an insurance company, the chairperson of 4405
the authority shall provide to the commissioner or superintendent 4406
any statement or other information submitted by an applicant for 4407
or recipient of a tax credit in connection with the credit. The 4408
commissioner or superintendent shall preserve the confidentiality 4409
of the statement or other information. 4410

(H) A taxpayer claiming a tax credit under this section shall 4411
submit to the tax commissioner or, in the case of an insurance 4412
company, to the superintendent of insurance, a copy of the 4413
director of development services' certificate of verification 4414
under division (E)(6) of this section with the taxpayer's tax 4415
report or return for the taxable year or for the calendar year 4416
that includes the tax period. Failure to submit a copy of the 4417
certificate with the report or return does not invalidate a claim 4418
for a credit if the taxpayer submits a copy of the certificate to 4419
the commissioner or superintendent within ~~sixty~~ thirty days after 4420
the commissioner or superintendent requests it. 4421

(I) For the purposes of this section, a taxpayer may include 4422
a partnership, a corporation that has made an election under 4423
subchapter S of chapter one of subtitle A of the Internal Revenue 4424
Code, or any other business entity through which income flows as a 4425
distributive share to its owners. A partnership, S-corporation, or 4426

other such business entity may elect to pass the credit received 4427
under this section through to the persons to whom the income or 4428
profit of the partnership, S-corporation, or other entity is 4429
distributed. The election shall be made on the annual report 4430
required under division (E)(5) of this section. The election 4431
applies to and is irrevocable for the credit for which the report 4432
is submitted. If the election is made, the credit shall be 4433
apportioned among those persons in the same proportions as those 4434
in which the income or profit is distributed. 4435

(J)(1) If the director of development services determines 4436
that a taxpayer that received a certificate under division (E)(6) 4437
of this section is not complying with the ~~requirement under~~ 4438
~~division (E)(3) of this section~~ requirements of the agreement, the 4439
director shall notify the tax credit authority of the 4440
noncompliance. After receiving such a notice, and after giving the 4441
taxpayer an opportunity to explain the noncompliance, the 4442
authority may terminate the agreement and require the taxpayer, or 4443
any related member or members that claimed the tax credit under 4444
division (N) of this section, to refund to the state all or a 4445
portion of the credit claimed in previous years, as follows: 4446

~~(1)~~(a) If the taxpayer fails to comply with the requirement 4447
under division (E)(3) of this section, an amount determined in 4448
accordance with the following: 4449

(i) If the taxpayer maintained operations at the project site 4450
for less than or equal to the term of the credit, an amount not to 4451
exceed one hundred per cent of the sum of any tax credits allowed 4452
and received under this section. 4453

~~(2)~~(ii) If the taxpayer maintained operations at the project 4454
site longer than the term of the credit, but less than the greater 4455
of ~~(a)~~ seven years or the term of the credit plus three years, ~~or~~ 4456
~~(b) seven years~~, the amount required to be refunded shall not 4457
exceed seventy-five per cent of the sum of any tax credits allowed 4458

and received under this section. 4459

(b) If the taxpayer fails to substantially maintain both the number of full-time equivalent employees and the amount of Ohio employee payroll required under the agreement at any time during the term of the agreement or during the post-term reporting period, an amount determined at the discretion of the authority. 4460
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(2) If a taxpayer files for bankruptcy and fails as described in division (J)(1)(a) or (b) of this section, the director may immediately commence an action to recoup an amount not exceeding one hundred per cent of the sum of any credits received by the taxpayer under this section. 4465
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(3) In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or the superintendent of insurance. If the taxpayer, or any related member or members who claimed the tax credit under division (N) of this section, is not an insurance company, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, is an insurance company, the superintendent of insurance shall make an assessment under section 5725.222 or 5729.102 of the Revised Code. The time limitations on assessments under those chapters and sections do not apply to an assessment under this division, but the commissioner or superintendent shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded. 4470
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(K) The director of development services, after consultation 4490

with the tax commissioner and the superintendent of insurance and 4491
in accordance with Chapter 119. of the Revised Code, shall adopt 4492
rules necessary to implement this section. The rules may provide 4493
for recipients of tax credits under this section to be charged 4494
fees to cover administrative costs of the tax credit program. The 4495
fees collected shall be credited to the business assistance fund 4496
created in section 122.174 of the Revised Code. At the time the 4497
director gives public notice under division (A) of section 119.03 4498
of the Revised Code of the adoption of the rules, the director 4499
shall submit copies of the proposed rules to the chairpersons of 4500
the standing committees on economic development in the senate and 4501
the house of representatives. 4502

(L) On or before the first day of August of each year, the 4503
director of development services shall submit a report to the 4504
governor, the president of the senate, and the speaker of the 4505
house of representatives on the tax credit program under this 4506
section. The report shall include information on the number of 4507
agreements that were entered into under this section during the 4508
preceding calendar year, a description of the project that is the 4509
subject of each such agreement, and an update on the status of 4510
projects under agreements entered into before the preceding 4511
calendar year. 4512

(M)~~(1)~~ The aggregate amount of nonrefundable tax credits 4513
issued under ~~division (B)(1)~~ of this section during any calendar 4514
year for capital investment projects reviewed and approved by the 4515
tax credit authority may not exceed the following amounts: 4516

~~(a)~~(1) For 2010, thirteen million dollars; 4517

~~(b)~~(2) For 2011 through 2023, the amount of the limit for the 4518
preceding calendar year plus thirteen million dollars; 4519

~~(c)~~(3) For 2024 and each year thereafter, one hundred 4520
ninety-five million dollars. 4521

~~(2) The aggregate amount of tax credits authorized under 4522
divisions (B)(2) and (3) of this section and allowed to be claimed 4523
by taxpayers in any calendar year for capital improvement projects 4524
reviewed and approved by the tax credit authority in 2011, 2012, 4525
and 2013 combined shall not exceed twenty five million dollars. An 4526
amount equal to the aggregate amount of credits first authorized 4527
in calendar year 2011, 2012, and 2013 may be claimed over the 4528
ensuing period up to fifteen years, subject to the terms of 4529
individual tax credit agreements. 4530~~

The limitations in division (M) of this section do not apply 4531
to credits for capital investment projects approved by the tax 4532
credit authority before July 1, 2009. 4533

(N) This division applies only to an eligible business that 4534
is part of an affiliated group that includes a diversified savings 4535
and loan holding company or a grandfathered unitary savings and 4536
loan holding company, as those terms are defined in section 4537
5726.01 of the Revised Code. Notwithstanding any contrary 4538
provision of the agreement between such an eligible business and 4539
the tax credit authority, any credit granted under this section 4540
against the tax imposed by section 5725.18, 5729.03, 5733.06, 4541
5747.02, or 5751.02 of the Revised Code to the eligible business, 4542
at the election of the eligible business and without any action by 4543
the tax credit authority, may be shared with any member or members 4544
of the affiliated group that includes the eligible business, which 4545
member or members may claim the credit against the taxes imposed 4546
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 4547
of the Revised Code. Credits shall be claimed by the eligible 4548
business in sequential order, as applicable, first claiming the 4549
credits to the fullest extent possible against the tax that the 4550
certificate holder is subject to, then against the tax imposed by, 4551
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 4552
lastly 5726.02 of the Revised Code. The credits may be allocated 4553

among the members of the affiliated group in such manner as the 4554
eligible business elects, but subject to the sequential order 4555
required under this division. This division applies to credits 4556
granted before, on, or after March 27, 2013, the effective date of 4557
H.B. 510 of the 129th general assembly. Credits granted before 4558
that effective date that are shared and allocated under this 4559
division may be claimed in those calendar years in which the 4560
remaining taxable years specified in the agreement end. 4561

As used in this division, "affiliated group" means a group of 4562
two or more persons with fifty per cent or greater of the value of 4563
each person's ownership interests owned or controlled directly, 4564
indirectly, or constructively through related interests by common 4565
owners during all or any portion of the taxable year, and the 4566
common owners. "Affiliated group" includes, but is not limited to, 4567
any person eligible to be included in a consolidated elected 4568
taxpayer group under section 5751.011 of the Revised Code or a 4569
combined taxpayer group under section 5751.012 of the Revised 4570
Code. 4571

(0) Upon the request of a taxpayer subject to an agreement 4572
approved under this section before the effective date of this 4573
division, the tax credit authority shall amend the agreement as 4574
follows: 4575

(1) The percentage of income tax revenue allowed as the 4576
amount of the credit shall be decreased by the same percentage 4577
that the income tax rates prescribed by section 5747.02 of the 4578
Revised Code have decreased since June 30, 2013, or the effective 4579
date of the agreement, whichever is later. The tax credit 4580
percentage shall thereafter be annually adjusted to account for 4581
any decreases in such income tax rates applicable to subsequent 4582
taxable years. 4583

(2) If the agreement requires the taxpayer to attain a 4584
threshold level of income tax revenue, as that term was defined in 4585

this section before its amendment by H.B. 64 of the 131st general assembly, the threshold shall be decreased by the same percentage that the income tax rates prescribed by section 5747.02 of the Revised Code have decreased since June 30, 2013, or the effective date of the agreement, whichever is later. The threshold shall thereafter be annually adjusted to account for any decreases in such income tax rates applicable to subsequent taxable years.

Agreements amended under this division shall otherwise remain subject to this section as it existed before its amendment by H.B. 64 of the 131st general assembly. Amendments authorized under this division apply to taxable years and calendar years ending on or after the effective date of the amendment.

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

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

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

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

(b) Payments made to a related member as defined in section 4616
5733.042 of the Revised Code or to a consolidated elected taxpayer 4617
or a combined taxpayer as defined in section 5751.01 of the 4618
Revised Code. 4619

(2) "Computer data center" means a facility used or to be 4620
used primarily to house computer data center equipment used or to 4621
be used in conducting one or more computer data center businesses, 4622
as determined by the tax credit authority. 4623

(3) "Computer data center business" means, as may be further 4624
determined by the tax credit authority, a business that provides 4625
electronic information services as defined in division (Y)(1)(c) 4626
of section 5739.01 of the Revised Code, or that leases a facility 4627
to one or more such businesses. "Computer data center business" 4628
does not include providing electronic publishing as defined in 4629
division (LLL) of that section. 4630

(4) "Computer data center equipment" means tangible personal 4631
property used or to be used for any of the following: 4632

(a) To conduct a computer data center business, including 4633
equipment cooling systems to manage the performance of computer 4634
data center equipment; 4635

(b) To generate, transform, transmit, distribute, or manage 4636
electricity necessary to operate the tangible personal property 4637
used or to be used in conducting a computer data center business; 4638

(c) As building and construction materials sold to 4639
construction contractors for incorporation into a computer data 4640
center. 4641

(5) "Eligible computer data center" means a computer data 4642
center that satisfies all of the following requirements: 4643

(a) One or more taxpayers operating a computer data center 4644
business at the project site will, in the aggregate, make payments 4645

for a capital investment project of at least one hundred million 4646
dollars at the project site during a period of three consecutive 4647
calendar years; 4648

(b) One or more taxpayers operating a computer data center 4649
business at the project site will, in the aggregate, pay annual 4650
compensation that is subject to the withholding obligation imposed 4651
under section 5747.06 of the Revised Code of at least one million 4652
five hundred thousand dollars to employees employed at the project 4653
site for each year of the agreement beginning on or after the 4654
first day of the twenty-fifth month after the agreement was 4655
entered into under this section. 4656

(6) "Person" has the same meaning as in section 5701.01 of 4657
the Revised Code. 4658

(7) "Project site," "related member," and "tax credit 4659
authority" have the same meanings as in sections 122.17 and 4660
122.171 of the Revised Code. 4661

(8) "Taxpayer" means any person subject to the taxes imposed 4662
under Chapters 5739. and 5741. of the Revised Code. 4663

(B) The tax credit authority may completely or partially 4664
exempt from the taxes levied under Chapters 5739. and 5741. of the 4665
Revised Code the sale, storage, use, or other consumption of 4666
computer data center equipment used or to be used at an eligible 4667
computer data center. Any such exemption shall extend to charges 4668
for the delivery, installation, or repair of the computer data 4669
center equipment subject to the exemption under this section. 4670

(C) A taxpayer that proposes a capital improvement project 4671
for an eligible computer data center in this state may apply to 4672
the tax credit authority to enter into an agreement under this 4673
section authorizing a complete or partial exemption from the taxes 4674
imposed under Chapters 5739. and 5741. of the Revised Code on 4675
computer data center equipment purchased by the applicant or any 4676

other taxpayer that operates a computer data center business at 4677
the project site and used or to be used at the eligible computer 4678
data center. The director of development services shall prescribe 4679
the form of the application. After receipt of an application, the 4680
authority shall forward copies of the application to the director 4681
of budget and management, and the tax commissioner, ~~and the~~ 4682
~~director of development services,~~ each of whom shall review the 4683
application to determine the economic impact that the proposed 4684
eligible computer data center would have on the state and any 4685
affected political subdivisions and submit to the authority a 4686
summary of their determinations ~~and recommendations.~~ The authority 4687
shall also forward a copy of the application to the director of 4688
development services who shall review the application to determine 4689
the economic impact that the proposed eligible computer data 4690
center would have on the state and the affected political 4691
subdivisions and shall submit a summary of their determinations 4692
and recommendations to the authority. 4693

(D) Upon review and consideration of such determinations and 4694
recommendations, the tax credit authority may enter into an 4695
agreement with the applicant and any other taxpayer that operates 4696
a computer data center business at the project site for a complete 4697
or partial exemption from the taxes imposed under Chapters 5739. 4698
and 5741. of the Revised Code on computer data center equipment 4699
used or to be used at an eligible computer data center if the 4700
authority determines all of the following: 4701

(1) The capital investment project for the eligible computer 4702
data center will increase payroll and the amount of income taxes 4703
to be withheld from employee compensation pursuant to section 4704
5747.06 of the Revised Code. 4705

(2) The applicant is economically sound and has the ability 4706
to complete or effect the completion of the proposed capital 4707
investment project. 4708

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

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

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

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

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

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

project site shall not claim the tax exemption authorized in the 4740
agreement for any purchase of computer data center equipment made 4741
during the period in which the applicant did not maintain 4742
operations at the eligible computer data center. 4743

(4) A requirement that, for each year of the term of the 4744
agreement beginning on or after the first day of the twenty-fifth 4745
month after the date the agreement was entered into, one or more 4746
taxpayers operating a computer data center business at the project 4747
site will, in the aggregate, pay annual compensation that is 4748
subject to the withholding obligation imposed under section 4749
5747.06 of the Revised Code of at least one million five hundred 4750
thousand dollars to employees at the eligible computer data 4751
center. 4752

(5) A requirement that each taxpayer subject to the agreement 4753
annually report to the director of development services 4754
employment, tax withholding, capital investment, and other 4755
information required by the director to perform the director's 4756
duties under this section. 4757

(6) A requirement that the director of development services 4758
annually review the annual reports of each taxpayer subject to the 4759
agreement to verify the information reported under division (E)(5) 4760
of this section and compliance with the agreement. Upon 4761
verification, the director shall issue a certificate to each such 4762
taxpayer stating that the information has been verified and that 4763
the taxpayer remains eligible for the exemption specified in the 4764
agreement. 4765

(7) A provision providing that the taxpayers subject to the 4766
agreement may not relocate a substantial number of employment 4767
positions from elsewhere in this state to the project site unless 4768
the director of development services determines that the 4769
appropriate taxpayer notified the legislative authority of the 4770
county, township, or municipal corporation from which the 4771

employment positions would be relocated. For purposes of this 4772
paragraph, the movement of an employment position from one 4773
political subdivision to another political subdivision shall be 4774
considered a relocation of an employment position unless the 4775
movement is confined to the project site. The transfer of an 4776
employment position from one political subdivision to another 4777
political subdivision shall not be considered a relocation of an 4778
employment position if the employment position in the first 4779
political subdivision is replaced by another employment position. 4780

(8) A waiver by each taxpayer subject to the agreement of any 4781
limitations periods relating to assessments or adjustments 4782
resulting from the taxpayer's failure to comply with the 4783
agreement. 4784

(F) The term of an agreement under this section shall be 4785
determined by the tax credit authority, and the amount of the 4786
exemption shall not exceed one hundred per cent of such taxes that 4787
would otherwise be owed in respect to the exempted computer data 4788
center equipment. 4789

(G) If any taxpayer subject to an agreement under this 4790
section fails to meet or comply with any condition or requirement 4791
set forth in the agreement, the tax credit authority may amend the 4792
agreement to reduce the percentage of the exemption or term during 4793
which the exemption applies to the computer data center equipment 4794
used or to be used by the noncompliant taxpayer at an eligible 4795
computer data center. The reduction of the percentage or term may 4796
take effect in the current calendar year. 4797

(H) Financial statements and other information submitted to 4798
the department of development services or the tax credit authority 4799
by an applicant for or recipient of an exemption under this 4800
section, and any information taken for any purpose from such 4801
statements or information, are not public records subject to 4802
section 149.43 of the Revised Code. However, the chairperson of 4803

the authority may make use of the statements and other information 4804
for purposes of issuing public reports or in connection with court 4805
proceedings concerning tax exemption agreements under this 4806
section. Upon the request of the tax commissioner, the chairperson 4807
of the authority shall provide to the tax commissioner any 4808
statement or other information submitted by an applicant for or 4809
recipient of an exemption under this section. The tax commissioner 4810
shall preserve the confidentiality of the statement or other 4811
information. 4812

(I) The tax commissioner shall issue a direct payment permit 4813
under section 5739.031 of the Revised Code to each taxpayer 4814
subject to an agreement under this section. Such direct payment 4815
permit shall authorize the taxpayer to pay any sales and use taxes 4816
due on purchases of computer data center equipment used or to be 4817
used in an eligible computer data center and to pay any sales and 4818
use taxes due on purchases of tangible personal property or 4819
taxable services other than computer data center equipment used or 4820
to be used in an eligible computer data center directly to the tax 4821
commissioner. Each such taxpayer shall pay pursuant to such direct 4822
payment permit all sales tax levied on such purchases under 4823
sections 5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of 4824
the Revised Code and all use tax levied on such purchases under 4825
sections 5741.02, 5741.021, 5741.022, ~~and 5741.023,~~ and 5741.024 4826
of the Revised Code, consistent with the terms of the agreement 4827
entered into under this section. 4828

During the term of an agreement under this section each 4829
taxpayer subject to the agreement shall submit to the tax 4830
commissioner a return that shows the amount of computer data 4831
center equipment purchased for use at the eligible computer data 4832
center, the amount of tangible personal property and taxable 4833
services other than computer data center equipment purchased for 4834
use at the eligible computer data center, the amount of tax under 4835

Chapter 5739. or 5741. of the Revised Code that would be due in 4836
the absence of the agreement under this section, the exemption 4837
percentage for computer data center equipment specified in the 4838
agreement, and the amount of tax due under Chapter 5739. or 5741. 4839
of the Revised Code as a result of the agreement under this 4840
section. Each such taxpayer shall pay the tax shown on the return 4841
to be due in the manner and at the times as may be further 4842
prescribed by the tax commissioner. Each such taxpayer shall 4843
include a copy of the director of development services' 4844
certificate of verification issued under division (E)(6) of this 4845
section. Failure to submit a copy of the certificate with the 4846
return does not invalidate the claim for exemption if the taxpayer 4847
submits a copy of the certificate to the tax commissioner within 4848
sixty days after the tax commissioner requests it. 4849

(J) If the director of development services determines that 4850
one or more taxpayers received an exemption from taxes due on the 4851
purchase of computer data center equipment purchased for use at a 4852
computer data center that no longer complies with the requirement 4853
under division (E)(3) of this section, the director shall notify 4854
the tax credit authority and, if applicable, the taxpayer that 4855
applied to enter the agreement for the exemption under division 4856
(C) ~~if~~ of this section of the noncompliance. After receiving such 4857
a notice, and after giving each taxpayer subject to the agreement 4858
an opportunity to explain the noncompliance, the authority may 4859
terminate the agreement and require each such taxpayer to pay to 4860
the state all or a portion of the taxes that would have been owed 4861
in regards to the exempt equipment in previous years, all as 4862
determined under rules adopted pursuant to division (K) of this 4863
section. In determining the portion of the taxes that would have 4864
been owed on the previously exempted equipment to be paid to this 4865
state by a taxpayer, the authority shall consider the effect of 4866
market conditions on the eligible computer data center, whether 4867
the taxpayer continues to maintain other operations in this state, 4868

and, with respect to agreements involving multiple taxpayers, the taxpayer's level of responsibility for the noncompliance. After making the determination, the authority shall certify to the tax commissioner the amount to be paid by each taxpayer subject to the agreement. The tax commissioner shall make an assessment for that amount against each such taxpayer under Chapter 5739. or 5741. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the tax commissioner shall make the assessment within one year after the date the authority certifies to the tax commissioner the amount to be paid by the taxpayer.

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

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

update on the status of eligible computer data centers under 4901
agreements entered into before the preceding calendar year. 4902

(M) A taxpayer may be made a party to an existing agreement 4903
entered into under this section by the tax credit authority and 4904
another taxpayer or group of taxpayers. In such a case, the 4905
taxpayer shall be entitled to all benefits and bound by all 4906
obligations contained in the agreement and all requirements 4907
described in this section. When an agreement includes multiple 4908
taxpayers, each taxpayer shall be entitled to a direct payment 4909
permit as authorized in division (I) of this section. 4910

Sec. 122.177. (A) As used in this section: 4911

(1) "Business" means a sole proprietorship, a corporation for 4912
profit, or a pass-through entity as defined in section 5733.04 of 4913
the Revised Code. 4914

(2) "Career exploration internship" means a paid employment 4915
relationship between a student intern and a business in which the 4916
student intern acquires education, instruction, and experience 4917
relevant to the student intern's career aspirations. 4918

(3) "Student intern" means an individual who, at the time the 4919
business applies for a grant under division (B) of this section, 4920
meets both of the following criteria: 4921

(a) The individual is entitled to attend school in this 4922
state. 4923

(b) The individual is either between sixteen and eighteen 4924
years of age or is enrolled in grade eleven or twelve. 4925

(B) There is hereby created in the development services 4926
agency the career exploration internship program to award grants 4927
to businesses that employ a student intern in a career exploration 4928
internship. To qualify for a grant under the program, the career 4929
exploration internship shall be at least twenty weeks in duration 4930

and include at least two hundred hours of paid work and 4931
instruction in this state. To obtain a grant, the business shall 4932
apply to the development services agency before the starting date 4933
of the career exploration internship. The application shall 4934
include all of the following: 4935

(1) A brief description of the career exploration internship; 4936

(2) A signed statement by the student intern briefly 4937
describing the student intern's career aspirations and how the 4938
student intern believes this career exploration internship may 4939
help achieve those aspirations; 4940

(3) A signed statement by a principal or guidance counselor 4941
at the student intern's school or, in the case of a home schooled 4942
student, an individual responsible for administering instruction 4943
to the student intern, acknowledging that the employment 4944
opportunity qualifies as a career exploration internship and 4945
expressing intent to advise the student intern as provided in 4946
division (E) of this section; 4947

(4) The name, address, and telephone number of the business; 4948

(5) Any other information required by the development 4949
services agency. 4950

(C)(1) The development services agency shall review and make 4951
a determination with respect to each application submitted under 4952
division (B) of this section in the order in which the application 4953
is received. The agency shall not approve any application under 4954
this section that is received by the agency ~~more than three years~~ 4955
~~after the effective date of H.B. 107 of the 130th general assembly~~ 4956
later than June 25, 2017, or that was submitted by a business that 4957
does not have substantial operations in this state. The agency may 4958
not otherwise deny an application unless the application is 4959
incomplete, the proposed employment relationship does not qualify 4960
as a career exploration internship for which a grant may be 4961

awarded under this section, the business is ineligible to receive 4962
a grant under division (D)(1) of this section, or the agency 4963
determines that approving the application would cause the amount 4964
that could be awarded to exceed the amount of money in the career 4965
exploration internship fund. 4966

(2) The agency shall send written notice of its determination 4967
to the applicant within thirty days after receiving the 4968
application. If the agency determines that the application shall 4969
not be approved, the notice shall include the reasons for such 4970
determination. 4971

(3) The agency's determination is final and may not be 4972
appealed for any reason. A business may submit a new or amended 4973
application under division (B) of this section at any time before 4974
or after receiving notice under division (C)(2) of this section. 4975

(D)(1) In any calendar year, the development services agency 4976
shall not award grants under this section to any business that has 4977
received grants for three career exploration internships in that 4978
calendar year. The agency shall not award a grant to a business 4979
unless the agency receives a report from the business within 4980
thirty days after the end of the career exploration internship or 4981
thirteen months after the approval of the application, whichever 4982
comes first, that includes all of the following: 4983

(a) The date the student intern began the internship; 4984

(b) The date the internship ended or a statement that the 4985
student will continue to be employed by the business; 4986

(c) The total number of hours during the internship that the 4987
student intern was employed by the business; 4988

(d) The total wages paid by the business to the student 4989
intern during the internship; 4990

(e) A signed statement by the student intern briefly 4991

describing the duties performed during the internship and the 4992
skills and experiences gained throughout the internship; 4993

(f) Any other information required by the agency. 4994

(2) If the agency receives the report and determines that it 4995
contains all of the information and the statement required by 4996
division (D)(1) of this section and that the career exploration 4997
internship described in the report complies with all the 4998
provisions of this section, the agency shall award a grant to the 4999
business. The amount of the grant shall equal the lesser of the 5000
following: 5001

(a) Fifty per cent of the wages paid by the business to the 5002
student intern for the first twelve months following the date the 5003
application was approved; 5004

(b) Five thousand dollars. 5005

(E) The student intern and the principal, guidance counselor, 5006
or other qualified individual who signed the statement described 5007
in division (B)(3) of this section shall meet at least once in the 5008
thirty days following the end of the career exploration internship 5009
or in the thirteenth month following the start of the career 5010
exploration internship, whichever comes first. The purpose of the 5011
meeting is to discuss the student intern's experiences during the 5012
career exploration internship, consider the practical applications 5013
of these experiences to the student intern's career aspirations, 5014
and to establish or confirm goals for the student intern. If 5015
practicable, the meeting shall be in person. Otherwise, the 5016
meeting may be conducted over the telephone. 5017

(F) A business that receives a grant under this section may 5018
submit a new application under division (B) of this section for 5019
another career exploration internship with the same student 5020
intern. Such an application does not have to include the 5021
statements otherwise required by divisions (B)(2) and (3) of this 5022

section. 5023

(G) Annually, ~~before on~~ the ~~seventh~~ first day of January 5024
August until ~~the January of the third year that follows the year~~ 5025
~~that includes the effective date of H.B. 107 of the 130th general~~ 5026
~~assembly~~ August 2017, the development services agency shall 5027
compile a report indicating the number of career exploration 5028
internships approved by the agency under this section, the 5029
statements issued by the student interns under divisions (B)(2) 5030
and (D)(1)(e) of this section, the number of student interns that 5031
continued employment with the business after the termination of 5032
the career exploration internship, and the total amount of grants 5033
awarded under this section. The report shall not disclose any 5034
student interns' personally identifiable information. The agency 5035
shall provide copies of the report to the governor, the speaker 5036
and minority leader of the house of representatives, and the 5037
president and minority leader of the senate. 5038

(H) The development services agency may adopt rules necessary 5039
to administer this section in accordance with Chapter 119. of the 5040
Revised Code. 5041

(I) The career exploration internship fund is hereby created 5042
in the state treasury. The fund shall consist of a portion of the 5043
proceeds from the upfront license fees paid for the casino 5044
facilities authorized under Section 6(C) of Article XV, Ohio 5045
Constitution. Money in the fund shall be used by the development 5046
services agency to provide grants under this section. 5047

Sec. 122.64. (A) There is hereby established in the 5048
development services agency a business services division. The 5049
division shall be supervised by a deputy director appointed by the 5050
director of development services. 5051

The division is responsible for the administration of the 5052
state economic development financing programs established pursuant 5053

to sections 122.17 and 122.18, sections 122.39 and 122.41 to 5054
122.62, and Chapter 166. of the Revised Code. 5055

(B) The director of development services shall: 5056

(1) Receive applications for assistance pursuant to sections 5057
122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. 5058
The director shall process the applications. 5059

(2) With the approval of the director of administrative 5060
services, establish salary schedules for employees of the various 5061
positions of employment with the division and assign the various 5062
positions to those salary schedules; 5063

(3) Employ and fix the compensation of financial consultants, 5064
appraisers, consulting engineers, superintendents, managers, 5065
construction and accounting experts, attorneys, and other agents 5066
for the assistance programs authorized pursuant to sections 122.17 5067
and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. 5068
of the Revised Code as are necessary; 5069

(4) Supervise the administrative operations of the division; 5070

(5) On or before the first day of ~~August~~ October in each 5071
year, make an annual report of the activities and operations under 5072
assistance programs authorized pursuant to sections 122.39 and 5073
122.41 to 122.62 and Chapter 166. of the Revised Code for the 5074
preceding fiscal year to the governor and the general assembly. 5075
Each such report shall set forth a complete operating and 5076
financial statement covering such activities and operations during 5077
the year in accordance with generally accepted accounting 5078
principles and shall be audited by a certified public accountant. 5079
The director of development services shall transmit a copy of the 5080
audited financial report to the office of budget and management. 5081

Sec. 122.85. (A) As used in this section and in sections 5082
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5083

(1) "Tax credit-eligible production" means a motion picture 5084
production certified by the director of development services under 5085
division (B) of this section as qualifying the motion picture 5086
company for a tax credit under section 5726.55, 5733.59, 5747.66, 5087
or 5751.54 of the Revised Code. 5088

(2) "Certificate owner" means a motion picture company to 5089
which a tax credit certificate is issued. 5090

(3) "Motion picture company" means an individual, 5091
corporation, partnership, limited liability company, or other form 5092
of business association producing a motion picture. 5093

(4) "Eligible production expenditures" means expenditures 5094
made after June 30, 2009, for goods or services purchased and 5095
consumed in this state by a motion picture company directly for 5096
the production of a tax credit-eligible production. 5097

"Eligible production expenditures" includes, but is not 5098
limited to, expenditures for resident and nonresident cast and 5099
crew wages, accommodations, costs of set construction and 5100
operations, editing and related services, photography, sound 5101
synchronization, lighting, wardrobe, makeup and accessories, film 5102
processing, transfer, sound mixing, special and visual effects, 5103
music, location fees, and the purchase or rental of facilities and 5104
equipment. 5105

(5) "Motion picture" means entertainment content created in 5106
whole or in part within this state for distribution or exhibition 5107
to the general public, including, but not limited to, 5108
feature-length films; documentaries; long-form, specials, 5109
miniseries, series, and interstitial television programming; 5110
interactive web sites; sound recordings; videos; music videos; 5111
interactive television; interactive games; video games; 5112
commercials; any format of digital media; and any trailer, pilot, 5113
video teaser, or demo created primarily to stimulate the sale, 5114

marketing, promotion, or exploitation of future investment in 5115
either a product or a motion picture by any means and media in any 5116
digital media format, film, or videotape, provided the motion 5117
picture qualifies as a motion picture. "Motion picture" does not 5118
include any television program created primarily as news, weather, 5119
or financial market reports, a production featuring current events 5120
or sporting events, an awards show or other gala event, a 5121
production whose sole purpose is fundraising, a long-form 5122
production that primarily markets a product or service or in-house 5123
corporate advertising or other similar productions, a production 5124
for purposes of political advocacy, or any production for which 5125
records are required to be maintained under 18 U.S.C. 2257 with 5126
respect to sexually explicit content. 5127

(B) For the purpose of encouraging and developing a strong 5128
film industry in this state, the director of development may 5129
certify a motion picture produced by a motion picture company as a 5130
tax credit-eligible production. In the case of a television 5131
series, the director may certify the production of each episode of 5132
the series as a separate tax credit-eligible production. A motion 5133
picture company shall apply for certification of a motion picture 5134
as a tax credit-eligible production on a form and in the manner 5135
prescribed by the director. Each application shall include the 5136
following information: 5137

(1) The name and telephone number of the motion picture 5138
production company; 5139

(2) The name and telephone number of the company's contact 5140
person; 5141

(3) A list of the first preproduction date through the last 5142
production date in Ohio; 5143

(4) The Ohio production office address and telephone number; 5144

(5) The total production budget of the motion picture; 5145

| | |
|---|--|
| (6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture; | 5146 5147 5148 |
| (7) The total percentage of the motion picture being shot in Ohio; | 5149 5150 |
| (8) The level of employment of cast and crew who reside in Ohio; | 5151 5152 |
| (9) A synopsis of the script; | 5153 |
| (10) The shooting script; | 5154 |
| (11) A creative elements list that includes the names of the principal cast and crew and the producer and director; | 5155 5156 |
| (12) Documentation of financial ability to undertake and complete the motion picture; | 5157 5158 |
| (13) Estimated value of the tax credit based upon total budgeted eligible production expenditures; | 5159 5160 |
| (14) Any other information considered necessary by the director. | 5161 5162 |
| Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the director of development services request <u>of the director of development services</u> , the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for certification. | 5163 5164 5165 5166 5167 5168 5169 5170 5171 5172 5173 5174 |
| (C)(1) A motion picture company whose motion picture has been | 5175 |

certified as a tax credit-eligible production may apply to the 5176
director of development services on or after July 1, 2009, for a 5177
refundable credit against the tax imposed by section 5726.02, 5178
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 5179
consultation with the tax commissioner shall prescribe the form 5180
and manner of the application and the information or documentation 5181
required to be submitted with the application. 5182

The credit is determined as follows: 5183

(a) If the total budgeted eligible production expenditures 5184
stated in the application submitted under division (B) of this 5185
section or the actual eligible production expenditures as finally 5186
determined under division (D) of this section, whichever is least, 5187
is less than or equal to three hundred thousand dollars, no credit 5188
is allowed; 5189

(b) If the total budgeted eligible production expenditures 5190
stated in the application submitted under division (B) of this 5191
section or the actual eligible production expenditures as finally 5192
determined under division (D) of this section, whichever is least, 5193
is greater than three hundred thousand dollars, the credit equals 5194
the sum of the following, subject to the limitation in division 5195
(C)(4) of this section: 5196

(i) Twenty-five per cent of the least of such budgeted or 5197
actual eligible expenditure amounts excluding budgeted or actual 5198
eligible expenditures for resident cast and crew wages; 5199

(ii) Thirty-five per cent of budgeted or actual eligible 5200
expenditures for resident cast and crew wages. 5201

(2) Except as provided in division (C)(4) of this section, if 5202
the director of development services approves a motion picture 5203
company's application for a credit, the director shall issue a tax 5204
credit certificate to the company. The director in consultation 5205
with the tax commissioner shall prescribe the form and manner of 5206

issuing certificates. The director shall assign a unique 5207
identifying number to each tax credit certificate and shall record 5208
the certificate in a register devised and maintained by the 5209
director for that purpose. The certificate shall state the amount 5210
of the eligible production expenditures on which the credit is 5211
based and the amount of the credit. Upon the issuance of a 5212
certificate, the director shall certify to the tax commissioner 5213
the name of the applicant, the amount of eligible production 5214
expenditures shown on the certificate, and any other information 5215
required by the rules adopted to administer this section. 5216

(3) The amount of eligible production expenditures for which 5217
a tax credit may be claimed is subject to inspection and 5218
examination by the tax commissioner or employees of the 5219
commissioner under section 5703.19 of the Revised Code and any 5220
other applicable law. Once the eligible production expenditures 5221
are finally determined under section 5703.19 of the Revised Code 5222
and division (D) of this section, the credit amount is not subject 5223
to adjustment unless the director determines an error was 5224
committed in the computation of the credit amount. 5225

(4) No tax credit certificate may be issued before the 5226
completion of the tax credit-eligible production. Not more than 5227
forty million dollars of tax credit may be allowed per fiscal 5228
biennium beginning on or after July 1, 2011, and not more than 5229
twenty million dollars may be allowed in the first year of the 5230
biennium. At any time, not more than five million dollars of tax 5231
credit may be allowed per tax credit-eligible production. 5232

(D) A motion picture company whose motion picture has been 5233
certified as a tax credit-eligible production shall engage, at the 5234
company's expense, an independent certified public accountant to 5235
examine the company's production expenditures to identify the 5236
expenditures that qualify as eligible production expenditures. The 5237
certified public accountant shall issue a report to the company 5238

and to the director of development services certifying the 5239
company's eligible production expenditures and any other 5240
information required by the director. Upon receiving and examining 5241
the report, the director may disallow any expenditure the director 5242
determines is not an eligible production expenditure. If the 5243
director disallows an expenditure, the director shall issue a 5244
written notice to the motion picture production company stating 5245
that the expenditure is disallowed and the reason for the 5246
disallowance. Upon examination of the report and disallowance of 5247
any expenditures, the director shall determine finally the lesser 5248
of the total budgeted eligible production expenditures stated in 5249
the application submitted under division (B) of this section or 5250
the actual eligible production expenditures for the purpose of 5251
computing the amount of the credit. 5252

(E) No credit shall be allowed under section 5726.55, 5253
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 5254
director has reviewed the report and made the determination 5255
prescribed by division (D) of this section. 5256

(F) This state reserves the right to refuse the use of this 5257
state's name in the credits of any tax credit-eligible motion 5258
picture production. 5259

(G)(1) The director of development services in consultation 5260
with the tax commissioner shall adopt rules for the administration 5261
of this section, including rules setting forth and governing the 5262
criteria for determining whether a motion picture production is a 5263
tax credit-eligible production; activities that constitute the 5264
production of a motion picture; reporting sufficient evidence of 5265
reviewable progress; expenditures that qualify as eligible 5266
production expenditures; a competitive process for approving 5267
credits; and consideration of geographic distribution of credits. 5268
The rules shall be adopted under Chapter 119. of the Revised Code. 5269

(2) The director may require a reasonable application fee to 5270

cover administrative costs of the tax credit program. The fees 5271
collected shall be credited to the ~~motion picture tax credit~~ 5272
~~program operating~~ business assistance fund, ~~which is hereby~~ 5273
created in ~~the state treasury~~ section 122.174 of the Revised Code. 5274
~~The motion picture tax credit program operating fund shall consist~~ 5275
~~of all~~ All grants, gifts, fees, and contributions made to the 5276
director for marketing and promotion of the motion picture 5277
industry within this state shall also be credited to the fund. The 5278
director shall use money in the fund to pay expenses related to 5279
the administration of the Ohio film office and the credit 5280
authorized by this section and sections 5726.55~~7~~, 5733.59, 5281
5747.66, and 5751.54 of the Revised Code. 5282

Sec. 122.87. As used in sections 122.87 to 122.90 of the 5283
Revised Code: 5284

(A) "Surety company" means a company that is authorized by 5285
the department of insurance to issue bonds as surety. 5286

(B) "Minority business" means any of the following 5287
occupations: 5288

(1) Minority construction contractor; 5289

(2) Minority seller; 5290

(3) Minority service vendor. 5291

(C) "Minority construction contractor" means a person who is 5292
both a construction contractor and an owner of a minority business 5293
enterprise certified under division (B) of section 123.151 of the 5294
Revised Code. 5295

(D) "Minority seller" means a person who is both a seller of 5296
goods and an owner of a minority business enterprise listed on the 5297
special minority business enterprise bid notification list under 5298
~~division (B) of~~ section 125.08 of the Revised Code. 5299

(E) "Minority service vendor" means a person who is both a 5300

vendor of services and an owner of a minority business enterprise 5301
listed on the special minority business enterprise bid 5302
notification list under ~~division (B)~~ of section 125.08 of the 5303
Revised Code. 5304

(F) "Minority business enterprise" has the meaning given in 5305
section 122.71 of the Revised Code. 5306

(G) "EDGE business enterprise" means a sole proprietorship, 5307
association, partnership, corporation, limited liability 5308
corporation, or joint venture certified as a participant in the 5309
encouraging diversity, growth, and equity program by the director 5310
of administrative services under section 123.152 of the Revised 5311
Code. 5312

Sec. 122.95. As used in ~~sections 122.95 to 122.952~~ this 5313
section and section 122.951 of the Revised Code: 5314

(A) "Commercial or industrial areas" means areas zoned either 5315
commercial or industrial by the local zoning authority or an area 5316
not zoned, but in which there is located one or more commercial or 5317
industrial activities. 5318

(B) "Eligible county" means any of the following: 5319

(1) A county designated as being in the "Appalachian region" 5320
under the "Appalachian Regional Development Act of 1965," 79 Stat. 5321
5, 40 U.S.C. App. 403; 5322

(2) A county that is a "distressed area" as defined in 5323
section 122.16 of the Revised Code; 5324

(3) A county that within the previous calendar year has had a 5325
job loss numbering two hundred or more of which one hundred or 5326
more are manufacturing-related as reported in the notices prepared 5327
by the department of job and family services pursuant to the 5328
"Worker Adjustment and Retraining Notification Act," 102 Stat. 890 5329
(1988), 29 U.S.C. 2101 et seq., as amended. 5330

Sec. 122.951. (A) If the director of development services 5331
determines that a grant ~~from the industrial site improvement fund~~ 5332
may create new jobs or preserve existing jobs and employment 5333
opportunities in an eligible county, the director may grant up to 5334
seven hundred fifty thousand dollars ~~from the fund~~ to the eligible 5335
county for the purpose of acquiring commercial or industrial land 5336
or buildings and making improvements to commercial or industrial 5337
areas within the eligible county, including, but not limited to: 5338

(1) Expanding, remodeling, renovating, and modernizing 5339
buildings, structures, and other improvements; 5340

(2) Remediating environmentally contaminated property on 5341
which hazardous substances exist under conditions that have caused 5342
or would cause the property to be identified as contaminated by 5343
the Ohio or United States environmental protection agency; and 5344

(3) Infrastructure improvements, including, but not limited 5345
to, site preparation, including building demolition and removal; 5346
streets, roads, bridges, and traffic control devices; parking lots 5347
and facilities; water and sewer lines and treatment plants; gas, 5348
electric, and telecommunications, including broadband, hook-ups; 5349
and water and railway access improvements. 5350

A grant awarded under this section shall provide not more 5351
than seventy-five per cent of the estimated total cost of the 5352
project for which an application is submitted under this section. 5353
In addition, not more than ten per cent of the amount of the grant 5354
shall be used to pay the costs of professional services related to 5355
the project. 5356

(B) An eligible county may apply to the director for a grant 5357
under this section in the form and manner prescribed by the 5358
director. The eligible county shall include on the application all 5359
information required by the director. The application shall 5360
require the eligible county to provide a detailed description of 5361

how the eligible county would use a grant to improve commercial or 5362
industrial areas within the eligible county, and to specify how a 5363
grant will lead to the creation of new jobs or the preservation of 5364
existing jobs and employment opportunities in the eligible county. 5365
The eligible county shall specify in the application the amount of 5366
the grant for which the eligible county is applying. 5367

~~(C) An eligible county that receives a grant under this 5368
section is not eligible for any additional grants from the 5369
industrial site improvement fund in the fiscal year in which the 5370
grant is received and in the subsequent fiscal year. 5371~~

~~(D)~~ An eligible county may designate a port authority, 5372
community improvement corporation as defined in section 122.71 of 5373
the Revised Code, or other economic development entity that is 5374
located in the county to apply for a grant under this section. If 5375
a port authority, community improvement corporation, or other 5376
economic development entity is so designated, references to an 5377
eligible county in this section include references to the 5378
authority, corporation, or other entity. 5379

Sec. 123.10. (A) As used in this section and section 123.11 5380
of the Revised Code, "public exigency" means an injury or 5381
obstruction that occurs in any public works of the state 5382
~~maintained by the director of administrative services~~ and that 5383
materially impairs its immediate use or places in jeopardy 5384
property adjacent to it; an immediate danger of such an injury or 5385
obstruction; or an injury or obstruction, or an immediate danger 5386
of an injury or obstruction, that occurs in any public works of 5387
the state ~~maintained by the director of administrative services~~ 5388
and that materially impairs its immediate use or places in 5389
jeopardy property adjacent to it. 5390

(B) When a declaration of public exigency is issued pursuant 5391
to division (C) of this section, the Ohio facilities construction 5392

commission shall enter into contracts with proper persons for the 5393
performance of labor, the furnishing of materials, or the 5394
construction of any structures and buildings necessary to the 5395
maintenance, control, and management of the public works of the 5396
state or any part of those public works. Any contracts awarded for 5397
the work performed pursuant to the declaration of a public 5398
exigency may be awarded without competitive bidding or selection 5399
as set forth in Chapter 153. of the Revised Code. 5400

(C) The executive director of the Ohio facilities 5401
construction commission may issue a declaration of a public 5402
exigency on the executive director's own initiative or upon the 5403
request of the director of any state agency, a state institution 5404
of higher education as defined in division (A)(1) of section 5405
3345.12 of the Revised Code, or any other state instrumentality. 5406
The executive director's declaration shall identify the specific 5407
injury, obstruction, or danger that is the subject of the 5408
declaration and shall set forth a dollar limitation for the 5409
repair, removal, or prevention of that exigency under the 5410
declaration. 5411

Before any project to repair, remove, or prevent a public 5412
exigency under the executive director's declaration may begin, the 5413
executive director shall send notice of the project, in writing, 5414
to the director of budget and management and to the members of the 5415
controlling board. That notice shall detail the project to be 5416
undertaken to address the public exigency and shall include a copy 5417
of the executive director's declaration that establishes the 5418
monetary limitations on that project. 5419

Sec. 123.28. As used in this section and in section 123.281 5420
of the Revised Code: 5421

(A) "Culture" means any of the following: 5422

(1) Visual, musical, dramatic, graphic, design, and other 5423

arts, including, but not limited to, architecture, dance, 5424
literature, motion pictures, music, painting, photography, 5425
sculpture, and theater, and the provision of training or education 5426
in these arts; 5427

(2) The presentation or making available, in museums or other 5428
indoor or outdoor facilities, of principles of science and their 5429
development, use, or application in business, industry, or 5430
commerce or of the history, heritage, development, presentation, 5431
and uses of the arts described in division (A)(1) of this section 5432
and of transportation; 5433

(3) The preservation, presentation, or making available of 5434
features of archaeological, architectural, environmental, or 5435
historical interest or significance in a state historical facility 5436
or a local historical facility. 5437

(B) "Cultural organization" means either of the following: 5438

(1) A governmental agency or Ohio nonprofit corporation, 5439
including the Ohio historical society, that provides programs or 5440
activities in areas directly concerned with culture; 5441

(2) A regional arts and cultural district as defined in 5442
section 3381.01 of the Revised Code. 5443

(C) "Cultural project" means all or any portion of an Ohio 5444
cultural facility for which the general assembly has made an 5445
appropriation or has specifically authorized the spending of money 5446
or the making of rental payments relating to the financing of 5447
construction. 5448

(D) "Cooperative ~~contract~~ use agreement" means a contract 5449
between the Ohio facilities construction commission and a cultural 5450
organization providing the terms and conditions of the cooperative 5451
use of an Ohio cultural facility. 5452

(E) "Costs of operation" means amounts required to manage an 5453

Ohio cultural facility that are incurred following the completion 5454
of construction of its cultural project, provided that both of the 5455
following apply: 5456

(1) Those amounts either: 5457

(a) Have been committed to a fund dedicated to that purpose; 5458

(b) Equal the principal of any endowment fund, the income 5459
from which is dedicated to that purpose. 5460

(2) The commission and the cultural organization have 5461
executed an agreement with respect to either of those funds. 5462

(F) "Governmental agency" means a state agency, a state 5463
institution of higher education as defined in section 3345.12 of 5464
the Revised Code, a municipal corporation, county, township, or 5465
school district, a port authority created under Chapter 4582. of 5466
the Revised Code, any other political subdivision or special 5467
district in this state established by or pursuant to law, or any 5468
combination of these entities; except where otherwise indicated, 5469
the United States or any department, division, or agency of the 5470
United States, or any agency, commission, or authority established 5471
pursuant to an interstate compact or agreement. 5472

(G) "Local contributions" means the value of an asset 5473
provided by or on behalf of a cultural organization from sources 5474
other than the state, the value and nature of which shall be 5475
approved by the Ohio facilities construction commission, in its 5476
sole discretion. "Local contributions" may include the value of 5477
the site where a cultural project is to be constructed. All "local 5478
contributions," except a contribution attributable to such a site, 5479
shall be for the costs of construction of a cultural project or 5480
the creation or expansion of an endowment for the costs of 5481
operation of a cultural facility. 5482

(H) "Local historical facility" means a site or facility, 5483
other than a state historical facility, of archaeological, 5484

architectural, environmental, or historical interest or 5485
significance, or a facility, including a storage facility, 5486
appurtenant to the operations of such a site or facility, that is 5487
owned by a cultural organization and is used for or in connection 5488
with cultural activities, including the presentation or making 5489
available of culture to the public. 5490

(I) "Manage," "operate," or "management" means the provision 5491
of, or the exercise of control over the provision of, activities: 5492

(1) Relating to culture for an Ohio cultural facility, 5493
including as applicable, but not limited to, providing for 5494
displays, exhibitions, specimens, and models; booking of artists, 5495
performances, or presentations; scheduling; and hiring or 5496
contracting for directors, curators, technical and scientific 5497
staff, ushers, stage managers, and others directly related to the 5498
cultural activities in the facility; but not including general 5499
building services; 5500

(2) Relating to sports and athletic events for an Ohio sports 5501
facility, including as applicable, but not limited to, providing 5502
for booking of athletes, teams, and events; scheduling; and hiring 5503
or contracting for staff, ushers, managers, and others directly 5504
related to the sports and athletic events in the facility; but not 5505
including general building services. 5506

(J) "Ohio cultural facility" means any of the following: 5507

(1) The theaters located in the state office tower at 77 5508
South High street in Columbus; 5509

(2) Any cultural facility in this state that is managed 5510
directly by, or is subject to a cooperative use or management 5511
~~contract~~ agreement with, the Ohio facilities construction 5512
commission. 5513

(3) A state historical facility or a local historical 5514
facility. 5515

(K) "Construction" includes acquisition, including 5516
acquisition by lease-purchase, demolition, reconstruction, 5517
alteration, renovation, remodeling, enlargement, improvement, site 5518
improvements, and related equipping and furnishing. 5519

(L) "State historical facility" means a site or facility that 5520
has all of the following characteristics: 5521

(1) It is created, supervised, operated, protected, 5522
maintained, and promoted by the Ohio historical society pursuant 5523
to the society's performance of public functions under sections 5524
149.30 and 149.302 of the Revised Code. 5525

(2) Its title must reside wholly or in part with the state, 5526
the society, or both the state and the society. 5527

(3) It is managed directly by or is subject to a cooperative 5528
use or management ~~contract~~ agreement with the Ohio facilities 5529
construction commission and is used for or in connection with 5530
cultural activities, including the presentation or making 5531
available of culture to the public. 5532

(M) "Ohio sports facility" means all or a portion of a 5533
stadium, arena, tennis facility, motorsports complex, or other 5534
capital facility in this state. A primary purpose of the facility 5535
shall be to provide a site or venue for the presentation to the 5536
public of motorsports events, professional tennis tournaments, or 5537
events of one or more major or minor league professional athletic 5538
or sports teams that are associated with the state or with a city 5539
or region of the state. The facility shall be, in the case of a 5540
motorsports complex, owned by the state or governmental agency, or 5541
in all other instances, owned by or located on real property owned 5542
by the state or a governmental agency, and includes all parking 5543
facilities, walkways, and other auxiliary facilities, equipment, 5544
furnishings, and real and personal property and interests and 5545
rights therein, that may be appropriate for or used for or in 5546

connection with the facility or its operation, for capital costs 5547
of which state funds are spent pursuant to this section and 5548
section 123.281 of the Revised Code. A facility constructed as an 5549
Ohio sports facility may be both an Ohio cultural facility and an 5550
Ohio sports facility. 5551

(N) "Motorsports" means sporting events in which motor 5552
vehicles are driven on a clearly demarcated tracked surface. 5553

Sec. 123.281. (A) The Ohio facilities construction commission 5554
shall provide for the construction of a cultural project in 5555
conformity with Chapter 153. of the Revised Code, except for 5556
construction services provided on behalf of the state by a 5557
governmental agency or a cultural organization in accordance with 5558
divisions (B) and (C) of this section. 5559

(B) In order for a governmental agency or a cultural 5560
organization to provide construction services on behalf of the 5561
state for a cultural project, other than a state historical 5562
facility, for which the general assembly has made an appropriation 5563
or specifically authorized the spending of money or the making of 5564
rental payments relating to the financing of the construction, the 5565
governmental agency or cultural organization shall submit to the 5566
Ohio facilities construction commission a cooperative use 5567
agreement that includes, but is not limited to, provisions that: 5568

(1) Specify how the proposed project will support culture,~~as~~ 5569
~~defined in section 123.28 of the Revised Code;~~ 5570

(2) Specify that the governmental agency or cultural 5571
organization has local contributions amounting to not less than 5572
fifty per cent of the total state funding for the cultural 5573
project; 5574

(3) Specify that the funds shall be used only for 5575
construction,~~as defined in section 123.28 of the Revised Code;~~ 5576

- (4) Identify the facility to be constructed, renovated, remodeled, or improved; 5577
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- (5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready ~~for full occupancy~~ to support culture without exceeding appropriated funds; 5579
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- (6) Specify that the governmental agency or cultural organization shall hold the Ohio facilities construction commission harmless from all liability for the operation and maintenance costs of the facility; 5583
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- (7) Specify that the agreement or any actions taken under it are not subject to ~~Chapters~~ Chapter 123. or 153. of the Revised Code, except for ~~section~~ sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code; and 5587
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- (8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission. 5592
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- (C) In order for a cultural organization to provide construction services on behalf of the state for a state historical facility for which the general assembly has made an appropriation or specifically authorized the spending of money or the making of rental payments relating to the financing of the construction, the cultural organization shall submit to the Ohio facilities construction commission a cooperative use agreement that includes, but is not limited to, provisions that: 5594
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- (1) Specify how the proposed project will support culture, ~~as defined in section 123.28 of the Revised Code;~~ 5602
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- (2) Specify that the funds shall be used only for construction, ~~as defined in section 123.28 of the Revised Code;~~ 5604
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- (3) Specify that not more than three per cent of the funds 5606

may be used by the cultural organization to administer the project; 5607
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(4) Identify the facility to be constructed, renovated, remodeled, or improved; 5609
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(4)(5) Specify that the project scope meets the intent and purpose of the project appropriation and that the project can be completed and ready for full occupancy to support culture without exceeding appropriated funds; 5611
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(5)(6) Specify that the cultural organization shall hold the Ohio facilities construction commission harmless from all liability for the operation and maintenance costs of the facility; 5615
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(6)(7) Specify that the agreement or any actions taken under it are not subject to ~~Chapters~~ Chapter 123., 153., or 4115. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, and 123.281 of the Revised Code; and 5618
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(7)(8) Provide that amendments to the agreement shall require the approval of the Ohio facilities construction commission. 5622
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(D) For an Ohio sports facility that is financed in part by obligations issued under Chapter 154. of the Revised Code, construction services shall be provided on behalf of the state by or at the direction of the governmental agency or nonprofit corporation that will own or be responsible for the management of the facility. Any construction services to be provided by a governmental agency or nonprofit corporation shall be specified in a cooperative use agreement between the Ohio facilities construction commission and the governmental agency or nonprofit corporation. The agreement and any actions taken under it are not subject to Chapter 123. or 153. of the Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of the Revised Code, and are subject to Chapter 4115. of the Revised Code. 5624
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(E) State funds shall not be used to pay or reimburse more than fifteen per cent of the initial estimated construction cost of an Ohio sports facility, excluding any site acquisition cost, and no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility under this chapter unless, with respect to that facility, all of the following apply:

(1) The Ohio facilities construction commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state.

(2) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an appropriation, for planning or determining the feasibility of or need for the facility does not constitute authorization to spend money on, or an appropriation for, costs of constructing the facility.

(3) If state bond proceeds are being used for the Ohio sports facility, the state or a governmental agency owns or has sufficient property interests in the facility or in the site of the facility or in the portion or portions of the facility financed from proceeds of state bonds, which may include, but is not limited to, the right to use or to require the use of the facility for the presentation of sport and athletic events to the public at the facility.

~~(E)~~(F) In addition to the requirements of division ~~(D)~~(E) of this section, no state funds, including any state bond proceeds, shall be spent on any Ohio sports facility that is a motorsports

complex, unless, with respect to that facility, both of the 5670
following apply: 5671

(1) Motorsports events shall be presented at the facility 5672
pursuant to a lease entered into with the owner of the facility. 5673
The term of the lease shall be for a period of not less than the 5674
greater of the useful life of the portion of the facility financed 5675
from proceeds of state bonds as determined using the guidelines 5676
for maximum maturities as provided under divisions (B) and (C) of 5677
section 133.20 of the Revised Code, or the period of time 5678
remaining to the date of payment or provision for payment of 5679
outstanding state bonds allocable to costs of the facility, all as 5680
determined by the director of budget and management and certified 5681
by the executive director of the Ohio facilities construction 5682
commission and to the treasurer of state. 5683

(2) Any motorsports organization that commits to using the 5684
facility for an established period of time shall give the 5685
political subdivision in which the facility is located not less 5686
than six months' advance notice if the organization intends to 5687
cease utilizing the facility prior to the expiration of that 5688
established period. Such a motorsports organization shall be 5689
liable to the state for any state funds used on the construction 5690
costs of the facility. 5691

~~(F)~~(G) In addition to the requirements of division ~~(D)~~(E) of 5692
this section, no state bond proceeds shall be spent on any Ohio 5693
sports facility that is a tennis facility, unless the owner or 5694
manager of the facility provides contractual commitments from a 5695
national or international professional tennis organization in a 5696
form acceptable to the Ohio facilities construction commission 5697
that assures that one or more sanctioned professional tennis 5698
events will be presented at the facility during each year that the 5699
bonds remain outstanding. 5700

Sec. 124.14. (A)(1) The director of administrative services 5701
shall establish, and may modify or rescind, ~~by rule,~~ a job 5702
classification plan for all positions, offices, and employments in 5703
the service of the state. The director shall group jobs within a 5704
classification so that the positions are similar enough in duties 5705
and responsibilities to be described by the same title, to have 5706
the same pay assigned with equity, and to have the same 5707
qualifications for selection applied. The director shall, ~~by rule,~~ 5708
assign a classification title to each classification within the 5709
classification plan. However, the director shall consider in 5710
establishing classifications, including classifications with 5711
parenthetical titles, and assigning pay ranges such factors as 5712
duties performed only on one shift, special skills in short supply 5713
in the labor market, recruitment problems, separation rates, 5714
comparative salary rates, the amount of training required, and 5715
other conditions affecting employment. The director shall describe 5716
the duties and responsibilities of the class, establish the 5717
qualifications for being employed in each position in the class, 5718
and file with the secretary of state a copy of specifications for 5719
all of the classifications. The director shall file new, 5720
additional, or revised specifications with the secretary of state 5721
before they are used. 5722

The director shall, ~~by rule,~~ assign each classification, 5723
either on a statewide basis or in particular counties or state 5724
institutions, to a pay range established under section 124.15 or 5725
section 124.152 of the Revised Code. The director may assign a 5726
classification to a pay range on a temporary basis for a period of 5727
six months. The director may establish, ~~by rule adopted under~~ 5728
~~Chapter 119. of the Revised Code,~~ experimental classification 5729
plans for some or all employees paid directly by warrant of the 5730
director of budget and management. The rule Any such experimental 5731
classification plan shall include specifications for each 5732

classification within the plan and shall specifically address 5733
compensation ranges, and methods for advancing within the ranges, 5734
for the classifications, which may be assigned to pay ranges other 5735
than the pay ranges established under section 124.15 or 124.152 of 5736
the Revised Code. 5737

(2) The director of administrative services may reassign to a 5738
proper classification those positions that have been assigned to 5739
an improper classification. If the compensation of an employee in 5740
such a reassigned position exceeds the maximum rate of pay for the 5741
employee's new classification, the employee shall be placed in pay 5742
step X and shall not receive an increase in compensation until the 5743
maximum rate of pay for that classification exceeds the employee's 5744
compensation. 5745

(3) The director may reassign an exempt employee, as defined 5746
in section 124.152 of the Revised Code, to a bargaining unit 5747
classification if the director determines that the bargaining unit 5748
classification is the proper classification for that employee. 5749
Notwithstanding Chapter 4117. of the Revised Code or instruments 5750
and contracts negotiated under it, these placements are at the 5751
director's discretion. 5752

(4) The director shall, ~~by rule,~~ assign related 5753
classifications, which form a career progression, to a 5754
classification series. The director shall, ~~by rule,~~ assign each 5755
classification in the classification plan a five-digit number, the 5756
first four digits of which shall denote the classification series 5757
to which the classification is assigned. When a career progression 5758
encompasses more than ten classifications, the director shall, ~~by~~ 5759
~~rule,~~ identify the additional classifications belonging to a 5760
classification series. The additional classifications shall be 5761
part of the classification series, notwithstanding the fact that 5762
the first four digits of the number assigned to the additional 5763
classifications do not correspond to the first four digits of the 5764

numbers assigned to other classifications in the classification series. 5765
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(B) Division (A) of this section and sections 124.15 and 124.152 of the Revised Code do not apply to the following persons, positions, offices, and employments: 5767
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(1) Elected officials; 5770

(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court; 5771
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(3) Any position for which the authority to determine compensation is given by law to another individual or entity; 5777
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(4) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code. 5779
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(C) The director may employ a consulting agency to aid and assist the director in carrying out this section. 5783
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(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall ~~send written notice of the proposed rule to~~ notify the appointing authorities of the affected employees ~~thirty days before a hearing on implementing the proposed rule modification.~~ The director's notice shall include the effective date of the modification. The appointing authorities shall notify the affected employees regarding the proposed rule modification. ~~The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption.~~ 5785
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(2) When the director proposes to reclassify any employee in the service of the state so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee in the service of the state who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The director shall give to the employee affected and to the employee's appointing authority a written notice of the director's determination whether or not to reclassify the position or to reassign the employee to another classification. An employee or appointing authority desiring a hearing shall file a written request for the hearing with the state personnel board of review within thirty days after receiving the notice. The board shall set the matter for a hearing and notify the employee and appointing authority of the time and place of the hearing. The employee, the appointing authority, or any authorized representative of the employee who wishes to submit facts for the consideration of the board shall be afforded reasonable opportunity to do so. After the hearing, the board shall consider anew the reclassification and may order the reclassification of the employee and require the director to assign the employee to such appropriate classification as the facts and evidence warrant. As provided in division (A)(1) of section 124.03 of the Revised Code, the board may determine the most appropriate classification for the position of any employee coming before the board, with or without a job audit. The board shall disallow any reclassification or reassignment classification of any employee when it finds that changes have been made in the duties and responsibilities of any particular employee for political, religious, or other unjust reasons.

(E)(1) Employees of each county department of job and family

services shall be paid a salary or wage established by the board 5828
of county commissioners. The provisions of section 124.18 of the 5829
Revised Code concerning the standard work week apply to employees 5830
of county departments of job and family services. A board of 5831
county commissioners may do either of the following: 5832

(a) Notwithstanding any other section of the Revised Code, 5833
supplement the sick leave, vacation leave, personal leave, and 5834
other benefits of any employee of the county department of job and 5835
family services of that county, if the employee is eligible for 5836
the supplement under a written policy providing for the 5837
supplement; 5838

(b) Notwithstanding any other section of the Revised Code, 5839
establish alternative schedules of sick leave, vacation leave, 5840
personal leave, or other benefits for employees not inconsistent 5841
with the provisions of a collective bargaining agreement covering 5842
the affected employees. 5843

(2) Division (E)(1) of this section does not apply to 5844
employees for whom the state employment relations board 5845
establishes appropriate bargaining units pursuant to section 5846
4117.06 of the Revised Code, except in either of the following 5847
situations: 5848

(a) The employees for whom the state employment relations 5849
board establishes appropriate bargaining units elect no 5850
representative in a board-conducted representation election. 5851

(b) After the state employment relations board establishes 5852
appropriate bargaining units for such employees, all employee 5853
organizations withdraw from a representation election. 5854

(F)(1) Notwithstanding any contrary provision of sections 5855
124.01 to 124.64 of the Revised Code, the board of trustees of 5856
each state university or college, as defined in section 3345.12 of 5857
the Revised Code, shall carry out all matters of governance 5858

involving the officers and employees of the university or college, 5859
including, but not limited to, the powers, duties, and functions 5860
of the department of administrative services and the director of 5861
administrative services specified in this chapter. Officers and 5862
employees of a state university or college shall have the right of 5863
appeal to the state personnel board of review as provided in this 5864
chapter. 5865

(2) Each board of trustees shall adopt rules under section 5866
111.15 of the Revised Code to carry out the matters of governance 5867
described in division (F)(1) of this section. Until the board of 5868
trustees adopts those rules, a state university or college shall 5869
continue to operate pursuant to the applicable rules adopted by 5870
the director of administrative services under this chapter. 5871

(G)(1) Each board of county commissioners may, by a 5872
resolution adopted by a majority of its members, establish a 5873
county personnel department to exercise the powers, duties, and 5874
functions specified in division (G) of this section. As used in 5875
division (G) of this section, "county personnel department" means 5876
a county personnel department established by a board of county 5877
commissioners under division (G)(1) of this section. 5878

(2)(a) Each board of county commissioners, by a resolution 5879
adopted by a majority of its members, may designate the county 5880
personnel department of the county to exercise the powers, duties, 5881
and functions specified in sections 124.01 to 124.64 and Chapter 5882
325. of the Revised Code with regard to employees in the service 5883
of the county, except for the powers and duties of the state 5884
personnel board of review, which powers and duties shall not be 5885
construed as having been modified or diminished in any manner by 5886
division (G)(2) of this section, with respect to the employees for 5887
whom the board of county commissioners is the appointing authority 5888
or co-appointing authority. 5889

(b) Nothing in division (G)(2) of this section shall be 5890

construed to limit the right of any employee who possesses the 5891
right of appeal to the state personnel board of review to continue 5892
to possess that right of appeal. 5893

(c) Any board of county commissioners that has established a 5894
county personnel department may contract with the department of 5895
administrative services, in accordance with division (H) of this 5896
section, another political subdivision, or an appropriate public 5897
or private entity to provide competitive testing services or other 5898
appropriate services. 5899

(3) After the county personnel department of a county has 5900
been established as described in division (G)(2) of this section, 5901
any elected official, board, agency, or other appointing authority 5902
of that county, upon written notification to the county personnel 5903
department, may elect to use the services and facilities of the 5904
county personnel department. Upon receipt of the notification by 5905
the county personnel department, the county personnel department 5906
shall exercise the powers, duties, and functions as described in 5907
division (G)(2) of this section with respect to the employees of 5908
that elected official, board, agency, or other appointing 5909
authority. 5910

(4) Each board of county commissioners, by a resolution 5911
adopted by a majority of its members, may disband the county 5912
personnel department. 5913

(5) Any elected official, board, agency, or appointing 5914
authority of a county may end its involvement with a county 5915
personnel department upon actual receipt by the department of a 5916
certified copy of the notification that contains the decision to 5917
no longer participate. 5918

(6) A county personnel department, in carrying out its 5919
duties, shall adhere to merit system principles with regard to 5920
employees of county departments of job and family services, child 5921

support enforcement agencies, and public child welfare agencies so 5922
that there is no threatened loss of federal funding for these 5923
agencies, and the county is financially liable to the state for 5924
any loss of federal funds due to the action or inaction of the 5925
county personnel department. 5926

(H) County agencies may contract with the department of 5927
administrative services for any human resources services, 5928
including, but not limited to, establishment and modification of 5929
job classification plans, competitive testing services, and 5930
periodic audits and reviews of the county's uniform application of 5931
the powers, duties, and functions specified in sections 124.01 to 5932
124.64 and Chapter 325. of the Revised Code with regard to 5933
employees in the service of the county. Nothing in this division 5934
modifies the powers and duties of the state personnel board of 5935
review with respect to employees in the service of the county. 5936
Nothing in this division limits the right of any employee who 5937
possesses the right of appeal to the state personnel board of 5938
review to continue to possess that right of appeal. 5939

(I) The director of administrative services shall establish 5940
the rate and method of compensation for all employees who are paid 5941
directly by warrant of the director of budget and management and 5942
who are serving in positions that the director of administrative 5943
services has determined impracticable to include in the state job 5944
classification plan. This division does not apply to elected 5945
officials, legislative employees, employees of the legislative 5946
service commission, employees who are in the unclassified civil 5947
service and exempt from collective bargaining coverage in the 5948
office of the secretary of state, auditor of state, treasurer of 5949
state, and attorney general, employees of the courts, employees of 5950
the bureau of workers' compensation whose compensation the 5951
administrator of workers' compensation establishes under division 5952
(B) of section 4121.121 of the Revised Code, or employees of an 5953

appointing authority authorized by law to fix the compensation of 5954
those employees. 5955

(J) The director of administrative services shall set the 5956
rate of compensation for all intermittent, seasonal, temporary, 5957
emergency, and casual employees in the service of the state who 5958
are not considered public employees under section 4117.01 of the 5959
Revised Code. Those employees are not entitled to receive employee 5960
benefits. This rate of compensation shall be equitable in terms of 5961
the rate of employees serving in the same or similar 5962
classifications. This division does not apply to elected 5963
officials, legislative employees, employees of the legislative 5964
service commission, employees who are in the unclassified civil 5965
service and exempt from collective bargaining coverage in the 5966
office of the secretary of state, auditor of state, treasurer of 5967
state, and attorney general, employees of the courts, employees of 5968
the bureau of workers' compensation whose compensation the 5969
administrator establishes under division (B) of section 4121.121 5970
of the Revised Code, or employees of an appointing authority 5971
authorized by law to fix the compensation of those employees. 5972

Sec. 124.15. (A) Board and commission members appointed prior 5973
to July 1, 1991, shall be paid a salary or wage in accordance with 5974
the following schedules of rates: 5975

Schedule B 5976

Pay Ranges and Step Values 5977

| Range | Step 1 | Step 2 | Step 3 | Step 4 | |
|-----------|----------|----------|----------|----------|------|
| 23 Hourly | 5.72 | 5.91 | 6.10 | 6.31 | 5978 |
| Annually | 11897.60 | 12292.80 | 12688.00 | 13124.80 | 5979 |
| | Step 5 | Step 6 | | | 5981 |
| Hourly | 6.52 | 6.75 | | | 5982 |
| Annually | 13561.60 | 14040.00 | | | 5983 |
| | Step 1 | Step 2 | Step 3 | Step 4 | 5984 |

| | | | | | | |
|----|----------|----------|----------|----------|----------|------|
| 24 | Hourly | 6.00 | 6.20 | 6.41 | 6.63 | 5985 |
| | Annually | 12480.00 | 12896.00 | 13332.80 | 13790.40 | 5986 |
| | | Step 5 | Step 6 | | | 5987 |
| | Hourly | 6.87 | 7.10 | | | 5988 |
| | Annually | 14289.60 | 14768.00 | | | 5989 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 5990 |
| 25 | Hourly | 6.31 | 6.52 | 6.75 | 6.99 | 5991 |
| | Annually | 13124.80 | 13561.60 | 14040.00 | 14539.20 | 5992 |
| | | Step 5 | Step 6 | | | 5993 |
| | Hourly | 7.23 | 7.41 | | | 5994 |
| | Annually | 15038.40 | 15412.80 | | | 5995 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 5996 |
| 26 | Hourly | 6.63 | 6.87 | 7.10 | 7.32 | 5997 |
| | Annually | 13790.40 | 14289.60 | 14768.00 | 15225.60 | 5998 |
| | | Step 5 | Step 6 | | | 5999 |
| | Hourly | 7.53 | 7.77 | | | 6000 |
| | Annually | 15662.40 | 16161.60 | | | 6001 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6002 |
| 27 | Hourly | 6.99 | 7.23 | 7.41 | 7.64 | 6003 |
| | Annually | 14534.20 | 15038.40 | 15412.80 | 15891.20 | 6004 |
| | | Step 5 | Step 6 | Step 7 | | 6005 |
| | Hourly | 7.88 | 8.15 | 8.46 | | 6006 |
| | Annually | 16390.40 | 16952.00 | 17596.80 | | 6007 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6008 |
| 28 | Hourly | 7.41 | 7.64 | 7.88 | 8.15 | 6009 |
| | Annually | 15412.80 | 15891.20 | 16390.40 | 16952.00 | 6010 |
| | | Step 5 | Step 6 | Step 7 | | 6011 |
| | Hourly | 8.46 | 8.79 | 9.15 | | 6012 |
| | Annually | 17596.80 | 18283.20 | 19032.00 | | 6013 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6014 |
| 29 | Hourly | 7.88 | 8.15 | 8.46 | 8.79 | 6015 |
| | Annually | 16390.40 | 16952.00 | 17596.80 | 18283.20 | 6016 |
| | | Step 5 | Step 6 | Step 7 | | 6017 |

| | | | | | | |
|----|----------|----------|----------|----------|----------|------|
| | Hourly | 9.15 | 9.58 | 10.01 | | 6018 |
| | Annually | 19032.00 | 19926.40 | 20820.80 | | 6019 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6020 |
| 30 | Hourly | 8.46 | 8.79 | 9.15 | 9.58 | 6021 |
| | Annually | 17596.80 | 18283.20 | 19032.00 | 19926.40 | 6022 |
| | | Step 5 | Step 6 | Step 7 | | 6023 |
| | Hourly | 10.01 | 10.46 | 10.99 | | 6024 |
| | Annually | 20820.80 | 21756.80 | 22859.20 | | 6025 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6026 |
| 31 | Hourly | 9.15 | 9.58 | 10.01 | 10.46 | 6027 |
| | Annually | 19032.00 | 19962.40 | 20820.80 | 21756.80 | 6028 |
| | | Step 5 | Step 6 | Step 7 | | 6029 |
| | Hourly | 10.99 | 11.52 | 12.09 | | 6030 |
| | Annually | 22859.20 | 23961.60 | 25147.20 | | 6031 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6032 |
| 32 | Hourly | 10.01 | 10.46 | 10.99 | 11.52 | 6033 |
| | Annually | 20820.80 | 21756.80 | 22859.20 | 23961.60 | 6034 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 6035 |
| | Hourly | 12.09 | 12.68 | 13.29 | 13.94 | 6036 |
| | Annually | 25147.20 | 26374.40 | 27643.20 | 28995.20 | 6037 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6038 |
| 33 | Hourly | 10.99 | 11.52 | 12.09 | 12.68 | 6039 |
| | Annually | 22859.20 | 23961.60 | 25147.20 | 26374.40 | 6040 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 6041 |
| | Hourly | 13.29 | 13.94 | 14.63 | 15.35 | 6042 |
| | Annually | 27643.20 | 28995.20 | 30430.40 | 31928.00 | 6043 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6044 |
| 34 | Hourly | 12.09 | 12.68 | 13.29 | 13.94 | 6045 |
| | Annually | 25147.20 | 26374.40 | 27643.20 | 28995.20 | 6046 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 6047 |
| | Hourly | 14.63 | 15.35 | 16.11 | 16.91 | 6048 |
| | Annually | 30430.40 | 31928.00 | 33508.80 | 35172.80 | 6049 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6050 |

| | | | | | | |
|----|----------|----------|----------|----------|----------|------|
| 35 | Hourly | 13.29 | 13.94 | 14.63 | 15.35 | 6051 |
| | Annually | 27643.20 | 28995.20 | 30430.40 | 31928.00 | 6052 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 6053 |
| | Hourly | 16.11 | 16.91 | 17.73 | 18.62 | 6054 |
| | Annually | 33508.80 | 35172.80 | 36878.40 | 38729.60 | 6055 |
| | | Step 1 | Step 2 | Step 3 | Step 4 | 6056 |
| 36 | Hourly | 14.63 | 15.35 | 16.11 | 16.91 | 6057 |
| | Annually | 30430.40 | 31928.00 | 33508.80 | 35172.80 | 6058 |
| | | Step 5 | Step 6 | Step 7 | Step 8 | 6059 |
| | Hourly | 17.73 | 18.62 | 19.54 | 20.51 | 6060 |
| | Annually | 36878.40 | 38729.60 | 40643.20 | 42660.80 | 6061 |

Schedule C 6062

Pay Range and Values 6063

| Range | Minimum | Maximum | |
|-----------|----------|----------|------|
| 41 Hourly | 10.44 | 15.72 | 6065 |
| Annually | 21715.20 | 32697.60 | 6066 |
| 42 Hourly | 11.51 | 17.35 | 6067 |
| Annually | 23940.80 | 36088.00 | 6068 |
| 43 Hourly | 12.68 | 19.12 | 6069 |
| Annually | 26374.40 | 39769.60 | 6070 |
| 44 Hourly | 13.99 | 20.87 | 6071 |
| Annually | 29099.20 | 43409.60 | 6072 |
| 45 Hourly | 15.44 | 22.80 | 6073 |
| Annually | 32115.20 | 47424.00 | 6074 |
| 46 Hourly | 17.01 | 24.90 | 6075 |
| Annually | 35380.80 | 51792.00 | 6076 |
| 47 Hourly | 18.75 | 27.18 | 6077 |
| Annually | 39000.00 | 56534.40 | 6078 |
| 48 Hourly | 20.67 | 29.69 | 6079 |
| Annually | 42993.60 | 61755.20 | 6080 |
| 49 Hourly | 22.80 | 32.06 | 6081 |
| Annually | 47424.00 | 66684.80 | 6082 |

(B) The pay schedule of all employees shall be on a biweekly 6083

basis, with amounts computed on an hourly basis. 6084

(C) Part-time employees shall be compensated on an hourly 6085
basis for time worked, at the rates shown in division (A) of this 6086
section or in section 124.152 of the Revised Code. 6087

(D) The salary and wage rates in division (A) of this section 6088
or in section 124.152 of the Revised Code represent base rates of 6089
compensation and may be augmented by the provisions of section 6090
124.181 of the Revised Code. In those cases where lodging, meals, 6091
laundry, or other personal services are furnished an employee in 6092
the service of the state, the actual costs or fair market value of 6093
the personal services shall be paid by the employee in such 6094
amounts and manner as determined by the director of administrative 6095
services and approved by the director of budget and management, 6096
and those personal services shall not be considered as a part of 6097
the employee's compensation. An appointing authority that appoints 6098
employees in the service of the state, with the approval of the 6099
director of administrative services and the director of budget and 6100
management, may establish payments to employees for uniforms, 6101
tools, equipment, and other requirements of the department and 6102
payments for the maintenance of them. 6103

The director of administrative services may review collective 6104
bargaining agreements entered into under Chapter 4117. of the 6105
Revised Code that cover employees in the service of the state and 6106
determine whether certain benefits or payments provided to the 6107
employees covered by those agreements should also be provided to 6108
employees in the service of the state who are exempt from 6109
collective bargaining coverage and are paid in accordance with 6110
section 124.152 of the Revised Code or are listed in division 6111
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 6112
the review, the director of administrative services, with the 6113
approval of the director of budget and management, may provide to 6114
some or all of these employees any payment or benefit, except for 6115

salary, contained in such a collective bargaining agreement even 6116
if it is similar to a payment or benefit already provided by law 6117
to some or all of these employees. Any payment or benefit so 6118
provided shall not exceed the highest level for that payment or 6119
benefit specified in such a collective bargaining agreement. The 6120
director of administrative services shall not provide, and the 6121
director of budget and management shall not approve, any payment 6122
or benefit to such an employee under this division unless the 6123
payment or benefit is provided pursuant to a collective bargaining 6124
agreement to a state employee who is in a position with similar 6125
duties as, is supervised by, or is employed by the same appointing 6126
authority as, the employee to whom the benefit or payment is to be 6127
provided. 6128

As used in this division, "payment or benefit already 6129
provided by law" includes, but is not limited to, bereavement, 6130
personal, vacation, administrative, and sick leave, disability 6131
benefits, holiday pay, and pay supplements provided under the 6132
Revised Code, but does not include wages or salary. 6133

(E) New employees paid in accordance with schedule B of 6134
division (A) of this section or schedule E-1 of section 124.152 of 6135
the Revised Code shall be employed at the minimum rate established 6136
for the range unless otherwise provided. Employees with 6137
qualifications that are beyond the minimum normally required for 6138
the position and that are determined by the director to be 6139
exceptional may be employed in, or may be transferred or promoted 6140
to, a position at an advanced step of the range. Further, in time 6141
of a serious labor market condition when it is relatively 6142
impossible to recruit employees at the minimum rate for a 6143
particular classification, the entrance rate may be set at an 6144
advanced step in the range by the director of administrative 6145
services. This rate may be limited to geographical regions of the 6146
state. Appointments made to an advanced step under the provision 6147

regarding exceptional qualifications shall not affect the step 6148
assignment of employees already serving. However, anytime the 6149
hiring rate of an entire classification is advanced to a higher 6150
step, all incumbents of that classification being paid at a step 6151
lower than that being used for hiring, shall be advanced beginning 6152
at the start of the first pay period thereafter to the new hiring 6153
rate, and any time accrued at the lower step will be used to 6154
calculate advancement to a succeeding step. If the hiring rate of 6155
a classification is increased for only a geographical region of 6156
the state, only incumbents who work in that geographical region 6157
shall be advanced to a higher step. When an employee in the 6158
unclassified service changes from one state position to another or 6159
is appointed to a position in the classified service, or if an 6160
employee in the classified service is appointed to a position in 6161
the unclassified service, the employee's salary or wage in the new 6162
position shall be determined in the same manner as if the employee 6163
were an employee in the classified service. When an employee in 6164
the unclassified service who is not eligible for step increases is 6165
appointed to a classification in the classified service under 6166
which step increases are provided, future step increases shall be 6167
based on the date on which the employee last received a pay 6168
increase. If the employee has not received an increase during the 6169
previous year, the date of the appointment to the classified 6170
service shall be used to determine the employee's annual step 6171
advancement eligibility date. In reassigning any employee to a 6172
classification resulting in a pay range increase or to a new pay 6173
range as a result of a promotion, an increase pay range 6174
adjustment, or other classification change resulting in a pay 6175
range increase, the director shall assign such employee to the 6176
step in the new pay range that will provide an increase of 6177
approximately four per cent if the new pay range can accommodate 6178
the increase. When an employee is being assigned to a 6179
classification or new pay range as the result of a class plan 6180

change, if the employee has completed a probationary period, the 6181
employee shall be placed in a step no lower than step two of the 6182
new pay range. If the employee has not completed a probationary 6183
period, the employee may be placed in step one of the new pay 6184
range. Such new salary or wage shall become effective on such date 6185
as the director determines. 6186

(F) If employment conditions and the urgency of the work 6187
require such action, the director of administrative services may, 6188
upon the application of a department head, authorize payment at 6189
any rate established within the range for the class of work, for 6190
work of a casual or intermittent nature or on a project basis. 6191
Payment at such rates shall not be made to the same individual for 6192
more than three calendar months in any one calendar year. Any such 6193
action shall be subject to the approval of the director of budget 6194
and management as to the availability of funds. This section and 6195
sections 124.14 and 124.152 of the Revised Code do not repeal any 6196
authority of any department or public official to contract with or 6197
fix the compensation of professional persons who may be employed 6198
temporarily for work of a casual nature or for work on a project 6199
basis. 6200

(G)(1) Except as provided in divisions (G)(2) and (3) of this 6201
section, each state employee paid in accordance with schedule B of 6202
this section or schedule E-1 of section 124.152 of the Revised 6203
Code shall be eligible for advancement to succeeding steps in the 6204
range for the employee's class or grade according to the schedule 6205
established in this division. Beginning on the first day of the 6206
pay period within which the employee completes the prescribed 6207
probationary period in the employee's classification with the 6208
state, each employee shall receive an automatic salary adjustment 6209
equivalent to the next higher step within the pay range for the 6210
employee's class or grade. 6211

Except as provided in divisions (G)(2) and (3) of this 6212

section, each employee paid in accordance with schedule E-1 of 6213
section 124.152 of the Revised Code shall be eligible to advance 6214
to the next higher step until the employee reaches the top step in 6215
the range for the employee's class or grade, if the employee has 6216
maintained satisfactory performance in accordance with criteria 6217
established by the employee's appointing authority. Those step 6218
advancements shall not occur more frequently than once in any 6219
twelve-month period. 6220

When an employee is promoted, the step entry date shall be 6221
set to account for a probationary period. When an employee is 6222
reassigned to a higher pay range, the step entry date shall be set 6223
to allow an employee who is not at the highest step of the range 6224
to receive a step advancement one year from the reassignment date. 6225
Step advancement shall not be affected by demotion. A promoted 6226
employee shall advance to the next higher step of the pay range on 6227
the first day of the pay period in which the required probationary 6228
period is completed. Step advancement shall become effective at 6229
the beginning of the pay period within which the employee attains 6230
the necessary length of service. Time spent on authorized leave of 6231
absence shall be counted for this purpose. 6232

If determined to be in the best interest of the state 6233
service, the director of administrative services may, either 6234
statewide or in selected agencies, adjust the dates on which 6235
annual step advancements are received by employees paid in 6236
accordance with schedule E-1 of section 124.152 of the Revised 6237
Code. 6238

(2)(a) There shall be a moratorium on annual step 6239
advancements under division (G)(1) of this section beginning June 6240
21, 2009, through June 20, 2011. Step advancements shall resume 6241
with the pay period beginning June 21, 2011. Upon the resumption 6242
of step advancements, there shall be no retroactive step 6243
advancements for the period the moratorium was in effect. The 6244

moratorium shall not affect an employee's performance evaluation schedule. 6245
6246

An employee who begins a probationary period before June 21, 2009, shall advance to the next step in the employee's pay range at the end of probation, and then become subject to the moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011. 6247
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(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009. 6255
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6262

(3) Employees in intermittent positions shall be employed at the minimum rate established for the pay range for their classification and are not eligible for step advancements. 6263
6264
6265

(H) Employees in appointive managerial or professional positions paid in accordance with schedule C of this section or schedule E-2 of section 124.152 of the Revised Code may be appointed at any rate within the appropriate pay range. This rate of pay may be adjusted higher or lower within the respective pay range at any time the appointing authority so desires as long as the adjustment is based on the employee's ability to successfully administer those duties assigned to the employee. Salary adjustments shall not be made more frequently than once in any six-month period under this provision to incumbents holding the same position and classification. 6266
6267
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6276

(I) When an employee is assigned to duty outside this state, 6277
the employee may be compensated, upon request of the department 6278
head and with the approval of the director of administrative 6279
services, at a rate not to exceed fifty per cent in excess of the 6280
employee's current base rate for the period of time spent on that 6281
duty. 6282

(J) Unless compensation for members of a board or commission 6283
is otherwise specifically provided by law, the director of 6284
administrative services shall establish the rate and method of 6285
payment for members of boards and commissions pursuant to the pay 6286
schedules listed in section 124.152 of the Revised Code. 6287

(K) Regular full-time employees in positions assigned to 6288
classes within the instruction and education administration series 6289
under the ~~rules~~ job classification plans of the director of 6290
administrative services, except certificated employees on the 6291
instructional staff of the state school for the blind or the state 6292
school for the deaf, whose positions are scheduled to work on the 6293
basis of an academic year rather than a full calendar year, shall 6294
be paid according to the pay range assigned by ~~such rules~~ the 6295
applicable job classification plan, but only during those pay 6296
periods included in the academic year of the school where the 6297
employee is located. 6298

(1) Part-time or substitute teachers or those whose period of 6299
employment is other than the full academic year shall be 6300
compensated for the actual time worked at the rate established by 6301
this section. 6302

(2) Employees governed by this division are exempt from 6303
sections 124.13 and 124.19 of the Revised Code. 6304

(3) Length of service for the purpose of determining 6305
eligibility for step advancements as provided by division (G) of 6306
this section and for the purpose of determining eligibility for 6307

longevity pay supplements as provided by division (E) of section 6308
124.181 of the Revised Code shall be computed on the basis of one 6309
full year of service for the completion of each academic year. 6310

(L) The superintendent of the state school for the deaf and 6311
the superintendent of the state school for the blind shall, 6312
subject to the approval of the superintendent of public 6313
instruction, carry out both of the following: 6314

(1) Annually, between the first day of April and the last day 6315
of June, establish for the ensuing fiscal year a schedule of 6316
hourly rates for the compensation of each certificated employee on 6317
the instructional staff of that superintendent's respective school 6318
constructed as follows: 6319

(a) Determine for each level of training, experience, and 6320
other professional qualification for which an hourly rate is set 6321
forth in the current schedule, the per cent that rate is of the 6322
rate set forth in such schedule for a teacher with a bachelor's 6323
degree and no experience. If there is more than one such rate for 6324
such a teacher, the lowest rate shall be used to make the 6325
computation. 6326

(b) Determine which six city, local, and exempted village 6327
school districts with territory in Franklin county have in effect 6328
on, or have adopted by, the first day of April for the school year 6329
that begins on the ensuing first day of July, teacher salary 6330
schedules with the highest minimum salaries for a teacher with a 6331
bachelor's degree and no experience; 6332

(c) Divide the sum of such six highest minimum salaries by 6333
ten thousand five hundred sixty; 6334

(d) Multiply each per cent determined in division (L)(1)(a) 6335
of this section by the quotient obtained in division (L)(1)(c) of 6336
this section; 6337

(e) One hundred five per cent of each product thus obtained 6338

shall be the hourly rate for the corresponding level of training, 6339
experience, or other professional qualification in the schedule 6340
for the ensuing fiscal year. 6341

(2) Annually, assign each certificated employee on the 6342
instructional staff of the superintendent's respective school to 6343
an hourly rate on the schedule that is commensurate with the 6344
employee's training, experience, and other professional 6345
qualifications. 6346

If an employee is employed on the basis of an academic year, 6347
the employee's annual salary shall be calculated by multiplying 6348
the employee's assigned hourly rate times one thousand seven 6349
hundred sixty. If an employee is not employed on the basis of an 6350
academic year, the employee's annual salary shall be calculated in 6351
accordance with the following formula: 6352

(a) Multiply the number of days the employee is required to 6353
work pursuant to the employee's contract by eight; 6354

(b) Multiply the product of division (L)(2)(a) of this 6355
section by the employee's assigned hourly rate. 6356

Each employee shall be paid an annual salary in biweekly 6357
installments. The amount of each installment shall be calculated 6358
by dividing the employee's annual salary by the number of biweekly 6359
installments to be paid during the year. 6360

Sections 124.13 and 124.19 of the Revised Code do not apply 6361
to an employee who is paid under this division. 6362

As used in this division, "academic year" means the number of 6363
days in each school year that the schools are required to be open 6364
for instruction with pupils in attendance. Upon completing an 6365
academic year, an employee paid under this division shall be 6366
deemed to have completed one year of service. An employee paid 6367
under this division is eligible to receive a pay supplement under 6368
division (L)(1), (2), or (3) of section 124.181 of the Revised 6369

Code for which the employee qualifies, but is not eligible to 6370
receive a pay supplement under division (L)(4) or (5) of that 6371
section. An employee paid under this division is eligible to 6372
receive a pay supplement under division (L)(6) of section 124.181 6373
of the Revised Code for which the employee qualifies, except that 6374
the supplement is not limited to a maximum of five per cent of the 6375
employee's regular base salary in a calendar year. 6376

(M) Division (A) of this section does not apply to "exempt 6377
employees," as defined in section 124.152 of the Revised Code, who 6378
are paid under that section. 6379

Notwithstanding any other provisions of this chapter, when an 6380
employee transfers between bargaining units or transfers out of or 6381
into a bargaining unit, the director of administrative services 6382
shall establish the employee's compensation and adjust the maximum 6383
leave accrual schedule as the director deems equitable. 6384

Sec. 124.181. (A) Except as provided in divisions (M) and (P) 6385
of this section, any employee paid in accordance with schedule B 6386
of section 124.15 or schedule E-1 or schedule E-1 for step seven 6387
only of section 124.152 of the Revised Code is eligible for the 6388
pay supplements provided in this section upon application by the 6389
appointing authority substantiating the employee's qualifications 6390
for the supplement and with the approval of the director of 6391
administrative services except as provided in division (E) of this 6392
section. 6393

(B)(1) Except as provided in section 124.183 of the Revised 6394
Code, in computing any of the pay supplements provided in this 6395
section for an employee paid in accordance with schedule B of 6396
section 124.15 of the Revised Code, the classification salary base 6397
shall be the minimum hourly rate of the pay range, provided in 6398
that section, in which the employee is assigned at the time of 6399
computation. 6400

(2) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate of the pay range, provided in that section, in which the employee is assigned at the time of computation.

(3) Except as provided in section 124.183 of the Revised Code, in computing any of the pay supplements provided in this section for an employee paid in accordance with schedule E-1 for step seven only of section 124.152 of the Revised Code, the classification salary base shall be the minimum hourly rate in the corresponding pay range, provided in schedule E-1 of that section, to which the employee is assigned at the time of the computation.

(C) The effective date of any pay supplement, except as provided in section 124.183 of the Revised Code or unless otherwise provided in this section, shall be determined by the director.

(D) The director shall, by rule, establish standards regarding the administration of this section.

(E)(1) Except as otherwise provided in this division, beginning on the first day of the pay period within which the employee completes five years of total service with the state government or any of its political subdivisions, each employee in positions paid in accordance with schedule B of section 124.15 of the Revised Code or in accordance with schedule E-1 or schedule E-1 for step seven only of section 124.152 of the Revised Code shall receive an automatic salary adjustment equivalent to two and one-half per cent of the classification salary base, to the nearest whole cent. Each employee shall receive thereafter an annual adjustment equivalent to one-half of one per cent of the employee's classification salary base, to the nearest whole cent,

for each additional year of qualified employment until a maximum 6433
of ten per cent of the employee's classification salary base is 6434
reached. The granting of longevity adjustments shall not be 6435
affected by promotion, demotion, or other changes in 6436
classification held by the employee, nor by any change in pay 6437
range for the employee's class or grade. Longevity pay adjustments 6438
shall become effective at the beginning of the pay period within 6439
which the employee completes the necessary length of service, 6440
except that when an employee requests credit for prior service, 6441
the effective date of the prior service credit and of any 6442
longevity adjustment shall be the first day of the pay period 6443
following approval of the credit by the director of administrative 6444
services. No employee, other than an employee who submits proof of 6445
prior service within ninety days after the date of the employee's 6446
hiring, shall receive any longevity adjustment for the period 6447
prior to the director's approval of a prior service credit. Time 6448
spent on authorized leave of absence shall be counted for this 6449
purpose. 6450

(2) An employee who has retired in accordance with the 6451
provisions of any retirement system offered by the state and who 6452
is employed by the state or any political subdivision of the state 6453
on or after June 24, 1987, shall not have prior service with the 6454
state or any political subdivision of the state counted for the 6455
purpose of determining the amount of the salary adjustment 6456
provided under this division. 6457

(3) There shall be a moratorium on employees' receipt under 6458
this division of credit for service with the state government or 6459
any of its political subdivisions during the period from July 1, 6460
2003, through June 30, 2005. In calculating the number of years of 6461
total service under this division, no credit shall be included for 6462
service during the moratorium. The moratorium shall apply to the 6463
employees of the secretary of state, the auditor of state, the 6464

treasurer of state, and the attorney general, who are subject to 6465
this section unless the secretary of state, the auditor of state, 6466
the treasurer of state, or the attorney general decides to exempt 6467
the office's employees from the moratorium and so notifies the 6468
director of administrative services in writing on or before July 6469
1, 2003. 6470

If an employee is exempt from the moratorium, receives credit 6471
for a period of service during the moratorium, and takes a 6472
position with another entity in the state government or any of its 6473
political subdivisions, either during or after the moratorium, and 6474
if that entity's employees are or were subject to the moratorium, 6475
the employee shall continue to retain the credit. However, if the 6476
moratorium is in effect upon the taking of the new position, the 6477
employee shall cease receiving additional credit as long as the 6478
employee is in the position, until the moratorium expires. 6479

(F) When an exceptional condition exists that creates a 6480
temporary or a permanent hazard for one or more positions in a 6481
class paid in accordance with schedule B of section 124.15 of the 6482
Revised Code or in accordance with schedule E-1 or schedule E-1 6483
for step seven only of section 124.152 of the Revised Code, a 6484
special hazard salary adjustment may be granted for the time the 6485
employee is subjected to the hazardous condition. All special 6486
hazard conditions shall be identified for each position and 6487
incidence from information submitted to the director on an 6488
appropriate form provided by the director and categorized into 6489
standard conditions of: some unusual hazard not common to the 6490
class; considerable unusual hazard not common to the class; and 6491
exceptional hazard not common to the class. 6492

(1) A hazardous salary adjustment of five per cent of the 6493
employee's classification salary base may be applied in the case 6494
of some unusual hazardous condition not common to the class for 6495
those hours worked, or a fraction of those hours worked, while the 6496

employee was subject to the unusual hazard condition. 6497

(2) A hazardous salary adjustment of seven and one-half per 6498
cent of the employee's classification salary base may be applied 6499
in the case of some considerable hazardous condition not common to 6500
the class for those hours worked, or a fraction of those hours 6501
worked, while the employee was subject to the considerable hazard 6502
condition. 6503

(3) A hazardous salary adjustment of ten per cent of the 6504
employee's classification salary base may be applied in the case 6505
of some exceptional hazardous condition not common to the class 6506
for those hours worked, or a fraction of those hours worked, when 6507
the employee was subject to the exceptional hazard condition. 6508

(4) Each claim for temporary hazard pay shall be submitted as 6509
a separate payment and shall be subject to an administrative audit 6510
by the director as to the extent and duration of the employee's 6511
exposure to the hazardous condition. 6512

(G) When a full-time employee whose salary or wage is paid 6513
directly by warrant of the director of budget and management and 6514
who also is eligible for overtime under the "Fair Labor Standards 6515
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 6516
ordered by the appointing authority to report back to work after 6517
termination of the employee's regular work schedule and the 6518
employee reports, the employee shall be paid for such time. The 6519
employee shall be entitled to four hours at the employee's total 6520
rate of pay or overtime compensation for the actual hours worked, 6521
whichever is greater. This division does not apply to work that is 6522
a continuation of or immediately preceding an employee's regular 6523
work schedule. 6524

(H) When a certain position or positions paid in accordance 6525
with schedule B of section 124.15 of the Revised Code or in 6526
accordance with schedule E-1 or schedule E-1 for step seven only 6527

of section 124.152 of the Revised Code require the ability to 6528
speak or write a language other than English, a special pay 6529
supplement may be granted to attract bilingual individuals, to 6530
encourage present employees to become proficient in other 6531
languages, or to retain qualified bilingual employees. The 6532
bilingual pay supplement provided in this division may be granted 6533
in the amount of five per cent of the employee's classification 6534
salary base for each required foreign language and shall remain in 6535
effect as long as the bilingual requirement exists. 6536

(I) The director of administrative services may establish a 6537
shift differential for employees. The differential shall be paid 6538
to employees in positions working in other than the regular or 6539
first shift. In those divisions or agencies where only one shift 6540
prevails, no shift differential shall be paid regardless of the 6541
hours of the day that are worked. The director and the appointing 6542
authority shall designate which positions shall be covered by this 6543
division. 6544

(J) ~~Whenever an employee is assigned to work~~ An appointing 6545
authority may assign an employee to work in a higher level 6546
position for a continuous period of more than two weeks but no 6547
more than two years ~~because of a vacancy, the~~. The employee's pay 6548
~~may~~ shall be established at a rate that is approximately four per 6549
cent above the employee's current base rate for the period the 6550
employee occupies the position, provided that this temporary 6551
~~occupancy~~ assignment is approved by the director. Employees paid 6552
under this division shall continue to receive any of the pay 6553
supplements due them under other divisions of this section based 6554
on the step one base rate for their normal classification. 6555

(K) If a certain position, or positions, within a class paid 6556
in accordance with schedule B of section 124.15 of the Revised 6557
Code or in accordance with schedule E-1 or schedule E-1 for step 6558
seven only of section 124.152 of the Revised Code are mandated by 6559

state or federal law or regulation or other regulatory agency or 6560
other certification authority to have special technical 6561
certification, registration, or licensing to perform the functions 6562
which are under the mandate, a special professional achievement 6563
pay supplement may be granted. This special professional 6564
achievement pay supplement shall not be granted when all 6565
incumbents in all positions in a class require a license as 6566
provided in the classification description published by the 6567
department of administrative services; to licensees where no 6568
special or extensive training is required; when certification is 6569
granted upon completion of a stipulated term of in-service 6570
training; when an appointing authority has required certification; 6571
or any other condition prescribed by the director. 6572

(1) Before this supplement may be applied, evidence as to the 6573
requirement must be provided by the agency for each position 6574
involved, and certification must be received from the director as 6575
to the director's concurrence for each of the positions so 6576
affected. 6577

(2) The professional achievement pay supplement provided in 6578
this division shall be granted in an amount up to ten per cent of 6579
the employee's classification salary base and shall remain in 6580
effect as long as the mandate exists. 6581

(L) Those employees assigned to teaching supervisory, 6582
principal, assistant principal, or superintendent positions who 6583
have attained a higher educational level than a basic bachelor's 6584
degree may receive an educational pay supplement to remain in 6585
effect as long as the employee's assignment and classification 6586
remain the same. 6587

(1) An educational pay supplement of two and one-half per 6588
cent of the employee's classification salary base may be applied 6589
upon the achievement of a bachelor's degree plus twenty quarter 6590
hours of postgraduate work. 6591

(2) An educational pay supplement of an additional five per cent of the employee's classification salary base may be applied upon achievement of a master's degree.

(3) An educational pay supplement of an additional two and one-half per cent of the employee's classification salary base may be applied upon achievement of a master's degree plus thirty quarter hours of postgraduate work.

(4) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a master teacher.

(5) An educational pay supplement of five per cent of the employee's classification salary base may be applied when the employee is performing as a special education teacher.

(6) Those employees in teaching supervisory, principal, assistant principal, or superintendent positions who are responsible for specific extracurricular activity programs shall receive overtime pay for those hours worked in excess of their normal schedule, at their straight time hourly rate up to a maximum of five per cent of their regular base salary in any calendar year.

(M)(1) A state agency, board, or commission may establish a supplementary compensation schedule for those licensed physicians employed by the agency, board, or commission in positions requiring a licensed physician. The supplementary compensation schedule, together with the compensation otherwise authorized by this chapter, shall provide for the total compensation for these employees to range appropriately, but not necessarily uniformly, for each classification title requiring a licensed physician, in accordance with a schedule approved by the state controlling board. The individual salary levels recommended for each such physician employed shall be approved by the director.

Notwithstanding section 124.11 of the Revised Code, such personnel 6623
are in the unclassified civil service. 6624

(2) The director of administrative services may approve 6625
supplementary compensation for the director of health, if the 6626
director is a licensed physician, in accordance with a 6627
supplementary compensation schedule approved under division (M)(1) 6628
of this section or in accordance with another supplementary 6629
compensation schedule the director of administrative services 6630
considers appropriate. The supplementary compensation shall not 6631
exceed twenty per cent of the director of health's base rate of 6632
pay. 6633

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 6634
117.42, and 131.02 of the Revised Code, the state shall not 6635
institute any civil action to recover and shall not seek 6636
reimbursement for overpayments made in violation of division (E) 6637
of this section or division (C) of section 9.44 of the Revised 6638
Code for the period starting after June 24, 1987, and ending on 6639
October 31, 1993. 6640

(O) Employees of the office of the treasurer of state who are 6641
exempt from collective bargaining coverage may be granted a merit 6642
pay supplement of up to one and one-half per cent of their step 6643
rate. The rate at which this supplement is granted shall be based 6644
on performance standards established by the treasurer of state. 6645
Any supplements granted under this division shall be administered 6646
on an annual basis. 6647

(P) Intermittent employees appointed under section 124.30 of 6648
the Revised Code are not eligible for the pay supplements provided 6649
by this section. 6650

(Q) Employees of the office of the auditor of state who are 6651
exempt from collective bargaining and who are paid in accordance 6652
with schedule E-1 or in accordance with schedule E-1 for step 7 6653

only and are paid a salary or wage in accordance with the schedule 6654
of rates in division (B) or (C) of section 124.152 of the Revised 6655
Code shall receive a reduction of two per cent in their hourly and 6656
annual pay calculation beginning with the pay period that 6657
immediately follows July 1, 2009. 6658

Sec. 124.392. (A) As used in this section: 6659

(1) "Exempt employee" has the same meaning as in section 6660
124.152 of the Revised Code. 6661

(2) "Fiscal emergency" means a fiscal emergency declared by 6662
the governor under section 126.05 of the Revised Code. 6663

(B) The director of administrative services may establish a 6664
voluntary cost savings program for exempt employees. 6665

(C) The director of administrative services shall establish a 6666
mandatory cost savings program applicable to exempt employees. 6667
Subject to division (C)(1) of this section, the program may 6668
include, but is not limited to, a loss of pay or loss of holiday 6669
pay as determined by the director. The program may be administered 6670
differently among exempt employees based on their classifications, 6671
appointment categories, appointing authorities, or other relevant 6672
distinctions. 6673

(1) Each full-time exempt employee shall participate in the 6674
program for a total of eighty hours of mandatory cost savings in 6675
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 6676
employee shall participate in the program by not receiving holiday 6677
pay during both fiscal year 2010 and fiscal year 2011. Each 6678
employee of the secretary of state, auditor of state, treasurer of 6679
state, and attorney general shall participate in the program 6680
unless the secretary of state, auditor of state, treasurer of 6681
state, or attorney general decides to exempt the officer's 6682
employees from the program and so notifies the director of 6683

administrative services in writing on or before July 1, 2009. 6684

After July 1, 2009, the secretary of state, auditor of state, 6685
treasurer of state, or attorney general may decide to begin 6686
participation in the program for eighty hours or less and shall 6687
notify the director of administrative services in writing. The 6688
secretary of state, auditor of state, treasurer of state, or 6689
attorney general and the director shall mutually agree upon an 6690
implementation date. 6691

(2) After June 30, 2011, the director of administrative 6692
services, in consultation with the director of budget and 6693
management, may implement mandatory cost savings days applicable 6694
to exempt employees in the event of a fiscal emergency. Each 6695
employee of the secretary of state, auditor of state, treasurer of 6696
state, and attorney general shall participate in the mandatory 6697
cost savings days unless the secretary of state, auditor of state, 6698
treasurer of state, or attorney general decides to exempt the 6699
officer's employees from the mandatory cost savings days and so 6700
notifies the director of administrative services in the manner the 6701
director of administrative services prescribes by rule adopted 6702
under this section. 6703

(D) The director shall adopt rules in accordance with Chapter 6704
119. of the Revised Code to provide for the administration of the 6705
voluntary cost savings program and the mandatory cost savings 6706
program ~~and days~~. 6707

(E) Cost savings days provided pursuant to this section or by 6708
a labor-management contract or agreement shall be considered 6709
remuneration for purposes of section 4141.31 of the Revised Code. 6710

~~(F) The cost savings fund is hereby created in the state 6711
treasury. Savings accrued through employee participation in the 6712
mandatory cost savings program and in mandatory cost savings days 6713
shall be allocated to the fund. The fund may be used to pay 6714~~

~~employees who participated in the mandatory cost savings program 6715
or in mandatory cost savings days. Any investment earnings of the 6716
fund shall be credited to the fund. 6717~~

~~Sec. 125.02. Except as to the adjutant general for military 6718
supplies and services, the capital capitol square review and 6719
advisory board, the general assembly, the judicial branch, and 6720
institutions administered by boards of trustees, the (A) The 6721
department of administrative services ~~may~~ shall establish 6722
contracts for supplies and services, including telephone, other 6723
telecommunications, and computer services, for the use of state 6724
agencies, ~~or~~ and may establish such contracts for the use of any 6725
political subdivision as described in division (B) of section 6726
125.04 of the Revised Code, except for the following: 6727~~

~~(1) The adjutant general for military supplies and services; 6728~~

~~(2) The general assembly; 6729~~

~~(3) The judicial branch; 6730~~

~~(4) State institutions of higher education; 6731~~

~~(5) State elected officials as set forth in section 125.041 6732
of the Revised Code; 6733~~

~~(6) The capitol square review and advisory board. 6734~~

~~The department The entities set forth in divisions (A)(1) to 6735
(6) of this section may request the department of administrative 6736
services' assistance in the procurement of supplies and services 6737
for their respective offices and, upon the department's approval, 6738
may participate in contracts awarded by the department. 6739~~

~~(B) For purchases under division (C) of section 125.05 of the 6740
Revised Code, the department shall grant a state agency a release 6741
and permit to make the purchase if the department determines that 6742
it is not possible or advantageous for the department to make a 6743
purchase. 6744~~

(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of administrative services. 6745
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6749

(D) The director of administrative services shall adopt rules regarding circumstances and criteria for obtaining a release and permit under this section. The director of administrative services shall prescribe uniform rules governing forms of specifications, advertisements for proposals, the opening of bids, the making of awards and contracts, and the purchase of supplies and performance of work. 6750
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6756

(E) The director may enter into cooperative purchasing agreements to purchase supplies or services with the following: 6757
6758

(1) The entities set forth in divisions (A)(1) to (5) of this section; 6759
6760

(2) One or more other states; 6761

(3) Groups of states; 6762

(4) The United States or any department, division, or agency of the United States; 6763
6764

(5) Other purchasing consortia; 6765

(6) The department of transportation; or 6766

(7) Any political subdivision of this state described in division (B) of section 125.04 of the Revised Code. 6767
6768

(F) The United States or any department, division, or agency of the United States, one or more other states, groups of states, other purchasing consortia, or any agency, commission, or authority established under an interstate compact or agreement may purchase supplies and services from contracts established by the department of administrative services. 6769
6770
6771
6772
6773
6774

(G) Except as provided in section 125.04 of the Revised Code, 6775
the department of administrative services shall purchase any 6776
policy of insurance, including a surety or fidelity bond, covering 6777
officers or employees of a state agency, for which the annual 6778
premium is more than one thousand dollars and which the state may 6779
procure. The department shall purchase the insurance in conformity 6780
with sections 125.04 to 125.15 of the Revised Code. As used in 6781
this division, "annual premium" means the total premium for one 6782
year for one type of insurance regardless of the number of 6783
policies. 6784

Sec. 125.035. (A) Except as otherwise provided in the Revised 6785
Code, a state agency wanting to purchase supplies or services 6786
shall make the purchase subject to the requirements of an 6787
applicable first or second requisite procurement program described 6788
in this section, or obtain a determination from the department of 6789
administrative services that the purchase is not subject to a 6790
first or second requisite procurement program. State agencies 6791
shall submit a purchase request to the department of 6792
administrative services unless the department has determined the 6793
request does not require a review. The director of administrative 6794
services shall adopt rules under Chapter 119. of the Revised Code 6795
to provide for the manner of carrying out the function and the 6796
power and duties imposed upon and vested in the director by this 6797
section. 6798

(B) The following programs are first requisite procurement 6799
programs that shall be given preference in the following order in 6800
fulfilling a purchase request: 6801

(1) Ohio penal industries within the department of 6802
rehabilitation and correction; and 6803

(2) Community rehabilitation programs administered by the 6804
department of administrative services under sections 125.601 to 6805

| | |
|--|------|
| <u>125.6012 of the Revised Code.</u> | 6806 |
| <u>(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so:</u> | 6807 |
| | 6808 |
| | 6809 |
| <u>(1) Business enterprise program at the department of opportunities for Ohioans with disabilities as prescribed in sections 3304.28 to 3304.33 of the Revised Code;</u> | 6810 |
| | 6811 |
| | 6812 |
| <u>(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;</u> | 6813 |
| | 6814 |
| | 6815 |
| <u>(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;</u> | 6816 |
| | 6817 |
| | 6818 |
| <u>(4) Office of support services at the department of mental health as prescribed in section 5119.44 of the Revised Code;</u> | 6819 |
| | 6820 |
| <u>(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and</u> | 6821 |
| | 6822 |
| <u>(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.</u> | 6823 |
| | 6824 |
| | 6825 |
| <u>(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:</u> | 6826 |
| | 6827 |
| | 6828 |
| | 6829 |
| | 6830 |
| | 6831 |
| | 6832 |
| | 6833 |
| <u>(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite</u> | 6834 |
| | 6835 |

procurement program; 6836

(2) Provide the agency with a waiver from the use of the 6837
applicable first requisite procurement programs under sections 6838
125.609 or 5147.07 of the Revised Code; or 6839

(3) Determine whether the purchase can be fulfilled through a 6840
second requisite procurement program under division (E) of this 6841
section. 6842

(E) In making the determination that a purchase is subject to 6843
a second requisite procurement program, the department shall 6844
identify potentially applicable programs and notify each program 6845
of the requested purchase. The notified second requisite 6846
procurement program shall respond to the department within two 6847
business days with regard to its ability to provide the requested 6848
purchase. If the second requisite procurement program can provide 6849
the requested purchase, the department shall direct the requesting 6850
agency to make the requested purchase from the appropriate second 6851
requisite procurement program. If the department has not received 6852
notification from a second requisite procurement program within 6853
two business days and the department has made the determination 6854
that the purchase is not subject to a second requisite procurement 6855
program, the department shall provide a waiver to the requesting 6856
agency. 6857

(F) Within five business days after receipt of a request, the 6858
department shall notify the requesting agency of its determination 6859
and provide any waiver under divisions (D) or (E) of this section. 6860
If the department fails to respond within five business days or 6861
fails to provide an explanation for any further delay within that 6862
time, the requesting agency may use direct purchasing authority to 6863
make the requested purchase, subject to the requirements of 6864
division (G) of this section and section 127.16 of the Revised 6865
Code. 6866

(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the time during which it is operative, and the reason for its issuance. A release and permit for telephone, other telecommunications, and computer services shall be provided in accordance with section 125.18 of the Revised Code and shall specify the type of services to be rendered, the number and type of hardware to be used, and may specify the amount of such services to be performed. No requesting agency shall proceed with such purchase until it has received an approved release and permit from the director of administrative services or the director's designee.

~~Sec. 125.04. (A) Except as provided in division (D) of this section, the department of administrative services shall determine what supplies and services are purchased by or for state agencies. Whenever the department of administrative services makes any change or addition to the lists of supplies and services that it determines to purchase for state agencies, it shall provide a list to the agencies of the changes or additions. Except for the requirements of division (B) of this section, section 125.092, and division (B) of section 125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not apply to or affect ~~the educational state institutions of the state~~ higher education.~~

(B)(1) As used in this division: 6894

(a) "Chartered nonpublic school" has the same meaning as in section 3310.01 of the Revised Code. 6895
6896

(b) "Emergency medical service organization" has the same 6897

meaning as in section 4765.01 of the Revised Code. 6898

(c) "Governmental agency" means a political subdivision or 6899
special district in this state established by or under law, or any 6900
combination of these entities; the United States or any 6901
department, division, or agency of the United States; one or more 6902
other states or groups of states; other purchasing consortia; and 6903
any agency, commission, or authority established under an 6904
interstate compact or agreement. 6905

(d) "Political subdivision" means any county, township, 6906
municipal corporation, school district, conservancy district, 6907
township park district, park district created under Chapter 1545. 6908
of the Revised Code, regional transit authority, regional airport 6909
authority, regional water and sewer district, or port authority. 6910
"Political subdivision" also includes any other political 6911
subdivision described in the Revised Code that has been approved 6912
by the department to participate in the department's contracts 6913
under this division. 6914

~~(d)~~(e) "Private fire company" has the same meaning as in 6915
section 9.60 of the Revised Code. 6916

(f) "State institution of higher education" has the meaning 6917
defined in section 3345.011 of the Revised Code. 6918

(2) Subject to division (C) of this section, the department 6919
of administrative services may permit a state institution of 6920
higher education, governmental agency, political subdivision, 6921
county board of elections, private fire company, private, 6922
nonprofit emergency medical service organization, or chartered 6923
nonpublic school to participate in contracts into which the 6924
department has entered for the purchase of supplies and services. 6925
The department may charge the entity a reasonable fee to cover the 6926
administrative costs the department incurs as a result of 6927
participation by the entity in such a purchase contract. 6928

A political subdivision desiring to participate in such purchase contracts shall file with the department a certified copy of an ordinance or resolution of the legislative authority or governing board of the political subdivision. The resolution or ordinance shall request that the political subdivision be authorized to participate in such contracts and shall agree that the political subdivision will be bound by such terms and conditions as the department prescribes and that it will directly pay the vendor under each purchase contract. A board of elections desiring to participate in such purchase contracts shall file with the purchasing authority a written request for inclusion in the program. A private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school desiring to participate in such purchase contracts shall file with the department a written request for inclusion in the program signed by the chief officer of the company, organization, or chartered nonpublic school. A governmental agency desiring to participate in such purchase contracts shall file with the department a written request for inclusion in the program. A state institution of higher education desiring to participate in such purchase contracts shall file with the department a certified copy of resolution of the board of trustees or similar authorizing body. The resolution shall request that the state institution of higher education be authorized to participate in such contracts.

A request for inclusion shall include an agreement to be bound by such terms and conditions as the department prescribes and to make direct payments to the vendor under each purchase contract.

The department shall include in its annual report, an estimate of the cost it incurs by permitting purchases made by state institutions of higher education, governmental agencies, political subdivisions, county boards of elections, private fire

companies, private, nonprofit emergency medical service 6961
organizations, and chartered nonpublic schools ~~to participate in~~ 6962
from contracts pursuant to this division. The department may 6963
require such entities to file a report with the department, as 6964
often as it finds necessary, stating how many such contracts the 6965
entities participated in within a specified period of time, and 6966
any other information the department requires. 6967

(3) Purchases made by a political subdivision or a county 6968
board of elections under this division are exempt from any 6969
competitive selection procedures otherwise required by law. No 6970
political subdivision shall make any purchase under this division 6971
when bids have been received for such purchase by the subdivision, 6972
unless such purchase can be made upon the same terms, conditions, 6973
and specifications at a lower price under this division. 6974

(C) A political subdivision as defined in division (B) of 6975
this section or a county board of elections may purchase supplies 6976
or services from another party, including a political subdivision, 6977
instead of through participation in contracts described in 6978
division (B) of this section if the political subdivision or 6979
county board of elections can purchase those supplies or services 6980
from the other party upon equivalent terms, conditions, and 6981
specifications but at a lower price than it can through those 6982
contracts. Purchases that a political subdivision or county board 6983
of elections makes under this division are exempt from any 6984
competitive selection procedures otherwise required by law. A 6985
political subdivision or county board of elections that makes any 6986
purchase under this division shall maintain sufficient information 6987
regarding the purchase to verify that the political subdivision or 6988
county board of elections satisfied the conditions for making a 6989
purchase under this division. Nothing in this division restricts 6990
any action taken by a county or township as authorized by division 6991
(B)(1) of section 9.48 of the Revised Code. 6992

(D) This section does not apply to supplies or services 6993
~~required by the legislative or judicial branches, the capitol~~ 6994
~~square review and advisory board, the adjutant general for~~ 6995
~~military supplies and services, to supplies or services~~ 6996
purchased by a state agency directly as provided in ~~division (A), (B), or~~ 6997
~~(F)~~ of section 125.05 of the Revised Code, or to purchases of 6998
supplies or services for the emergency management agency as 6999
provided in section ~~125.023~~ 125.061 of the Revised Code. 7000

Sec. 125.041. (A) Nothing in sections 125.02, ~~125.03~~ 125.04 7001
to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 7002
of the Revised Code shall be construed as limiting the attorney 7003
general, auditor of state, secretary of state, or treasurer of 7004
state in any of the following: 7005

~~(A)~~(1) Purchases for less than the dollar amounts for the 7006
purchase of supplies or services determined ~~pursuant to division~~ 7007
~~(E)~~ of under section 125.05 of the Revised Code; 7008

~~(B)~~(2) Purchases that equal or exceed the dollar amounts for 7009
the purchase of supplies or services determined ~~pursuant to~~ 7010
~~division (E)~~ of under section 125.05 of the Revised Code with the 7011
approval of the controlling board, if that approval is required by 7012
section 127.16 of the Revised Code; 7013

~~(C)~~(3) The final determination of the nature or quantity 7014
~~making of~~ any purchase of supplies or services ~~to be purchased~~ 7015
~~pursuant to~~ under division (B) of section ~~125.06~~ 125.02 or under 7016
division (G) of section 125.035 of the Revised Code; 7017

~~(D)~~(4) The final determination and disposal of excess and 7018
surplus supplies; 7019

~~(E)~~(5) The inventory of state property; 7020

~~(F)~~(6) The purchase of printing; 7021

~~(G)~~(7) Activities related to information technology 7022

development and use; 7023

~~(H)(8)~~ The fleet management program. 7024

(B) Nothing in this section shall be construed as preventing 7025
the attorney general, auditor of state, secretary of state, or 7026
treasurer of state from complying with or participating in any 7027
aspect of Chapter 125. of the Revised Code through the department 7028
of administrative services. 7029

Sec. 125.05. Except as provided in division ~~(F)(D)~~ of this 7030
section, no state agency shall purchase any supplies or services 7031
except as provided in divisions (A) to ~~(D)(C)~~ of this section. 7032

~~(A) Subject to division (E) of this section,~~ a A state agency 7033
may, without competitive selection, make any purchase of supplies 7034
or services that cost ~~twenty five~~ less than fifty thousand dollars 7035
~~or less~~ after complying with divisions (A) to (E) of section 7036
125.035 of the Revised Code. The agency may make the purchase 7037
directly or may make the purchase from or through the department 7038
of administrative services, whichever the agency determines. The 7039
agency shall adopt written procedures consistent with the 7040
department's purchasing procedures and shall use those procedures 7041
when making purchases under this division. 7042

~~(B) Subject to division (E) of this section and in accordance~~ 7043
~~with section 125.051 of the Revised Code, a state agency may make~~ 7044
~~purchases of supplies and services that cost more than twenty five~~ 7045
~~thousand dollars but less than fifty thousand dollars if the~~ 7046
~~purchases are made under the direction of an employee of the~~ 7047
~~agency who is certified by the department to make purchases and if~~ 7048
~~the purchases comply with the department's purchasing procedures.~~ 7049
Section 127.16 of the Revised Code does not apply to purchases 7050
made under this division. ~~Until the certification effective date~~ 7051
~~established by the department in rules adopted under section~~ 7052
~~125.051 of the Revised Code, state agencies may make purchases of~~ 7053

~~supplies and services that cost more than twenty five thousand 7054
dollars but less than fifty thousand dollars in the same manner as 7055
provided in division (A) of this section. 7056~~

(B) A state agency shall make purchases of supplies and 7057
services that cost fifty thousand dollars or more through the 7058
department of administrative services and the process provided in 7059
section 125.035 of the Revised Code, unless the department grants 7060
a waiver under divisions (D) or (E) of that section and a release 7061
and permit under division (G) of that section. 7062

~~(C) Subject to division (E) of this section, a state agency 7063
wanting to purchase supplies or services that cost more than 7064
twenty five thousand dollars shall, unless otherwise authorized by 7065
law, make the purchase from or through the department. The 7066
department shall make the purchase by competitive selection. If 7067
the director of administrative services determines that it is not 7068
possible or not advantageous to the state for the department to 7069
make the purchase, the department shall grant the agency a release 7070
and permit under section 125.06 of the Revised Code to make the 7071
purchase. Section 127.16 of the Revised Code does not apply to 7072
purchases the department makes under this section. 7073~~

~~(D) An agency that has been granted a release and permit 7074
under division (G) of section 125.035 of the Revised Code to make 7075
a purchase may make the purchase without competitive selection if 7076
after making the purchase the cumulative purchase threshold as 7077
computed under division (E) of section 127.16 of the Revised Code 7078
would: 7079~~

~~(1) Be exceeded and the controlling board approves the 7080
purchase; 7081~~

~~(2) Not be exceeded and the department of administrative 7082
services approves the purchase. 7083~~

~~(E) Not later than the thirty first day of January of each 7084~~

~~even numbered year, the directors of administrative services and 7085
budget and management shall review and recommend to the general 7086
assembly, if necessary, adjustments to the amounts specified in 7087
divisions (A) to (C) of this section and division (B) of section 7088
127.16 of the Revised Code. 7089~~

~~(F)(D) If the department of education or the Ohio education 7090
computer network determines that it can purchase software services 7091
or supplies for specified school districts at a price less than 7092
the price for which the districts could purchase the same software 7093
services or supplies for themselves, the department or network 7094
shall certify that fact to the department of administrative 7095
services and, acting as an agent for the specified school 7096
districts, shall make that purchase without following the 7097
provisions in divisions (A) to (D) of this section. 7098~~

Sec. 125.061. (A) During the period of an emergency as 7099
defined in section 5502.21 of the Revised Code, the department of 7100
administrative services may suspend, for the emergency management 7101
agency established in section 5502.022 of the Revised Code or any 7102
other state agency participating in response and recovery 7103
activities as defined in section 5502.21 of the Revised Code, the 7104
purchasing and contracting requirements contained in Chapter 125. 7105
and any requirement of Chapter 153. of the Revised Code that 7106
otherwise would apply to the agency. The director of public safety 7107
or the executive director of the emergency management agency shall 7108
make the request for the suspension of these requirements to the 7109
department of administrative services concurrently with the 7110
request to the governor or the president of the United States for 7111
the declaration of an emergency. The governor also shall include 7112
in any proclamation the governor issues declaring an emergency 7113
language requesting the suspension of those requirements during 7114
the period of the emergency. 7115

(B) Before any purchase may be made under a suspension 7116
authorized by this section, the director of administrative 7117
services shall send notice of the suspension as approved under 7118
division (A) of this section to the director of budget and 7119
management and to the members of the controlling board. The notice 7120
shall provide details of the request for suspension and shall 7121
include a copy of the director's approval. 7122

(C) Purchases made by state agencies under this section are 7123
exempt from the requirements of section 127.16 of the Revised 7124
Code, except that state agencies making purchases under this 7125
section shall file a report with the president of the controlling 7126
board describing all such purchases made by the agency during the 7127
period covered by the emergency declaration. The report shall be 7128
filed within ninety days after the declaration expires. 7129

Sec. 125.07. (A) In accordance with rules the director shall 7130
adopt under Chapter 119. of the Revised Code, the director of 7131
administrative services may make purchases by competitive sealed 7132
bid. The competitive sealed bid, at a minimum, shall contain a 7133
detailed description of the supplies or services to be purchased, 7134
terms and conditions of the sale, and any other information the 7135
director considers to be necessary for the intended purchase. 7136
Competitive sealed bids shall be awarded as provided in section 7137
125.11 of the Revised Code. 7138

(B) The department of administrative services, in making a 7139
purchase by competitive ~~selection pursuant to division (C) of~~ 7140
~~section 125.05 of the Revised Code~~ sealed bid, shall give notice 7141
in the following manner: 7142

~~(A)(1) The department shall advertise the intended purchases~~ 7143
~~by notice that is posted by mail or electronic means and that is~~ 7144
~~for the benefit of competing persons producing or dealing in the~~ 7145
~~supplies or services to be purchased, including, but not limited~~ 7146

~~to, the persons whose names appear on the appropriate list~~ 7147
~~provided for in section 125.08 of the Revised Code. The notice may~~ 7148
~~be in the form of the bid or proposal document or of a listing in~~ 7149
~~a periodic bulletin, or in any other electronic form the director~~ 7150
of administrative services considers appropriate to sufficiently 7151
notify ~~qualified~~ competing persons of the intended purchases. 7152

~~(B)(2)~~ The notice required under this division ~~(A) of this~~ 7153
~~section~~ shall include the time and place where bids ~~or proposals~~ 7154
will be accepted and opened, or, when bids are made in a reverse 7155
auction, the time when bids will be accepted; the conditions under 7156
which bids ~~or proposals~~ will be received; the terms of the 7157
proposed purchases; and an itemized list of the supplies or 7158
services to be purchased and the estimated quantities or amounts 7159
of them. 7160

~~(C)(3)~~ The ~~posting of the~~ notice required under this division 7161
~~(A) of this section~~ shall be ~~completed by~~ posted the number of 7162
days ~~the director determines~~ preceding the day when the bids ~~or~~ 7163
~~proposals~~ will be opened or accepted that the director determines 7164
sufficient to enable interested bidders to prepare their bids. 7165

~~(D)~~ The department also shall maintain, in a public place in 7166
~~its office, a bulletin board upon which it shall post and maintain~~ 7167
~~a copy of the notice required under division (A) of this section~~ 7168
~~for at least the number of days the director determines under~~ 7169
~~division (C) of this section preceding the day of the opening or~~ 7170
~~acceptance of the bids or proposals. The failure to so~~ 7171
~~additionally post the notice shall invalidate all proceedings had~~ 7172
~~and any contract entered into pursuant to the proceedings.~~ 7173

Sec. 125.08. ~~(A) The department of administrative services~~ 7174
~~may divide the state into purchasing districts wherein supplies or~~ 7175
~~services are to be delivered and shall describe those districts on~~ 7176
~~all applications for the notification list provided for in this~~ 7177

~~section.~~ 7178

~~Any person may have that person's name and address, or the name and address of an agent, placed on the competitive selection notification list of the department of administrative services by sending to the department the person's name and address, together with a list of the supplies or services described in the manner prescribed by the department produced or dealt in by the person with a request for such listing, a list of the districts in which the person desires to participate, and all other information the director of administrative services may prescribe. Whenever any name and address together with a list of the supplies or services produced or dealt in is so listed, the department shall post notice, as provided in division (A) of section 125.07 of the Revised Code, for the benefit of the persons listed on the notification list that are qualified Ohio business enterprises, which shall include Ohio penal industries as defined by rule of the director of administrative services, or have a significant Ohio presence in this state's economy, except that, in those circumstances in which the director considers it in the best interest of this state, the director shall post notice, as provided in division (A) of section 125.07 of the Revised Code, for the benefit of all persons listed on the notification list. The department need only provide competitive selection documents for a proposed contract to persons who specifically request the documents.~~ 7179
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~~The director may remove a person from the notification list and place the person on an inactive list if the person fails to respond to any notices of proposed purchases that appear in four consecutive bulletins or other forms of notification that list those notices. Upon written request to the director by the person so removed, the director may return the person to the notification list if the person provides sufficient evidence regarding intent~~ 7203
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~~to offer bids or proposals to the state. The director shall not~~ 7210
~~remove any person from the list without notice to the person. The~~ 7211
~~notice may be a part of the notices of proposed purchase.~~ 7212

~~(B) Any person who is certified by the equal employment~~ 7213
~~opportunity coordinator of the department of administrative~~ 7214
~~services in accordance with the rules adopted under division~~ 7215
~~(B)(1) of section 123.151 of the Revised Code as a minority~~ 7216
~~business enterprise may have that person's name placed on a~~ 7217
~~special minority business enterprise notification list to be used~~ 7218
~~in connection with contracts awarded under section 125.081 of the~~ 7219
~~Revised Code. The minority business enterprise notification list~~ 7220
~~shall be used for bidding on contracts set aside for minority~~ 7221
~~business enterprises only. In all other respects, the list shall~~ 7222
~~be maintained and used in the same manner and according to the~~ 7223
~~same procedures as the notification list provided for under~~ 7224
~~division (A) of this section, except that a firm shall not be~~ 7225
~~removed from the list unless the coordinator determines that the~~ 7226
~~firm is no longer a minority business enterprise. A minority~~ 7227
~~business enterprise may have its name placed on both the~~ 7228
~~notification lists provided for in this section.~~ 7229

~~(C) The director of administrative services may require an~~ 7230
~~annual registration fee for the listings provided for in division~~ 7231
~~(A) or (B) of this section. This fee shall not be more than ten~~ 7232
~~dollars. The department may charge a fee for any compilation of~~ 7233
~~descriptions of supplies or services. This fee shall be reasonable~~ 7234
~~and shall not exceed the cost required to maintain the~~ 7235
~~notification lists and provide for the distribution of the~~ 7236
~~proposed purchase to the persons whose names appear on the lists.~~ 7237

Sec. 125.081. (A) From the purchases that the department of 7238
administrative services is required by law to make through 7239
competitive selection, the director of administrative services 7240

shall select a number of such purchases, the aggregate value of 7241
which equals approximately fifteen per cent of the estimated total 7242
value of all such purchases to be made in the current fiscal year. 7243
The director shall set aside the purchases selected for 7244
competition only by minority business enterprises, as defined in 7245
division (E)(1) of section 122.71 of the Revised Code. The 7246
competitive selection procedures for such purchases set aside 7247
shall be the same as for all other purchases the department is 7248
required to make through competitive selection, except that only 7249
minority business enterprises certified by the equal employment 7250
opportunity coordinator of the department of administrative 7251
services in accordance with the rules adopted under division 7252
(B)(1) of section 123.151 of the Revised Code and listed by the 7253
director under ~~division (B)~~ of section 125.08 of the Revised Code 7254
shall be qualified to compete. 7255

(B) To the extent that any agency of the state, other than 7256
the department of administrative services, the legislative and 7257
judicial branches, boards of elections, and the adjutant general, 7258
is authorized to make purchases, the agency shall set aside a 7259
number of purchases, the aggregate value of which equals 7260
approximately fifteen per cent of the aggregate value of such 7261
purchases for the current fiscal year for competition by minority 7262
business enterprises only. The procedures for such purchases shall 7263
be the same as for all other such purchases made by the agency, 7264
except that only minority business enterprises certified by the 7265
equal employment opportunity coordinator in accordance with rules 7266
adopted under division (B)(1) of section 123.151 of the Revised 7267
Code shall be qualified to compete. 7268

(C) In the case of purchases set aside under division (A) or 7269
(B) of this section, if no bid is submitted by a minority business 7270
enterprise, the purchase shall be made according to usual 7271
procedures. The contracting agency shall from time to time set 7272

aside such additional purchases for which only minority business 7273
enterprises may compete, as are necessary to replace those 7274
purchases previously set aside for which no minority business 7275
enterprises bid and to ensure that, in any fiscal year, the 7276
aggregate amount of contracts awarded to minority business 7277
enterprises will equal approximately fifteen per cent of the total 7278
amount of contracts awarded by the agency. 7279

(D) The provisions of this section shall not preclude any 7280
minority business enterprise from competing for any other state 7281
purchases that are not specifically set aside for minority 7282
business enterprises. 7283

(E) No funds of any state agency shall be expended in any 7284
fiscal year for any purchase for which competitive selection is 7285
required, until the director of the department of administrative 7286
services certifies to the equal employment opportunity 7287
coordinator, the clerk of the senate, and the clerk of the house 7288
of representatives of the general assembly that approximately 7289
fifteen per cent of the aggregate amount of the projected 7290
expenditure for such purchases in the fiscal year has been set 7291
aside as provided for in this section. 7292

(F) Any person who intentionally misrepresents self as 7293
owning, controlling, operating, or participating in a minority 7294
business enterprise for the purpose of obtaining contracts, 7295
subcontracts, or any other benefits under this section shall be 7296
guilty of theft by deception as provided for in section 2913.02 of 7297
the Revised Code. 7298

Sec. 125.082. (A) When purchasing equipment, materials, or 7299
supplies, the general assembly; the offices of all elected state 7300
officers; all departments, boards, offices, commissions, agencies, 7301
institutions, including, without limitation, state-supported 7302
institutions of higher education, and other instrumentalities of 7303

this state; the supreme court; all courts of appeals; and all 7304
courts of common pleas, may purchase recycled products in 7305
accordance with ~~the guidelines adopted under division (B) of this~~ 7306
~~section if the products are available and meet the performance~~ 7307
~~specifications of the procuring entities. Purchases of recycled~~ 7308
~~products shall comply with any rules adopted under division (C) of~~ 7309
~~this section by the director of administrative services.~~ 7310

(B) The director of administrative services shall adopt rules 7311
in accordance with Chapter 119. of the Revised Code establishing 7312
guidelines for the procurement of recycled products pursuant to 7313
division (A) of this section. ~~To the extent practicable, the~~ 7314
~~guidelines shall do all of the following:~~ 7315

~~(1) Be consistent with and substantially equivalent to any~~ 7316
~~relevant regulations adopted by the administrator of the United~~ 7317
~~States environmental protection agency pursuant to the "Resource~~ 7318
~~Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.~~ 7319
~~6921, as amended;~~ 7320

~~(2) Establish the minimum percentage of recycled materials~~ 7321
~~the various products shall contain in order to be considered~~ 7322
~~"recycled" for the purposes of division (A) of this section;~~ 7323

~~(3) So far as practicable and economically feasible,~~ 7324
~~incorporate specifications for recycled content materials to~~ 7325
~~promote the use and purchase of recycled products by state~~ 7326
~~agencies.~~ 7327

~~(C) The director may adopt rules in accordance with Chapter~~ 7328
~~119. of the Revised Code establishing a maximum percentage by~~ 7329
~~which the cost of recycled products purchased under division (A)~~ 7330
~~of this section may exceed the cost of comparable products made of~~ 7331
~~virgin materials.~~ 7332

~~(D) The department of administrative services and the~~ 7333
~~environmental protection agency annually shall prepare and submit~~ 7334

~~to the governor, president of the senate, and speaker of the house 7335
of representatives a report that describes, so far as practicable, 7336
the value and types of recycled products that are purchased with 7337
moneys disbursed from the state treasury by the general assembly; 7338
the offices of all elected state officers; and all departments, 7339
boards, offices, commissions, agencies, and institutions of this 7340
state. 7341~~

Sec. 125.10. (A) The department of administrative services 7342
may require that all competitive sealed bids, competitive sealed 7343
proposals, and bids received in a reverse auction be accompanied 7344
by a performance bond or other ~~cash surety~~ financial assurance 7345
acceptable to the director of administrative services, in the sum 7346
and with the sureties it prescribes, payable to the state, and 7347
conditioned that the person submitting the bid or proposal, if 7348
that person's bid or proposal is accepted, will faithfully execute 7349
the terms of the contract and promptly make deliveries of the 7350
supplies purchased. 7351

(B) A sealed copy of each competitive sealed bid or 7352
competitive sealed proposal shall be filed with the department 7353
prior to the time specified in the notice for opening of the bids 7354
or proposals. All competitive sealed bids and competitive sealed 7355
proposals shall be publicly opened in the office of the department 7356
at the time specified in the notice. A representative of the 7357
auditor of state shall be present at the opening of all 7358
competitive sealed bids and competitive sealed proposals, and 7359
shall certify the opening of each competitive sealed bid and 7360
competitive sealed proposal. No competitive sealed bid or 7361
competitive sealed proposal shall be considered valid unless it is 7362
so certified. 7363

Sec. 125.11. (A) Subject to division (B) of this section, 7364
contracts awarded pursuant to a reverse auction under section 7365

125.072 of the Revised Code or pursuant to competitive sealed 7366
bidding, including contracts awarded under section 125.081 of the 7367
Revised Code, shall be awarded to the lowest responsive and 7368
responsible bidder ~~on each item~~ in accordance with section 9.312 7369
of the Revised Code. When the contract is for meat products as 7370
defined in section 918.01 of the Revised Code or poultry products 7371
as defined in section 918.21 of the Revised Code, only those bids 7372
received from vendors ~~offering products from establishments on the~~ 7373
~~current list of meat and poultry vendors established and~~ 7374
~~maintained by the director of administrative services under~~ 7375
~~section 125.17 of the Revised Code~~ under inspection of the United 7376
States department of agriculture or who are licensed by the Ohio 7377
department of agriculture shall be eligible for acceptance. The 7378
department of administrative services may accept or reject any or 7379
all bids in whole or by items, except that when the contract is 7380
for services or products available from a qualified nonprofit 7381
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 7382
4115.35 of the Revised Code, the contract shall be awarded to that 7383
agency. 7384

(B) Prior to awarding a contract under division (A) of this 7385
section, the department of administrative services or the state 7386
agency responsible for evaluating a contract for the purchase of 7387
products shall evaluate the bids received according to the 7388
criteria and procedures established pursuant to divisions (C)(1) 7389
and (2) of section 125.09 of the Revised Code for determining if a 7390
product is produced or mined in the United States and if a product 7391
is produced or mined in this state. The department or other state 7392
agency shall first ~~remove~~ consider bids that offer products that 7393
have ~~not~~ been or that will ~~not~~ be produced or mined in the United 7394
States. From among the remaining bids, the department or other 7395
state agency shall select the lowest responsive and responsible 7396
bid, in accordance with section 9.312 of the Revised Code, from 7397

among the bids that offer products that have been produced or 7398
mined in this state where sufficient competition can be generated 7399
within this state to ensure that compliance with these 7400
requirements will not result in an excessive price for the product 7401
or acquiring a disproportionately inferior product. 7402

(C) Division (B) of this section applies to contracts for 7403
which competitive bidding is waived by the controlling board. 7404

(D) Division (B) of this section does not apply to the 7405
purchase by the division of liquor control of spirituous liquor. 7406

(E) The director of administrative services shall publish in 7407
the form of a model act for use by counties, townships, municipal 7408
corporations, or any other political subdivision described in 7409
division (B) of section 125.04 of the Revised Code, a system of 7410
preferences for products mined and produced in this state and in 7411
the United States and for Ohio-based contractors. The model act 7412
shall reflect substantial equivalence to the system of preferences 7413
in purchasing and public improvement contracting procedures under 7414
which the state operates pursuant to this chapter and section 7415
153.012 of the Revised Code. To the maximum extent possible, 7416
consistent with the Ohio system of preferences in purchasing and 7417
public improvement contracting procedures, the model act shall 7418
incorporate all of the requirements of the federal "Buy America 7419
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 7420
the rules adopted under that act. 7421

Before and during the development and promulgation of the 7422
model act, the director shall consult with appropriate statewide 7423
organizations representing counties, townships, and municipal 7424
corporations so as to identify the special requirements and 7425
concerns these political subdivisions have in their purchasing and 7426
public improvement contracting procedures. The director shall 7427
promulgate the model act by rule adopted pursuant to Chapter 119. 7428
of the Revised Code and shall revise the act as necessary to 7429

reflect changes in this chapter or section 153.012 of the Revised Code. 7430
7431

The director shall make available copies of the model act, 7432
supporting information, and technical assistance to any township, 7433
county, or municipal corporation wishing to incorporate the 7434
provisions of the act into its purchasing or public improvement 7435
contracting procedure. 7436

Sec. 125.112. (A) As used in this section: 7437

(1) "Agency" means a department created under section 121.02 7438
of the Revised Code. 7439

(2) "Entity" means, whether for profit or nonprofit, a 7440
corporation, association, partnership, limited liability company, 7441
sole proprietorship, or other business entity. "Entity" does not 7442
include an individual who receives state assistance that is not 7443
related to the individual's business. 7444

(3)(a) "State award" means a contract awarded by the state 7445
costing over twenty-five thousand dollars. 7446

(b) "State award" does not include compensation received as 7447
an employee of the state or any state financial assistance and 7448
expenditure received from the general assembly or any legislative 7449
agency, any court or judicial agency, the secretary of state, 7450
auditor of state, treasurer of state, or attorney general and 7451
their respective offices. 7452

(B) The department of administrative services shall establish 7453
and maintain a single searchable web site, accessible by the 7454
public at no cost, that includes all of the following information 7455
for each state award: 7456

(1) The name of the entity receiving the award; 7457

(2) The amount of the award; 7458

(3) Information on the award, the agency or other 7459
instrumentality of the state that is providing the award, and the 7460
commodity code; 7461

(4) Any other relevant information determined by the 7462
department of administrative services. 7463

(C) The department of administrative services may consult 7464
with other state agencies in the development, establishment, 7465
operation, and support of the web site required by division (B) of 7466
this section. State awards shall be posted on the web site within 7467
thirty days after being made. The department of administrative 7468
services shall provide an opportunity for public comment as to the 7469
utility of the web site required by division (B) of this section 7470
and any suggested improvements. 7471

(D) The web site required by division (B) of this section 7472
shall be fully operational not later than one year after ~~the~~ 7473
~~effective date of this section~~ December 30, 2008, and shall 7474
include information on state awards made in fiscal year 2008 and 7475
thereafter. It shall also provide an electronic link to the daily 7476
journals of the senate and house of representatives. 7477

(E) The director of administrative services shall submit to 7478
the general assembly an annual report regarding the implementation 7479
of the web site established pursuant to division (B) of this 7480
section. The report shall include data regarding the usage of the 7481
web site and any public comments on the utility of the site, 7482
including recommendations for improving data quality and 7483
collection. The director shall post each report on the web site. 7484

(F) Each agency awarding a grant to an entity in fiscal year 7485
2008 and thereafter shall establish and maintain a separate web 7486
site listing the name of the entity receiving each grant, the 7487
grant amount, information on each grant, and any other relevant 7488
information determined by the department of administrative 7489

services. Each agency shall provide the link to such a web site to 7490
the department of administrative services within a reasonable time 7491
after ~~the effective date of this section~~ December 30, 2008, and 7492
shall thereafter update its web site within thirty days of 7493
awarding a new grant. Not later than one year after ~~the effective~~ 7494
~~date of this section~~ December 30, 2008, the department of 7495
administrative services shall establish and maintain a separate 7496
web site, accessible to the public at no cost, which contains the 7497
links to the agency web sites required by this division. 7498

(G) ~~The~~ At the end of the closeout year, the attorney general 7499
shall ~~monitor the compliance of~~ determine the extent to which an 7500
entity has complied with the terms and conditions, including 7501
performance metrics, ~~if any~~, of a state award for economic 7502
development received by that entity. As necessary, the agency that 7503
makes and administers the state award for economic development 7504
shall assist the attorney general with that ~~monitoring~~ 7505
determination. The attorney general shall submit to the general 7506
assembly pursuant to section 101.68 of the Revised Code an annual 7507
report regarding the level of compliance of each such ~~entities~~ 7508
entity with the terms and conditions, including ~~any~~ performance 7509
metrics, of their state awards for economic development. When the 7510
attorney general determines appropriate and to the extent that an 7511
entity that receives or has received a state award for economic 7512
development does not comply with a performance metric that is 7513
specified in the terms and conditions of the award, the attorney 7514
general shall pursue against and from that entity such remedies 7515
and recoveries as are available under law. For purposes of this 7516
division, "state Closeout year" means the calendar year by which 7517
an entity that receives a state award for economic development 7518
must comply with a performance metric specified in the terms and 7519
conditions of the award. "State award for economic development" 7520
means state financial assistance and expenditure in any of the 7521
following forms: grants, subgrants, loans, awards, cooperative 7522

agreements, or other similar and related forms of financial 7523
assistance and contracts, subcontracts, purchase orders, task 7524
orders, delivery orders, or other similar and related 7525
transactions. "State award for economic development" does not 7526
include compensation received as an employee of the state or any 7527
state financial assistance and expenditure received from the 7528
general assembly or any legislative agency, any court or judicial 7529
agency, the secretary of state, auditor of state, treasurer of 7530
state, or attorney general and their respective offices. 7531

(H) Nothing in this section shall be construed as requiring 7532
the disclosure of information that is not a public record under 7533
section 149.43 of the Revised Code. 7534

Sec. 125.13. (A) As used in this section: 7535

(1) "Emergency medical service organization" has the same 7536
meaning as in section 4765.01 of the Revised Code. 7537

(2) "Private fire company" has the same meaning as in section 7538
9.60 of the Revised Code. 7539

(B) ~~Except as otherwise provided in section 5139.03 of the~~ 7540
~~Revised Code, whenever~~ Whenever a state agency ~~determines that it~~ 7541
has excess or surplus supplies, it shall notify the director of 7542
administrative services. ~~Upon request by the director and on~~ On 7543
forms provided by the director, the state agency shall furnish to 7544
the director a list of ~~all those~~ its excess and surplus supplies 7545
~~and an appraisal of their value, including the location of the~~ 7546
supplies and whether the supplies are currently in the agency's 7547
control. 7548

(C) ~~The~~ Upon receipt of notification and at no cost to the 7549
state agency, the director of administrative services shall make 7550
arrangements for their disposition and shall take immediate 7551
control of a state agency's excess and surplus supplies, except 7552

for the following excess and surplus supplies: 7553

(1) Excess or surplus supplies that have a value below the 7554
minimum value that the director establishes for excess and surplus 7555
supplies under division (F) of this section; 7556

(2) Excess or surplus supplies that the director has 7557
authorized an agency to donate to a ~~public entity~~ governmental 7558
agency, including, but not limited to, public schools and surplus 7559
computers and computer equipment transferred to a public school 7560
under division ~~(H)~~(G) of this section; 7561

(3) Excess or surplus supplies that an agency trades in as 7562
full or partial payment when purchasing a replacement item; 7563

(4) Hazardous property; 7564

(5) Excess or surplus supplies that the director has 7565
authorized to be part of an interagency transfer; 7566

(6) Excess or surplus supplies that are donated under 7567
division (H) of this section. 7568

(D) The director shall inventory excess and surplus supplies 7569
in the director's control and post on a public web site a list of 7570
the supplies available for acquisition. The director may have the 7571
supplies repaired. The director shall not charge a fee for the 7572
collection or transportation of excess and surplus supplies. 7573

(E) The director may do ~~either~~ any of the following: 7574

(1) Dispose of declared surplus or excess supplies in the 7575
director's control by sale, lease, donation, or transfer. If the 7576
director does so, the director shall dispose of those supplies in 7577
any of the following ~~order of priority~~ manners: 7578

(a) To state agencies or by interagency trade; 7579

(b) To state-supported or state-assisted institutions of 7580
higher education; 7581

(c) To tax-supported agencies, municipal corporations, or 7582
other political subdivisions of this state, private fire 7583
companies, or private, nonprofit emergency medical service 7584
organizations; 7585

(d) To nonpublic elementary and secondary schools chartered 7586
by the state board of education under section 3301.16 of the 7587
Revised Code; 7588

(e) To a nonprofit organization that is both exempt from 7589
federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that 7590
receives funds from the state or has a contract with the state; 7591

(f) To the general public by auction, sealed bid, sale, or 7592
negotiation. 7593

(2) If the director has attempted to dispose of any declared 7594
surplus or excess motor vehicle that does not exceed four thousand 7595
five hundred dollars in value pursuant to divisions (E)(1)(a) to 7596
(c) of this section, donate the motor vehicle to a nonprofit 7597
organization exempt from federal income taxation pursuant to 26 7598
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 7599
transportation needs of participants in the Ohio works first 7600
program established under Chapter 5107. of the Revised Code and 7601
participants in the prevention, retention, and contingency program 7602
established under Chapter 5108. of the Revised Code. The director 7603
may not donate a motor vehicle furnished to the state highway 7604
patrol to a nonprofit organization pursuant to this division. 7605

(F) The director may adopt rules governing the sale, lease, 7606
or transfer of surplus and excess supplies in the director's 7607
control by public auction, sealed bid, sale, or negotiation, 7608
except that no employee of the disposing agency shall be allowed 7609
to purchase, lease, or receive any such supplies. The director may 7610
dispose of declared surplus or excess supplies, including motor 7611
vehicles, in the director's control as the director determines 7612

proper if such supplies cannot be disposed of pursuant to division 7613
(E) of this section. The director shall by rule establish a 7614
minimum value for excess and surplus supplies and prescribe 7615
procedures for a state agency to follow in disposing of excess and 7616
surplus supplies in its control that have a value below the 7617
minimum value established by the director. 7618

~~(G) No state supported or state assisted institution of 7619
higher education, tax supported agency, municipal corporation, or 7620
other political subdivision of this state, private fire company, 7621
or private, nonprofit emergency medical service organization shall 7622
sell, lease, or transfer excess or surplus supplies acquired under 7623
this section to private entities or the general public at a price 7624
greater than the price it originally paid for those supplies. 7625~~

~~(H) The director of administrative services may authorize any 7626
state agency to transfer surplus computers and computer equipment 7627
that are not needed by other state agencies directly to an 7628
accredited public school within the state. The computers and 7629
computer equipment may be repaired or refurbished prior to 7630
transfer. The state agency may charge a service fee to the public 7631
schools for the property not to exceed the direct cost of 7632
repairing or refurbishing it. The state agency shall deposit such 7633
funds into the account used for repair or refurbishment. 7634~~

(H) Excess and surplus supplies of food shall be exempt from 7635
this section and may be donated directly to nonprofit food 7636
pantries and institutions without notification to the director of 7637
administrative services. 7638

Sec. 125.27. (A) There is hereby created in the state 7639
treasury the building improvement fund. The fund shall retain the 7640
interest earned. 7641

(B) The fund shall consist of any ~~payments made by intrastate 7642
transfer voucher from the appropriation item for office building 7643~~

~~operating payments money transferred or deposited into the fund~~ 7644
~~pursuant to section 125.28 of the Revised Code.~~ 7645

(C) The fund shall be used for major maintenance or 7646
improvements required in ~~the James A. Rhodes or Frank J. Lausche~~ 7647
~~state office tower, Toledo government center, Senator Oliver R.~~ 7648
~~Oeasek government office building, and Vern Riffe center for~~ 7649
~~government and the arts~~ facilities maintained by the department of 7650
administrative services. 7651

Sec. 125.28. (A)(1) ~~Each state agency that is supported in~~ 7652
~~whole or in part by nongeneral revenue fund money and that~~ 7653
~~occupies space in the James A. Rhodes or Frank J. Lausche state~~ 7654
~~office tower, Toledo government center, Senator Oliver R. Oeasek~~ 7655
~~government office building, Vern Riffe center for government and~~ 7656
~~the arts, capitol square, or governor's mansion shall reimburse~~ 7657
~~the general revenue fund for the cost of occupying the space in~~ 7658
~~the ratio that the occupied space in each facility attributable to~~ 7659
~~the nongeneral revenue fund money bears to the total space~~ 7660
~~occupied by the state agency in the facility.~~ 7661

(2) ~~All agencies that occupy space in the old blind school or~~ 7662
~~that occupy warehouse space in the general services facility shall~~ 7663
~~reimburse the department of administrative services for the cost~~ 7664
~~of occupying the space. The director of administrative services~~ 7665
~~shall determine the amount of debt service, if any, to be charged~~ 7666
~~to building tenants~~ reimbursable cost of space in state-owned or 7667
state-leased facilities and shall collect reimbursements for it. 7668

(3) ~~Each agency that is supported in whole or in part by~~ 7669
~~nongeneral revenue fund money and that occupies space in any other~~ 7670
~~facility or facilities owned and maintained by the department of~~ 7671
~~administrative services or space in the general services facility~~ 7672
~~other than warehouse space shall reimburse the department for the~~ 7673
~~cost of occupying the space, including debt service, if any, in~~ 7674

~~the ratio that the occupied space in each facility attributable to 7675
the nongeneral revenue fund money bears to the total space 7676
occupied by the state agency in the facility that cost. 7677~~

(B) ~~The director of administrative services may provide 7678
building maintenance services and minor construction project 7679
management services to any state agency and may collect 7680
reimbursements for the cost of providing those services. 7681~~

(C) All money collected by the department of administrative 7682
services for operating expenses of facilities owned or maintained 7683
by the department shall be deposited into the state treasury to 7684
the credit of the building management fund, which is hereby 7685
~~created, or to the credit of the building operation fund, which is 7686
hereby created.~~ All money collected by the department for minor 7687
construction project management services shall be deposited into 7688
the state treasury to the credit of the minor construction project 7689
management fund, which is hereby created. All money collected for 7690
~~debt service~~ depreciation and related costs shall be deposited 7691
into the ~~general revenue~~ building improvement fund created under 7692
section 125.27 of the Revised Code or deposited into the building 7693
management fund and then transferred by the director of budget and 7694
management to the building improvement fund. 7695

~~(D) The director of administrative services shall determine 7696
the reimbursable cost of space in state owned or state leased 7697
facilities and shall collect reimbursements for that cost. 7698~~

Sec. 125.31. (A) The department of administrative services 7699
shall have supervision of all public printing except as follows: 7700

(1) Printing for the general assembly shall be the sole 7701
responsibility of the clerk of the senate and the clerk of the 7702
house of representatives unless the clerk of the senate or the 7703
clerk of the house of representatives chooses either of the 7704
options specified in section 101.523 or 101.524 of the Revised 7705

Code. 7706

(2) Printing for the Ohio arts council shall be under the 7707
supervision of the council. 7708

(3) Printing for the capitol square review and advisory board 7709
shall be under the supervision of the board. 7710

~~(4) Printing for the bureau of workers' compensation shall be 7711
under the supervision of the administrator of workers' 7712
compensation unless the administrator requests the department to 7713
supervise printing for the bureau. 7714~~

~~(5) Printing for state-supported institutions of higher 7715
education shall be under the supervision of the department of 7716
purchasing of each such institution or the department or officer 7717
within each institution that performs the functions of a 7718
department of purchasing. 7719~~

(B) The department of administrative services shall 7720
determine, except as otherwise specifically provided by law, the 7721
number of copies to be printed of each publication or document, 7722
the source of reproduction, the manner of binding, quality of 7723
paper, the general kind, size, and spacing of type to be used in 7724
all reports, publications, bulletins, documents, or pamphlets 7725
printed at public expense. 7726

The department shall not use its authority to curtail the 7727
release of public information by any elected state official. 7728

(C) For the purposes of sections 125.31 to 125.76 of the 7729
Revised Code, all functions, powers, and duties assigned to the 7730
department of administrative services are considered to be 7731
assigned to the division of state printing within the department 7732
of administrative services. 7733

Sec. 125.36. If the department of administrative services is 7734
of the opinion that any bids or proposals should be rejected in 7735

the interest of the state, it may reject any or all bids or 7736
proposals and advertise the invitation to bid or the request for 7737
proposals a second time. If after the second advertisement for 7738
bids or proposals the department determines that any or all bids 7739
or proposals are not in the interest of the state, it may purchase 7740
the various ~~kinds of paper~~ printing goods and services required at 7741
the lowest price for which such ~~paper~~ printing goods and services 7742
can be obtained in the open market. 7743

Sec. 125.38. If ~~such a bond is~~ required by the department of 7744
administrative services, a bid or proposal for a term contract for 7745
~~paper printing goods and services, including final printed~~ 7746
product, shall be accompanied by a bond to the state, in a sum 7747
specified in the invitation to bid or request for proposals, 7748
executed by the ~~bidder~~ offeror, with either one corporate or two 7749
personal sureties, satisfactory to the department, conditioned for 7750
the performance of the contract awarded the ~~bidder~~ offeror, and 7751
for the payment to the state, by the ~~bidder~~ offeror, as liquidated 7752
damages, of any excess of cost over the bid or proposal of such 7753
~~bidder offeror~~, which the state may be obliged to pay for such 7754
~~paper printing goods and services~~ by reason of the failure of the 7755
~~bidder offeror~~ to complete the contract. This A bid or proposal 7756
unaccompanied by such bond shall not be considered, and this bond 7757
shall be void if no contract is awarded to the ~~bidder, and no bid~~ 7758
~~unaccompanied by such bond shall be entertained by the department~~ 7759
offeror. 7760

Sec. 125.39. If the contractor fails to furnish ~~paper~~ 7761
printing goods and services according to the terms of the 7762
contract, the department of administrative services shall purchase 7763
the required ~~paper~~ printing goods and services on the open market 7764
after notifying the contractor in writing of such action, and the 7765
cost in excess of the contract shall be collected from the 7766

contractor or the posted bond, if a bond was provided. 7767

Sec. 125.42. (A) No agency, officer, board, or commission, 7768
except the clerk of the senate and the clerk of the house of 7769
representatives, shall print or cause to be printed at the public 7770
expense, any report, bulletin, document, or pamphlet, unless such 7771
report, bulletin, document, or pamphlet is first submitted to, and 7772
the printing thereof approved by, the department of administrative 7773
services. If ~~such~~ the department approves the printing, it shall 7774
determine the form of such printing and the number of copies. 7775

If such approval is given, the department shall cause the 7776
same to be printed and bound as provided by sections ~~125.47 to~~ 7777
~~125.56~~ 125.49 and 125.51 of the Revised Code, except as otherwise 7778
provided by section 125.45 of the Revised Code; and when printed, 7779
such publications or forms shall be delivered to the ordering 7780
officer, board, commission, or department, or sold at a price not 7781
to exceed the total cost. 7782

(B) The department of administrative services annually shall 7783
set a maximum cost per page and a maximum total cost for the 7784
printing by any board, commission, council, or other public body 7785
of the state of any annual report or any other report that it is 7786
required by law to produce. No board, commission, council, or 7787
other public body of the state shall expend or incur the 7788
expenditure of any amount in excess of these maximum amounts 7789
without the prior approval of the department. This division does 7790
not apply to the general assembly or any court. 7791

Sec. 125.43. The department of administrative services shall 7792
~~examine and correct the proof sheets of the printing for the~~ 7793
~~state, and see that the work is~~ any printing services are executed 7794
in accordance with law, ~~and when necessary, prepare indexes for~~ 7795
~~the public documents.~~ The printing of all publications approved by 7796

the department of administrative services shall be ordered through 7797
it and it shall see that the number of copies ordered is received 7798
from the printer and delivered to the proper department. 7799

Sec. 125.45. (A) The department of administrative services 7800
shall maintain facilities to perform office reproduction services 7801
for all boards, commissions, or departments ~~except for the bureau~~ 7802
~~of workers' compensation.~~ Upon written application to the 7803
department of administrative services, permission may be granted 7804
to a board, commission, or department to perform such services 7805
outside the central facility and such permission shall state the 7806
extent of the services which the department, board, or commission 7807
shall perform. 7808

(B) Office reproduction services ~~using stencils, masters, or~~ 7809
~~plates~~ are restricted to duplicating equipment not larger than 7810
seventeen by twenty-two inches. Not to exceed five thousand press 7811
impressions shall be produced of any such order except that up to 7812
one thousand production copies may be produced of any item 7813
consisting of multiple pages and except that over five thousand, 7814
but not more than ten thousand, press impressions may be produced 7815
if the director of administrative services determines that there 7816
is an emergency due to the timing of service delivery or another 7817
factor that may cause financial hardship to the state. 7818

~~Nothing in this section precludes the bureau from entering~~ 7819
~~into a contract with the department of administrative services for~~ 7820
~~the department to perform office reproduction services for the~~ 7821
~~bureau.~~ 7822

(C) No state agency, other than the department of 7823
administrative services, shall perform printing or office 7824
reproduction services for political subdivisions. 7825

Sec. 125.49. Each bid or proposal for state printing shall 7826

state specifically the price at which the ~~bidder~~ offeror will 7827
undertake to ~~de~~ provide the ~~work~~ finished product as specified in 7828
the ~~classes of printing~~ invitation to bid or request for 7829
proposals, including the necessary binding covered by such bid or 7830
proposal. 7831

Sec. 125.51. After careful examination and computation of 7832
each ~~proposal~~ bid, within thirty days the department of 7833
administrative services shall award the contract for such printing 7834
to the lowest responsive and responsible bidder, in accordance 7835
with section 9.312 of the Revised Code, having proper facilities 7836
to ~~insure~~ ensure prompt performance of the work. No contract shall 7837
be awarded unless it contains an agreement for the completion of 7838
the work within the time fixed by the department, but the time so 7839
fixed may be extended by the department if deemed in the best 7840
interest of the state. 7841

Sec. 125.58. The department of administrative services shall 7842
promptly notify each successful ~~bidder~~ offeror of the acceptance 7843
of the ~~bidder's~~ offeror's bid or proposal for state printing. If 7844
such ~~bidder~~ offeror fails to execute the contract because of death 7845
or other cause, or if the ~~bidder~~ offeror fails to execute the work 7846
required by the contract in a proper manner and with reasonable 7847
promptness, or the contract is abandoned, or its execution is 7848
temporarily suspended, the department may enter into a contract 7849
with another person for the prompt execution of the work for the 7850
lowest price which may be obtained. Before any work is relet in 7851
consequence of the misconduct or default of the contractor, the 7852
department shall give the contractor written notice thereof. The 7853
department of administrative services may set a daily penalty 7854
charge for late orders, provided the penalty schedule and amount 7855
are stated in the invitation to bid or request for proposals for 7856
the printing. 7857

Sec. 125.601. ~~(A) Not later than July 1, 2007, the~~ The 7858
director of administrative services shall establish the office of 7859
procurement from community rehabilitation programs within the 7860
department of administrative services. The director shall 7861
designate an employee of the department to serve as administrator 7862
of the office. 7863

~~(B) Not later than July 1, 2007, the director shall abolish 7864
the state committee for the purchase of products and services 7865
provided by persons with severe disabilities in accordance with 7866
section 4115.36 of the Revised Code. 7867~~

Sec. 125.607. (A) Before purchasing any supply or service, a 7868
governmental ordering office shall determine, in compliance with 7869
section 125.035 of the Revised Code, whether the supply or service 7870
is on the procurement list maintained by the office of procurement 7871
from community rehabilitation programs. If the supply or service 7872
is on the list at an established fair market price, the government 7873
ordering office shall purchase it from the qualified nonprofit 7874
agency or approved agent at that price. 7875

(B) If the supply or service is on the procurement list but a 7876
fair market price has not been established, the government 7877
ordering office shall attempt to negotiate an agreement with one 7878
or more of the listed qualified nonprofit agencies or approved 7879
agents. The office of procurement from community rehabilitation 7880
programs may accept as fair market price an agreement negotiated 7881
between the government ordering office and a qualified nonprofit 7882
agency or approved agent. 7883

(C) If an agreement is not successfully negotiated, the 7884
office may establish a fair market price, or it may release a 7885
government ordering office from the requirements of this section. 7886

(D) A purchase under divisions (A) to (C) of this section is 7887

not subject to any competitive selection or competitive bidding 7888
requirements, notwithstanding any other provision of law. 7889

(E) The department of administrative services has the 7890
authority to structure or regulate competition among qualified 7891
nonprofit agencies for the overall benefit of the program. 7892

Sec. 125.609. The ~~office of procurement from community~~ 7893
~~rehabilitation programs~~ department of administrative services, on 7894
its own or pursuant to a request from a government ordering 7895
office, may release a government ordering office from compliance 7896
with sections 125.60 to 125.6012 of the Revised Code. If the 7897
~~office~~ department determines that compliance is not possible or 7898
not advantageous, or if conditions prescribed in rules as may be 7899
adopted under section 125.603 of the Revised Code for granting a 7900
release are met, the ~~office~~ department may grant a release. The 7901
release shall be in writing, and shall specify the supplies or 7902
services to which it applies, the period of time during which it 7903
is effective, and the reason for which it is granted. 7904

Sec. 125.76. All printing and binding for the state, not 7905
authorized by sections 125.43 to 125.71 or section 3345.10 of the 7906
Revised Code, except for maps and printing that is the sole 7907
responsibility of the clerk of the senate or the clerk of the 7908
house of representatives, shall be subject to such sections so far 7909
as practical, and whether provided for by law or resolution of the 7910
general assembly the department of administrative services shall 7911
advertise for bids or proposals and let contracts therefor as 7912
provided in such sections. 7913

Sec. 125.901. (A) There is hereby established the Ohio 7914
geographically referenced information program council within the 7915
department of administrative services to coordinate the property 7916
owned by the state. The department of administrative services 7917

shall provide administrative support for the council. 7918

(B) The council shall consist of the following fifteen 7919
members: 7920

(1) The state chief information officer, or the officer's 7921
designee, who shall serve as the council chair; 7922

(2) The director of ~~the department of~~ natural resources, or 7923
the director's designee; 7924

(3) The director of transportation, or the director's 7925
designee; 7926

(4) The director of environmental protection, or the 7927
director's designee; 7928

(5) The director of development services, or the director's 7929
designee; 7930

(6) The treasurer of state, or the treasurer of state's 7931
designee; 7932

(7) ~~An individual appointed by the governor from the 7933
organization that represents the state's county auditors;~~ 7934

~~(8) An individual appointed by the governor from the 7935
organization that represents the state's county commissioners;~~ 7936

~~(9) An individual appointed by the governor from the 7937
organization that represents the state's county engineers;~~ 7938

~~(10) An individual appointed by the governor from the 7939
organization that represents the state's regional councils;~~ 7940

~~(11) Two individuals appointed by the governor from the 7941
organization that represents the state's municipal governments,
one of whom shall represent a municipality with a population of 7942
fewer than one hundred thousand people and one of whom shall 7943
represent a municipality with a population of one hundred thousand 7944
or more people; 7945
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| (12) An individual appointed by the governor representing the interests of the regulated utilities in this state; | 7947 |
| | 7948 |
| (13) An individual appointed by the governor representing the interests of a public university; | 7949 |
| | 7950 |
| (14) The attorney general, or the attorney general's designee; | 7951 |
| | 7952 |
| <u>(8) The director of higher education or the director's designee;</u> | 7953 |
| | 7954 |
| <u>(9) The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;</u> | 7955 |
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| <u>(10) The director of public safety or the director's designee;</u> | 7958 |
| | 7959 |
| <u>(11) The executive director of the county auditors' association or the executive director's designee;</u> | 7960 |
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| <u>(12) The executive director of the county commissioners' association or the executive director's designee;</u> | 7962 |
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| <u>(13) The executive director of the county engineers' association or the executive director's designee;</u> | 7964 |
| | 7965 |
| <u>(14) The executive director of the Ohio municipal league or the executive director's designee;</u> | 7966 |
| | 7967 |
| <u>(15) The executive director of the Ohio townships association or the executive director's designee.</u> | 7968 |
| | 7969 |
| (C) The governor shall make initial appointments for the members as provided in this section within a reasonable time. The members appointed to the council by the governor pursuant to this section shall serve two year terms, with each term ending on the same day of the same month as did the term that it succeeds. The chair of the council shall appoint a new member to fill any vacancy created by a member appointed by the governor before the | 7970 |
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~~expiration of that member's term. Otherwise, vacancies shall be 7977
filled in the same manner as provided in division (B) of this 7978
section. Any member appointed to fill a vacancy occurring prior to 7979
the expiration date of the term for which a predecessor was 7980
appointed shall hold office as a member for the remainder of that 7981
term. A member shall continue in office subsequent to the 7982
expiration date of the member's term until the member's successor 7983
takes office or until a period of sixty days has elapsed, 7984
whichever occurs first. All members may be reappointed Members of 7985
the council shall serve without compensation. 7986~~

Sec. 128.021. (A) Not later than January 1, 2014, and in 7987
accordance with Chapter 119. of the Revised Code, the steering 7988
committee shall adopt rules that establish technical and 7989
operational standards for public safety answering points eligible 7990
to receive disbursements under section 128.55 of the Revised Code. 7991
The rules shall incorporate industry standards and best practices 7992
for wireless 9-1-1 services. Public safety answering points shall 7993
comply with the standards not later than two years after the 7994
effective date of the rules adopting the standards. 7995

(B) Not later than one year after the effective date of this 7996
amendment, and in accordance with Chapter 119. of the Revised 7997
Code, the steering committee shall conduct an assessment of the 7998
operational standards for public safety answering points developed 7999
under division (A) of this section and revise the standards as 8000
necessary to ensure that the operational standards contain the 8001
following: 8002

(1) Policies to ensure that public safety answering point 8003
personnel prioritize life-saving questions in responding to each 8004
call to a 9-1-1 system established under this chapter; 8005

(2) A requirement that all public safety answering point 8006
personnel complete proper training or provide proof of prior 8007

training to give instructions regarding emergency situations. 8008

Sec. 128.40. There is hereby created within the department of 8009
administrative services the 9-1-1 program office, headed by an 8010
administrator in the unclassified civil service pursuant to 8011
division (A)(9) of section 124.11 of the Revised Code. The 8012
administrator shall be appointed by and serve at the pleasure of 8013
the director of administrative services and shall report directly 8014
to the state chief information officer. The program office shall 8015
~~administer~~ oversee administration of the wireless 9-1-1 government 8016
assistance fund ~~as specified in sections 128.53 and 128.55 of the~~ 8017
~~Revised Code, the wireless 9-1-1 program fund, and the next~~ 8018
generation 9-1-1 fund. 8019

Sec. 128.54. (A) ~~Beginning January 1, 2014:~~ 8020

(1) For the purpose of receiving, distributing, and 8021
accounting for amounts received from the wireless 9-1-1 charges 8022
imposed under section 128.42 of the Revised Code, the following 8023
funds are created in the state treasury: 8024

(a) The wireless 9-1-1 government assistance fund; 8025

(b) The wireless 9-1-1 administrative fund; 8026

(c) The wireless 9-1-1 program fund; 8027

(d) The next generation 9-1-1 fund. 8028

(2) Amounts remitted under section 128.46 of the Revised Code 8029
shall be paid to the treasurer of state for deposit as follows: 8030

(a) Ninety-seven per cent to the wireless 9-1-1 government 8031
assistance fund. All interest earned on the wireless 9-1-1 8032
government assistance fund shall be credited to the fund. 8033

(b) One per cent to the wireless 9-1-1 administrative fund; 8034

(c) Two per cent to the 9-1-1 program fund. 8035

(3) The tax commissioner shall use the wireless 9-1-1 administrative fund to defray the costs incurred in carrying out this chapter. 8036
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(4) The steering committee shall use the 9-1-1 program fund to defray the costs incurred by the steering committee in carrying out this chapter. 8039
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(5) Annually, the tax commissioner ~~and the steering committee~~, after paying administrative costs under division (A)(3) of this section, shall transfer any excess remaining in the wireless 9-1-1 administrative funds fund to the next generation 9-1-1 fund, created under this section. 8042
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(B) ~~The~~ At the direction of the steering committee, the tax commissioner shall transfer the funds remaining in the wireless 9-1-1 government assistance fund ~~after the disbursements made under division (B)(1) of section 128.55 of the Revised Code~~ to the credit of the next generation 9-1-1 fund. All interest earned on the next generation 9-1-1 fund shall be credited to the fund. 8047
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(C) From the wireless 9-1-1 government assistance fund, the director of budget and management shall, as funds are available, transfer to the tax refund fund, created under section 5703.052 of the Revised Code, amounts equal to the refunds certified by the tax commissioner under division (D) of section 128.47 of the Revised Code. 8053
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Sec. 128.55. (A) ~~Prior to January 1, 2014, the steering committee shall disburse moneys from the wireless 9-1-1 government assistance fund to each county in the same manner as the 2012 disbursements, in accordance with divisions (A) and (B) of section 4931.64 of the Revised Code as those divisions existed prior to the effective date of H.B. 360 of the 129th general assembly, December 20, 2012.~~ 8059
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~~(B) Beginning January 1, 2014:~~ 8066

(1) The tax commissioner, not later than the last day of each 8067
month, shall disburse moneys from the wireless 9-1-1 government 8068
assistance fund, plus any accrued interest on the fund, to each 8069
county treasurer. 8070

(a) If there are sufficient funds in the wireless 9-1-1 8071
government assistance fund, each county treasurer shall receive 8072
the same amount distributed to that county by the public utilities 8073
commission in the corresponding calendar month in 2013. ~~If any~~ 8074
~~excess remains after these distributions are made, the tax~~ 8075
~~commissioner shall transfer that excess to the next generation~~ 8076
~~9-1-1 fund.~~ 8077

(b) If the funds available are insufficient to make the 8078
distributions as provided in division ~~(B)~~(A)(1)(a) of this 8079
section, each county's share shall be reduced in proportion to the 8080
amounts received in the corresponding calendar month in 2013, 8081
until the total amount to be distributed to the counties is 8082
equivalent to the amount available in the wireless 9-1-1 8083
government assistance fund. Any shortfall in distributions 8084
resulting from insufficient funds from a previous month shall be 8085
remedied in the following month. 8086

(2) The tax commissioner shall disburse moneys from the next 8087
generation 9-1-1 fund in accordance with the guidelines 8088
established under section 128.022 of the Revised Code. 8089

~~(C)~~(B) Immediately upon receipt by a county treasurer of a 8090
disbursement under division (A) ~~or (B)(1)~~ of this section, the 8091
county shall disburse, in accordance with the allocation formula 8092
set forth in the final plan, the amount the county so received to 8093
any other subdivisions in the county and any regional councils of 8094
governments in the county that pay the costs of a public safety 8095
answering point providing wireless enhanced 9-1-1 under the plan. 8096

~~(D)~~(C) Nothing in this chapter affects the authority of a 8097
subdivision operating or served by a public safety answering point 8098
of a 9-1-1 system or a regional council of governments operating a 8099
public safety answering point of a 9-1-1 system to use, as 8100
provided in the final plan for the system or in an agreement under 8101
section 128.09 of the Revised Code, any other authorized revenue 8102
of the subdivision or the regional council of governments for the 8103
purposes of providing basic or enhanced 9-1-1. 8104

Sec. 128.57. Except as otherwise provided in section 128.571 8105
of the Revised Code: 8106

(A) A countywide 9-1-1 system receiving a disbursement under 8107
section 128.55 of the Revised Code shall provide countywide 8108
wireless enhanced 9-1-1 in accordance with this chapter beginning 8109
as soon as reasonably possible after receipt of the first 8110
disbursement or, if that service is already implemented, shall 8111
continue to provide such service. Except as provided in divisions 8112
(B), (C), and (E) of this section, a disbursement shall be used 8113
solely for the purpose of paying either or both of the following: 8114

(1) Any costs of designing, upgrading, purchasing, leasing, 8115
programming, installing, testing, or maintaining the necessary 8116
data, hardware, software, and trunking required for the public 8117
safety answering point or points of the 9-1-1 system to provide 8118
wireless enhanced 9-1-1, which costs are incurred before or on or 8119
after May 6, 2005, and consist of such additional costs of the 8120
9-1-1 system over and above any costs incurred to provide wireline 8121
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 8122
up to twenty-five thousand dollars of the disbursements received 8123
on or after January 1, 2009, may be applied to data, hardware, and 8124
software that automatically alerts personnel receiving a 9-1-1 8125
call that a person at the subscriber's address or telephone number 8126
may have a mental or physical disability, of which that personnel 8127

shall inform the appropriate emergency service provider. On or 8128
after the provision of technical and operational standards 8129
pursuant to section 128.021 of the Revised Code, a regional 8130
council of governments operating a public safety answering point 8131
or a subdivision shall consider the standards before incurring any 8132
costs described in this division. 8133

(2) Any costs of training the staff of the public safety 8134
answering point or points to provide wireless enhanced 9-1-1, 8135
which costs are incurred before or on or after May 6, 2005. 8136

(B) A subdivision or a regional council of governments that 8137
certifies to the steering committee that it has paid the costs 8138
described in divisions (A)(1) and (2) of this section and is 8139
providing countywide wireless enhanced 9-1-1 may use disbursements 8140
received under section 128.55 of the Revised Code to pay any of 8141
its personnel costs of one or more public safety answering points 8142
providing countywide wireless enhanced 9-1-1. 8143

(C) After receiving its July 2013 disbursement under division 8144
(A) of section 128.55 of the Revised Code as that division existed 8145
prior to the amendments to that division by H. B. 64 of the 131st 8146
general assembly, a regional council of governments operating a 8147
public safety answering point or a subdivision may use any 8148
remaining balance of disbursements it received under that 8149
division, as it existed prior to the amendments to it by H. B. 64 8150
of the 131st general assembly, to pay any of its costs of 8151
providing countywide wireless 9-1-1, including the personnel costs 8152
of one or more public safety answering points providing that 8153
service. 8154

(D) The costs described in divisions (A), (B), (C), and (E) 8155
of this section may include any such costs payable pursuant to an 8156
agreement under division (J) of section 128.03 of the Revised 8157
Code. 8158

(E)(1) No disbursement to a countywide 9-1-1 system for costs of a public safety answering point shall be made from the wireless 9-1-1 government assistance fund or the next generation 9-1-1 fund unless the public safety answering point meets the standards set by rule of the steering committee under section 128.021 of the Revised Code.

(2) The steering committee shall monitor compliance with the standards and shall notify the tax commissioner to suspend disbursements to a countywide 9-1-1 system that fails to meet the standards. Upon receipt of this notification, the commissioner shall suspend disbursements until the commissioner is notified of compliance with the standards.

(F) The auditor of state may audit and review each county's expenditures of funds received from the wireless 9-1-1 government assistance fund to verify that the funds were used in accordance with the requirements of this chapter.

Sec. 131.025. The attorney general shall enter into an agreement with the United States secretary of the treasury to participate in the federal treasury offset program for the collection of the following debts certified to the attorney general pursuant to section 131.02 of the Revised Code:

(A) State income tax obligations pursuant to 26 U.S.C. 6402(e);

(B) Covered unemployment compensation debts pursuant to 26 U.S.C. 6402(f).

Sec. 131.34. (A) No moneys shall be transferred between funds or between state agencies on an intrastate transfer voucher, or by any other procedure, unless such a transfer is a payment for goods or services or a service subscription or unless such a transfer is required or authorized by law.

(B)(1) Any state agency that has provided goods or services 8189
or a service subscription to another state agency may, ~~if the~~ 8190
~~providing agency does not receive payment from the receiving~~ 8191
~~agency within thirty days after delivering the goods or services~~ 8192
~~and submitting an invoice requesting payment for them,~~ certify to 8193
the director of budget and management ~~that~~ both of the following: 8194

(a) That the goods or services have been delivered and the or 8195
that the service subscription has been initiated; 8196

(b) The amount that is due for them the goods and services or 8197
the service subscription. 8198

(2) A providing agency may make such certification only if it 8199
does not receive payment from the receiving agency within thirty 8200
days after: 8201

(a) Delivering the goods or services or initiating the 8202
service subscription; 8203

(b) Submitting an invoice requesting payment for the goods 8204
and services or the service subscription. 8205

(C) If the director determines that all or part of the 8206
certified amount should have been paid by the receiving agency and 8207
that the receiving agency has an unobligated balance in an 8208
appropriation for the payment, ~~he~~ the director may transfer the 8209
amount that should have been paid from the appropriate fund of the 8210
receiving agency to the appropriate fund of the providing agency 8211
on an intrastate transfer voucher. 8212

(D) For the purposes of this section, "service subscription" 8213
means an ongoing service provided to a state agency by another 8214
state agency for which an estimated payment is made in advance and 8215
final payment due is determined based on actual use. 8216

Sec. 131.35. (A) With respect to the federal funds received 8217
into any fund of the state from which transfers may be made under 8218

division (D) of section 127.14 of the Revised Code: 8219

(1) No state agency may make expenditures of any federal 8220
funds, whether such funds are advanced prior to expenditure or as 8221
reimbursement, unless such expenditures are made pursuant to 8222
specific appropriations of the general assembly, are authorized by 8223
the controlling board pursuant to division (A)(5) of this section, 8224
or are authorized by an executive order issued in accordance with 8225
section 107.17 of the Revised Code, and until an allotment has 8226
been approved by the director of budget and management. All 8227
federal funds received by a state agency shall be reported to the 8228
director within fifteen days of the receipt of such funds or the 8229
notification of award, whichever occurs first. The director shall 8230
prescribe the forms and procedures to be used when reporting the 8231
receipt of federal funds. 8232

(2) If the federal funds received are greater than the amount 8233
of such funds appropriated by the general assembly for a specific 8234
purpose, the total appropriation of federal and state funds for 8235
such purpose shall remain at the amount designated by the general 8236
assembly, except that the expenditure of federal funds received in 8237
excess of such specific appropriation may be authorized by the 8238
controlling board, subject to division (D) of this section. 8239

(3) To the extent that the expenditure of excess federal 8240
funds is authorized, the controlling board may transfer a like 8241
amount of general revenue fund appropriation authority from the 8242
affected agency to the emergency purposes appropriation of the 8243
controlling board, if such action is permitted under federal 8244
regulations. 8245

(4) Additional funds may be created by the controlling board 8246
to receive revenues not anticipated in an appropriations act for 8247
the biennium in which such new revenues are received. ~~Expenditures~~ 8248
Subject to division (D) of this section, expenditures from such 8249
additional funds may be authorized by the controlling board, but 8250

such authorization shall not extend beyond the end of the biennium 8251
in which such funds are created. 8252

(5) Controlling board authorization for a state agency to 8253
make an expenditure of federal funds constitutes authority for the 8254
agency to participate in the federal program providing the funds, 8255
and the agency is not required to obtain an executive order under 8256
section 107.17 of the Revised Code to participate in the federal 8257
program. 8258

(B) With respect to nonfederal funds received into the 8259
waterways safety fund, the wildlife fund, and any fund of the 8260
state from which transfers may be made under division (D) of 8261
section 127.14 of the Revised Code: 8262

(1) No state agency may make expenditures of any such funds 8263
unless the expenditures are made pursuant to specific 8264
appropriations of the general assembly. 8265

(2) If the receipts received into any fund are greater than 8266
the amount appropriated, the appropriation for that fund shall 8267
remain at the amount designated by the general assembly or, 8268
subject to division (D) of this section, as increased and approved 8269
by the controlling board. 8270

(3) Additional funds may be created by the controlling board 8271
to receive revenues not anticipated in an appropriations act for 8272
the biennium in which such new revenues are received. ~~Expenditures~~ 8273
Subject to division (D) of this section, expenditures from such 8274
additional funds may be authorized by the controlling board, but 8275
such authorization shall not extend beyond the end of the biennium 8276
in which such funds are created. 8277

(C) The controlling board shall not authorize more than ten 8278
per cent of additional spending from the occupational licensing 8279
and regulatory fund, created in section 4743.05 of the Revised 8280
Code, in excess of any appropriation made by the general assembly 8281

to a licensing agency except an appropriation for costs related to 8282
the examination or reexamination of applicants for a license. As 8283
used in this division, "licensing agency" and "license" have the 8284
same meanings as in section 4745.01 of the Revised Code. 8285

(D)(1) The amount of any expenditure authorized under 8286
division (A)(2) or (4) or (B)(2) or (3) of this section for a 8287
specific or related purpose or item in any fiscal year shall not 8288
exceed ten per cent of the amount appropriated by the general 8289
assembly for that specific or related purpose or item for that 8290
fiscal year, or ten million dollars, whichever amount is less. 8291

(2) The controlling board may not create any additional funds 8292
under division (A)(4) or (B)(3) of this section if the revenue 8293
received that was not anticipated in an appropriation act exceeds 8294
ten million dollars. 8295

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 8296
and 2151.655 of the Revised Code, in other sections of the Revised 8297
Code that make reference to this chapter unless the context does 8298
not permit, and in related proceedings, unless otherwise expressly 8299
provided: 8300

(A) "Acquisition" as applied to real or personal property 8301
includes, among other forms of acquisition, acquisition by 8302
exercise of a purchase option, and acquisition of interests in 8303
property, including, without limitation, easements and 8304
rights-of-way, and leasehold and other lease interests initially 8305
extending or extendable for a period of at least sixty months. 8306

(B) "Anticipatory securities" means securities, including 8307
notes, issued in anticipation of the issuance of other securities. 8308

(C) "Board of elections" means the county board of elections 8309
of the county in which the subdivision is located. If the 8310
subdivision is located in more than one county, "board of 8311

elections" means the county board of elections of the county that 8312
contains the largest portion of the population of the subdivision 8313
or that otherwise has jurisdiction in practice over and 8314
customarily handles election matters relating to the subdivision. 8315

(D) "Bond retirement fund" means the bond retirement fund 8316
provided for in section 5705.09 of the Revised Code, and also 8317
means a sinking fund or any other special fund, regardless of the 8318
name applied to it, established by or pursuant to law or the 8319
proceedings for the payment of debt charges. Provision may be made 8320
in the applicable proceedings for the establishment in a bond 8321
retirement fund of separate accounts relating to debt charges on 8322
particular securities, or on securities payable from the same or 8323
common sources, and for the application of moneys in those 8324
accounts only to specified debt charges on specified securities or 8325
categories of securities. Subject to law and any provisions in the 8326
applicable proceedings, moneys in a bond retirement fund or 8327
separate account in a bond retirement fund may be transferred to 8328
other funds and accounts. 8329

(E) "Capitalized interest" means all or a portion of the 8330
interest payable on securities from their date to a date stated or 8331
provided for in the applicable legislation, which interest is to 8332
be paid from the proceeds of the securities. 8333

(F) "Chapter 133. securities" means securities authorized by 8334
or issued pursuant to or in accordance with this chapter. 8335

(G) "County auditor" means the county auditor of the county 8336
in which the subdivision is located. If the subdivision is located 8337
in more than one county, "county auditor" means the county auditor 8338
of the county that contains the highest amount of the tax 8339
valuation of the subdivision or that otherwise has jurisdiction in 8340
practice over and customarily handles property tax matters 8341
relating to the subdivision. In the case of a county that has 8342
adopted a charter, "county auditor" means the officer who 8343

generally has the duties and functions provided in the Revised Code for a county auditor.

(H) "Credit enhancement facilities" means letters of credit, lines of credit, stand-by, contingent, or firm securities purchase agreements, insurance, or surety arrangements, guarantees, and other arrangements that provide for direct or contingent payment of debt charges, for security or additional security in the event of nonpayment or default in respect of securities, or for making payment of debt charges to and at the option and on demand of securities holders or at the option of the issuer or upon certain conditions occurring under put or similar arrangements, or for otherwise supporting the credit or liquidity of the securities, and includes credit, reimbursement, marketing, remarketing, indexing, carrying, interest rate hedge, and subrogation agreements, and other agreements and arrangements for payment and reimbursement of the person providing the credit enhancement facility and the security for that payment and reimbursement.

(I) "Current operating expenses" or "current expenses" means the lawful expenditures of a subdivision, except those for permanent improvements and for payments of debt charges of the subdivision.

(J) "Debt charges" means the principal, including any mandatory sinking fund deposits and mandatory redemption payments, interest, and any redemption premium, payable on securities as those payments come due and are payable. The use of "debt charges" for this purpose does not imply that any particular securities constitute debt within the meaning of the Ohio Constitution or other laws.

(K) "Financing costs" means all costs and expenses relating to the authorization, including any required election, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement,

payment, and servicing of securities, including, without 8376
limitation, costs and expenses for or relating to publication and 8377
printing, postage, delivery, preliminary and final official 8378
statements, offering circulars, and informational statements, 8379
travel and transportation, underwriters, placement agents, 8380
investment bankers, paying agents, registrars, authenticating 8381
agents, remarketing agents, custodians, clearing agencies or 8382
corporations, securities depositories, financial advisory 8383
services, certifications, audits, federal or state regulatory 8384
agencies, accounting and computation services, legal services and 8385
obtaining approving legal opinions and other legal opinions, 8386
credit ratings, redemption premiums, and credit enhancement 8387
facilities. Financing costs may be paid from any moneys available 8388
for the purpose, including, unless otherwise provided in the 8389
proceedings, from the proceeds of the securities to which they 8390
relate and, as to future financing costs, from the same sources 8391
from which debt charges on the securities are paid and as though 8392
debt charges. 8393

(L) "Fiscal officer" means the following, or, in the case of 8394
absence or vacancy in the office, a deputy or assistant authorized 8395
by law or charter to act in the place of the named officer, or if 8396
there is no such authorization then the deputy or assistant 8397
authorized by legislation to act in the place of the named officer 8398
for purposes of this chapter, in the case of the following 8399
subdivisions: 8400

(1) A county, the county auditor; 8401

(2) A municipal corporation, the city auditor or village 8402
clerk or clerk-treasurer, or the officer who, by virtue of a 8403
charter, has the duties and functions provided in the Revised Code 8404
for the city auditor or village clerk or clerk-treasurer; 8405

(3) A school district, the treasurer of the board of 8406
education; 8407

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| (4) A regional water and sewer district, the secretary of the board of trustees; | 8408 8409 |
| (5) A joint township hospital district, the treasurer of the district; | 8410 8411 |
| (6) A joint ambulance district, the clerk of the board of trustees; | 8412 8413 |
| (7) A joint recreation district, the person designated pursuant to section 755.15 of the Revised Code; | 8414 8415 |
| (8) A detention facility district or a district organized under section 2151.65 of the Revised Code or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the county auditor of the county designated by law to act as the auditor of the district; | 8416 8417 8418 8419 8420 |
| (9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township; | 8421 8422 8423 |
| (10) A joint fire district, the clerk of the board of trustees of that district; | 8424 8425 |
| (11) A regional or county library district, the person responsible for the financial affairs of that district; | 8426 8427 |
| (12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code; | 8428 8429 8430 |
| (13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code; | 8431 8432 8433 |
| (14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code; | 8434 8435 8436 |
| (15) A subdivision described in division (MM)(19) of this | 8437 |

section, the officer who is designated by law as or performs the 8438
functions of its chief fiscal officer; 8439

(16) A joint police district, the treasurer of the district; 8440

(17) A lake facilities authority, the fiscal officer 8441
designated under section 353.02 of the Revised Code; 8442

(18) A regional transportation improvement project, the 8443
county auditor designated under section 5595.10 of the Revised 8444
Code. 8445

(M) "Fiscal year" has the same meaning as in section 9.34 of 8446
the Revised Code. 8447

(N) "Fractionalized interests in public obligations" means 8448
participations, certificates of participation, shares, or other 8449
instruments or agreements, separate from the public obligations 8450
themselves, evidencing ownership of interests in public 8451
obligations or of rights to receive payments of, or on account of, 8452
principal or interest or their equivalents payable by or on behalf 8453
of an obligor pursuant to public obligations. 8454

(O) "Fully registered securities" means securities in 8455
certificated or uncertificated form, registered as to both 8456
principal and interest in the name of the owner. 8457

(P) "Fund" means to provide for the payment of debt charges 8458
and expenses related to that payment at or prior to retirement by 8459
purchase, call for redemption, payment at maturity, or otherwise. 8460

(Q) "General obligation" means securities to the payment of 8461
debt charges on which the full faith and credit and the general 8462
property taxing power, including taxes within the tax limitation 8463
if available to the subdivision, of the subdivision are pledged. 8464

(R) "Interest" or "interest equivalent" means those payments 8465
or portions of payments, however denominated, that constitute or 8466
represent consideration for forbearing the collection of money, or 8467

for deferring the receipt of payment of money to a future time. 8468

(S) "Internal Revenue Code" means the "Internal Revenue Code 8469
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 8470
includes any laws of the United States providing for application 8471
of that code. 8472

(T) "Issuer" means any public issuer and any nonprofit 8473
corporation authorized to issue securities for or on behalf of any 8474
public issuer. 8475

(U) "Legislation" means an ordinance or resolution passed by 8476
a majority affirmative vote of the then members of the taxing 8477
authority unless a different vote is required by charter 8478
provisions governing the passage of the particular legislation by 8479
the taxing authority. 8480

(V) "Mandatory sinking fund redemption requirements" means 8481
amounts required by proceedings to be deposited in a bond 8482
retirement fund for the purpose of paying in any year or fiscal 8483
year by mandatory redemption prior to stated maturity the 8484
principal of securities that is due and payable, except for 8485
mandatory prior redemption requirements as provided in those 8486
proceedings, in a subsequent year or fiscal year. 8487

(W) "Mandatory sinking fund requirements" means amounts 8488
required by proceedings to be deposited in a year or fiscal year 8489
in a bond retirement fund for the purpose of paying the principal 8490
of securities that is due and payable in a subsequent year or 8491
fiscal year. 8492

(X) "Net indebtedness" has the same meaning as in division 8493
(A) of section 133.04 of the Revised Code. 8494

(Y) "Obligor," in the case of securities or fractionalized 8495
interests in public obligations issued by another person the debt 8496
charges or their equivalents on which are payable from payments 8497
made by a public issuer, means that public issuer. 8498

(Z) "One purpose" relating to permanent improvements means 8499
any one permanent improvement or group or category of permanent 8500
improvements for the same utility, enterprise, system, or project, 8501
development or redevelopment project, or for or devoted to the 8502
same general purpose, function, or use or for which 8503
self-supporting securities, based on the same or different sources 8504
of revenues, may be issued or for which special assessments may be 8505
levied by a single ordinance or resolution. "One purpose" 8506
includes, but is not limited to, in any case any off-street 8507
parking facilities relating to another permanent improvement, and: 8508

(1) Any number of roads, highways, streets, bridges, 8509
sidewalks, and viaducts; 8510

(2) Any number of off-street parking facilities; 8511

(3) In the case of a county, any number of permanent 8512
improvements for courthouse, jail, county offices, and other 8513
county buildings, and related facilities; 8514

(4) In the case of a school district, any number of 8515
facilities and buildings for school district purposes, and related 8516
facilities. 8517

(AA) "Outstanding," referring to securities, means securities 8518
that have been issued, delivered, and paid for, except any of the 8519
following: 8520

(1) Securities canceled upon surrender, exchange, or 8521
transfer, or upon payment or redemption; 8522

(2) Securities in replacement of which or in exchange for 8523
which other securities have been issued; 8524

(3) Securities for the payment, or redemption or purchase for 8525
cancellation prior to maturity, of which sufficient moneys or 8526
investments, in accordance with the applicable legislation or 8527
other proceedings or any applicable law, by mandatory sinking fund 8528

redemption requirements, mandatory sinking fund requirements, or 8529
otherwise, have been deposited, and credited for the purpose in a 8530
bond retirement fund or with a trustee or paying or escrow agent, 8531
whether at or prior to their maturity or redemption, and, in the 8532
case of securities to be redeemed prior to their stated maturity, 8533
notice of redemption has been given or satisfactory arrangements 8534
have been made for giving notice of that redemption, or waiver of 8535
that notice by or on behalf of the affected security holders has 8536
been filed with the subdivision or its agent for the purpose. 8537

(BB) "Paying agent" means the one or more banks, trust 8538
companies, or other financial institutions or qualified persons, 8539
including an appropriate office or officer of the subdivision, 8540
designated as a paying agent or place of payment of debt charges 8541
on the particular securities. 8542

(CC) "Permanent improvement" or "improvement" means any 8543
property, asset, or improvement certified by the fiscal officer, 8544
which certification is conclusive, as having an estimated life or 8545
period of usefulness of five years or more, and includes, but is 8546
not limited to, real estate, buildings, and personal property and 8547
interests in real estate, buildings, and personal property, 8548
equipment, furnishings, and site improvements, and reconstruction, 8549
rehabilitation, renovation, installation, improvement, 8550
enlargement, and extension of property, assets, or improvements so 8551
certified as having an estimated life or period of usefulness of 8552
five years or more. The acquisition of all the stock ownership of 8553
a corporation is the acquisition of a permanent improvement to the 8554
extent that the value of that stock is represented by permanent 8555
improvements. A permanent improvement for parking, highway, road, 8556
and street purposes includes resurfacing, but does not include 8557
ordinary repair. 8558

(DD) "Person" has the same meaning as in section 1.59 of the 8559
Revised Code and also includes any federal, state, interstate, 8560

regional, or local governmental agency, any subdivision, and any 8561
combination of those persons. 8562

(EE) "Proceedings" means the legislation, certifications, 8563
notices, orders, sale proceedings, trust agreement or indenture, 8564
mortgage, lease, lease-purchase agreement, assignment, credit 8565
enhancement facility agreements, and other agreements, 8566
instruments, and documents, as amended and supplemented, and any 8567
election proceedings, authorizing, or providing for the terms and 8568
conditions applicable to, or providing for the security or sale or 8569
award of, public obligations, and includes the provisions set 8570
forth or incorporated in those public obligations and proceedings. 8571

(FF) "Public issuer" means any of the following that is 8572
authorized by law to issue securities or enter into public 8573
obligations: 8574

(1) The state, including an agency, commission, officer, 8575
institution, board, authority, or other instrumentality of the 8576
state; 8577

(2) A taxing authority, subdivision, district, or other local 8578
public or governmental entity, and any combination or consortium, 8579
or public division, district, commission, authority, department, 8580
board, officer, or institution, thereof; 8581

(3) Any other body corporate and politic, or other public 8582
entity. 8583

(GG) "Public obligations" means both of the following: 8584

(1) Securities; 8585

(2) Obligations of a public issuer to make payments under 8586
installment sale, lease, lease purchase, or similar agreements, 8587
which obligations may bear interest or interest equivalent. 8588

(HH) "Refund" means to fund and retire outstanding 8589
securities, including advance refunding with or without payment or 8590

redemption prior to maturity. 8591

(II) "Register" means the books kept and maintained by the 8592
registrar for registration, exchange, and transfer of registered 8593
securities. 8594

(JJ) "Registrar" means the person responsible for keeping the 8595
register for the particular registered securities, designated by 8596
or pursuant to the proceedings. 8597

(KK) "Securities" means bonds, notes, certificates of 8598
indebtedness, commercial paper, and other instruments in writing, 8599
including, unless the context does not admit, anticipatory 8600
securities, issued by an issuer to evidence its obligation to 8601
repay money borrowed, or to pay interest, by, or to pay at any 8602
future time other money obligations of, the issuer of the 8603
securities, but not including public obligations described in 8604
division (GG)(2) of this section. 8605

(LL) "Self-supporting securities" means securities or 8606
portions of securities issued for the purpose of paying costs of 8607
permanent improvements to the extent that receipts of the 8608
subdivision, other than the proceeds of taxes levied by that 8609
subdivision, derived from or with respect to the improvements or 8610
the operation of the improvements being financed, or the 8611
enterprise, system, project, or category of improvements of which 8612
the improvements being financed are part, are estimated by the 8613
fiscal officer to be sufficient to pay the current expenses of 8614
that operation or of those improvements or enterprise, system, 8615
project, or categories of improvements and the debt charges 8616
payable from those receipts on securities issued for the purpose. 8617
Until such time as the improvements or increases in rates and 8618
charges have been in operation or effect for a period of at least 8619
six months, the receipts therefrom, for purposes of this 8620
definition, shall be those estimated by the fiscal officer, except 8621
that those receipts may include, without limitation, payments made 8622

and to be made to the subdivision under leases or agreements in 8623
effect at the time the estimate is made. In the case of an 8624
operation, improvements, or enterprise, system, project, or 8625
category of improvements without at least a six-month history of 8626
receipts, the estimate of receipts by the fiscal officer, other 8627
than those to be derived under leases and agreements then in 8628
effect, shall be confirmed by the taxing authority. 8629

(MM) "Subdivision" means any of the following: 8630

(1) A county, including a county that has adopted a charter 8631
under Article X, Ohio Constitution; 8632

(2) A municipal corporation, including a municipal 8633
corporation that has adopted a charter under Article XVIII, Ohio 8634
Constitution; 8635

(3) A school district; 8636

(4) A regional water and sewer district organized under 8637
Chapter 6119. of the Revised Code; 8638

(5) A joint township hospital district organized under 8639
section 513.07 of the Revised Code; 8640

(6) A joint ambulance district organized under section 505.71 8641
of the Revised Code; 8642

(7) A joint recreation district organized under division (C) 8643
of section 755.14 of the Revised Code; 8644

(8) A detention facility district organized under section 8645
2152.41, a district organized under section 2151.65, or a combined 8646
district organized under sections 2152.41 and 2151.65 of the 8647
Revised Code; 8648

(9) A township police district organized under section 505.48 8649
of the Revised Code; 8650

(10) A township; 8651

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| (11) A joint fire district organized under section 505.371 of the Revised Code; | 8652 8653 |
| (12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code; | 8654 8655 8656 |
| (13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code; | 8657 8658 |
| (14) A joint emergency medical services district organized under section 307.052 of the Revised Code; | 8659 8660 |
| (15) A fire and ambulance district organized under section 505.375 of the Revised Code; | 8661 8662 |
| (16) A fire district organized under division (C) of section 505.37 of the Revised Code; | 8663 8664 |
| (17) A joint police district organized under section 505.482 of the Revised Code; | 8665 8666 |
| (18) A lake facilities authority created under Chapter 353. of the Revised Code; | 8667 8668 |
| (19) A regional transportation improvement project created under Chapter 5595. of the Revised Code; | 8669 8670 |
| (20) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities. | 8671 8672 8673 |
| (NN) "Taxing authority" means in the case of the following subdivisions: | 8674 8675 |
| (1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district; | 8676 8677 8678 8679 8680 8681 |

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| (2) A municipal corporation, the legislative authority; | 8682 |
| (3) A school district, the board of education; | 8683 |
| (4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district; | 8684 8685 8686 8687 |
| (5) A joint township hospital district, the joint township hospital board; | 8688 8689 |
| (6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners; | 8690 8691 8692 8693 8694 |
| (7) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the board of township trustees; | 8695 8696 8697 |
| (8) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code, the board of directors of the district; | 8698 8699 8700 |
| (9) A subdivision described in division (MM)(19) of this section, the legislative or governing body or official; | 8701 8702 |
| (10) A joint police district, the joint police district board; | 8703 8704 |
| (11) A lake facilities authority, the board of directors; | 8705 |
| (12) A regional transportation improvement project, the governing board. | 8706 8707 |
| (00) "Tax limitation" means the "ten-mill limitation" as defined in section 5705.02 of the Revised Code without diminution by reason of section 5705.313 of the Revised Code or otherwise, or, in the case of a municipal corporation or county with a | 8708 8709 8710 8711 |

different charter limitation on property taxes levied to pay debt 8712
charges on unvoted securities, that charter limitation. Those 8713
limitations shall be respectively referred to as the "ten-mill 8714
limitation" and the "charter tax limitation." 8715

(PP) "Tax valuation" means the aggregate of the valuations of 8716
property subject to ad valorem property taxation by the 8717
subdivision on the real property, personal property, and public 8718
utility property tax lists and duplicates most recently certified 8719
for collection, and shall be calculated without deductions of the 8720
valuations of otherwise taxable property exempt in whole or in 8721
part from taxation by reason of exemptions of certain amounts of 8722
taxable value under division (C) of section 5709.01, tax 8723
reductions under section 323.152 of the Revised Code, or similar 8724
laws now or in the future in effect. 8725

For purposes of section 133.06 of the Revised Code, "tax 8726
valuation" shall not include the valuation of tangible personal 8727
property used in business, telephone or telegraph property, 8728
interexchange telecommunications company property, or personal 8729
property owned or leased by a railroad company and used in 8730
railroad operations listed under or described in section 5711.22, 8731
division (B) or (F) of section 5727.111, or section 5727.12 of the 8732
Revised Code. 8733

(QQ) "Year" means the calendar year. 8734

(RR) "Administrative agent," "agent," "commercial paper," 8735
"floating rate interest structure," "indexing agent," "interest 8736
rate hedge," "interest rate period," "put arrangement," and 8737
"remarketing agent" have the same meanings as in section 9.98 of 8738
the Revised Code. 8739

(SS) "Sales tax supported" means obligations to the payment 8740
of debt charges on which an additional sales tax or additional 8741
sales taxes have been pledged by the taxing authority of a county 8742

pursuant to section 133.081 of the Revised Code. 8743

(TT) "Tourism development district revenue supported" means 8744
obligations to the payment of debt charges on which tourism 8745
development district revenue has been pledged by the taxing 8746
authority of a municipal corporation or township under section 8747
133.083 of the Revised Code. 8748

Sec. 133.04. (A) As used in this chapter, "net indebtedness" 8749
means, as determined pursuant to this section, the principal 8750
amount of the outstanding securities of a subdivision less the 8751
amount held in a bond retirement fund to the extent such amount is 8752
not taken into account in determining the principal amount 8753
outstanding under division (AA) of section 133.01 of the Revised 8754
Code. For purposes of this definition, the principal amount of 8755
outstanding securities includes the principal amount of 8756
outstanding securities of another subdivision apportioned to the 8757
subdivision as a result of acquisition of territory, and excludes 8758
the principal amount of outstanding securities of the subdivision 8759
apportioned to another subdivision as a result of loss of 8760
territory and the payment or reimbursement obligations of the 8761
subdivision under credit enhancement facilities relating to 8762
outstanding securities. 8763

(B) In calculating the net indebtedness of a subdivision, 8764
none of the following securities, including anticipatory 8765
securities issued in anticipation of their issuance, shall be 8766
considered: 8767

(1) Securities issued in anticipation of the levy or 8768
collection of special assessments, either in original or refunded 8769
form; 8770

(2) Securities issued in anticipation of the collection of 8771
current revenues for the fiscal year or other period not to exceed 8772
twelve consecutive months, or securities issued in anticipation of 8773

the collection of the proceeds from a specifically identified 8774
voter-approved tax levy; 8775

(3) Securities issued for purposes described in section 8776
133.12 of the Revised Code; 8777

(4) Securities issued under Chapter 122., 140., 165., 725., 8778
or 761. or section 131.23 of the Revised Code; 8779

(5) Securities issued to pay final judgments or 8780
court-approved settlements under authorizing laws and securities 8781
issued under section 2744.081 of the Revised Code; 8782

(6) Securities issued to pay costs of permanent improvements 8783
to the extent they are issued in anticipation of the receipt of, 8784
and are payable as to principal from, federal or state grants or 8785
distributions for, or legally available for, that principal or for 8786
the costs of those permanent improvements; 8787

(7) Securities issued to evidence loans from the state 8788
capital improvements fund pursuant to Chapter 164. of the Revised 8789
Code or from the state infrastructure bank pursuant to section 8790
5531.09 of the Revised Code; 8791

(8) That percentage of the principal amount of general 8792
obligation securities issued by a county, township, or municipal 8793
corporation to pay the costs of permanent improvements equal to 8794
the percentage of the debt charges on those securities payable 8795
during the current fiscal year that the fiscal officer estimates 8796
can be paid during the current fiscal year from payments in lieu 8797
of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or 8798
5709.79 of the Revised Code, and that the legislation authorizing 8799
the issuance of the securities pledges or covenants will be used 8800
for the payment of those debt charges; provided that the amount 8801
excluded from consideration under division (B)(8) of this section 8802
shall not exceed the lesser of thirty million dollars or one-half 8803
per cent of the subdivision's tax valuation in the case of a 8804

county or township, or one and one-tenth per cent of the 8805
subdivision's tax valuation in the case of a municipal 8806
corporation; 8807

(9) Securities issued in an amount equal to the property tax 8808
replacement payments received under section 5727.85 or 5727.86 of 8809
the Revised Code; 8810

(10) Securities issued in an amount equal to the property tax 8811
replacement payments received under section 5751.21 or 5751.22 of 8812
the Revised Code; 8813

(11) Other securities, including self-supporting securities, 8814
excepted by law from the calculation of net indebtedness or from 8815
the application of this chapter; 8816

(12) Securities issued under section 133.083 of the Revised 8817
Code for the purpose of acquiring, constructing, improving, or 8818
equipping any permanent improvement to the extent that the 8819
legislation authorizing the issuance pledges tourism development 8820
district revenue to the payment of debt charges on the securities 8821
and contains a covenant to appropriate from tourism development 8822
district revenue a sufficient amount to cover debt charges or the 8823
financing costs related to the securities as they become due; 8824

(13) Any other securities outstanding on October 30, 1989, 8825
and then excepted from the calculation of net indebtedness or from 8826
the application of this chapter, and securities issued at any time 8827
to fund or refund those securities. 8828

Sec. 133.05. (A) A municipal corporation shall not incur net 8829
indebtedness that exceeds an amount equal to ten and one-half per 8830
cent of its tax valuation, or incur without a vote of the electors 8831
net indebtedness that exceeds an amount equal to five and one-half 8832
per cent of that tax valuation. 8833

(B) In calculating the net indebtedness of a municipal 8834

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| corporation, none of the following securities shall be considered: | 8835 |
| (1) Self-supporting securities issued for any purposes | 8836 |
| including, without limitation, any of the following general | 8837 |
| purposes: | 8838 |
| (a) Water systems or facilities; | 8839 |
| (b) Sanitary sewerage systems or facilities, or surface and | 8840 |
| storm water drainage and sewerage systems or facilities, or a | 8841 |
| combination of those systems or facilities; | 8842 |
| (c) Electric plants and facilities and steam or cogeneration | 8843 |
| facilities that generate or supply electricity, or steam and | 8844 |
| electrical or steam distribution systems and lines; | 8845 |
| (d) Airports or landing fields or facilities; | 8846 |
| (e) Railroads, rapid transit, and other mass transit systems; | 8847 |
| (f) Off-street parking lots, facilities, or buildings, or | 8848 |
| on-street parking facilities, or any combination of off-street and | 8849 |
| on-street parking facilities; | 8850 |
| (g) Facilities for the care or treatment of the sick or | 8851 |
| infirm, and for housing the persons providing such care or | 8852 |
| treatment and their families; | 8853 |
| (h) Solid waste or hazardous waste collection or disposal | 8854 |
| facilities, or resource recovery and solid or hazardous waste | 8855 |
| recycling facilities, or any combination of those facilities; | 8856 |
| (i) Urban redevelopment projects; | 8857 |
| (j) Recreational, sports, convention, auditorium, museum, | 8858 |
| trade show, and other public attraction facilities; | 8859 |
| (k) Facilities for natural resources exploration, | 8860 |
| development, recovery, use, and sale; | 8861 |
| (l) Correctional and detention facilities, including | 8862 |
| multicounty-municipal jails, and related rehabilitation | 8863 |

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| facilities. | 8864 |
| (2) Securities issued for the purpose of purchasing, | 8865 |
| constructing, improving, or extending water or sanitary or surface | 8866 |
| and storm water sewerage systems or facilities, or a combination | 8867 |
| of those systems or facilities, to the extent that an agreement | 8868 |
| entered into with another subdivision requires the other | 8869 |
| subdivision to pay to the municipal corporation amounts equivalent | 8870 |
| to debt charges on the securities; | 8871 |
| (3) Securities issued under order of the director of health | 8872 |
| or director of environmental protection under section 6109.18 of | 8873 |
| the Revised Code; | 8874 |
| (4) Securities issued under Section 3, 10, or 12 of Article | 8875 |
| XVIII, Ohio Constitution; | 8876 |
| (5) Securities that are not general obligations of the | 8877 |
| municipal corporation; | 8878 |
| (6) Voted securities issued for the purposes of urban | 8879 |
| redevelopment to the extent that their principal amount does not | 8880 |
| exceed an amount equal to two per cent of the tax valuation of the | 8881 |
| municipal corporation; | 8882 |
| (7) Unvoted general obligation securities to the extent that | 8883 |
| the legislation authorizing them includes covenants to appropriate | 8884 |
| annually from lawfully available municipal income taxes or other | 8885 |
| municipal excises or taxes, including taxes referred to in section | 8886 |
| 701.06 of the Revised Code but not including ad valorem property | 8887 |
| taxes, and to continue to levy and collect those municipal income | 8888 |
| taxes or other applicable excises or taxes in, amounts necessary | 8889 |
| to meet the debt charges on those securities, which covenants are | 8890 |
| hereby authorized; | 8891 |
| (8) Self-supporting securities issued prior to July 1, 1977, | 8892 |
| under this chapter for the purpose of municipal university | 8893 |
| residence halls to the extent that revenues of the successor state | 8894 |

university allocated to debt charges on those securities, from 8895
sources other than municipal excises and taxes, are sufficient to 8896
pay those debt charges; 8897

(9) Securities issued for the purpose of acquiring or 8898
constructing roads, highways, bridges, or viaducts, for the 8899
purpose of acquiring or making other highway permanent 8900
improvements, or for the purpose of procuring and maintaining 8901
computer systems for the office of the clerk of the municipal 8902
court to the extent that the legislation authorizing the issuance 8903
of the securities includes a covenant to appropriate from money 8904
distributed to the municipal corporation pursuant to Chapter 8905
4501., 4503., 4504., or 5735. of the Revised Code a sufficient 8906
amount to cover debt charges on and financing costs relating to 8907
the securities as they become due; 8908

(10) Securities issued for the purpose of providing some or 8909
all of the funds required to satisfy the municipal corporation's 8910
obligation under an agreement with the board of trustees of the 8911
Ohio police and fire pension fund under section 742.30 of the 8912
Revised Code; 8913

(11) Securities issued for the acquisition, construction, 8914
equipping, and improving of a municipal educational and cultural 8915
facility under division (B)(2) of section 307.672 of the Revised 8916
Code; 8917

(12) Securities issued for energy conservation measures under 8918
section 717.02 of the Revised Code; 8919

(13) Securities that are obligations issued to pay costs of a 8920
sports facility under section 307.673 of the Revised Code; 8921

(14) Securities issued under section 133.083 of the Revised 8922
Code for the purpose of acquiring, constructing, improving, or 8923
equipping any permanent improvement to the extent that the 8924
legislation authorizing the issuance pledges tourism development 8925

district revenue to the payment of debt charges on the securities 8926
and contains a covenant to appropriate from tourism development 8927
district revenue a sufficient amount to cover debt charges or the 8928
financing costs related to the securities as they become due. 8929

(C) In calculating the net indebtedness of a municipal 8930
corporation, no obligation incurred under section 749.081 of the 8931
Revised Code shall be considered. 8932

Sec. 133.083. (A) As used in this section: 8933

(1) "Anticipation notes" means notes issued in anticipation 8934
of the tourism development district revenue supported bonds 8935
authorized by this section. 8936

(2) "Authorizing proceedings" means the resolution, 8937
legislation, trust agreement, certification, and other agreements, 8938
instruments, and documents, as amended and supplemented, 8939
authorizing, or providing for the security or sale or award of, 8940
tourism development district revenue supported bonds, and includes 8941
the provisions set forth or incorporated in those bonds and 8942
proceedings. 8943

(3) "Tourism development district revenue" means revenue 8944
received by the taxing authority of a municipal corporation or 8945
township from a tax levied pursuant to section 5739.024, 5739.52, 8946
or 5741.024 of the Revised Code, from fees imposed pursuant to 8947
division (C) of section 5739.50 of the Revised Code, and, in the 8948
case of a municipal corporation, a tax levied on amounts received 8949
for admission to any place to the extent of the revenue therefrom 8950
is required to be used to foster and develop tourism in a tourism 8951
development district. 8952

(4) "Tourism development district revenue supported bonds" 8953
means the tourism development district revenue supported bonds 8954
authorized by this section, including anticipation notes. 8955

(5) "Refunding bonds" means tourism development district revenue supported bonds issued to provide for the refunding of the tourism development district revenue supported bonds referred to in this section as refunded obligations. 8956
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(6) "Tourism development district" means an area designated by a township or municipal corporation under section 5739.50 of the Revised Code. 8960
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(B) The taxing authority of a municipal corporation or township that is receiving tourism development district revenue, for the purpose of fostering and developing tourism within the tourism development district, may anticipate such revenue and issue tourism development district revenue supported bonds of the municipal corporation or township in the principal amount necessary to pay the costs of financing any permanent improvement, or to refund any refunded obligations, provided that the taxing authority certifies that the annual debt charges on the tourism development district revenue supported bonds, or on the tourism development district revenue supported bonds being anticipated by anticipation notes, do not exceed the estimated annual tourism development district revenue. The maximum aggregate amount of tourism development district revenue supported bonds that may be outstanding at any time in accordance with their terms shall not exceed an amount which requires or is estimated to require payments from tourism development district revenue of debt charges on the tourism development district revenue supported bonds, or, in the case of anticipation notes, projected debt charges on the tourism development district revenue supported bonds anticipated, in any calendar year in an amount exceeding tourism development district revenue in anticipation of which the bonds or anticipation notes are issued as estimated by the fiscal officer based on tourism development district revenue averaged for the two calendar years prior to the year in which the tourism development 8963
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district revenue supported bonds are issued, and annualized for 8988
any increase in any tax levied pursuant to section 5739.024, 8989
5739.52, or 5741.024 of the Revised Code during such period or 8990
levied after such period. A taxing authority may at any time issue 8991
renewal anticipation notes, issue tourism development district 8992
revenue supported bonds to pay renewal anticipation notes, and, if 8993
it considers refunding expedient, issue refunding tourism 8994
development district revenue supported bonds whether the refunded 8995
obligations have or have not matured. The refunding tourism 8996
development district revenue supported bonds shall be sold and the 8997
proceeds needed for such purpose applied in the manner provided in 8998
the authorizing proceedings of the taxing authority. 8999

The maximum maturity of tourism development district revenue 9000
supported bonds shall be calculated by the fiscal officer in 9001
accordance with section 133.20 of the Revised Code, and that 9002
calculation shall be filed with the taxing authority of the county 9003
before adoption of the ordinance or resolution authorizing the 9004
issuance. If the tourism development district revenue pledged to 9005
the payment of the tourism development district revenue supported 9006
bonds has a stated expiration date, the final principal maturity 9007
date of the tourism development district revenue supported bonds 9008
shall not extend beyond the final year of collection of the 9009
tourism development district revenue pledged to the payment of the 9010
tourism development district revenue supported bonds. 9011

(C) Every issue of tourism development district revenue 9012
supported bonds outstanding in accordance with their terms shall 9013
be payable out of the tourism development district revenue 9014
received by the municipal corporation or township or proceeds of 9015
tourism development district revenue supported bonds, renewal 9016
anticipation notes, or refunding tourism development district 9017
revenue supported bonds that may be pledged for such payment in 9018
the authorizing proceedings. The pledge shall be valid and binding 9019

from the time the pledge is made, and the tourism development 9020
district revenue so pledged and thereafter received by the county 9021
shall immediately be subject to the lien of that pledge without 9022
any physical delivery of the tourism development district revenue 9023
or proceeds or further act. The lien of any pledge is valid and 9024
binding as against all parties having claims of any kind in tort, 9025
contract, or otherwise against the county, whether or not such 9026
parties have notice of the lien. Neither the resolution nor any 9027
trust agreement by which a pledge is created or further evidenced 9028
need be filed or recorded except in the records of the taxing 9029
authority. 9030

(D) Tourism development district revenue supported bonds 9031
issued under this section do not constitute a general obligation 9032
debt, or a pledge of the full faith and credit, of the state, or 9033
any political subdivision of the state, and the holders or owners 9034
of the bonds have no right to have taxes levied by the general 9035
assembly or property taxes levied by the taxing authority of any 9036
political subdivision of the state for the payment of debt 9037
charges. Unless paid from other sources, tourism development 9038
district revenue supported bonds are payable from the tourism 9039
development district revenue pledged for their payment as 9040
authorized by this section. All tourism development district 9041
revenue supported bonds shall contain on their face a statement to 9042
the effect that the tourism development district revenue supported 9043
bonds, as to debt charges, are not debts or obligations of the 9044
state and are not general obligation debts of any political 9045
subdivision of the state, but, unless paid from other sources, are 9046
payable from the tourism development district revenue pledged for 9047
their payment. The utilization and pledge of the tourism 9048
development district revenue and proceeds of tourism development 9049
district revenue supported bonds, renewal anticipation notes, or 9050
refunding tourism development district revenue supported bonds for 9051
the payment of debt charges is determined by the general assembly 9052

to create a special obligation. 9053

(E) The tourism development district revenue supported bonds shall bear such date or dates, shall be executed in the manner, and shall mature at such time or times, in the case of any anticipation notes not exceeding ten years from the date of issue of the original anticipation notes and in the case of any tourism development district revenue supported bonds or of any refunding tourism development district revenue supported bonds, not exceeding the maximum maturity certified to the taxing authority pursuant to division (B) of this section, all as the authorizing proceedings may provide. The tourism development district revenue supported bonds shall bear interest at such rates, or at variable rate or rates changing from time to time, in accordance with provisions in the authorizing proceedings, be in such denominations and form, either coupon or registered, carry such registration privileges, be payable in such medium of payment and at such place or places, and be subject to such terms of redemption, as the taxing authority may authorize or provide. The tourism development district revenue supported bonds may be sold at public or private sale, and at, or at not less than, the price or prices as the taxing authority determines. If any officer whose signature or a facsimile of whose signature appears on any tourism development district revenue supported bonds or coupons ceases to be such officer before delivery of the tourism development district revenue supported bonds or anticipation notes, the signature or facsimile shall nevertheless be sufficient for all purposes as if that officer had remained in office until delivery of the tourism development district revenue supported bonds. Whether or not the tourism development district revenue supported bonds are of such form and character as to be negotiable instruments under Title XIII of the Revised Code, the tourism development district revenue supported bonds shall have all the qualities and incidents of negotiable instruments, subject only to 9054
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any provisions for registration. Neither the members of the board 9086
of the taxing authority nor any person executing the tourism 9087
development district revenue supported bonds shall be liable 9088
personally on the tourism development district revenue supported 9089
bonds or be subject to any personal liability or accountability by 9090
reason of their issuance. 9091

(F) Notwithstanding any other provision of this section, 9092
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 9093
(A) of section 133.03 of the Revised Code apply to the tourism 9094
development district revenue supported bonds. Tourism development 9095
district revenue supported bonds issued under this section need 9096
not comply with any other law applicable to notes or bonds but the 9097
authorizing proceedings may provide that divisions (B) to (E) of 9098
section 133.25 of the Revised Code apply to the tourism 9099
development district revenue supported bonds or anticipation 9100
notes. 9101

(G) Any authorized proceedings may contain provisions, 9102
subject to any agreements with holders as may then exist, which 9103
shall be a part of the contract with the holders, as to the 9104
pledging of any or all of the municipal corporation's or 9105
township's anticipated tourism development district revenue to 9106
secure the payment of the tourism development district revenue 9107
supported bonds; the use and disposition of the tourism 9108
development district revenue of the county; the crediting of the 9109
proceeds of the sale of tourism development district revenue 9110
supported bonds to and among the funds referred to or provided for 9111
in the authorizing proceedings; limitations on the purpose to 9112
which the proceeds of the tourism development district revenue 9113
supported bonds may be applied and the pledging of portions of 9114
such proceeds to secure the payment of the tourism development 9115
district revenue supported bonds or of anticipation notes; the 9116
agreement of the municipal corporation or township to do all 9117

things necessary for the authorization, issuance, and sale of 9118
those notes anticipated in such amounts as may be necessary for 9119
the timely payment of debt charges on any anticipation notes; 9120
limitations on the issuance of additional tourism development 9121
district revenue supported bonds; the terms upon which additional 9122
tourism development district revenue supported bonds may be issued 9123
and secured; the refunding of refunded obligations; the procedure 9124
by which the terms of any contract with holders may be amended, 9125
and the manner in which any required consent to amend may be 9126
given; securing any tourism development district revenue supported 9127
bonds by a trust agreement or other agreement; and any other 9128
matters, of like or different character, that in any way affect 9129
the security or protection of the tourism development district 9130
revenue supported bonds or anticipation notes. 9131

(H) The taxing authority of a municipal corporation or 9132
township may not repeal, rescind, or reduce any portion of a tax 9133
pledged to the payment of debt charges on tourism development 9134
district revenue supported bonds issued by the county while such 9135
bonds remain outstanding, and no portion of tourism development 9136
district revenue pledged to the payment of debt charges on such 9137
bonds shall be subject to repeal or reduction by the electorate of 9138
the taxing authority while the bonds are outstanding. 9139

Sec. 133.34. (A) Upon the determination of the taxing 9140
authority that such funding or refunding will be in the 9141
subdivision's best interest, the subdivision may: 9142

(1) Issue general obligation securities to fund or refund any 9143
outstanding revenue or mortgage revenue, sales tax supported, or 9144
other special obligation securities previously issued by it for 9145
permanent improvements pursuant to authorization by law or the 9146
Ohio Constitution. Any general obligation bonds issued pursuant to 9147
this division (A)(1) shall be payable as to principal at such 9148

times and in such installments as determined by the taxing 9149
authority consistent with section 133.21 of the Revised Code, but 9150
their last maturity shall not be later than thirty years from the 9151
date of issuance of the original securities issued for the 9152
original purpose. 9153

(2) Issue revenue or mortgage revenue securities, if 9154
authorized by other law or the Ohio Constitution to issue such 9155
securities for the original purpose, to fund or refund any 9156
outstanding general obligation or sales tax supported securities 9157
previously issued by it pursuant to authorization by law. The 9158
taxing authority shall establish the maturity date or dates, the 9159
interest payable, and other terms of such securities as it 9160
considers necessary or appropriate for their issuance. 9161

(3) Issue general obligation securities to fund or refund 9162
outstanding general obligation bonds issued in one or more issues 9163
for any purpose or purposes. General obligation securities issued 9164
pursuant to this division (A)(3) shall be payable as to principal 9165
at such times and in such installments as determined by the taxing 9166
authority. Section 133.21 of the Revised Code is not applicable to 9167
these refunding securities, but the last maturity of these 9168
refunding securities shall not be later than the year of last 9169
maturity permitted by law for the general obligation bonds 9170
refunded. Tax levies for debt charges on the refunding general 9171
obligation securities shall be considered to have the same status 9172
with respect to the provisions of the applicable tax limitation as 9173
the levies for debt charges on, and the refunding general 9174
obligation securities shall be considered to have the same status 9175
with respect to net indebtedness limitations as, the general 9176
obligation bonds that are refunded. 9177

(4) Issue sales tax supported securities to fund or refund 9178
any outstanding revenue or mortgage revenue or general obligation 9179
or other special obligation securities previously issued by it for 9180

permanent improvements pursuant to authorization by law or the 9181
Ohio Constitution. Any sales tax supported bonds issued pursuant 9182
to this division (A)(4) shall be payable as to principal at such 9183
times and in such installments as determined by the taxing 9184
authority consistent with division (E) of section 133.081 of the 9185
Revised Code, but their last maturity shall be consistent with 9186
division (B) of section 133.081 of the Revised Code. 9187

(5) Apply moneys from other sources to fund any outstanding 9188
securities or public obligations issued by the taxing authority 9189
pursuant to authorization by law or the Ohio Constitution, 9190
including the funding of any mandatory sinking fund redemption 9191
requirements. 9192

(6) Issue tourism development district revenue supported 9193
bonds to fund or refund any outstanding revenue or mortgage 9194
revenue or general obligation or other special obligation 9195
securities previously issued by it for permanent improvements 9196
pursuant to authorization by law or the Ohio Constitution. Any 9197
tourism development district revenue supported bonds issued 9198
pursuant to division (A)(6) of this section shall be payable as to 9199
principal at such times and in such installments as determined by 9200
the taxing authority consistent with division (E) of section 9201
133.083 of the Revised Code, but their last maturity shall be 9202
consistent with division (B) of section 133.083 of the Revised 9203
Code. 9204

(B) Securities issued pursuant to this section shall be 9205
considered to be issued for the same purpose or purposes as the 9206
securities that they are issued to fund or refund, and their 9207
proceeds shall be used as determined by the taxing authority 9208
consistent with their purpose. That use may include the payment of 9209
the outstanding principal amount of, any redemption premium on, 9210
and any interest to redemption or maturity on, the securities 9211
being funded or refunded, and any expenses relating to the funding 9212

or refunding or the issuance of the refunding bonds, including 9213
financing costs, all as determined by the taxing authority. 9214
Proceeds of securities issued pursuant to this section may also be 9215
used to provide additional money for the purpose or purposes for 9216
which the securities being funded or refunded, or which they 9217
funded or refunded, were issued, but section 133.21 of the Revised 9218
Code is applicable to any such portion of general obligation 9219
securities. 9220

(C) Securities may be issued and other moneys may be applied 9221
pursuant to this section to fund or refund all or any portion of 9222
the outstanding securities, and whether or not the securities to 9223
be funded or refunded were issued subject to call or redemption 9224
prior to maturity or are the original securities or are themselves 9225
refunding securities. 9226

(D) Moneys derived from the proceeds of securities issued 9227
pursuant to this section to fund or refund general obligation 9228
bonds, or moneys from other sources, and required for the purpose 9229
shall, under an escrow agreement or otherwise, to the extent 9230
required by the legislation be placed in an escrow fund, which may 9231
be in the bond retirement fund in the case of the funded or 9232
refunded bonds being payable within ninety days of issuance of the 9233
refunding securities, and other moneys applied pursuant to this 9234
section to fund general obligation bonds shall, under an escrow 9235
agreement or otherwise, to the extent required by the legislation, 9236
be placed in an escrow fund that may be in the sinking fund or 9237
bond retirement fund, and in either case are pledged for the 9238
purpose of funding or refunding the refunded general obligation 9239
bonds and shall be used, together with any other available funds 9240
as provided in this section, for that purpose. Pending that use, 9241
the moneys in escrow shall be invested in direct obligations of or 9242
obligations guaranteed as to payment by the United States that 9243
mature or are subject to redemption by and at the option of the 9244

holder not later than the date or dates when the moneys, together 9245
with interest or other investment income accrued on those moneys, 9246
will be required for that use. Any moneys in the escrow fund 9247
derived from the issuance of revenue or mortgage revenue or sales 9248
tax supported securities that will not be needed to pay debt 9249
charges on the funded or refunded general obligation bonds may be 9250
used for and pledged to the payment of debt charges on the 9251
refunding securities and on any securities issued on a parity with 9252
the refunding securities. Any moneys in the escrow fund derived 9253
from the proceeds of refunding general obligation securities and 9254
that will not be needed to pay debt charges on the refunded 9255
general obligation bonds shall be transferred to the bond 9256
retirement fund. When the subdivision has placed in escrow moneys, 9257
derived from proceeds of refunding obligations or otherwise, or 9258
those direct or guaranteed obligations of the United States, or a 9259
combination of both, determined by an independent public 9260
accounting firm to be sufficient, with the interest or other 9261
investment income accruing on those direct or guaranteed 9262
obligations, for the payment of debt charges on the funded or 9263
refunded general obligation bonds, the funded or refunded general 9264
obligation bonds shall no longer be considered to be outstanding, 9265
shall not be considered for purposes of determining any 9266
limitation, direct or indirect, on the indebtedness or net 9267
indebtedness of the subdivision, and the levy of taxes or other 9268
charges for the payment of debt charges on the funded or refunded 9269
general obligation bonds under this chapter, Chapter 5705., or 9270
other provisions of the Revised Code, shall not be required. For 9271
purposes of this division, "direct obligations of or obligations 9272
guaranteed as to payment by the United States" includes rights to 9273
receive payment or portions of payments of the principal of or 9274
interest or other investment income on: 9275

(1) Those obligations; and 9276

(2) Other obligations fully secured as to payment by those 9277
obligations and the interest or other investment income on those 9278
obligations. 9279

(E) The authority granted by this section is in addition to 9280
and not a limitation on any other authorizations granted by or 9281
pursuant to law or the Ohio Constitution for the same or similar 9282
purposes, and does not limit or restrict the authority of 9283
municipal corporations to issue, under authority of Article XVIII, 9284
Ohio Constitution, revenue or mortgage revenue securities to fund 9285
or refund either general obligation securities or other revenue or 9286
mortgage revenue securities. 9287

Sec. 135.01. Except as otherwise provided in sections 135.14, 9288
135.143, and 135.181 of the Revised Code, as used in sections 9289
135.01 to 135.21 of the Revised Code: 9290

(A) "Active deposit" means a public deposit necessary to meet 9291
current demands on the treasury, and that is deposited in any of 9292
the following: 9293

(1) A commercial account that is payable or withdrawable, in 9294
whole or in part, on demand; 9295

(2) A negotiable order of withdrawal account as authorized in 9296
the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 9297
12 U.S.C.A. 1832(a); 9298

(3) A money market deposit account as authorized in the 9299
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 9300
1501, 12 U.S.C. 3503. 9301

(B) "Auditor" includes the auditor of state and the auditor, 9302
or officer exercising the functions of an auditor, of any 9303
subdivision. 9304

(C) "Capital funds" means the sum of the following: the par 9305
value of the outstanding common capital stock, the par value of 9306

the outstanding preferred capital stock, the aggregate par value 9307
of all outstanding capital notes and debentures, and the surplus. 9308
In the case of an institution having offices in more than one 9309
county, the capital funds of such institution, for the purposes of 9310
sections 135.01 to 135.21 of the Revised Code, relative to the 9311
deposit of the public moneys of the subdivisions in one such 9312
county, shall be considered to be that proportion of the capital 9313
funds of the institution that is represented by the ratio that the 9314
deposit liabilities of such institution originating at the office 9315
located in the county bears to the total deposit liabilities of 9316
the institution. 9317

(D) "Governing board" means, in the case of the state, the 9318
state board of deposit; in the case of all school districts and 9319
educational service centers except as otherwise provided in this 9320
section, the board of education or governing board of a service 9321
center, and when the case so requires, the board of commissioners 9322
of the sinking fund; in the case of a municipal corporation, the 9323
legislative authority, and when the case so requires, the board of 9324
trustees of the sinking fund; in the case of a township, the board 9325
of township trustees; in the case of a union or joint institution 9326
or enterprise of two or more subdivisions not having a treasurer, 9327
the board of directors or trustees thereof; and in the case of any 9328
other subdivision electing or appointing a treasurer, the 9329
directors, trustees, or other similar officers of such 9330
subdivision. The governing board of a subdivision electing or 9331
appointing a treasurer shall be the governing board of all other 9332
subdivisions for which such treasurer is authorized by law to act. 9333
In the case of a county school financing district that levies a 9334
tax pursuant to section 5705.215 of the Revised Code, the county 9335
board of education that serves as its taxing authority shall 9336
operate as a governing board. Any other county board of education 9337
shall operate as a governing board unless it adopts a resolution 9338
designating the board of county commissioners as the governing 9339

board for the county school district. 9340

(E) "Inactive deposit" means a public deposit other than an 9341
interim deposit or an active deposit. 9342

(F) "Interim deposit" means a deposit of interim moneys. 9343
"Interim moneys" means public moneys in the treasury of the state 9344
or any subdivision after the award of inactive deposits has been 9345
made in accordance with section 135.07 of the Revised Code, which 9346
moneys are in excess of the aggregate amount of the inactive 9347
deposits as estimated by the governing board prior to the period 9348
of designation and which the treasurer or governing board finds 9349
should not be deposited as active or inactive deposits for the 9350
reason that such moneys will not be needed for immediate use but 9351
will be needed before the end of the period of designation. 9352

(G) "Permissible rate of interest" means a rate of interest 9353
that all eligible institutions mentioned in section 135.03 of the 9354
Revised Code are permitted to pay by law or valid regulations. 9355

(H) "Warrant clearance account" means an account established 9356
by the treasurer of state for the deposit of active state moneys 9357
outside the city of Columbus, such account being for the exclusive 9358
purpose of clearing state warrants through the banking system to 9359
the treasurer. 9360

(I) "Public deposit" means public moneys deposited in a 9361
public depository pursuant to sections 135.01 to 135.21 of the 9362
Revised Code. 9363

(J) "Public depository" means an institution which receives 9364
or holds any public deposits. 9365

(K)(1) "Public moneys" means all moneys in the treasury of 9366
the state or any subdivision of the state, or moneys coming 9367
lawfully into the possession or custody of the treasurer of state 9368
or of the treasurer of any subdivision. "Public moneys of the 9369
state" includes all such moneys coming lawfully into the 9370

possession of the treasurer of state; and "public moneys of a 9371
subdivision" includes all such moneys coming lawfully into the 9372
possession of the treasurer of the subdivision. 9373

(2) "Public moneys" does not include any moneys in any fund 9374
created in section 145.23, 742.59, 3307.14, 3309.60, or 5505.03 of 9375
the Revised Code. 9376

(L) "Subdivision" means any municipal corporation, except one 9377
which has adopted a charter under Article XVIII, Ohio 9378
Constitution, and the charter or ordinances of the chartered 9379
municipal corporation set forth special provisions respecting the 9380
deposit or investment of its public moneys, or any school district 9381
or educational service center, a county school financing district, 9382
township, municipal or school district sinking fund, special 9383
taxing or assessment district, or other district or local 9384
authority electing or appointing a treasurer, except a county. In 9385
the case of a school district or educational service center, 9386
special taxing or assessment district, or other local authority 9387
for which a treasurer, elected or appointed primarily as the 9388
treasurer of a subdivision, is authorized or required by law to 9389
act as ex officio treasurer, the subdivision for which such a 9390
treasurer has been primarily elected or appointed shall be 9391
considered to be the "subdivision." The term also includes a union 9392
or joint institution or enterprise of two or more subdivisions, 9393
that is not authorized to elect or appoint a treasurer, and for 9394
which no ex officio treasurer is provided by law. 9395

(M) "Treasurer" means, in the case of the state, the 9396
treasurer of state and in the case of any subdivision, the 9397
treasurer, or officer exercising the functions of a treasurer, of 9398
such subdivision. In the case of a board of trustees of the 9399
sinking fund of a municipal corporation, the board of 9400
commissioners of the sinking fund of a school district, or a board 9401
of directors or trustees of any union or joint institution or 9402

enterprise of two or more subdivisions not having a treasurer, 9403
such term means such board of trustees of the sinking fund, board 9404
of commissioners of the sinking fund, or board of directors or 9405
trustees. 9406

(N) "Treasury investment board" of a municipal corporation 9407
means the mayor or other chief executive officer, the village 9408
solicitor or city director of law, and the auditor or other chief 9409
fiscal officer. 9410

(O) "No-load money market mutual fund" means a no-load money 9411
market mutual fund to which all of the following apply: 9412

(1) The fund is registered as an investment company under the 9413
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 9414
to 80a-64; 9415

(2) The fund has the highest letter or numerical rating 9416
provided by at least one nationally recognized standard rating 9417
service; 9418

(3) The fund does not include any investment in a derivative. 9419
As used in division (O)(3) of this section, "derivative" means a 9420
financial instrument or contract or obligation whose value or 9421
return is based upon or linked to another asset or index, or both, 9422
separate from the financial instrument, contract, or obligation 9423
itself. Any security, obligation, trust account, or other 9424
instrument that is created from an issue of the United States 9425
treasury or is created from an obligation of a federal agency or 9426
instrumentality or is created from both is considered a derivative 9427
instrument. An eligible investment described in section 135.14 or 9428
135.35 of the Revised Code with a variable interest rate payment, 9429
based upon a single interest payment or single index comprised of 9430
other investments provided for in division (B)(1) or (2) of 9431
section 135.14 of the Revised Code, is not a derivative, provided 9432
that such variable rate investment has a maximum maturity of two 9433

years. 9434

Sec. 140.01. As used in this chapter: 9435

(A) "Hospital agency" means any public hospital agency or any 9436
nonprofit hospital agency. 9437

(B) "Public hospital agency" means any county, board of 9438
county hospital trustees established pursuant to section 339.02 of 9439
the Revised Code, county hospital commission established pursuant 9440
to section 339.14 of the Revised Code, municipal corporation, new 9441
community authority organized under Chapter 349. of the Revised 9442
Code, joint township hospital district, state or municipal 9443
university or college operating or authorized to operate a 9444
hospital facility, or the state. 9445

(C) "Nonprofit hospital agency" means a corporation or 9446
association not for profit, no part of the net earnings of which 9447
inures or may lawfully inure to the benefit of any private 9448
shareholder or individual, that has authority to own or operate a 9449
hospital facility or provides or is to provide services to one or 9450
more other hospital agencies. 9451

(D) "Governing body" means, in the case of a county, the 9452
board of county commissioners or other legislative body; in the 9453
case of a board of county hospital trustees, the board; in the 9454
case of a county hospital commission, the commission; in the case 9455
of a municipal corporation, the council or other legislative 9456
authority; in the case of a new community authority, its board of 9457
trustees; in the case of a joint township hospital district, the 9458
joint township district hospital board; in the case of a state or 9459
municipal university or college, its board of trustees or board of 9460
directors; in the case of a nonprofit hospital agency, the board 9461
of trustees or other body having general management of the agency; 9462
and, in the case of the state, the director of development 9463
services or the Ohio higher educational facility commission. 9464

(E) "Hospital facilities" means buildings, structures and 9465
other improvements, additions thereto and extensions thereof, 9466
furnishings, equipment, and real estate and interests in real 9467
estate, used or to be used for or in connection with one or more 9468
hospitals, emergency, intensive, intermediate, extended, 9469
long-term, or self-care facilities, diagnostic and treatment and 9470
out-patient facilities, facilities related to programs for home 9471
health services, clinics, laboratories, public health centers, 9472
research facilities, and rehabilitation facilities, for or 9473
pertaining to diagnosis, treatment, care, or rehabilitation of 9474
sick, ill, injured, infirm, impaired, disabled, or handicapped 9475
persons, or the prevention, detection, and control of disease, and 9476
also includes education, training, and food service facilities for 9477
health professions personnel, housing facilities for such 9478
personnel and their families, and parking and service facilities 9479
in connection with any of the foregoing; and includes any one, 9480
part of, or any combination of the foregoing; and further includes 9481
site improvements, utilities, machinery, facilities, furnishings, 9482
and any separate or connected buildings, structures, improvements, 9483
sites, utilities, facilities, or equipment to be used in, or in 9484
connection with the operation or maintenance of, or supplementing 9485
or otherwise related to the services or facilities to be provided 9486
by, any one or more of such hospital facilities. 9487

(F) "Costs of hospital facilities" means the costs of 9488
acquiring hospital facilities or interests in hospital facilities, 9489
including membership interests in nonprofit hospital agencies, 9490
costs of constructing hospital facilities, costs of improving one 9491
or more hospital facilities, including reconstructing, 9492
rehabilitating, remodeling, renovating, and enlarging, costs of 9493
equipping and furnishing such facilities, and all financing costs 9494
pertaining thereto, including, without limitation thereto, costs 9495
of engineering, architectural, and other professional services, 9496
designs, plans, specifications and surveys, and estimates of cost, 9497

costs of tests and inspections, the costs of any indemnity or 9498
surety bonds and premiums on insurance, all related direct or 9499
allocable administrative expenses pertaining thereto, fees and 9500
expenses of trustees, depositories, and paying agents for the 9501
obligations, cost of issuance of the obligations and financing 9502
charges and fees and expenses of financial advisors, attorneys, 9503
accountants, consultants and rating services in connection 9504
therewith, capitalized interest on the obligations, amounts 9505
necessary to establish reserves as required by the bond 9506
proceedings, the reimbursement of all moneys advanced or applied 9507
by the hospital agency or others or borrowed from others for the 9508
payment of any item or items of costs of such facilities, and all 9509
other expenses necessary or incident to planning or determining 9510
feasibility or practicability with respect to such facilities, and 9511
such other expenses as may be necessary or incident to the 9512
acquisition, construction, reconstruction, rehabilitation, 9513
remodeling, renovation, enlargement, improvement, equipment, and 9514
furnishing of such facilities, the financing thereof, and the 9515
placing of the same in use and operation, including any one, part 9516
of, or combination of such classes of costs and expenses, and 9517
means the costs of refinancing obligations issued by, or 9518
reimbursement of money advanced by, nonprofit hospital agencies or 9519
others the proceeds of which were used for the payment of costs of 9520
hospital facilities, if the governing body of the public hospital 9521
agency determines that the refinancing or reimbursement advances 9522
the purposes of this chapter, whether or not the refinancing or 9523
reimbursement is in conjunction with the acquisition or 9524
construction of additional hospital facilities. 9525

(G) "Hospital receipts" means all moneys received by or on 9526
behalf of a hospital agency from or in connection with the 9527
ownership, operation, acquisition, construction, improvement, 9528
equipping, or financing of any hospital facilities, including, 9529
without limitation thereto, any rentals and other moneys received 9530

from the lease, sale, or other disposition of hospital facilities, 9531
and any gifts, grants, interest subsidies, or other moneys 9532
received under any federal program for assistance in financing the 9533
costs of hospital facilities, and any other gifts, grants, and 9534
donations, and receipts therefrom, available for financing the 9535
costs of hospital facilities. 9536

(H) "Obligations" means bonds, notes, or other evidences of 9537
indebtedness or obligation, including interest coupons pertaining 9538
thereto, issued or issuable by a public hospital agency to pay 9539
costs of hospital facilities. 9540

(I) "Bond service charges" means principal, interest, and 9541
call premium, if any, required to be paid on obligations. 9542

(J) "Bond proceedings" means one or more ordinances, 9543
resolutions, trust agreements, indentures, and other agreements or 9544
documents, and amendments and supplements to the foregoing, or any 9545
combination thereof, authorizing or providing for the terms, 9546
including any variable interest rates, and conditions applicable 9547
to, or providing for the security of, obligations and the 9548
provisions contained in such obligations. 9549

(K) "Nursing home" has the same meaning as in division (A)(1) 9550
of section 5701.13 of the Revised Code. 9551

(L) "Residential care facility" has the same meaning as in 9552
division (A)(2) of section 5701.13 of the Revised Code. 9553

(M) "Independent living facility" means any self-care 9554
facility or other housing facility designed or used as a residence 9555
for elderly persons. An "independent living facility" does not 9556
include a residential facility, or that part of a residential 9557
facility, that is any of the following: 9558

(1) A hospital required to be certified by section 3727.02 of 9559
the Revised Code; 9560

- (2) A nursing home or residential care facility; 9561
- (3) A facility operated by a hospice care program licensed 9562
under section 3712.04 of the Revised Code and used for the 9563
program's hospice patients; 9564
- (4) A residential facility licensed by the department of 9565
mental health and addiction services under section 5119.34 of the 9566
Revised Code that provides accommodations, supervision, and 9567
personal care services for three to sixteen unrelated adults; 9568
- (5) A residential facility licensed by the department of 9569
mental health and addiction services under section 5119.34 of the 9570
Revised Code that is not a residential facility described in 9571
division (M)(4) of this section; 9572
- (6) A facility licensed to provide methadone treatment under 9573
section 5119.391 of the Revised Code; 9574
- (7) A ~~facility certified as a~~ community addiction services 9575
provider ~~under section 5119.36, as defined in section 5119.01~~ of 9576
the Revised Code; 9577
- (8) A residential facility licensed under section 5123.19 of 9578
the Revised Code or a facility providing services under a contract 9579
with the department of developmental disabilities under section 9580
5123.18 of the Revised Code; 9581
- (9) A residential facility used as part of a hospital to 9582
provide housing for staff of the hospital or students pursuing a 9583
course of study at the hospital. 9584
- Sec. 145.11.** (A) The members of the public employees 9585
retirement board shall be the trustees of the funds created by 9586
section 145.23 of the Revised Code. The board shall have full 9587
power to invest the funds. The board and other fiduciaries shall 9588
discharge their duties with respect to the funds solely in the 9589
interest of the participants and beneficiaries; for the exclusive 9590

purpose of providing benefits to participants and their 9591
beneficiaries and defraying reasonable expenses of administering 9592
the public employees retirement system; with care, skill, 9593
prudence, and diligence under the circumstances then prevailing 9594
that a prudent person acting in a like capacity and familiar with 9595
these matters would use in the conduct of an enterprise of a like 9596
character and with like aims; and by diversifying the investments 9597
of the system so as to minimize the risk of large losses, unless 9598
under the circumstances it is clearly prudent not to do so. 9599

To facilitate investment of the funds, the board may 9600
establish a partnership, trust, limited liability company, 9601
corporation, including a corporation exempt from taxation under 9602
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 9603
amended, or any other legal entity authorized to transact business 9604
in this state. 9605

(B) In exercising its fiduciary responsibility with respect 9606
to the investment of the funds, it shall be the intent of the 9607
board to give consideration to investments that enhance the 9608
general welfare of the state and its citizens where the 9609
investments offer quality, return, and safety comparable to other 9610
investments currently available to the board. In fulfilling this 9611
intent, equal consideration shall also be given to investments 9612
otherwise qualifying under this section that involve minority 9613
owned and controlled firms and firms owned and controlled by 9614
women, either alone or in joint venture with other firms. 9615

The board shall adopt, in regular meeting, policies, 9616
objectives, or criteria for the operation of the investment 9617
program that include asset allocation targets and ranges, risk 9618
factors, asset class benchmarks, time horizons, total return 9619
objectives, and performance evaluation guidelines. In adopting 9620
policies and criteria for the selection of agents with whom the 9621
board may contract for the administration of the funds, the board 9622

shall comply with sections 145.114 and 145.116 of the Revised Code 9623
and shall also give equal consideration to minority owned and 9624
controlled firms, firms owned and controlled by women, and 9625
ventures involving minority owned and controlled firms and firms 9626
owned and controlled by women that otherwise meet the policies and 9627
criteria established by the board. Amendments and additions to the 9628
policies and criteria shall be adopted in regular meeting. The 9629
board shall publish its policies, objectives, and criteria under 9630
this provision no less often than annually and shall make copies 9631
available to interested parties. 9632

When reporting on the performance of investments, the board 9633
shall comply with the performance presentation standards 9634
established by the association for investment management and 9635
research. 9636

(C) All investments shall be purchased at current market 9637
prices and the evidences of title of the investments shall be 9638
placed in the hands of the treasurer of state, who is hereby 9639
designated as custodian thereof, or in the hands of the treasurer 9640
of state's authorized agent. Evidences of title of the investments 9641
so purchased may be deposited by the treasurer of state for 9642
safekeeping with an authorized agent, selected by the ~~treasurer of~~ 9643
~~state, who is a qualified trustee under~~ custodial bank selection 9644
committee in accordance with section ~~135.18~~ 171.08 of the Revised 9645
Code. The treasurer of state or the agent shall collect the 9646
principal, dividends, distributions, and interest thereon as they 9647
become due and payable and place them when so collected into the 9648
custodial funds. 9649

The treasurer of state shall pay for investments purchased by 9650
the retirement board on receipt of written or electronic 9651
instructions from the board or the board's designated agent 9652
authorizing the purchase and pending receipt of the evidence of 9653
title of the investment by the treasurer of state or the treasurer 9654

of state's authorized agent. The board may sell investments held 9655
by the board, and the treasurer of state or the treasurer of 9656
state's authorized agent shall accept payment from the purchaser 9657
and deliver evidence of title of the investment to the purchaser 9658
on receipt of written or electronic instructions from the board or 9659
the board's designated agent authorizing the sale, and pending 9660
receipt of the moneys for the investments. The amount received 9661
shall be placed in the custodial funds. The board and the 9662
treasurer of state may enter into agreements to establish 9663
procedures for the purchase and sale of investments under this 9664
division and the custody of the investments. 9665

(D) No purchase or sale of any investment shall be made under 9666
this section except as authorized by the public employees 9667
retirement board. 9668

(E) Any statement of financial position distributed by the 9669
board shall include the fair value, as of the statement date, of 9670
all investments held by the board under this section. 9671

Sec. 145.26. The treasurer of state shall be the custodian of 9672
the funds of the public employees retirement system, and all 9673
disbursements therefrom shall be paid by the treasurer of state 9674
only upon instruments authorized by the public employees 9675
retirement board and bearing the signatures of the board; 9676
provided, that such instruments may bear the names of the board 9677
members printed thereon and the signatures of the chairperson, or 9678
of the vice-chairperson in case of the absence or disability of 9679
the chairperson, and of the executive director of the board. The 9680
signatures of the chairperson and of the executive director may be 9681
affixed through the use of a mechanical check-signing device. 9682

The treasurer of state shall give a separate and additional 9683
bond in such amount as is fixed by the governor and with sureties 9684
selected by the board and approved by the governor, conditioned 9685

for the faithful performance of the duties of the treasurer of 9686
state as custodian of the funds of the system. Such bond shall be 9687
deposited with the secretary of state and kept in the office. The 9688
governor may require the treasurer of state to give other and 9689
additional bonds, as the funds of the system increase, in such 9690
amounts and at such times as may be fixed by the governor, which 9691
additional bonds shall be conditioned, filed, and obtained as is 9692
provided for the original bond of the treasurer of state covering 9693
the funds of the system. The premium on all bonds shall be paid by 9694
the board. 9695

The treasurer of state shall deposit any portion of the funds 9696
of the system not needed for immediate use in the ~~same manner as~~ 9697
~~state funds are deposited, and subject to all laws with respect to~~ 9698
~~the deposit of state funds, by the treasurer of state~~ financial 9699
institution or institutions selected to serve as a depository for 9700
the retirement system under section 171.08 of the Revised Code, 9701
and all interest earned by such portion of the retirement funds as 9702
is deposited by the treasurer of state shall be collected by the 9703
treasurer of state and placed to the credit of the board. 9704

The treasurer of state shall furnish annually to the board a 9705
sworn statement of the amount of the funds in the treasurer of 9706
state's custody belonging to the system. 9707

Sec. 149.04. Messages of the governor, and the inaugural 9708
address of the governor-elect, shall be ~~printed~~ produced and 9709
distributed in ~~pamphlet~~ electronic form and ~~distributed as~~ 9710
~~follows:~~ 9711

~~(A) To to the governor delivering a message or address, two~~ 9712
~~hundred fifty copies;~~ 9713

~~(B) To to each member of the general assembly, five copies;~~ 9714

~~(C) To and to the state library, two copies. A physical copy~~ 9715

of the message or address shall be provided, upon request, to any 9716
recipient named in this section.` 9717

Sec. 149.43. (A) As used in this section: 9718

(1) "Public record" means records kept by any public office, 9719
including, but not limited to, state, county, city, village, 9720
township, and school district units, and records pertaining to the 9721
delivery of educational services by an alternative school in this 9722
state kept by the nonprofit or for-profit entity operating the 9723
alternative school pursuant to section 3313.533 of the Revised 9724
Code. "Public record" does not mean any of the following: 9725

(a) Medical records; 9726

(b) Records pertaining to probation and parole proceedings or 9727
to proceedings related to the imposition of community control 9728
sanctions and post-release control sanctions; 9729

(c) Records pertaining to actions under section 2151.85 and 9730
division (C) of section 2919.121 of the Revised Code and to 9731
appeals of actions arising under those sections; 9732

(d) Records pertaining to adoption proceedings, including the 9733
contents of an adoption file maintained by the department of 9734
health under section 3705.12 of the Revised Code; 9735

(e) Information in a record contained in the putative father 9736
registry established by section 3107.062 of the Revised Code, 9737
regardless of whether the information is held by the department of 9738
job and family services or, pursuant to section 3111.69 of the 9739
Revised Code, the office of child support in the department or a 9740
child support enforcement agency; 9741

(f) Records listed in division (A) of section 3107.42 of the 9742
Revised Code or specified in division (A) of section 3107.52 of 9743
the Revised Code; 9744

(g) Trial preparation records; 9745

| | |
|---|--|
| (h) Confidential law enforcement investigatory records; | 9746 |
| (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code; | 9747 9748 |
| (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code; | 9749 9750 |
| (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code; | 9751 9752 9753 9754 |
| (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code; | 9755 9756 9757 9758 |
| (m) Intellectual property records; | 9759 |
| (n) Donor profile records; | 9760 |
| (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code; | 9761 9762 |
| (p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information; | 9763 9764 9765 9766 9767 9768 |
| (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code; | 9769 9770 9771 9772 9773 |
| (r) Information pertaining to the recreational activities of a person under the age of eighteen; | 9774 9775 |

(s) ~~Records provided to, statements made by review board~~ 9776
~~members during meetings of, and all work products~~ In the case of a 9777
child fatality review board acting under sections 307.621 to 9778
307.629 of the Revised Code or a review conducted pursuant to 9779
guidelines established by the director of health under section 9780
3701.70 of the Revised Code, records provided to the board or 9781
director, statements made by board members during meetings of the 9782
board or by persons participating in the director's review, and 9783
all work products of the board or director, and in the case of a 9784
child fatality review board, child fatality review data submitted 9785
by the ~~child fatality review~~ board to the department of health or 9786
a national child death review database, other than the report 9787
prepared pursuant to division (A) of section 307.626 of the 9788
Revised Code; 9789

(t) Records provided to and statements made by the executive 9790
director of a public children services agency or a prosecuting 9791
attorney acting pursuant to section 5153.171 of the Revised Code 9792
other than the information released under that section; 9793

(u) Test materials, examinations, or evaluation tools used in 9794
an examination for licensure as a nursing home administrator that 9795
the board of executives of long-term services and supports 9796
administers under section 4751.04 of the Revised Code or contracts 9797
under that section with a private or government entity to 9798
administer; 9799

(v) Records the release of which is prohibited by state or 9800
federal law; 9801

(w) Proprietary information of or relating to any person that 9802
is submitted to or compiled by the Ohio venture capital authority 9803
created under section 150.01 of the Revised Code; 9804

(x) Financial statements and data any person submits for any 9805
purpose to the Ohio housing finance agency or the controlling 9806

board in connection with applying for, receiving, or accounting 9807
for financial assistance from the agency, and information that 9808
identifies any individual who benefits directly or indirectly from 9809
financial assistance from the agency; 9810

(y) Records listed in section 5101.29 of the Revised Code; 9811

(z) Discharges recorded with a county recorder under section 9812
317.24 of the Revised Code, as specified in division (B)(2) of 9813
that section; 9814

(aa) Usage information including names and addresses of 9815
specific residential and commercial customers of a municipally 9816
owned or operated public utility; 9817

(bb) Records described in division (C) of section 187.04 of 9818
the Revised Code that are not designated to be made available to 9819
the public as provided in that division. 9820

(2) "Confidential law enforcement investigatory record" means 9821
any record that pertains to a law enforcement matter of a 9822
criminal, quasi-criminal, civil, or administrative nature, but 9823
only to the extent that the release of the record would create a 9824
high probability of disclosure of any of the following: 9825

(a) The identity of a suspect who has not been charged with 9826
the offense to which the record pertains, or of an information 9827
source or witness to whom confidentiality has been reasonably 9828
promised; 9829

(b) Information provided by an information source or witness 9830
to whom confidentiality has been reasonably promised, which 9831
information would reasonably tend to disclose the source's or 9832
witness's identity; 9833

(c) Specific confidential investigatory techniques or 9834
procedures or specific investigatory work product; 9835

(d) Information that would endanger the life or physical 9836

safety of law enforcement personnel, a crime victim, a witness, or 9837
a confidential information source. 9838

(3) "Medical record" means any document or combination of 9839
documents, except births, deaths, and the fact of admission to or 9840
discharge from a hospital, that pertains to the medical history, 9841
diagnosis, prognosis, or medical condition of a patient and that 9842
is generated and maintained in the process of medical treatment. 9843

(4) "Trial preparation record" means any record that contains 9844
information that is specifically compiled in reasonable 9845
anticipation of, or in defense of, a civil or criminal action or 9846
proceeding, including the independent thought processes and 9847
personal trial preparation of an attorney. 9848

(5) "Intellectual property record" means a record, other than 9849
a financial or administrative record, that is produced or 9850
collected by or for faculty or staff of a state institution of 9851
higher learning in the conduct of or as a result of study or 9852
research on an educational, commercial, scientific, artistic, 9853
technical, or scholarly issue, regardless of whether the study or 9854
research was sponsored by the institution alone or in conjunction 9855
with a governmental body or private concern, and that has not been 9856
publicly released, published, or patented. 9857

(6) "Donor profile record" means all records about donors or 9858
potential donors to a public institution of higher education 9859
except the names and reported addresses of the actual donors and 9860
the date, amount, and conditions of the actual donation. 9861

(7) "Peace officer, parole officer, probation officer, 9862
bailiff, prosecuting attorney, assistant prosecuting attorney, 9863
correctional employee, community-based correctional facility 9864
employee, youth services employee, firefighter, EMT, or 9865
investigator of the bureau of criminal identification and 9866
investigation residential and familial information" means any 9867

information that discloses any of the following about a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation:

(a) The address of the actual personal residence of a peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or an investigator of the bureau of criminal identification and investigation, except for the state or political subdivision in which the peace officer, parole officer, probation officer, bailiff, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff,

prosecuting attorney, assistant prosecuting attorney, correctional 9900
employee, community-based correctional facility employee, youth 9901
services employee, firefighter, EMT, or investigator of the bureau 9902
of criminal identification and investigation by the peace 9903
officer's, parole officer's, probation officer's, bailiff's, 9904
prosecuting attorney's, assistant prosecuting attorney's, 9905
correctional employee's, community-based correctional facility 9906
employee's, youth services employee's, firefighter's, EMT's, or 9907
investigator of the bureau of criminal identification and 9908
investigation's employer; 9909

(e) The identity and amount of any charitable or employment 9910
benefit deduction made by the peace officer's, parole officer's, 9911
probation officer's, bailiff's, prosecuting attorney's, assistant 9912
prosecuting attorney's, correctional employee's, community-based 9913
correctional facility employee's, youth services employee's, 9914
firefighter's, EMT's, or investigator of the bureau of criminal 9915
identification and investigation's employer from the peace 9916
officer's, parole officer's, probation officer's, bailiff's, 9917
prosecuting attorney's, assistant prosecuting attorney's, 9918
correctional employee's, community-based correctional facility 9919
employee's, youth services employee's, firefighter's, EMT's, or 9920
investigator of the bureau of criminal identification and 9921
investigation's compensation unless the amount of the deduction is 9922
required by state or federal law; 9923

(f) The name, the residential address, the name of the 9924
employer, the address of the employer, the social security number, 9925
the residential telephone number, any bank account, debit card, 9926
charge card, or credit card number, or the emergency telephone 9927
number of the spouse, a former spouse, or any child of a peace 9928
officer, parole officer, probation officer, bailiff, prosecuting 9929
attorney, assistant prosecuting attorney, correctional employee, 9930
community-based correctional facility employee, youth services 9931

employee, firefighter, EMT, or investigator of the bureau of 9932
criminal identification and investigation; 9933

(g) A photograph of a peace officer who holds a position or 9934
has an assignment that may include undercover or plain clothes 9935
positions or assignments as determined by the peace officer's 9936
appointing authority. 9937

As used in divisions (A)(7) and (B)(9) of this section, 9938
"peace officer" has the same meaning as in section 109.71 of the 9939
Revised Code and also includes the superintendent and troopers of 9940
the state highway patrol; it does not include the sheriff of a 9941
county or a supervisory employee who, in the absence of the 9942
sheriff, is authorized to stand in for, exercise the authority of, 9943
and perform the duties of the sheriff. 9944

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 9945
"correctional employee" means any employee of the department of 9946
rehabilitation and correction who in the course of performing the 9947
employee's job duties has or has had contact with inmates and 9948
persons under supervision. 9949

As used in divisions (A)(7) and (B)~~(5)~~(9) of this section, 9950
"youth services employee" means any employee of the department of 9951
youth services who in the course of performing the employee's job 9952
duties has or has had contact with children committed to the 9953
custody of the department of youth services. 9954

As used in divisions (A)(7) and (B)(9) of this section, 9955
"firefighter" means any regular, paid or volunteer, member of a 9956
lawfully constituted fire department of a municipal corporation, 9957
township, fire district, or village. 9958

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 9959
means EMTs-basic, EMTs-I, and paramedics that provide emergency 9960
medical services for a public emergency medical service 9961
organization. "Emergency medical service organization," 9962

"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 9963
section 4765.01 of the Revised Code. 9964

As used in divisions (A)(7) and (B)(9) of this section, 9965
"investigator of the bureau of criminal identification and 9966
investigation" has the meaning defined in section 2903.11 of the 9967
Revised Code. 9968

(8) "Information pertaining to the recreational activities of 9969
a person under the age of eighteen" means information that is kept 9970
in the ordinary course of business by a public office, that 9971
pertains to the recreational activities of a person under the age 9972
of eighteen years, and that discloses any of the following: 9973

(a) The address or telephone number of a person under the age 9974
of eighteen or the address or telephone number of that person's 9975
parent, guardian, custodian, or emergency contact person; 9976

(b) The social security number, birth date, or photographic 9977
image of a person under the age of eighteen; 9978

(c) Any medical record, history, or information pertaining to 9979
a person under the age of eighteen; 9980

(d) Any additional information sought or required about a 9981
person under the age of eighteen for the purpose of allowing that 9982
person to participate in any recreational activity conducted or 9983
sponsored by a public office or to use or obtain admission 9984
privileges to any recreational facility owned or operated by a 9985
public office. 9986

(9) "Community control sanction" has the same meaning as in 9987
section 2929.01 of the Revised Code. 9988

(10) "Post-release control sanction" has the same meaning as 9989
in section 2967.01 of the Revised Code. 9990

(11) "Redaction" means obscuring or deleting any information 9991
that is exempt from the duty to permit public inspection or 9992

copying from an item that otherwise meets the definition of a 9993
"record" in section 149.011 of the Revised Code. 9994

(12) "Designee" and "elected official" have the same meanings 9995
as in section 109.43 of the Revised Code. 9996

(B)(1) Upon request and subject to division (B)(8) of this 9997
section, all public records responsive to the request shall be 9998
promptly prepared and made available for inspection to any person 9999
at all reasonable times during regular business hours. Subject to 10000
division (B)(8) of this section, upon request, a public office or 10001
person responsible for public records shall make copies of the 10002
requested public record available at cost and within a reasonable 10003
period of time. If a public record contains information that is 10004
exempt from the duty to permit public inspection or to copy the 10005
public record, the public office or the person responsible for the 10006
public record shall make available all of the information within 10007
the public record that is not exempt. When making that public 10008
record available for public inspection or copying that public 10009
record, the public office or the person responsible for the public 10010
record shall notify the requester of any redaction or make the 10011
redaction plainly visible. A redaction shall be deemed a denial of 10012
a request to inspect or copy the redacted information, except if 10013
federal or state law authorizes or requires a public office to 10014
make the redaction. 10015

(2) To facilitate broader access to public records, a public 10016
office or the person responsible for public records shall organize 10017
and maintain public records in a manner that they can be made 10018
available for inspection or copying in accordance with division 10019
(B) of this section. A public office also shall have available a 10020
copy of its current records retention schedule at a location 10021
readily available to the public. If a requester makes an ambiguous 10022
or overly broad request or has difficulty in making a request for 10023
copies or inspection of public records under this section such 10024

that the public office or the person responsible for the requested 10025
public record cannot reasonably identify what public records are 10026
being requested, the public office or the person responsible for 10027
the requested public record may deny the request but shall provide 10028
the requester with an opportunity to revise the request by 10029
informing the requester of the manner in which records are 10030
maintained by the public office and accessed in the ordinary 10031
course of the public office's or person's duties. 10032

(3) If a request is ultimately denied, in part or in whole, 10033
the public office or the person responsible for the requested 10034
public record shall provide the requester with an explanation, 10035
including legal authority, setting forth why the request was 10036
denied. If the initial request was provided in writing, the 10037
explanation also shall be provided to the requester in writing. 10038
The explanation shall not preclude the public office or the person 10039
responsible for the requested public record from relying upon 10040
additional reasons or legal authority in defending an action 10041
commenced under division (C) of this section. 10042

(4) Unless specifically required or authorized by state or 10043
federal law or in accordance with division (B) of this section, no 10044
public office or person responsible for public records may limit 10045
or condition the availability of public records by requiring 10046
disclosure of the requester's identity or the intended use of the 10047
requested public record. Any requirement that the requester 10048
disclose the requestor's identity or the intended use of the 10049
requested public record constitutes a denial of the request. 10050

(5) A public office or person responsible for public records 10051
may ask a requester to make the request in writing, may ask for 10052
the requester's identity, and may inquire about the intended use 10053
of the information requested, but may do so only after disclosing 10054
to the requester that a written request is not mandatory and that 10055
the requester may decline to reveal the requester's identity or 10056

the intended use and when a written request or disclosure of the 10057
identity or intended use would benefit the requester by enhancing 10058
the ability of the public office or person responsible for public 10059
records to identify, locate, or deliver the public records sought 10060
by the requester. 10061

(6) If any person chooses to obtain a copy of a public record 10062
in accordance with division (B) of this section, the public office 10063
or person responsible for the public record may require that 10064
person to pay in advance the cost involved in providing the copy 10065
of the public record in accordance with the choice made by the 10066
person seeking the copy under this division. The public office or 10067
the person responsible for the public record shall permit that 10068
person to choose to have the public record duplicated upon paper, 10069
upon the same medium upon which the public office or person 10070
responsible for the public record keeps it, or upon any other 10071
medium upon which the public office or person responsible for the 10072
public record determines that it reasonably can be duplicated as 10073
an integral part of the normal operations of the public office or 10074
person responsible for the public record. When the person seeking 10075
the copy makes a choice under this division, the public office or 10076
person responsible for the public record shall provide a copy of 10077
it in accordance with the choice made by the person seeking the 10078
copy. Nothing in this section requires a public office or person 10079
responsible for the public record to allow the person seeking a 10080
copy of the public record to make the copies of the public record. 10081

(7) Upon a request made in accordance with division (B) of 10082
this section and subject to division (B)(6) of this section, a 10083
public office or person responsible for public records shall 10084
transmit a copy of a public record to any person by United States 10085
mail or by any other means of delivery or transmission within a 10086
reasonable period of time after receiving the request for the 10087
copy. The public office or person responsible for the public 10088

record may require the person making the request to pay in advance 10089
the cost of postage if the copy is transmitted by United States 10090
mail or the cost of delivery if the copy is transmitted other than 10091
by United States mail, and to pay in advance the costs incurred 10092
for other supplies used in the mailing, delivery, or transmission. 10093

Any public office may adopt a policy and procedures that it 10094
will follow in transmitting, within a reasonable period of time 10095
after receiving a request, copies of public records by United 10096
States mail or by any other means of delivery or transmission 10097
pursuant to this division. A public office that adopts a policy 10098
and procedures under this division shall comply with them in 10099
performing its duties under this division. 10100

In any policy and procedures adopted under this division, a 10101
public office may limit the number of records requested by a 10102
person that the office will transmit by United States mail to ten 10103
per month, unless the person certifies to the office in writing 10104
that the person does not intend to use or forward the requested 10105
records, or the information contained in them, for commercial 10106
purposes. For purposes of this division, "commercial" shall be 10107
narrowly construed and does not include reporting or gathering 10108
news, reporting or gathering information to assist citizen 10109
oversight or understanding of the operation or activities of 10110
government, or nonprofit educational research. 10111

(8) A public office or person responsible for public records 10112
is not required to permit a person who is incarcerated pursuant to 10113
a criminal conviction or a juvenile adjudication to inspect or to 10114
obtain a copy of any public record concerning a criminal 10115
investigation or prosecution or concerning what would be a 10116
criminal investigation or prosecution if the subject of the 10117
investigation or prosecution were an adult, unless the request to 10118
inspect or to obtain a copy of the record is for the purpose of 10119
acquiring information that is subject to release as a public 10120

record under this section and the judge who imposed the sentence 10121
or made the adjudication with respect to the person, or the 10122
judge's successor in office, finds that the information sought in 10123
the public record is necessary to support what appears to be a 10124
justiciable claim of the person. 10125

(9)(a) Upon written request made and signed by a journalist 10126
on or after December 16, 1999, a public office, or person 10127
responsible for public records, having custody of the records of 10128
the agency employing a specified peace officer, parole officer, 10129
probation officer, bailiff, prosecuting attorney, assistant 10130
prosecuting attorney, correctional employee, community-based 10131
correctional facility employee, youth services employee, 10132
firefighter, EMT, or investigator of the bureau of criminal 10133
identification and investigation shall disclose to the journalist 10134
the address of the actual personal residence of the peace officer, 10135
parole officer, probation officer, bailiff, prosecuting attorney, 10136
assistant prosecuting attorney, correctional employee, 10137
community-based correctional facility employee, youth services 10138
employee, firefighter, EMT, or investigator of the bureau of 10139
criminal identification and investigation and, if the peace 10140
officer's, parole officer's, probation officer's, bailiff's, 10141
prosecuting attorney's, assistant prosecuting attorney's, 10142
correctional employee's, community-based correctional facility 10143
employee's, youth services employee's, firefighter's, EMT's, or 10144
investigator of the bureau of criminal identification and 10145
investigation's spouse, former spouse, or child is employed by a 10146
public office, the name and address of the employer of the peace 10147
officer's, parole officer's, probation officer's, bailiff's, 10148
prosecuting attorney's, assistant prosecuting attorney's, 10149
correctional employee's, community-based correctional facility 10150
employee's, youth services employee's, firefighter's, EMT's, or 10151
investigator of the bureau of criminal identification and 10152
investigation's spouse, former spouse, or child. The request shall 10153

include the journalist's name and title and the name and address 10154
of the journalist's employer and shall state that disclosure of 10155
the information sought would be in the public interest. 10156

(b) Division (B)(9)(a) of this section also applies to 10157
journalist requests for customer information maintained by a 10158
municipally owned or operated public utility, other than social 10159
security numbers and any private financial information such as 10160
credit reports, payment methods, credit card numbers, and bank 10161
account information. 10162

(c) As used in division (B)(9) of this section, "journalist" 10163
means a person engaged in, connected with, or employed by any news 10164
medium, including a newspaper, magazine, press association, news 10165
agency, or wire service, a radio or television station, or a 10166
similar medium, for the purpose of gathering, processing, 10167
transmitting, compiling, editing, or disseminating information for 10168
the general public. 10169

(C)(1) If a person allegedly is aggrieved by the failure of a 10170
public office or the person responsible for public records to 10171
promptly prepare a public record and to make it available to the 10172
person for inspection in accordance with division (B) of this 10173
section or by any other failure of a public office or the person 10174
responsible for public records to comply with an obligation in 10175
accordance with division (B) of this section, the person allegedly 10176
aggrieved may commence a mandamus action to obtain a judgment that 10177
orders the public office or the person responsible for the public 10178
record to comply with division (B) of this section, that awards 10179
court costs and reasonable attorney's fees to the person that 10180
instituted the mandamus action, and, if applicable, that includes 10181
an order fixing statutory damages under division (C)(1) of this 10182
section. The mandamus action may be commenced in the court of 10183
common pleas of the county in which division (B) of this section 10184
allegedly was not complied with, in the supreme court pursuant to 10185

its original jurisdiction under Section 2 of Article IV, Ohio Constitution, or in the court of appeals for the appellate district in which division (B) of this section allegedly was not complied with pursuant to its original jurisdiction under Section 3 of Article IV, Ohio Constitution.

If a requestor transmits a written request by hand delivery or certified mail to inspect or receive copies of any public record in a manner that fairly describes the public record or class of public records to the public office or person responsible for the requested public records, except as otherwise provided in this section, the requestor shall be entitled to recover the amount of statutory damages set forth in this division if a court determines that the public office or the person responsible for public records failed to comply with an obligation in accordance with division (B) of this section.

The amount of statutory damages shall be fixed at one hundred dollars for each business day during which the public office or person responsible for the requested public records failed to comply with an obligation in accordance with division (B) of this section, beginning with the day on which the requester files a mandamus action to recover statutory damages, up to a maximum of one thousand dollars. The award of statutory damages shall not be construed as a penalty, but as compensation for injury arising from lost use of the requested information. The existence of this injury shall be conclusively presumed. The award of statutory damages shall be in addition to all other remedies authorized by this section.

The court may reduce an award of statutory damages or not award statutory damages if the court determines both of the following:

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or

threatened conduct of the public office or person responsible for 10218
the requested public records that allegedly constitutes a failure 10219
to comply with an obligation in accordance with division (B) of 10220
this section and that was the basis of the mandamus action, a 10221
well-informed public office or person responsible for the 10222
requested public records reasonably would believe that the conduct 10223
or threatened conduct of the public office or person responsible 10224
for the requested public records did not constitute a failure to 10225
comply with an obligation in accordance with division (B) of this 10226
section; 10227

(b) That a well-informed public office or person responsible 10228
for the requested public records reasonably would believe that the 10229
conduct or threatened conduct of the public office or person 10230
responsible for the requested public records would serve the 10231
public policy that underlies the authority that is asserted as 10232
permitting that conduct or threatened conduct. 10233

(2)(a) If the court issues a writ of mandamus that orders the 10234
public office or the person responsible for the public record to 10235
comply with division (B) of this section and determines that the 10236
circumstances described in division (C)(1) of this section exist, 10237
the court shall determine and award to the relator all court 10238
costs. 10239

(b) If the court renders a judgment that orders the public 10240
office or the person responsible for the public record to comply 10241
with division (B) of this section, the court may award reasonable 10242
attorney's fees subject to reduction as described in division 10243
(C)(2)(c) of this section. The court shall award reasonable 10244
attorney's fees, subject to reduction as described in division 10245
(C)(2)(c) of this section when either of the following applies: 10246

(i) The public office or the person responsible for the 10247
public records failed to respond affirmatively or negatively to 10248
the public records request in accordance with the time allowed 10249

under division (B) of this section. 10250

(ii) The public office or the person responsible for the 10251
public records promised to permit the relator to inspect or 10252
receive copies of the public records requested within a specified 10253
period of time but failed to fulfill that promise within that 10254
specified period of time. 10255

(c) Court costs and reasonable attorney's fees awarded under 10256
this section shall be construed as remedial and not punitive. 10257
Reasonable attorney's fees shall include reasonable fees incurred 10258
to produce proof of the reasonableness and amount of the fees and 10259
to otherwise litigate entitlement to the fees. The court may 10260
reduce an award of attorney's fees to the relator or not award 10261
attorney's fees to the relator if the court determines both of the 10262
following: 10263

(i) That, based on the ordinary application of statutory law 10264
and case law as it existed at the time of the conduct or 10265
threatened conduct of the public office or person responsible for 10266
the requested public records that allegedly constitutes a failure 10267
to comply with an obligation in accordance with division (B) of 10268
this section and that was the basis of the mandamus action, a 10269
well-informed public office or person responsible for the 10270
requested public records reasonably would believe that the conduct 10271
or threatened conduct of the public office or person responsible 10272
for the requested public records did not constitute a failure to 10273
comply with an obligation in accordance with division (B) of this 10274
section; 10275

(ii) That a well-informed public office or person responsible 10276
for the requested public records reasonably would believe that the 10277
conduct or threatened conduct of the public office or person 10278
responsible for the requested public records as described in 10279
division (C)(2)(c)(i) of this section would serve the public 10280
policy that underlies the authority that is asserted as permitting 10281

that conduct or threatened conduct. 10282

(D) Chapter 1347. of the Revised Code does not limit the 10283
provisions of this section. 10284

(E)(1) To ensure that all employees of public offices are 10285
appropriately educated about a public office's obligations under 10286
division (B) of this section, all elected officials or their 10287
appropriate designees shall attend training approved by the 10288
attorney general as provided in section 109.43 of the Revised 10289
Code. In addition, all public offices shall adopt a public records 10290
policy in compliance with this section for responding to public 10291
records requests. In adopting a public records policy under this 10292
division, a public office may obtain guidance from the model 10293
public records policy developed and provided to the public office 10294
by the attorney general under section 109.43 of the Revised Code. 10295
Except as otherwise provided in this section, the policy may not 10296
limit the number of public records that the public office will 10297
make available to a single person, may not limit the number of 10298
public records that it will make available during a fixed period 10299
of time, and may not establish a fixed period of time before it 10300
will respond to a request for inspection or copying of public 10301
records, unless that period is less than eight hours. 10302

(2) The public office shall distribute the public records 10303
policy adopted by the public office under division (E)(1) of this 10304
section to the employee of the public office who is the records 10305
custodian or records manager or otherwise has custody of the 10306
records of that office. The public office shall require that 10307
employee to acknowledge receipt of the copy of the public records 10308
policy. The public office shall create a poster that describes its 10309
public records policy and shall post the poster in a conspicuous 10310
place in the public office and in all locations where the public 10311
office has branch offices. The public office may post its public 10312
records policy on the internet web site of the public office if 10313

the public office maintains an internet web site. A public office 10314
that has established a manual or handbook of its general policies 10315
and procedures for all employees of the public office shall 10316
include the public records policy of the public office in the 10317
manual or handbook. 10318

(F)(1) The bureau of motor vehicles may adopt rules pursuant 10319
to Chapter 119. of the Revised Code to reasonably limit the number 10320
of bulk commercial special extraction requests made by a person 10321
for the same records or for updated records during a calendar 10322
year. The rules may include provisions for charges to be made for 10323
bulk commercial special extraction requests for the actual cost of 10324
the bureau, plus special extraction costs, plus ten per cent. The 10325
bureau may charge for expenses for redacting information, the 10326
release of which is prohibited by law. 10327

(2) As used in division (F)(1) of this section: 10328

(a) "Actual cost" means the cost of depleted supplies, 10329
records storage media costs, actual mailing and alternative 10330
delivery costs, or other transmitting costs, and any direct 10331
equipment operating and maintenance costs, including actual costs 10332
paid to private contractors for copying services. 10333

(b) "Bulk commercial special extraction request" means a 10334
request for copies of a record for information in a format other 10335
than the format already available, or information that cannot be 10336
extracted without examination of all items in a records series, 10337
class of records, or database by a person who intends to use or 10338
forward the copies for surveys, marketing, solicitation, or resale 10339
for commercial purposes. "Bulk commercial special extraction 10340
request" does not include a request by a person who gives 10341
assurance to the bureau that the person making the request does 10342
not intend to use or forward the requested copies for surveys, 10343
marketing, solicitation, or resale for commercial purposes. 10344

(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product. 10345
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(d) "Special extraction costs" means the cost of the time spent by the lowest paid employee competent to perform the task, the actual amount paid to outside private contractors employed by the bureau, or the actual cost incurred to create computer programs to make the special extraction. "Special extraction costs" include any charges paid to a public agency for computer or records services. 10347
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(3) For purposes of divisions (F)(1) and (2) of this section, "surveys, marketing, solicitation, or resale for commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research. 10354
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Sec. 153.08. On the day and at the place named in the notice provided for in section 153.06 of the Revised Code, the owner referred to in section 153.01 of the Revised Code shall open the bids and shall publicly, with the assistance of the architect or engineer, immediately proceed to tabulate the bids ~~upon duplicate sheets.~~ For a bid filed electronically, the public bid opening may be broadcast by electronic means pursuant to rules established by the Ohio facilities construction commission. A bid shall be invalid and not considered unless a bid guaranty meeting the requirements of section 153.54 of the Revised Code and in the form approved by the commission is filed with such bid. For a bid that is not filed electronically, the bid and bid guaranty shall be filed in one sealed envelope. If the bid and bid guaranty are filed electronically, they must be received electronically before the deadline published pursuant to section 153.06 of the Revised Code. For all bids filed electronically, the original, unaltered 10360
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bid guaranty shall be made available to the public authority after 10376
the public bid opening, which may be achieved by means of an 10377
electronic verification and security system established under 10378
rules adopted by the Ohio facilities construction commission under 10379
Chapter 119. of the Revised Code. After investigation, which shall 10380
be completed within thirty days, the contract shall be awarded by 10381
such owner to the lowest responsive and responsible bidder in 10382
accordance with section 9.312 of the Revised Code. 10383

No contract shall be entered into until the industrial 10384
commission has certified that the person so awarded the contract 10385
has complied with sections 4123.01 to 4123.94 of the Revised Code, 10386
until, if the bidder so awarded the contract is a foreign 10387
corporation, the secretary of state has certified that such 10388
corporation is authorized to do business in this state, until, if 10389
the bidder so awarded the contract is a person nonresident of this 10390
state, such person has filed with the secretary of state a power 10391
of attorney designating the secretary of state as its agent for 10392
the purpose of accepting service of summons in any action brought 10393
under section 153.05 of the Revised Code or under sections 4123.01 10394
to 4123.94 of the Revised Code, and until the contract and bond, 10395
if any, are submitted to the attorney general and the attorney 10396
general's approval certified thereon. 10397

No contract shall be entered into unless the bidder possesses 10398
a valid certificate of compliance with affirmative action programs 10399
issued pursuant to section 9.47 of the Revised Code and dated no 10400
earlier than one hundred eighty days prior to the date fixed for 10401
the opening of bids for a particular project. 10402

Sec. 153.70. (A) Except for any person providing professional 10403
design services of a research or training nature, any person 10404
rendering professional design services to a public authority or to 10405
a design-build firm, including a criteria architect or engineer 10406

and person performing architect or engineer of record services, 10407
shall have and maintain, or be covered by, during the period the 10408
services are rendered, a professional liability insurance policy 10409
or policies with a company or companies that are authorized to do 10410
business in this state and that afford professional liability 10411
coverage for the professional design services rendered. The 10412
insurance shall be in an amount considered sufficient by the 10413
public authority. At the public authority's discretion, the 10414
design-build firm shall carry contractor's professional liability 10415
insurance and any other insurance the public authority considers 10416
appropriate. 10417

(B) The requirement for professional liability insurance set 10418
forth in division (A) of this section may be waived by the public 10419
authority for good cause, or the public authority may allow the 10420
person providing the professional design services to provide other 10421
assurances of financial responsibility. 10422

(C) Before construction begins pursuant to a contract for 10423
design-build services with a design-build firm, the design-build 10424
firm shall provide a surety bond to the public authority in 10425
accordance with rules adopted by the executive director of 10426
~~administrative services~~ the Ohio facilities construction 10427
commission under Chapter 119. of the Revised Code. 10428

Sec. 156.01. As used in sections 156.01 to 156.05 of the 10429
Revised Code: 10430

(A) "Avoided capital costs" means a measured reduction in the 10431
cost of future equipment or other capital purchases that results 10432
from implementation of one or more energy or water conservation 10433
measures, when compared to an established baseline for previous 10434
such cost. 10435

(B) "Energy conservation measure" means an installation or 10436
modification of an installation in, or a remodeling of, an 10437

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| existing building in order to reduce energy consumption and | 10438 |
| operating costs. The term includes any of the following: | 10439 |
| (1) Installation or modification of insulation in the | 10440 |
| building structure and systems within the building; | 10441 |
| (2) Installation or modification of storm windows and doors, | 10442 |
| multiglazed windows and doors, and heat absorbing or heat | 10443 |
| reflective glazed and coated window and door systems; installation | 10444 |
| of additional glazing; reductions in glass area; and other window | 10445 |
| and door system modifications that reduce energy consumption and | 10446 |
| operating costs; | 10447 |
| (3) Installation or modification of automatic energy control | 10448 |
| systems; | 10449 |
| (4) Replacement or modification of heating, ventilating, or | 10450 |
| air conditioning systems; | 10451 |
| (5) Application of caulking and weather stripping; | 10452 |
| (6) Replacement or modification of lighting fixtures to | 10453 |
| increase the energy efficiency of the lighting system without | 10454 |
| increasing the overall illumination of a building unless the | 10455 |
| increase in illumination is necessary to conform to the applicable | 10456 |
| state or local building code for the proposed lighting system; | 10457 |
| (7) Installation or modification of energy recovery systems; | 10458 |
| (8) Installation or modification of cogeneration systems that | 10459 |
| produce steam or forms of energy such as heat, as well as | 10460 |
| electricity, for use primarily within a building or complex of | 10461 |
| buildings; | 10462 |
| (9) Installation or modification of trigeneration systems | 10463 |
| that produce heat and cooling, as well as electricity, for use | 10464 |
| primarily within a building or complex of buildings; | 10465 |
| (10) Installation or modification of systems that harvest | 10466 |
| renewable energy from solar, wind, water, biomass, bio-gas, or | 10467 |

geothermal sources, for use primarily within a building or complex 10468
of buildings; 10469

(11) Retro-commissioning or recommissioning energy-related 10470
systems to verify that they are installed and calibrated to 10471
optimize energy and operational performance within a building or 10472
complex of buildings; 10473

(12) Consolidation, virtualization, and optimization of 10474
computer servers, data storage devices, or other information 10475
technology hardware and infrastructure; 10476

(13) Any other modification, installation, or remodeling 10477
approved by the executive director of ~~administrative services~~ the 10478
Ohio facilities construction commission as an energy conservation 10479
measure for one or more buildings owned by either of the 10480
following: 10481

(a) The state; 10482

(b) A state institution of higher education as defined in 10483
section 3345.011 of the Revised Code that implements the energy 10484
conservation measure in consultation with the executive director. 10485

(C) "Energy saving measure" means the acquisition and 10486
installation, by purchase, lease, lease-purchase, lease with an 10487
option to buy, or installment purchase, of an energy conservation 10488
measure and any attendant architectural and engineering consulting 10489
services. 10490

(D) "Energy, water, or wastewater cost savings" means a 10491
measured reduction in, as applicable, the cost of fuel, energy or 10492
water consumption, wastewater production, or stipulated operation 10493
or maintenance resulting from the implementation of one or more 10494
energy or water conservation measures, when compared to an 10495
established baseline for previous such costs, respectively. 10496

(E) "Operating cost savings" means a measured reduction in 10497

the cost of stipulated operation or maintenance created by the 10498
installation of new equipment or implementation of a new service, 10499
when compared with an established baseline for previous such 10500
stipulated costs. 10501

(F) "Water conservation measure" means an installation or 10502
modification of an installation in, or a remodeling of, an 10503
existing building or the surrounding grounds in order to reduce 10504
water consumption. The term includes any of the following: 10505

(1) Water-conserving fixture, appliance, or equipment, or the 10506
substitution of a nonwater-using fixture, appliance, or equipment; 10507

(2) Water-conserving, landscape irrigation equipment; 10508

(3) Landscaping measure that reduces storm water runoff 10509
demand and capture and hold applied water and rainfall, including 10510
landscape contouring such as the use of a berm, swale, or terrace 10511
and including the use of a soil amendment, including compost, that 10512
increases the water-holding capacity of the soil; 10513

(4) Rainwater harvesting equipment or equipment to make use 10514
of water collected as part of a storm water system installed for 10515
water quality control; 10516

(5) Equipment for recycling or reuse of water originating on 10517
the premises or from another source, including treated, municipal 10518
effluent; 10519

(6) Equipment needed to capture water for nonpotable uses 10520
from any nonconventional, alternate source, including air 10521
conditioning condensate or gray water; 10522

(7) Any other modification, installation, or remodeling 10523
approved by the executive director of ~~administrative services~~ the 10524
Ohio facilities construction commission as a water conservation 10525
measure for one or more buildings or the surrounding grounds owned 10526
by either of the following: 10527

| | |
|--|---|
| (a) The state; | 10528 |
| (b) A state institution of higher education as defined in section 3345.011 of the Revised Code that implements the water conservation measure in consultation with the <u>executive</u> director. | 10529 10530 10531 |
| (G) "Water saving measure" means the acquisition and installation, by the purchase, lease, lease-purchase, lease with an option to buy, or installment purchases of a water conservation measure and any attendant architectural and engineering consulting services. | 10532 10533 10534 10535 10536 |
| Sec. 156.02. The executive director of the Ohio facilities construction commission may, <u>on the executive director's own initiative or at the request of a state agency,</u> contract with an energy or a water services company, architect, professional engineer, contractor, or other person experienced in the design and implementation of energy or water conservation measures for a report containing an analysis and recommendations pertaining to the implementation of energy or water conservation measures that result in energy, water, or wastewater cost savings, operating cost savings, or avoided capital costs for the institution. The report shall include estimates of all costs of such installations, including the costs of design, engineering, installation, maintenance, repairs, and debt service, and estimates of the energy, water, or wastewater cost savings, operating cost savings, and avoided capital costs created. | 10537 10538 10539 10540 10541 10542 10543 10544 10545 10546 10547 10548 10549 10550 10551 |
| Sec. 156.04. (A) In accordance with this section and section 156.03 of the Revised Code, the executive director of the Ohio facilities construction commission may, <u>on the executive director's own initiative or at the request of a state agency,</u> enter into an installment payment contract for the implementation of one or more energy or water saving measures. If the executive | 10552 10553 10554 10555 10556 10557 |

director wishes an installment payment contract to be exempted 10558
from Chapter 153. of the Revised Code, the executive director 10559
shall proceed pursuant to section 156.03 of the Revised Code. 10560

(B) Any installment payment contract under this section shall 10561
provide that all payments, except payments for repairs and 10562
obligations on termination of the contract prior to its 10563
expiration, are to be a stated percentage of calculated energy, 10564
water, or wastewater cost savings, operating costs, and avoided 10565
capital costs attributable to the one or more measures over a 10566
defined period of time and are to be made only to the extent that 10567
those calculated amounts actually occur. No such contract shall 10568
contain either of the following: 10569

(1) A requirement of any additional capital investment or 10570
contribution of funds, other than funds available from state or 10571
federal grants; 10572

(2) In the case of a contract for a cogeneration system 10573
described in division (B)(8) of section 156.01 of the Revised 10574
Code, a payment term longer than twenty years, and, in the case of 10575
all other contracts, a payment term longer than fifteen years. 10576

(C) Any installment payment contract entered into under this 10577
section shall terminate no later than the last day of the fiscal 10578
biennium for which funds have been appropriated ~~to the Ohio~~ 10579
~~facilities construction commission~~ by the general assembly and 10580
shall be renewed in each succeeding fiscal biennium in which any 10581
balance of the contract remains unpaid, provided that both an 10582
appropriation for that succeeding fiscal biennium and the 10583
certification required by section 126.07 of the Revised Code are 10584
made. 10585

(D) Any installment payment contract entered into under this 10586
section shall be eligible for financing provided through the Ohio 10587
air quality development authority under Chapter 3706. of the 10588

Revised Code. 10589

Sec. 169.051. (A) Notwithstanding any provision of the 10590
Revised Code to the contrary, United States savings bonds that 10591
constitute unclaimed funds under this chapter, including bonds in 10592
the possession of the director of commerce and lost, stolen, or 10593
destroyed bonds registered to persons with last known addresses in 10594
this state, shall escheat to the state. All property rights and 10595
legal title to and ownership of such bonds or proceeds from such 10596
bonds, including all rights, powers, and privileges of 10597
survivorship of any owner, co-owner, or beneficiary, shall vest 10598
solely in the state as provided in division (B) of this section. 10599

(B)(1) If, within one hundred eighty days after a United 10600
States savings bond escheats to the state under division (A) of 10601
this section, no claim has been filed under this chapter for the 10602
bond, the director shall commence a civil action in a court of 10603
competent jurisdiction for a determination that the bond escheats 10604
to the state. The director may postpone the commencement of an 10605
action until a sufficient number of bonds have accumulated in the 10606
director's custody to justify the expense of the proceedings. 10607

(2) If no person files a claim or appears at the hearing to 10608
substantiate a claim or if the court determines that a claimant is 10609
not entitled to the property claimed, and if the court is 10610
satisfied by the evidence that the director has substantially 10611
complied with the laws of this state, the court shall enter a 10612
judgment that the bonds have escheated to the state and all 10613
property rights and legal title to and ownership of the bonds or 10614
the proceeds from the bonds, including all rights, powers, and 10615
privileges of survivorship of any owner, co-owner, or beneficiary, 10616
have vested solely in the state. 10617

(C) The director shall redeem the United States savings bonds 10618
escheated to the state by judgment of the court. When the proceeds 10619

that have escheated have been recovered by the director, the 10620
director shall pay all costs incident to the collection and 10621
recovery of the proceeds from the redemption of the bonds and 10622
disburse the remaining balance of the proceeds in the manner 10623
provided under section 169.05 of the Revised Code for all other 10624
unclaimed funds. 10625

(D) Notwithstanding section 169.08 of the Revised Code, any 10626
person claiming a United States savings bond that has escheated to 10627
the state under this section, or for the proceeds from the bond, 10628
may file a claim with the director. Upon providing sufficient 10629
proof of the validity of the person's claim, the director may, in 10630
the director's discretion, pay the claim less any expenses and 10631
costs incurred by the state in securing full title and ownership 10632
of the property by escheat. If payment has been made to a 10633
claimant, no action thereafter may be maintained by any other 10634
claimant against the state or any officer of the state, for or on 10635
account of the payment of the claim. 10636

Sec. 171.08. (A) The Ohio retirement study council shall 10637
establish for each state retirement system a custodial bank 10638
selection committee consisting of the following members: 10639

(1) The council's executive director; 10640

(2) The treasurer of state; 10641

(3) The retirement system's executive director. 10642

(B) The committee established for a retirement system shall 10643
review financial institutions that are qualified to serve as 10644
depositories of the funds of the system and consider all of the 10645
following: 10646

(1) Each financial institution's standards for customer 10647
service; 10648

(2) Expectations for timely transactions; 10649

(3) Any ethical or legal actions that could hinder the effectiveness of a financial institution. 10650
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(C) Each committee shall present to the council its findings and a recommendation of one or more financial institutions to serve as depository of the funds of the system. If the council accepts the recommendation, the committee shall select the financial institution or institutions. 10652
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(D) A financial institution may serve as a depository of a state retirement system only if it is selected in accordance with this section. 10657
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Sec. 173.391. (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code: 10660
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(1) Certify a provider to provide community-based long-term care services under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section; 10663
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(2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section: 10669
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(a) Issue a written warning; 10673

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department; 10674
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(c) Suspend referrals; 10677

(d) Remove clients; 10678

| | |
|--|-------|
| (e) Impose a fiscal sanction such as a civil monetary penalty | 10679 |
| or an order that unearned funds be repaid; | 10680 |
| (f) Suspend the certification; | 10681 |
| (g) Revoke the certification; | 10682 |
| (h) Impose another sanction. | 10683 |
| (3) Except as provided in division (E) of this section, hold | 10684 |
| hearings when there is a dispute between the department or its | 10685 |
| designee and a provider concerning actions the department or its | 10686 |
| designee takes regarding a decision not to certify the provider | 10687 |
| under division (A)(1) of this section or a disciplinary action | 10688 |
| under divisions (A)(2)(e) to (h) of this section. | 10689 |
| (B) The director of aging shall adopt rules in accordance | 10690 |
| with Chapter 119. of the Revised Code establishing certification | 10691 |
| requirements and standards for determining which type of | 10692 |
| disciplinary action to take under division (A)(2) of this section | 10693 |
| in individual situations. The rules shall establish procedures for | 10694 |
| all of the following: | 10695 |
| (1) Ensuring that providers comply with sections 173.38 and | 10696 |
| 173.381 of the Revised Code; | 10697 |
| (2) Evaluating the services provided by the providers to | 10698 |
| ensure that the services are provided in a quality manner | 10699 |
| advantageous to the individual receiving the services; | 10700 |
| (3) In a manner consistent with section 173.381 of the | 10701 |
| Revised Code, determining when to take disciplinary action under | 10702 |
| division (A)(2) of this section and which disciplinary action to | 10703 |
| take; | 10704 |
| (4) Determining what constitutes another sanction for | 10705 |
| purposes of division (A)(2)(h) of this section. | 10706 |
| (C) The procedures established in rules adopted under | 10707 |
| division (B)(2) of this section shall require that all of the | 10708 |

following be considered as part of an evaluation described in 10709
division (B)(2) of this section: 10710

(1) The provider's experience and financial responsibility; 10711

(2) The provider's ability to comply with standards for the 10712
community-based long-term care services that the provider provides 10713
under a program the department administers; 10714

(3) The provider's ability to meet the needs of the 10715
individuals served; 10716

(4) Any other factor the director considers relevant. 10717

(D) The rules adopted under division (B)(3) of this section 10718
shall specify that the reasons disciplinary action may be taken 10719
under division (A)(2) of this section include good cause, 10720
including misfeasance, malfeasance, nonfeasance, confirmed abuse 10721
or neglect, financial irresponsibility, or other conduct the 10722
director determines is injurious, or poses a threat, to the health 10723
or safety of individuals being served. 10724

(E) Subject to division (F) of this section, the department 10725
is not required to hold hearings under division (A)(3) of this 10726
section if any of the following conditions apply: 10727

(1) Rules adopted by the director of aging pursuant to this 10728
chapter require the provider to be a party to a provider 10729
agreement; hold a license, certificate, or permit; or maintain a 10730
certification, any of which is required or issued by a state or 10731
federal government entity other than the department of aging, and 10732
either of the following is the case: 10733

(a) The provider agreement has not been entered into or the 10734
license, certificate, permit, or certification has not been 10735
obtained or maintained. 10736

(b) The provider agreement, license, certificate, permit, or 10737
certification has been denied, revoked, not renewed, or suspended 10738

or has been otherwise restricted. 10739

(2) The provider's certification under this section has been 10740
denied, suspended, or revoked for any of the following reasons: 10741

(a) A government entity of this state, other than the 10742
department of aging, has terminated or refused to renew any of the 10743
following held by, or has denied any of the following sought by, a 10744
provider: a provider agreement, license, certificate, permit, or 10745
certification. Division (E)(2)(a) of this section applies 10746
regardless of whether the provider has entered into a provider 10747
agreement in, or holds a license, certificate, permit, or 10748
certification issued by, another state. 10749

(b) The provider or a principal owner or manager of the 10750
provider who provides direct care has entered a guilty plea for, 10751
or has been convicted of, an offense materially related to the 10752
medicaid program. 10753

(c) A principal owner or manager of the provider who provides 10754
direct care has entered a guilty plea for, been convicted of, or 10755
been found eligible for intervention in lieu of conviction for an 10756
offense listed or described in divisions (A)(3)(a) to (e) of 10757
section 109.572 of the Revised Code, but only if the provider, 10758
principal owner, or manager does not meet standards specified by 10759
the director in rules adopted under section 173.38 of the Revised 10760
Code. 10761

(d) The department or its designee is required by section 10762
173.381 of the Revised Code to deny or revoke the provider's 10763
certification. 10764

(e) The United States department of health and human services 10765
has taken adverse action against the provider and that action 10766
impacts the provider's participation in the medicaid program. 10767

(f) The provider has failed to enter into or renew a provider 10768
agreement with the PASSPORT administrative agency, as that term is 10769

defined in section 173.42 of the Revised Code, that administers 10770
programs on behalf of the department of aging in the region of the 10771
state in which the provider is certified to provide services. 10772

(g) The provider has not billed or otherwise submitted a 10773
claim to the department for payment under the medicaid program in 10774
at least two years. 10775

(h) The provider denied or failed to provide the department 10776
or its designee access to the provider's facilities during the 10777
provider's normal business hours for purposes of conducting an 10778
audit or structural compliance review. 10779

(i) The provider has ceased doing business. 10780

(j) The provider has voluntarily relinquished its 10781
certification for any reason. 10782

(3) The provider's provider agreement with the department of 10783
medicaid has been suspended under ~~division (C) of section 5164.37~~ 10784
5164.36 of the Revised Code because of an indictment resulting 10785
from an act described in division (A)(1)(d) of that section. 10786

(4) The provider's provider agreement with the department of 10787
medicaid is denied or revoked because the provider or its owner, 10788
officer, authorized agent, associate, manager, or employee has 10789
been convicted of an offense that caused the provider agreement to 10790
be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 10791

(F) If the department does not hold hearings when any 10792
condition described in division (E) of this section applies, the 10793
department may send a notice to the provider describing a decision 10794
not to certify the provider under division (A)(1) of this section 10795
or the disciplinary action the department proposes to take under 10796
~~division~~ divisions (A)(2)(e) to (h) of this section. The notice 10797
shall be sent to the provider's address that is on record with the 10798
department and may be sent by regular mail. 10799

(G) The director of aging may adopt rules in accordance with 10800
Chapter 119. of the Revised Code establishing a fee to be charged 10801
by the department of aging or its designee for certification 10802
issued under this section. 10803

All fees collected by the department or its designee under 10804
this section shall be deposited in the state treasury to the 10805
credit of the provider certification fund, which is hereby 10806
created. Money credited to the fund shall be used to pay for 10807
community-based long-term care services, administrative costs 10808
associated with provider certification under this section, and 10809
administrative costs related to the publication of the Ohio 10810
long-term care consumer guide. 10811

Sec. 173.47. (A) For purposes of publishing the Ohio 10812
long-term care consumer guide, the department of aging shall 10813
conduct or provide for the conduct of an annual customer 10814
satisfaction survey of each long-term care facility. The results 10815
of the surveys may include information obtained from long-term 10816
care facility residents, their families, or both. ~~A survey that is 10817
to include information obtained from nursing facility residents 10818
shall include the questions specified in divisions (C)(7)(a) and 10819
(b) of section 5165.25 of the Revised Code. A survey that is to 10820
include information obtained from the families of nursing facility 10821
residents shall include the questions specified in divisions 10822
(C)(8)(a) and (b) of section 5165.25 of the Revised Code. 10823~~

(B) Each long-term care facility shall cooperate in the 10824
conduct of its annual customer satisfaction survey. 10825

Sec. 173.48. (A)(1) The department of aging may charge annual 10826
fees to long-term care facilities for the publication of the Ohio 10827
long-term care consumer guide. The department may contract with 10828
any person or government entity to collect the fees on its behalf. 10829

All fees collected under this section shall be deposited in 10830
accordance with division (B) of this section. 10831

(2) The annual fees charged under this section shall not 10832
exceed the following amounts: 10833

(a) ~~Six hundred fifty dollars for~~ For each long-term care 10834
facility that is a nursing home, six hundred fifty dollars; 10835

(b) ~~Three hundred dollars for~~ For each long-term care 10836
facility that is a residential care facility: 10837

(i) Until June 30, 2016, three hundred dollars; 10838

(ii) Beginning July 1, 2016, three hundred fifty dollars. 10839

(3) Fees paid by a long-term care facility that is a nursing 10840
facility shall be reimbursed through the medicaid program. 10841

(B) There is hereby created in the state treasury the 10842
long-term care consumer guide fund. Money collected from the fees 10843
charged for the publication of the Ohio long-term care consumer 10844
guide under division (A) of this section shall be credited to the 10845
fund. The department shall use money in the fund for costs 10846
associated with publishing the Ohio long-term care consumer guide, 10847
including, but not limited to, costs incurred in conducting or 10848
providing for the conduct of customer satisfaction surveys. 10849

Sec. 173.522. (A) The department of aging shall create and 10850
administer the state-funded component of the PASSPORT program. The 10851
state-funded component shall not be administered as part of the 10852
medicaid program. 10853

(B) For an individual to be eligible for the state-funded 10854
component of the PASSPORT program, the individual must meet one of 10855
the following requirements and meet the additional eligibility 10856
requirements applicable to the individual established in rules 10857
adopted under division (D) of this section: 10858

(1) The individual must have been enrolled in the 10859
state-funded component on September 1, 1991, (as the state-funded 10860
component was authorized by uncodified law in effect at that time) 10861
and have had one or more applications for enrollment in the 10862
medicaid-funded component of the PASSPORT program (or, if the 10863
medicaid-funded component is terminated under division (C) of 10864
section 173.52 of the Revised Code, the unified long-term services 10865
and support medicaid waiver component) denied. 10866

~~(2) The individual must have had the individual's enrollment 10867
in the medicaid funded component of the PASSPORT program (or, if 10868
the medicaid funded component is terminated under division (C) of 10869
section 173.52 of the Revised Code, the unified long term services 10870
and support medicaid waiver component) terminated and the 10871
individual must still need the home and community based services 10872
provided under the PASSPORT program to protect the individual's 10873
health and safety. 10874~~

~~(3) The individual must have an application for the 10875
medicaid-funded component of the PASSPORT program (or, if the 10876
medicaid-funded component is terminated under division (C) of 10877
section 173.52 of the Revised Code, the unified long-term services 10878
and support medicaid waiver component) pending and the department 10879
or the department's designee must have determined that the 10880
individual meets the nonfinancial eligibility requirements of the 10881
medicaid-funded component (or, if the medicaid-funded component is 10882
terminated under division (C) of section 173.52 of the Revised 10883
Code, the unified long-term services and support medicaid waiver 10884
component) and not have reason to doubt that the individual meets 10885
the financial eligibility requirements of the medicaid-funded 10886
component (or, if the medicaid-funded component is terminated 10887
under division (C) of section 173.52 of the Revised Code, the 10888
unified long-term services and support medicaid waiver component).~~ 10889

(C) An individual who is eligible for the state-funded 10890

component of the PASSPORT program because the individual meets the 10891
requirement of division (B)~~(3)~~(2) of this section may participate 10892
in the component on that basis for ~~not more than ninety days~~ a 10893
period of time specified in rules adopted under division (D) of 10894
this section. 10895

(D)(1) The director of aging shall adopt rules in accordance 10896
with section 111.15 of the Revised Code to implement the 10897
state-funded component of the PASSPORT program. ~~The~~ 10898

The rules shall include all of the following: 10899

(a) Additional eligibility requirements for an individual to 10900
be eligible for the state-funded component of the PASSPORT 10901
program; 10902

(b) The duration that an individual eligible for the 10903
state-funded component of the PASSPORT program under division 10904
(B)(2) of this section may participate in that component; 10905

(c) Any other rules the director considers appropriate to 10906
implement the state-funded component of the PASSPORT program. 10907

(2) The additional eligibility requirements established in 10908
the rules may vary for the different groups of individuals 10909
specified in divisions (B)(1), and (2), ~~and (3)~~ of this section. 10910

Sec. 173.523. (A) An individual who is an applicant for or 10911
participant or former participant in the state-funded component of 10912
the PASSPORT program may appeal an adverse action taken or 10913
proposed to be taken by the department of aging or an entity 10914
designated by the department concerning participation in or 10915
services provided under the component if the action will result in 10916
any of the following: 10917

(1) Denial of enrollment or continued enrollment in the 10918
component; 10919

(2) Denial of or reduction in the amount of services 10920

requested by or offered to the individual under the component; 10921

(3) Assessment of any patient liability payment pursuant to 10922
rules adopted by the department under this section. 10923

The appeal shall be made in accordance with section 173.56 of 10924
the Revised Code and rules adopted pursuant to that section. 10925

(B) An individual who is an applicant for or participant or 10926
former participant in the state-funded component of the PASSPORT 10927
program may not bring an appeal under this or any other section of 10928
the Revised Code if any of the following is the case: 10929

(1) The individual has voluntarily withdrawn the application 10930
for enrollment in the component; 10931

(2) The individual has voluntarily terminated enrollment in 10932
the component; 10933

(3) The individual agrees with the action being taken or 10934
proposed; 10935

(4) The individual fails to submit a written request for a 10936
hearing to the director of aging within the time specified in the 10937
rules adopted pursuant to section 173.56 of the Revised Code; 10938

(5) The individual has received services under the component 10939
for the maximum time permitted by ~~this~~ section 173.522 of the 10940
Revised Code. 10941

Sec. 173.525. The PASSPORT program shall cover consultation 10942
and assessment services provided by registered nurses. The payment 10943
rate for the services shall not be less than the payment rate for 10944
the services under the Ohio home care waiver program. 10945

Sec. 173.543. The department of aging shall create and 10946
administer the state-funded component of the assisted living 10947
program. The state-funded component shall not be administered as 10948
part of the medicaid program. 10949

An individual who is eligible for the state-funded component 10950
may participate in the component for ~~not more than ninety days a~~ 10951
period of time specified in rules adopted under this section. 10952

The director of aging shall adopt rules in accordance with 10953
section 111.15 of the Revised Code to implement the state-funded 10954
component. The rules shall specify the period that an individual 10955
eligible for the state-funded component may participate in the 10956
component. 10957

Sec. 173.544. To be eligible for the state-funded component 10958
of the assisted living program, an individual must meet all of the 10959
following requirements: 10960

(A) The individual must need an intermediate level of care as 10961
determined by an assessment conducted under section 173.546 of the 10962
Revised Code. 10963

(B) The individual must have an application for the 10964
medicaid-funded component of the assisted living program (or, if 10965
the medicaid-funded component is terminated under division (C) of 10966
section 173.54 of the Revised Code, the unified long-term services 10967
and support medicaid waiver component) pending and the department 10968
or the department's designee must have determined that the 10969
individual meets the nonfinancial eligibility requirements of the 10970
medicaid-funded component (or, if the medicaid-funded component is 10971
terminated under division (C) of section 173.54 of the Revised 10972
Code, the unified long-term services and support medicaid waiver 10973
component) and not have reason to doubt that the individual meets 10974
the financial eligibility requirements of the medicaid-funded 10975
component (or, if the medicaid-funded component is terminated 10976
under division (C) of section 173.54 of the Revised Code, the 10977
unified long-term services and support medicaid waiver component). 10978

(C) While receiving assisted living services under the 10979
state-funded component, the individual must reside in a 10980

residential care facility that is authorized by a valid provider 10981
agreement to participate in the component, including both of the 10982
following: 10983

(1) A residential care facility that is owned or operated by 10984
a metropolitan housing authority that has a contract with the 10985
United States department of housing and urban development to 10986
receive an operating subsidy or rental assistance for the 10987
residents of the facility; 10988

(2) A county or district home licensed as a residential care 10989
facility. 10990

(D) The individual must meet all other eligibility 10991
requirements for the state-funded component established in rules 10992
adopted under section ~~173.54~~ 173.543 of the Revised Code. 10993

Sec. 173.545. (A) An individual who is an applicant for or 10994
participant or former participant in the state-funded component of 10995
the assisted living program may appeal an adverse action taken or 10996
proposed to be taken by the department of aging or an entity 10997
designated by the department concerning participation in or 10998
services provided under the component if the action will result in 10999
any of the following: 11000

(1) Denial of enrollment or continued enrollment in the 11001
component; 11002

(2) Denial of or reduction in the amount of services 11003
requested by or offered to the individual under the component; 11004

(3) Assessment of any patient liability payment pursuant to 11005
rules adopted by the department under this section. 11006

The appeal shall be made in accordance with section 173.56 of 11007
the Revised Code and rules adopted pursuant to that section. 11008

(B) An individual who is an applicant for or participant or 11009
former participant in the state-funded component of the assisted 11010

living program may not bring an appeal under this or any other 11011
section of the Revised Code if any of the following is the case: 11012

(1) The individual has voluntarily withdrawn the application 11013
for enrollment in the component; 11014

(2) The individual has voluntarily terminated enrollment in 11015
the component; 11016

(3) The individual agrees with the action being taken or 11017
proposed; 11018

(4) The individual fails to submit a written request for a 11019
hearing to the director of aging within the time specified in the 11020
rules adopted pursuant to section 173.56 of the Revised Code; 11021

(5) The individual has received services under the component 11022
for the maximum time permitted by ~~this~~ section 173.543 of the 11023
Revised Code. 11024

Sec. 173.548. An individual enrolled in the medicaid-funded 11025
component of the assisted living program may choose a single 11026
occupancy room or multiple occupancy room in the residential care 11027
facility in which the individual resides. The choice of a multiple 11028
occupancy room is subject to approval pursuant to a process the 11029
director of aging shall establish in rules adopted under section 11030
173.54 of the Revised Code. 11031

Sec. 174.02. (A) The low- and moderate-income housing trust 11032
fund is hereby created in the state treasury. The fund consists of 11033
all appropriations made to the fund, housing trust fund fees 11034
collected by county recorders pursuant to section 317.36 of the 11035
Revised Code and deposited into the fund pursuant to section 11036
319.63 of the Revised Code, money transferred from the housing 11037
trust reserve fund pursuant to section 174.09 of the Revised Code, 11038
and all grants, gifts, loan repayments, and contributions of money 11039
made from any source to the ~~department of~~ development services 11040

agency for deposit in the fund. All investment earnings of the 11041
fund shall be credited to the fund. The director of development 11042
services shall allocate a portion of the money in the fund to an 11043
account of the Ohio housing finance agency. The ~~department~~ 11044
development services agency shall administer the fund. The Ohio 11045
housing finance agency shall use money allocated to it for 11046
implementing and administering its programs and duties under 11047
sections 174.03 and 174.05 of the Revised Code, and the ~~department~~ 11048
development services agency shall use the remaining money in the 11049
fund for implementing and administering its programs and duties 11050
under sections 174.03 to 174.06 of the Revised Code. Use of all 11051
money drawn from the fund is subject to the following 11052
restrictions: 11053

(1)(a) Not more than five per cent of the current year 11054
appropriation authority for the fund shall be allocated between 11055
grants to community development corporations for the community 11056
development corporation grant program and grants and loans to the 11057
Ohio community development finance fund, a private nonprofit 11058
corporation. 11059

(b) In any year in which the amount in the fund exceeds one 11060
hundred thousand dollars and at least that much is allocated for 11061
the uses described in this section, not less than one hundred 11062
thousand dollars shall be used to provide training, technical 11063
assistance, and capacity building assistance to nonprofit 11064
development organizations. 11065

(2) Not more than ten per cent of any current year 11066
appropriation authority for the fund shall be used for the 11067
emergency shelter housing grants program to make grants to 11068
private, nonprofit organizations and municipal corporations, 11069
counties, and townships for emergency shelter housing for the 11070
homeless and emergency shelter facilities serving unaccompanied 11071
youth seventeen years of age and younger. The grants shall be 11072

distributed pursuant to rules the director adopts and qualify as 11073
matching funds for funds obtained pursuant to the McKinney Act, 11074
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 11075

(3) In any fiscal year in which the amount in the fund 11076
exceeds the amount awarded pursuant to division (A)(1)(b) of this 11077
section by at least two hundred fifty thousand dollars, at least 11078
two hundred fifty thousand dollars from the fund shall be provided 11079
to the department of aging for the resident services coordinator 11080
program as established in section 173.08 of the Revised Code. 11081

(4) Of all current year appropriation authority for the fund, 11082
not more than five per cent shall be used for administration. 11083

(5) Not less than forty-five per cent of the funds awarded 11084
during any one fiscal year shall be for grants and loans to 11085
nonprofit organizations under section 174.03 of the Revised Code. 11086

(6) Not less than fifty per cent of the funds awarded during 11087
any one fiscal year, excluding the amounts awarded pursuant to 11088
divisions (A)(1), (2), and (7) of this section, shall be for 11089
grants and loans for activities that provide housing and housing 11090
assistance to families and individuals in rural areas and small 11091
cities that are not eligible to participate as a participating 11092
jurisdiction under the "HOME Investment Partnerships Act," 104 11093
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 11094

(7) No money in the fund shall be used to pay for any legal 11095
services other than the usual and customary legal services 11096
associated with the acquisition of housing. 11097

(8) Money in the fund may be used as matching money for 11098
federal funds received by the state, counties, municipal 11099
corporations, and townships for the activities listed in section 11100
174.03 of the Revised Code. 11101

(B) If, after the second quarter of any year, it appears to 11102
the director of development services that the full amount of the 11103

money in the fund designated in that year for activities that 11104
provide housing and housing assistance to families and individuals 11105
in rural areas and small cities under division (A) of this section 11106
will not be used for that purpose, the director may reallocate all 11107
or a portion of that amount for other housing activities. In 11108
determining whether or how to reallocate money under this 11109
division, the director may consult with and shall receive advice 11110
from the housing trust fund advisory committee. 11111

Sec. 174.09. (A) The housing trust reserve fund is hereby 11112
created in the state treasury. The fund shall consist of housing 11113
trust fund fees collected by county recorders pursuant to section 11114
317.36 of the Revised Code and deposited into the fund pursuant to 11115
section 319.63 of the Revised Code. All investment earnings of the 11116
fund shall be credited to the fund. 11117

(B) If, in the prior fiscal year, the housing trust fund fees 11118
received by the treasurer of state under section 319.63 of the 11119
Revised Code amount to less than fifty million dollars, the 11120
director of development services may request the director of 11121
budget and management to transfer money from the housing trust 11122
reserve fund to the low- and moderate-income housing trust fund 11123
created under section 174.02 of the Revised Code. The amount 11124
transferred, when combined with the housing trust fund fees 11125
received by the treasurer of state in the prior fiscal year, shall 11126
not exceed fifty million dollars. The director of development 11127
services shall provide any additional information regarding a 11128
transfer request that the director of budget and management may 11129
require. Based on that information, the director of budget and 11130
management shall determine the amount to be transferred. 11131

Sec. 191.04. (A) In accordance with federal laws governing 11132
the confidentiality of individually identifiable health 11133
information, including the "Health Insurance Portability and 11134

Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 11135
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 11136
by the United States department of health and human services to 11137
implement the act, a state agency may exchange protected health 11138
information with another state agency relating to eligibility for 11139
or enrollment in a health plan or relating to participation in a 11140
government program providing public benefits if the exchange of 11141
information is necessary for either or both of the following: 11142

(1) Operating a health plan; 11143

(2) Coordinating, or improving the administration or 11144
management of, the health care-related functions of at least one 11145
government program providing public benefits. 11146

(B) For fiscal years 2013,~~2014, and 2015~~ through 2017 only, 11147
a state agency also may exchange personally identifiable 11148
information with another state agency for purposes related to and 11149
in support of a health transformation initiative identified by the 11150
executive director of the office of health transformation pursuant 11151
to division (C) of section 191.06 of the Revised Code. 11152

(C) With respect to a state agency that uses or discloses 11153
personally identifiable information, all of the following 11154
conditions apply: 11155

(1) The state agency shall use or disclose the information 11156
only as permitted or required by state and federal law. In 11157
addition, if the information is obtained during fiscal year 2013, 11158
2014, or 2015 from an exchange of personally identifiable 11159
information permitted under division (B) of this section, the 11160
agency shall also use or disclose the information in accordance 11161
with all operating protocols that apply to the use or disclosure. 11162

(2) If the state agency is a state agency other than the 11163
department of medicaid and it uses or discloses protected health 11164

information that is related to a medicaid recipient and obtained 11165
from the department of medicaid or another agency operating a 11166
component of the medicaid program, the state agency shall comply 11167
with all state and federal laws that apply to the department of 11168
medicaid when that department, as the state's single state agency 11169
to supervise the medicaid program, uses or discloses protected 11170
health information. 11171

(3) A state agency shall implement administrative, physical, 11172
and technical safeguards for the purpose of protecting the 11173
confidentiality, integrity, and availability of personally 11174
identifiable information the creation, receipt, maintenance, or 11175
transmittal of which is affected or governed by this section. 11176

(4) If a state agency discovers an unauthorized use or 11177
disclosure of unsecured protected health information or unsecured 11178
individually identifiable health information, the state agency 11179
shall, not later than seventy-two hours after the discovery, do 11180
all of the following: 11181

(a) Identify the individuals who are the subject of the 11182
protected health information or individually identifiable health 11183
information; 11184

(b) Report the discovery and the names of all individuals 11185
identified pursuant to division (C)(4)(a) of this section to all 11186
other state agencies and the executive director of the office of 11187
health transformation or the executive director's designee; 11188

(c) Mitigate, to the extent reasonably possible, any 11189
potential adverse effects of the unauthorized use or disclosure. 11190

(5) A state agency shall make available to the executive 11191
director of the office of health transformation or the executive 11192
director's designee, and to any other state or federal 11193
governmental entity required by law to have access on that 11194
entity's request, all internal practices, records, and 11195

documentation relating to personally identifiable information it 11196
receives, uses, or discloses that is affected or governed by this 11197
section. 11198

(6) On termination or expiration of an operating protocol and 11199
if feasible, a state agency shall return or destroy all personally 11200
identifiable information received directly from or received on 11201
behalf of another state agency. If the personally identifiable 11202
information is not returned or destroyed, the state agency 11203
maintaining the information shall extend the protections set forth 11204
in this section for as long as it is maintained. 11205

(7) If a state agency enters into a subcontract or, when 11206
required by 45 C.F.R. 164.502(e)(2), a business associate 11207
agreement, the subcontract or business associate agreement shall 11208
require the subcontractor or business associate to comply with the 11209
terms of this section as if the subcontractor or business 11210
associate were a state agency. 11211

Sec. 191.06. (A) The provisions of this section shall apply 11212
only for fiscal years 2013, ~~2014, and 2015~~ through 2017. 11213

(B) The executive director of the office of health 11214
transformation or the executive director's designee may facilitate 11215
the coordination of operations and exchange of information between 11216
state agencies. The purpose of the executive director's authority 11217
under this section is to support agency collaboration for health 11218
transformation purposes, including modernization of the medicaid 11219
program, streamlining of health and human services programs in 11220
this state, and improving the quality, continuity, and efficiency 11221
of health care and health care support systems in this state. 11222

(C) In furtherance of the authority of the executive director 11223
of the office of health transformation under division (B) of this 11224
section, the executive director or the executive director's 11225
designee shall identify each health transformation initiative in 11226

this state that involves the participation of two or more state agencies and that permits or requires an interagency agreement to be entered into for purposes of specifying each participating agency's role in coordinating, operating, or funding the initiative, or facilitating the exchange of data or other information for the initiative. The executive director shall publish a list of the identified health transformation initiatives on the internet web site maintained by the office of health transformation.

(D) For each health transformation initiative that is identified under division (C) of this section, the executive director or the executive director's designee shall, in consultation with each participating agency, adopt one or more operating protocols. Notwithstanding any law enacted by the general assembly or rule adopted by a state agency, the provisions in a protocol shall supersede any provisions in an interagency agreement, including an interagency agreement entered into under section 5101.10 or 5162.35 of the Revised Code, that differ from the provisions of the protocol.

(E)(1) An operating protocol adopted under division (D) of this section shall include both of the following:

(a) All terms necessary to meet the requirements of "other arrangements" between a covered entity and a business associate that are referenced in 45 C.F.R. 164.314(a)(2)(ii);

(b) If known, the date on which the protocol will terminate or expire.

(2) In addition, a protocol may specify the extent to which each participating agency is responsible and accountable for completing the tasks necessary for successful completion of the initiative, including tasks relating to the following components of the initiative:

| | |
|---|---|
| (a) Workflow; | 11258 |
| (b) Funding; | 11259 |
| (c) Exchange of data or other information that is confidential pursuant to state or federal law. | 11260 11261 |
| (F) An operating protocol adopted under division (D) of this section shall have the same force and effect as an interagency agreement or data sharing agreement, and each participating agency shall comply with it. | 11262 11263 11264 11265 |
| Sec. 307.93. (A) The boards of county commissioners of two or more adjacent counties may contract for the joint establishment of a multicounty correctional center, and the board of county commissioners of a county or the boards of two or more counties may contract with any municipal corporation or municipal corporations located in that county or those counties for the joint establishment of a municipal-county or multicounty-municipal correctional center. The center shall augment county and, where applicable, municipal jail programs and facilities by providing custody and rehabilitative programs for those persons under the charge of the sheriff of any of the contracting counties or of the officer or officers of the contracting municipal corporation or municipal corporations having charge of persons incarcerated in the municipal jail, workhouse, or other correctional facility who, in the opinion of the sentencing court, need programs of custody and rehabilitation not available at the county or municipal jail and by providing custody and rehabilitative programs in accordance with division (C) of this section, if applicable. The contract may include, but need not be limited to, provisions regarding the acquisition, construction, maintenance, repair, termination of operations, and administration of the center. The contract shall prescribe the manner of funding of, and debt assumption for, the center and the standards and procedures to be followed in the | 11266 11267 11268 11269 11270 11271 11272 11273 11274 11275 11276 11277 11278 11279 11280 11281 11282 11283 11284 11285 11286 11287 11288 |

operation of the center. Except as provided in division (H) of 11289
this section, the contracting counties and municipal corporations 11290
shall form a corrections commission to oversee the administration 11291
of the center. Members of the commission shall consist of the 11292
sheriff of each participating county, a member of the board of 11293
county commissioners of each participating county, the chief of 11294
police of each participating municipal corporation, and the mayor 11295
or city manager of each participating municipal corporation. Any 11296
of the foregoing officers may appoint a designee to serve in the 11297
officer's place on the corrections commission. The standards and 11298
procedures shall be formulated and agreed to by the commission and 11299
may be amended at any time during the life of the contract by 11300
agreement of the parties to the contract upon the advice of the 11301
commission. The standards and procedures formulated by the 11302
commission shall include, but need not be limited to, designation 11303
of the person in charge of the center, designation of a fiscal 11304
agent, the categories of employees to be employed at the center, 11305
the appointing authority of the center, and the standards of 11306
treatment and security to be maintained at the center. The person 11307
in charge of, and all persons employed to work at, the center 11308
shall have all the powers of police officers that are necessary 11309
for the proper performance of the duties relating to their 11310
positions at the center. 11311

(B)(1) Upon the establishment of a corrections commission 11312
under division (A) of this section, the judges specified in this 11313
division shall form a judicial advisory board for the purpose of 11314
making recommendations to the corrections commission on issues of 11315
bed allocation, expansion of the center that the corrections 11316
commission oversees, and other issues concerning the 11317
administration of sentences or any other matter determined to be 11318
appropriate by the board. The judges who shall form the judicial 11319
advisory board for a corrections commission are the administrative 11320
judge of the general division of the court of common pleas of each 11321

county participating in the corrections center, the presiding 11322
judge of the municipal court of each municipal corporation 11323
participating in the corrections center, and the presiding judge 11324
of each county court of each county participating in the 11325
corrections center. If the number of the foregoing members of the 11326
board is even, the county auditor or the county auditor of the 11327
most populous county if the board serves more than one county 11328
shall also be a member of the board. Any of the foregoing judges 11329
may appoint a designee to serve in the judge's place on the 11330
judicial advisory board, provided that the designee shall be a 11331
judge of the same court as the judge who makes the appointment. 11332
The judicial advisory board for a corrections commission shall 11333
meet with the corrections commission at least once each year. 11334

(2) Each board of county commissioners that enters a contract 11335
under division (A) of this section may appoint a building 11336
commission pursuant to section 153.21 of the Revised Code. If any 11337
commissions are appointed, they shall function jointly in the 11338
construction of a multicounty or multicounty-municipal 11339
correctional center with all the powers and duties authorized by 11340
law. 11341

(C) Prior to the acceptance for custody and rehabilitation 11342
into a center established under this section of any persons who 11343
are designated by the department of rehabilitation and correction, 11344
who plead guilty to or are convicted of a felony of the fourth or 11345
fifth degree, and who satisfy the other requirements listed in 11346
section 5120.161 of the Revised Code, the corrections commission 11347
of a center established under this section shall enter into an 11348
agreement with the department of rehabilitation and correction 11349
under section 5120.161 of the Revised Code for the custody and 11350
rehabilitation in the center of persons who are designated by the 11351
department, who plead guilty to or are convicted of a felony of 11352
the fourth or fifth degree, and who satisfy the other requirements 11353

listed in that section, in exchange for a per diem fee per person. 11354
Persons incarcerated in the center pursuant to an agreement 11355
entered into under this division shall be subject to supervision 11356
and control in the manner described in section 5120.161 of the 11357
Revised Code. This division does not affect the authority of a 11358
court to directly sentence a person who is convicted of or pleads 11359
guilty to a felony to the center in accordance with section 11360
2929.16 of the Revised Code. 11361

(D) Pursuant to section 2929.37 of the Revised Code, each 11362
board of county commissioners and the legislative authority of 11363
each municipal corporation that enters into a contract under 11364
division (A) of this section may require a person who was 11365
convicted of an offense, who is under the charge of the sheriff of 11366
their county or of the officer or officers of the contracting 11367
municipal corporation or municipal corporations having charge of 11368
persons incarcerated in the municipal jail, workhouse, or other 11369
correctional facility, and who is confined in the multicounty, 11370
municipal-county, or multicounty-municipal correctional center as 11371
provided in that division, to reimburse the applicable county or 11372
municipal corporation for its expenses incurred by reason of the 11373
person's confinement in the center. 11374

(E) Notwithstanding any contrary provision in this section or 11375
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 11376
corrections commission of a center may establish a policy that 11377
complies with section 2929.38 of the Revised Code and that 11378
requires any person who is not indigent and who is confined in the 11379
multicounty, municipal-county, or multicounty-municipal 11380
correctional center to pay a reception fee, a fee for medical 11381
treatment or service requested by and provided to that person, or 11382
the fee for a random drug test assessed under division (E) of 11383
section 341.26 of the Revised Code. 11384

(F)(1) The corrections commission of a center established 11385

under this section may establish a commissary for the center. The 11386
commissary may be established either in-house or by another 11387
arrangement. If a commissary is established, all persons 11388
incarcerated in the center shall receive commissary privileges. A 11389
person's purchases from the commissary shall be deducted from the 11390
person's account record in the center's business office. The 11391
commissary shall provide for the distribution to indigent persons 11392
incarcerated in the center of necessary hygiene articles and 11393
writing materials. 11394

(2) If a commissary is established, the corrections 11395
commission of a center established under this section shall 11396
establish a commissary fund for the center. The management of 11397
funds in the commissary fund shall be strictly controlled in 11398
accordance with procedures adopted by the auditor of state. 11399
Commissary fund revenue over and above operating costs and reserve 11400
shall be considered profits. All profits from the commissary fund 11401
shall be used to purchase supplies and equipment for the benefit 11402
of persons incarcerated in the center and to pay salary and 11403
benefits for employees of the center, or for any other persons, 11404
who work in or are employed for the sole purpose of providing 11405
service to the commissary. The corrections commission shall adopt 11406
rules and regulations for the operation of any commissary fund it 11407
establishes. 11408

(G) In lieu of forming a corrections commission to administer 11409
a multicounty correctional center or a municipal-county or 11410
multicounty-municipal correctional center, the boards of county 11411
commissioners and the legislative authorities of the municipal 11412
corporations contracting to establish the center may also agree to 11413
contract for the private operation and management of the center as 11414
provided in section 9.06 of the Revised Code, ~~but only if the~~ 11415
~~center houses only misdemeanor inmates.~~ In order to enter into a 11416
contract under section 9.06 of the Revised Code, all the boards 11417

and legislative authorities establishing the center shall approve 11418
and be parties to the contract. 11419

(H) If a person who is convicted of or pleads guilty to an 11420
offense is sentenced to a term in a multicounty correctional 11421
center or a municipal-county or multicounty-municipal correctional 11422
center or is incarcerated in the center in the manner described in 11423
division (C) of this section, or if a person who is arrested for 11424
an offense, and who has been denied bail or has had bail set and 11425
has not been released on bail is confined in a multicounty 11426
correctional center or a municipal-county or multicounty-municipal 11427
correctional center pending trial, at the time of reception and at 11428
other times the officer, officers, or other person in charge of 11429
the operation of the center determines to be appropriate, the 11430
officer, officers, or other person in charge of the operation of 11431
the center may cause the convicted or accused offender to be 11432
examined and tested for tuberculosis, HIV infection, hepatitis, 11433
including but not limited to hepatitis A, B, and C, and other 11434
contagious diseases. The officer, officers, or other person in 11435
charge of the operation of the center may cause a convicted or 11436
accused offender in the center who refuses to be tested or treated 11437
for tuberculosis, HIV infection, hepatitis, including but not 11438
limited to hepatitis A, B, and C, or another contagious disease to 11439
be tested and treated involuntarily. 11440

(I) As used in this section, "multicounty-municipal" means 11441
more than one county and a municipal corporation, or more than one 11442
municipal corporation and a county, or more than one municipal 11443
corporation and more than one county. 11444

Sec. 319.63. (A) During the first thirty days of each 11445
calendar quarter, the county auditor shall pay to the treasurer of 11446
state all amounts that the county recorder collected as housing 11447
trust fund fees pursuant to section 317.36 of the Revised Code 11448

during the previous calendar quarter. If payment is made to the treasurer of state within the first thirty days of the quarter, the county auditor may retain an administrative fee of one per cent of the amount of the trust fund fees collected during the previous calendar quarter.

(B) The treasurer of state shall deposit the first fifty million dollars of housing trust fund fees received each year pursuant to this section into the low- and moderate-income housing trust fund, created under section 174.02 of the Revised Code, ~~and~~. The treasurer of state shall deposit any amounts received each year in excess of fifty million dollars into the housing trust reserve fund created under section 174.09 of the Revised Code, unless the cash balance of the housing trust reserve fund is greater than fifteen million dollars. In that event, the treasurer of state shall deposit any amounts received each year in excess of fifty million dollars into the state general revenue fund.

(C) The county auditor shall deposit the administrative fee that the auditor is permitted to retain pursuant to division (A) of this section into the county general fund for the county recorder to use in administering the trust fund fee.

Sec. 339.06. (A) The board of county hospital trustees, upon completion of construction or leasing and equipping of a county hospital, shall assume and continue the operation of the hospital.

(B) The board of county hospital trustees shall have the entire management and control of the county hospital. The board may in writing delegate its management and control of the county hospital to the administrator of the county hospital employed under section 339.07 of the Revised Code. The board shall establish such rules for the hospital's government, management, control, and the admission of persons as are expedient.

(C) The board of county hospital trustees has control of the 11479
property of the county hospital, including management and disposal 11480
of surplus property other than real estate or an interest in real 11481
estate. 11482

(D) With respect to the use of funds by the board of county 11483
hospital trustees and its accounting for the use of funds, all of 11484
the following apply: 11485

(1) The board of county hospital trustees has control of all 11486
funds used in the county hospital's operation, including moneys 11487
received from the operation of the hospital, moneys appropriated 11488
for its operation by the board of county commissioners, and moneys 11489
resulting from special levies submitted by the board of county 11490
commissioners as provided for in section 5705.22 of the Revised 11491
Code. 11492

(2) Of the funds used in the county hospital's operation, all 11493
or part of any amount determined not to be necessary to meet 11494
current demands on the hospital may be invested by the board of 11495
county hospital trustees or its designee in any classifications of 11496
securities and obligations eligible for deposit or investment of 11497
county moneys pursuant to section 135.35 of the Revised Code, 11498
subject to the approval of the board's written investment policy 11499
by the county investment advisory committee established pursuant 11500
to section 135.341 of the Revised Code. If a county hospital is 11501
based in a county that has adopted a charter under Section 3 of 11502
Article X, Ohio Constitution, such funds may be invested by the 11503
board of county hospital trustees as provided in this division or 11504
in an ordinance adopted by the legislative authority of the 11505
county, in either case subject to approval by the county 11506
investment advisory committee, or as provided in section 339.061 11507
of the Revised Code. 11508

(3) Annually, not later than sixty days before the end of the 11509
fiscal year used by the county hospital, the board of county 11510

hospital trustees shall submit its proposed budget for the ensuing 11511
fiscal year to the board of county commissioners for that board's 11512
review. The board of county commissioners shall review and approve 11513
the proposed budget by the first day of the fiscal year to which 11514
the budget applies. If the board of county commissioners has not 11515
approved the budget by the first day of the fiscal year to which 11516
the budget applies, the budget is deemed to have been approved by 11517
the board on the first day of that fiscal year. 11518

(4) The board of county hospital trustees shall not expend 11519
funds received from taxes collected pursuant to any tax levied 11520
under section 5705.22 of the Revised Code or the amount 11521
appropriated to the county hospital by the board of county 11522
commissioners in the annual appropriation measure for the county 11523
until its budget for the applicable fiscal year is approved in 11524
accordance with division (C)(3) of this section. At any time the 11525
amount received from those sources differs from the amount shown 11526
in the approved budget, the board of county commissioners may 11527
require the board of county hospital trustees to revise the county 11528
hospital budget accordingly. 11529

(5) Funds under the control of the board of county hospital 11530
trustees may be disbursed by the board, consistent with the 11531
approved budget, for the uses and purposes of the county hospital; 11532
for the replacement of necessary equipment; for the acquisition, 11533
leasing, or construction of permanent improvements to county 11534
hospital property; or for making a donation authorized by division 11535
(E) of this section. Each disbursement of funds shall be made on a 11536
voucher signed by signatories designated and approved by the board 11537
of county hospital trustees. 11538

(6) The head of a board of county hospital trustees is not 11539
required to file an estimate of contemplated revenue and 11540
expenditures for the ensuing fiscal year under section 5705.28 of 11541
the Revised Code unless the board of county commissioners levies a 11542

tax for the county hospital, or such a tax is proposed, or the board of county hospital trustees desires that the board of county commissioners make an appropriation to the county hospital for the ensuing fiscal year.

(7) All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners.

(8) The board of county hospital trustees shall provide for the conduct of an annual financial audit of the county hospital. Not later than thirty days after it receives the final report of an annual financial audit, the board shall file a copy of the report with the board of county commissioners.

(E) For the public purpose of improving the health, safety, and general welfare of the community, the board of county hospital trustees may donate to a nonprofit entity any of the following:

(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;

(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;

(3) Services rendered by the hospital.

(F)(1) For purposes of division (F)(2) of this section:

(a) "Bank" has the same meaning as in section 1101.01 of the Revised Code.

(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.

(c) "Savings bank" has the same meaning as in section 1161.01

of the Revised Code. 11573

(2) The board of county hospital trustees may enter into a 11574
contract for a secured line of credit with a bank, savings and 11575
loan association, or savings bank if the contract meets all of the 11576
following requirements: 11577

(a) The term of the contract does not exceed one year, except 11578
that the contract may provide for the automatic renewal of the 11579
contract for up to four additional one-year periods if, on the 11580
date of automatic renewal, the aggregate outstanding draws 11581
remaining unpaid under the secured line of credit do not exceed 11582
fifty per cent of the maximum amount that can be drawn under the 11583
secured line of credit. 11584

(b) The contract provides that the bank, savings and loan 11585
association, or savings bank shall not commence a civil action 11586
against the board of county commissioners, any member of the 11587
board, or the county to recover the principal, interest, or any 11588
charges or other amounts that remain outstanding on the secured 11589
line of credit at the time of any default by the board of county 11590
hospital trustees. 11591

(c) The contract provides that no assets other than those of 11592
the county hospital can be used to secure the line of credit. 11593

(d) The terms and conditions of the contract comply with all 11594
state and federal statutes and rules governing the extension of a 11595
secured line of credit. 11596

(3) Any obligation incurred by a board of county hospital 11597
trustees under division (F)(2) of this section is an obligation of 11598
that board only and not a general obligation of the board of 11599
county commissioners or the county within the meaning of division 11600
(Q) of section 133.01 of the Revised Code. 11601

(4) Notwithstanding anything to the contrary in the Revised 11602
Code, the board of county hospital trustees may secure the line of 11603

credit authorized under division (F)(2) of this section by the 11604
grant of a security interest in any part or all of its tangible 11605
personal property and intangible personal property, including its 11606
deposit accounts, accounts receivable, or both. 11607

(5) No board of county hospital trustees shall at any time 11608
have more than one secured line of credit under division (F)(2) of 11609
this section. 11610

(G) The board of county hospital trustees shall establish a 11611
schedule of charges for all services and treatment rendered by the 11612
county hospital. It may provide for the free treatment in the 11613
hospital of soldiers, sailors, and marines of the county, under 11614
such conditions and rules as it prescribes. 11615

(H) The board of county hospital trustees may designate the 11616
amounts and forms of insurance protection to be provided, and the 11617
board of county commissioners shall assist in obtaining such 11618
protection. The expense of providing the protection shall be paid 11619
from hospital operating funds. 11620

(I) The board of county hospital trustees may authorize a 11621
county hospital and each of its units, hospital board members, 11622
designated hospital employees, and medical staff members to be a 11623
member of and maintain membership in any local, state, or national 11624
group or association organized and operated for the promotion of 11625
the public health and welfare or advancement of the efficiency of 11626
hospital administration and in connection therewith to use tax 11627
funds for the payment of dues and fees and related expenses but 11628
nothing in this section prohibits the board from using receipts 11629
from hospital operation, other than tax funds, for the payment of 11630
such dues and fees. 11631

(J) The following apply to the board of county hospital 11632
trustees in relation to its employees and the employees of the 11633
county hospital: 11634

(1) The board shall adopt the wage and salary schedule for employees. 11635
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(2) The board may employ the hospital's administrator pursuant to section 339.07 of the Revised Code, and the administrator may employ individuals for the hospital in accordance with that section. 11637
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(3) The board may employ assistants as necessary to perform its clerical work, superintend properly the construction of the county hospital, and pay the hospital's expenses. Such employees may be paid from funds provided for the county hospital. 11641
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(4) The board may hire, by contract or as salaried employees, such management consultants, accountants, attorneys, engineers, architects, construction managers, and other professional advisors as it determines are necessary and desirable to assist in the management of the programs and operation of the county hospital. Such professional advisors may be paid from county hospital operating funds. 11645
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(5) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees any fringe benefits the board determines to be customary and usual in the nonprofit hospital field in its community, including, but not limited to: 11652
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(a) Additional vacation leave with full pay for full-time employees, including full-time hourly rate employees, after service of one year; 11656
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(b) Vacation leave and holiday pay for part-time employees on a pro rata basis; 11659
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(c) Leave with full pay due to death in the employee's immediate family, which shall not be deducted from the employee's accumulated sick leave; 11661
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(d) Premium pay for working on holidays listed in section 11664

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| 325.19 of the Revised Code; | 11665 |
| (e) Moving expenses for new employees; | 11666 |
| (f) Discounts on hospital supplies and services. | 11667 |
| (6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code. | 11668 11669 11670 11671 |
| (7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code. | 11672 11673 |
| (8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community. | 11674 11675 11676 11677 |
| (9) The board may provide employee recognition awards and hold employee recognition dinners. | 11678 11679 |
| (10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section. | 11680 11681 |
| (K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees. | 11682 11683 11684 11685 11686 11687 11688 |
| The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners. | 11689 11690 11691 |
| (L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful | 11692 11693 11694 |

means for the collection of delinquent accounts. 11695

Sec. 339.061. (A) As used in this section, "charter county hospital" means a county hospital based in a county that has adopted a charter under Section 3 of Article X, Ohio Constitution. 11696
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(B) The board of county hospital trustees of a charter county hospital shall hold and administer all money received from the operation of the county hospital, including money arising from rendering medical services to patients, whether received from the patient or on behalf of the patient, including inpatient and outpatient fees, laboratory and other procedure fees, physician services, and all other fees, deposits, charges, receipts, and income received as a result of the operation of the county hospital and medical staff. 11699
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(C) The board of county hospital trustees of a charter county hospital shall invest money described in division (B) of this section pursuant to an investment policy adopted by the board in a public meeting. The investment policy does not take effect unless it is approved by the county investment advisory committee established pursuant to section 135.341 of the Revised Code. The investment policy shall provide for all of the following: 11708
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(1) That all fiduciaries shall discharge their duties with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims; 11715
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(2) That at least twenty-five per cent of the average amount of the investment portfolio over the course of the preceding fiscal year shall be invested, as a reserve, in securities of the United States government or of its agencies or instrumentalities, the treasurer of state's Ohio subdivisions fund, obligations of this state or any political subdivision of this state, 11720
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certificates of deposit of any national bank located in this 11726
state, written repurchase agreements with any eligible financial 11727
institution in this state that is a member of the federal reserve 11728
system or federal home loan bank, money market funds, or bankers 11729
acceptances maturing in two hundred seventy days or less that are 11730
eligible for purchase by the federal reserve system; 11731

(3) That money not required to be invested as a reserve under 11732
division (C)(2) of this section may be pooled with other 11733
institutional funds and invested in accordance with section 11734
1715.52 of the Revised Code; 11735

(4) The establishment of an investment committee within the 11736
board of county hospital trustees, which shall meet at least 11737
quarterly, to review and recommend revisions to the board's 11738
investment policy and to advise the board on investments made 11739
under division (C) of this section for the purpose of assisting 11740
the board in meeting its obligations as a fiduciary under that 11741
division. The policy shall authorize the committee to retain the 11742
services of an investment advisor who meets both of the following 11743
qualifications: 11744

(a) The advisor is licensed by the division of securities 11745
under section 1707.141 of the Revised Code or is registered with 11746
the United States securities and exchange commission. 11747

(b) The advisor has experience in the management of 11748
investments of public funds, especially in the investment of state 11749
government investment portfolios, or is an institution eligible to 11750
be a public depository as described in section 135.03 of the 11751
Revised Code. 11752

(D) Title to investments made by a board of county hospital 11753
trustees with money described in division (B) of this section 11754
shall not be vested in the county but shall be held in trust by 11755
the board. 11756

(E) Authority provided by this section is supplemental to the 11757
authority granted under division (D) of section 339.06 of the 11758
Revised Code and authority granted under the ordinances or charter 11759
of the county. 11760

Sec. 340.03. (A) Subject to rules issued by the director of 11761
mental health and addiction services after consultation with 11762
relevant constituencies as required by division (A)(10) of section 11763
5119.21 of the Revised Code, the board of alcohol, drug addiction, 11764
and mental health services shall: 11765

(1) Serve as the community addiction and mental health 11766
services planning agency for the county or counties under its 11767
jurisdiction, and in so doing it shall: 11768

(a) Evaluate the need for facilities and community addiction 11769
and mental health services; 11770

(b) In cooperation with other local and regional planning and 11771
funding bodies and with relevant ethnic organizations, assess the 11772
community addiction and mental health needs, evaluate strengths 11773
and challenges, and set priorities for community addiction and 11774
mental health services, including treatment and prevention. When 11775
the board sets priorities for the operation of addiction services, 11776
the board shall consult with the county commissioners of the 11777
counties in the board's service district regarding the services 11778
described in section 340.15 of the Revised Code and shall give 11779
priority to those services, except that those services shall not 11780
have a priority over services provided to pregnant women under 11781
programs developed in relation to the mandate established in 11782
section 5119.17 of the Revised Code; 11783

(c) In accordance with guidelines issued by the director of 11784
mental health and addiction services after consultation with board 11785
representatives, annually develop and submit to the department of 11786
mental health and addiction services a community addiction and 11787

mental health services plan listing ~~community~~ addiction and mental 11788
health services needs, including the needs of all residents of the 11789
district currently receiving inpatient services in state-operated 11790
hospitals, the needs of other populations as required by state or 11791
federal law or programs, the needs of all children subject to a 11792
determination made pursuant to section 121.38 of the Revised Code, 11793
and priorities for facilities and community addiction and mental 11794
health services during the period for which the plan will be in 11795
effect. 11796

In alcohol, drug addiction, and mental health service 11797
districts that have separate alcohol and drug addiction services 11798
and community mental health boards, the alcohol and drug addiction 11799
services board shall submit a community addiction services plan 11800
and the community mental health board shall submit a community 11801
mental health services plan. Each board shall consult with its 11802
counterpart in developing its plan and address the interaction 11803
between the local addiction services and mental health services 11804
systems and populations with regard to needs and priorities in 11805
developing its plan. 11806

The department shall approve or disapprove the plan, in whole 11807
or in part, according to the criteria developed pursuant to 11808
section 5119.22 of the Revised Code. Eligibility for state and 11809
federal funding shall be contingent upon an approved plan or 11810
relevant part of a plan. 11811

If a board determines that it is necessary to amend a plan 11812
that has been approved under this division, the board shall submit 11813
a proposed amendment to the director. The director may approve or 11814
disapprove all or part of the amendment. The director shall inform 11815
the board of the reasons for disapproval of all or part of an 11816
amendment and of the criteria that must be met before the 11817
amendment may be approved. The director shall provide the board an 11818
opportunity to present its case on behalf of the amendment. The 11819

director shall give the board a reasonable time in which to meet 11820
the criteria, and shall offer the board technical assistance to 11821
help it meet the criteria. 11822

The board shall operate in accordance with the plan approved 11823
by the department. 11824

(d) Promote, arrange, and implement working agreements with 11825
social agencies, both public and private, and with judicial 11826
agencies. 11827

(2) Investigate, or request another agency to investigate, 11828
any complaint alleging abuse or neglect of any person receiving 11829
services from a community addiction or mental health services 11830
provider ~~certified under section 5119.36 of the Revised Code~~ or 11831
alleging abuse or neglect of a resident receiving addiction 11832
services or with mental illness or severe mental disability 11833
residing in a residential facility licensed under section 5119.34 11834
of the Revised Code. If the investigation substantiates the charge 11835
of abuse or neglect, the board shall take whatever action it 11836
determines is necessary to correct the situation, including 11837
notification of the appropriate authorities. Upon request, the 11838
board shall provide information about such investigations to the 11839
department. 11840

(3) For the purpose of section 5119.36 of the Revised Code, 11841
cooperate with the director of mental health and addiction 11842
services in visiting and evaluating whether the addiction or 11843
mental health services of a community addiction or mental health 11844
services provider satisfy the certification standards established 11845
by rules adopted under that section; 11846

(4) In accordance with criteria established under division 11847
(E) of section 5119.22 of the Revised Code, conduct program audits 11848
that review and evaluate the quality, effectiveness, and 11849
efficiency of addiction and mental health services provided 11850

through its community addiction and mental health ~~contracted~~ 11851
services providers and submit its findings and recommendations to 11852
the department of mental health and addiction services; 11853

(5) In accordance with section 5119.34 of the Revised Code, 11854
review an application for a residential facility license and 11855
provide to the department of mental health and addiction services 11856
any information about the applicant or facility that the board 11857
would like the department to consider in reviewing the 11858
application; 11859

(6) Audit, in accordance with rules adopted by the auditor of 11860
state pursuant to section 117.20 of the Revised Code, at least 11861
annually all programs and services provided under contract with 11862
the board. In so doing, the board may contract for or employ the 11863
services of private auditors. A copy of the fiscal audit report 11864
shall be provided to the director of mental health and addiction 11865
services, the auditor of state, and the county auditor of each 11866
county in the board's district. 11867

(7) Recruit and promote local financial support for addiction 11868
and mental health services from private and public sources; 11869

(8)(a) Enter into contracts with public and private 11870
facilities for the operation of facility services and enter into 11871
contracts with public and private community addiction and mental 11872
health ~~service~~ services providers for the provision of ~~community~~ 11873
addiction and mental health services. The board may not contract 11874
with a residential facility subject to section 5119.34 of the 11875
Revised Code unless the facility is licensed by the director of 11876
mental health and addiction services ~~and~~. The board may not 11877
contract with a community addiction or mental health services 11878
provider to provide ~~community~~ addiction or mental health services 11879
unless the services are certified by the director of mental health 11880
and addiction services under section 5119.36 of the Revised Code. 11881
Section 307.86 of the Revised Code does not apply to contracts 11882

entered into under this division. In contracting with a community 11883
addiction or mental health services provider, a board shall 11884
consider the cost effectiveness of addiction or mental health 11885
services provided by that provider and the quality and continuity 11886
of care, and may review cost elements, including salary costs, of 11887
the services to be provided. A utilization review process may be 11888
established as part of the contract for services entered into 11889
between a board and a community addiction or mental health 11890
services provider. The board may establish this process in a way 11891
that is most effective and efficient in meeting local needs. 11892

If either the board or a facility or community addiction or 11893
mental health services provider with which the board contracts 11894
under this division proposes not to renew the contract or proposes 11895
substantial changes in contract terms, the other party shall be 11896
given written notice at least one hundred twenty days before the 11897
expiration date of the contract. During the first sixty days of 11898
this one hundred twenty-day period, both parties shall attempt to 11899
resolve any dispute through good faith collaboration and 11900
negotiation in order to continue to provide services to persons in 11901
need. If the dispute has not been resolved sixty days before the 11902
expiration date of the contract, either party may notify the 11903
department of mental health and addiction services of the 11904
unresolved dispute. The director may require both parties to 11905
submit the dispute to a third party with the cost to be shared by 11906
the board and the facility or provider. The third party shall 11907
issue to the board, the facility or provider, and the department 11908
recommendations on how the dispute may be resolved twenty days 11909
prior to the expiration date of the contract, unless both parties 11910
agree to a time extension. The director shall adopt rules 11911
establishing the procedures of this dispute resolution process. 11912

(b) With the prior approval of the director of mental health 11913
and addiction services, a board may operate a facility or provide 11914

~~a community~~ an addiction or mental health service as follows, if 11915
there is no other qualified private or public facility or 11916
community addiction or mental health services provider that is 11917
immediately available and willing to operate such a facility or 11918
provide the service: 11919

(i) In an emergency situation, any board may operate a 11920
facility or provide ~~a community~~ an addiction or mental health 11921
service in order to provide essential services for the duration of 11922
the emergency~~+~~. 11923

(ii) In a service district with a population of at least one 11924
hundred thousand but less than five hundred thousand, a board may 11925
operate a facility or provide ~~a community~~ an addiction or mental 11926
health service for no longer than one year~~+~~. 11927

(iii) In a service district with a population of less than 11928
one hundred thousand, a board may operate a facility or provide a 11929
~~community~~ an addiction or mental health service for no longer than 11930
one year, except that such a board may operate a facility or 11931
provide ~~a community~~ an addiction or mental health service for more 11932
than one year with the prior approval of the director and the 11933
prior approval of the board of county commissioners, or of a 11934
majority of the boards of county commissioners if the district is 11935
a joint-county district. 11936

The director shall not give a board approval to operate a 11937
facility or provide ~~a community~~ an addiction or mental health 11938
service under division (A)(8)(b)(ii) or (iii) of this section 11939
unless the director determines that it is not feasible to have the 11940
department operate the facility or provide the service. 11941

The director shall not give a board approval to operate a 11942
facility or provide ~~a community~~ an addiction or mental health 11943
service under division (A)(8)(b)(iii) of this section unless the 11944
director determines that the board will provide greater 11945

administrative efficiency and more or better services than would 11946
be available if the board contracted with a private or public 11947
facility or community addiction or mental health services 11948
provider. 11949

The director shall not give a board approval to operate a 11950
facility previously operated by a person or other government 11951
entity unless the board has established to the director's 11952
satisfaction that the person or other government entity cannot 11953
effectively operate the facility or that the person or other 11954
government entity has requested the board to take over operation 11955
of the facility. The director shall not give a board approval to 11956
provide a ~~community~~ an addiction or mental health service 11957
previously provided by a community addiction or mental health 11958
services provider unless the board has established to the 11959
director's satisfaction that the provider cannot effectively 11960
provide the service or that the provider has requested the board 11961
take over providing the service. 11962

The director shall review and evaluate a board's operation of 11963
a facility and provision of ~~community~~ addiction or mental health 11964
~~service~~ services under division (A)(8)(b) of this section. 11965

Nothing in division (A)(8)(b) of this section authorizes a 11966
board to administer or direct the daily operation of any facility 11967
or community addiction or mental health services provider, but a 11968
facility or provider may contract with a board to receive 11969
administrative services or staff direction from the board under 11970
the direction of the governing body of the facility or provider. 11971

(9) Approve fee schedules and related charges or adopt a unit 11972
cost schedule or other methods of payment for contract services 11973
provided by community addiction or mental health services 11974
providers in accordance with guidelines issued by the department 11975
as necessary to comply with state and federal laws pertaining to 11976
financial assistance; 11977

- (10) Submit to the director and the county commissioners of the county or counties served by the board, and make available to the public, an annual report of the services under the jurisdiction of the board, including a fiscal accounting; 11978
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- (11) Establish, to the extent resources are available, a continuum of care, which provides for prevention, treatment, support, and rehabilitation services and opportunities. The essential elements of the continuum include, but are not limited to, the following components in accordance with section 5119.21 of the Revised Code: 11982
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- (a) To locate persons in need of addiction or mental health services to inform them of available services and benefits; 11988
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- (b) Assistance for persons receiving addiction or mental health services to obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income; 11990
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- (c) Addiction and mental health services, including, ~~but not limited to,~~ outpatient, residential, partial hospitalization, and, where appropriate, inpatient care; 11994
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- (d) Emergency services and crisis intervention; 11997
- (e) Assistance for persons receiving services to obtain vocational services and opportunities for jobs; 11998
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- (f) The provision of services designed to develop social, community, and personal living skills; 12000
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- (g) Access to a wide range of housing and the provision of residential treatment and support; 12002
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- (h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others; 12004
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12006
- (i) Recognition and encouragement of families, friends, 12007

neighborhood networks, especially networks that include racial and 12008
ethnic minorities, churches, community organizations, and 12009
community employment as natural supports for persons receiving 12010
addiction or mental health services; 12011

(j) Grievance procedures and protection of the rights of 12012
persons receiving addiction or mental health services; 12013

(k) Community psychiatric supportive treatment services, 12014
which includes continual individualized assistance and advocacy to 12015
ensure that needed services are offered and procured. 12016

(12) Establish a method for evaluating referrals for 12017
~~involuntary commitment~~ court-ordered treatment and affidavits 12018
filed pursuant to section 5122.11 of the Revised Code in order to 12019
assist the probate division of the court of common pleas in 12020
determining whether there is probable cause that a respondent is 12021
subject to ~~involuntary hospitalization~~ court-ordered treatment and 12022
~~what alternative treatment is~~ whether alternatives to 12023
hospitalization are available and appropriate, ~~if any~~; 12024

(13) Designate the treatment services, provider, facility, or 12025
other placement for each person involuntarily committed to the 12026
board pursuant to Chapter 5122. of the Revised Code. The board 12027
shall provide the least restrictive and most appropriate 12028
alternative that is available for any person involuntarily 12029
committed to it and shall assure that the listed services 12030
submitted and approved in accordance with division (B) of section 12031
340.08 of the Revised Code are available to severely mentally 12032
disabled persons residing within its service district. The board 12033
shall establish the procedure for authorizing payment for 12034
services, which may include prior authorization in appropriate 12035
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 12036
section, the board may provide for services directly to a severely 12037
mentally disabled person when life or safety is endangered and 12038
when no community mental health services provider is available to 12039

provide the service. 12040

(14) Ensure that ~~apartments or rooms~~ housing built, 12041
subsidized, renovated, rented, owned, or leased by the board or a 12042
community addiction or mental health services provider ~~have~~ has 12043
been approved as meeting minimum fire safety standards and that 12044
persons residing in the ~~rooms or apartments are receiving~~ housing 12045
have access to appropriate and necessary services, including 12046
culturally relevant services, from a community addiction or mental 12047
health services provider. This division does not apply to 12048
residential facilities licensed pursuant to section 5119.34 of the 12049
Revised Code. 12050

(15) Establish a mechanism for obtaining advice and 12051
involvement of persons receiving ~~publicly funded~~ addiction or 12052
mental health services on matters pertaining to addiction and 12053
mental health services in the alcohol, drug addiction, and mental 12054
health service district; 12055

(16) Perform the duties required by rules adopted under 12056
section 5119.22 of the Revised Code regarding referrals by the 12057
board or mental health services providers under contract with the 12058
board of individuals with mental illness or severe mental 12059
disability to residential facilities ~~as defined in division~~ 12060
~~(A)(9)(b)(iii)~~ of licensed under section 5119.34 of the Revised 12061
Code and effective arrangements for ongoing mental health services 12062
for the individuals. The board is accountable in the manner 12063
specified in the rules for ensuring that the ongoing mental health 12064
services are effectively arranged for the individuals. 12065

(B) The board shall establish such rules, operating 12066
procedures, standards, and bylaws, and perform such other duties 12067
as may be necessary or proper to carry out the purposes of this 12068
chapter. 12069

(C) A board of alcohol, drug addiction, and mental health 12070

services may receive by gift, grant, devise, or bequest any 12071
moneys, lands, or property for the benefit of the purposes for 12072
which the board is established, and may hold and apply it 12073
according to the terms of the gift, grant, or bequest. All money 12074
received, including accrued interest, by gift, grant, or bequest 12075
shall be deposited in the treasury of the county, the treasurer of 12076
which is custodian of the alcohol, drug addiction, and mental 12077
health services funds to the credit of the board and shall be 12078
available for use by the board for purposes stated by the donor or 12079
grantor. 12080

(D) No board member or employee of a board of alcohol, drug 12081
addiction, and mental health services shall be liable for injury 12082
or damages caused by any action or inaction taken within the scope 12083
of the board member's official duties or the employee's 12084
employment, whether or not such action or inaction is expressly 12085
authorized by this section or any other section of the Revised 12086
Code, unless such action or inaction constitutes willful or wanton 12087
misconduct. Chapter 2744. of the Revised Code applies to any 12088
action or inaction by a board member or employee of a board taken 12089
within the scope of the board member's official duties or 12090
employee's employment. For the purposes of this division, the 12091
conduct of a board member or employee shall not be considered 12092
willful or wanton misconduct if the board member or employee acted 12093
in good faith and in a manner that the board member or employee 12094
reasonably believed was in or was not opposed to the best 12095
interests of the board and, with respect to any criminal action or 12096
proceeding, had no reasonable cause to believe the conduct was 12097
unlawful. 12098

(E) The meetings held by any committee established by a board 12099
of alcohol, drug addiction, and mental health services shall be 12100
considered to be meetings of a public body subject to section 12101
121.22 of the Revised Code. 12102

Sec. 340.034. All of the following apply to the recovery housing required by section 340.033 of the Revised Code to be included in the array of treatment and support services for all levels of opioid and co-occurring drug addiction that are part of the continuum of care established by each board of alcohol, drug addiction, and mental health services pursuant to division (A)(11) of section 340.03 of the Revised Code:

(A) The recovery housing shall not be owned or operated by a residential facility as defined in section 5119.34 of the Revised Code and instead shall be owned and operated by the following:

(1) Except as provided in division (A)(2) of this section, a community addiction services provider or other local nongovernmental organization (including a peer-run recovery organization), as appropriate to the needs of the board's service district;

(2) The board, if either of the following applies:

(a) The board owns and operates the recovery housing on ~~the effective date of this section~~ September 15, 2016.

(b) The board determines that there is an emergency need for the board to assume the ownership and operation of the recovery housing such as when an existing owner and operator of the recovery housing goes out of business, and the board considers the assumption of ownership and operation of the recovery housing to be its last resort.

(B) The recovery housing shall have protocols for all of the following:

(1) Administrative oversight;

(2) Quality standards;

(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.

(C) Family members of the recovery housing's residents may 12133
reside in the recovery housing to the extent the recovery 12134
housing's protocols permit. 12135

(D) The recovery housing shall not limit a resident's 12136
duration of stay to an arbitrary or fixed amount of time. Instead, 12137
each resident's duration of stay shall be determined by the 12138
resident's needs, progress, and willingness to abide by the 12139
recovery housing's protocols, in collaboration with the recovery 12140
housing's owner, and, if appropriate, in consultation and 12141
integration with a community addiction services provider. 12142

(E) The recovery housing may permit its residents to receive 12143
medication-assisted treatment at the recovery housing. 12144

(F) The recovery housing may not provide ~~community~~ addiction 12145
services but may assist a resident in obtaining ~~community~~ 12146
addiction services that are certified by the department of mental 12147
health and addiction services under section 5119.36 of the Revised 12148
Code. The ~~community~~ addiction services may be provided at the 12149
recovery housing or elsewhere. 12150

Sec. 340.04. In addition to such other duties as may be 12151
lawfully imposed, the executive director of a board of alcohol, 12152
drug addiction, and mental health services shall: 12153

(A) Serve as executive officer of the board and subject to 12154
the prior approval of the board for each contract, execute 12155
contracts on its behalf; 12156

(B) Supervise services and facilities provided, operated, 12157
contracted, or supported by the board to the extent of determining 12158
that services and facilities are being administered in conformity 12159
with this chapter and rules of the director of mental health and 12160
addiction services; 12161

(C) Provide consultation to community addiction and mental 12162

health services providers providing services supported by the 12163
board; 12164

(D) Recommend to the board the changes necessary to increase 12165
the effectiveness of addiction and mental health services and 12166
other matters necessary or desirable to carry out this chapter; 12167

(E) Employ and remove from office such employees and 12168
consultants in the classified civil service and, subject to the 12169
approval of the board, employ and remove from office such other 12170
employees and consultants as may be necessary for the work of the 12171
board, and fix their compensation and reimbursement within the 12172
limits set by the salary schedule and the budget approved by the 12173
board; 12174

(F) Encourage the development and expansion of preventive, 12175
treatment, rehabilitative, and consultative services in the field 12176
of addiction and mental health services with emphasis on 12177
continuity of care; 12178

(G) Prepare for board approval an annual report of the 12179
services and facilities under the jurisdiction of the board, 12180
including a fiscal accounting of all services; 12181

(H) Conduct such studies as may be necessary and practicable 12182
for the promotion of mental health, promotion of addiction 12183
services, and the prevention of mental illness, emotional 12184
disorders, and addiction; 12185

(I) Authorize the county auditor, or in a joint-county 12186
district the county auditor designated as the auditor for the 12187
district, to issue warrants for the payment of board obligations 12188
approved by the board, provided that all payments from funds 12189
distributed to the board by the department of mental health and 12190
addiction services are in accordance with the budget submitted 12191
pursuant to section 340.08 of the Revised Code, as approved by the 12192
department of mental health and addiction services. 12193

Sec. 340.05. A community addiction or mental health services provider that receives a complaint alleging abuse or neglect of an individual with mental illness or severe mental disability, or an individual receiving addiction services, who resides in a residential facility ~~as defined in division (A)(9)(b) of~~ licensed under section 5119.34 of the Revised Code shall report the complaint to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the residential facility is located. A board of alcohol, drug addiction, and mental health services that receives such a complaint or a report from a community addiction or mental health services provider of such a complaint shall report the complaint to the director of mental health and addiction services for the purpose of the director conducting an investigation under section 5119.34 of the Revised Code. The board may enter the facility with or without the director and, if the health and safety of a resident is in immediate danger, take any necessary action to protect the resident. The board's action shall not violate any resident's rights specified in rules adopted by the department of mental health and addiction services under section 5119.34 of the Revised Code. The board shall immediately report to the director regarding the board's actions under this section.

Sec. 340.07. The board of county commissioners of any county participating in an alcohol, drug addiction, and mental health service district or joint-county district, upon receipt from the board of alcohol, drug addition, and mental health services of a resolution so requesting, may appropriate money to such board for the operation, lease, acquisition, construction, renovation, and maintenance of addiction or mental health services providers and facilities in accordance with the comprehensive community

~~addiction and~~ mental health and addiction services budget approved 12225
by the department of mental health and addiction services pursuant 12226
to section ~~340.08~~ 5119.22 of the Revised Code. 12227

Sec. 340.12. ~~No~~ As used in this section, "disability" has the 12228
same meaning as in section 4112.01 of the Revised Code. 12229

No board of alcohol, drug addiction, and mental health 12230
services or any community addiction or mental health services 12231
provider under contract with such a board shall discriminate in 12232
the provision of services under its authority, in employment, or 12233
under a contract on the basis of race, color, religion, creed, 12234
sex, age, national origin, or disability. 12235

Each board and each community addiction or mental health 12236
services provider shall have a written affirmative action program. 12237
The affirmative action program shall include goals for the 12238
employment and effective utilization of, including contracts with, 12239
members of economically disadvantaged groups as defined in 12240
division (E)(1) of section 122.71 of the Revised Code in 12241
percentages reflecting as nearly as possible the composition of 12242
the alcohol, drug addiction, and mental health service district 12243
served by the board. Each board and provider shall file a 12244
description of the affirmative action program and a progress 12245
report on its implementation with the department of mental health 12246
and addiction services. 12247

Sec. 340.15. (A) A public children services agency that 12248
identifies a child by a risk assessment conducted pursuant to 12249
section 5153.16 of the Revised Code as being at imminent risk of 12250
being abused or neglected because of an addiction of a parent, 12251
guardian, or custodian of the child to a drug of abuse or alcohol 12252
shall refer the child's addicted parent, guardian, or custodian 12253
and, if the agency determines that the child needs alcohol or 12254

other drug addiction services, the child to a community addiction 12255
services provider ~~certified by the department of mental health and~~ 12256
~~addiction services under section 5119.36 of the Revised Code.~~ A 12257
public children services agency that is sent a court order issued 12258
pursuant to division (B) of section 2151.3514 of the Revised Code 12259
shall refer the addicted parent or other caregiver of the child 12260
identified in the court order to a community addiction services 12261
provider ~~certified by the department of mental health and~~ 12262
~~addiction services under section 5119.36 of the Revised Code.~~ On 12263
receipt of a referral under this division and to the extent 12264
funding identified under division (A)(1) of section 340.08 of the 12265
Revised Code is available, the provider shall provide the 12266
following services to the addicted parent, guardian, custodian, or 12267
caregiver and child in need of addiction services: 12268

(1) If it is determined pursuant to an initial screening to 12269
be needed, assessment and appropriate treatment; 12270

(2) Documentation of progress in accordance with a treatment 12271
plan developed for the addicted parent, guardian, custodian, 12272
caregiver, or child; 12273

(3) If the referral is based on a court order issued pursuant 12274
to division (B) of section 2151.3514 of the Revised Code and the 12275
order requires the specified parent or other caregiver of the 12276
child to submit to alcohol or other drug testing during, after, or 12277
both during and after, treatment, testing in accordance with the 12278
court order. 12279

(B) The services described in division (A) of this section 12280
shall have a priority as provided in the addiction and mental 12281
health services plan and budget established pursuant to sections 12282
340.03 and 340.08 of the Revised Code. Once a referral has been 12283
received pursuant to this section, the public children services 12284
agency and the addiction services provider shall, in accordance 12285
with 42 C.F.R. Part 2, share with each other any information 12286

concerning the persons and services described in that division 12287
that the agency and provider determine are necessary to share. If 12288
the referral is based on a court order issued pursuant to division 12289
(B) of section 2151.3514 of the Revised Code, the results and 12290
recommendations of the addiction services provider also shall be 12291
provided and used as described in division (D) of that section. 12292
Information obtained or maintained by the agency or provider 12293
pursuant to this section that could enable the identification of 12294
any person described in division (A) of this section is not a 12295
public record subject to inspection or copying under section 12296
149.43 of the Revised Code. 12297

Sec. 341.35. The board of county commissioners of a county 12298
with a county jail, workhouse, minimum security misdemeanor jail, 12299
or other correctional facility may enter into a contract under 12300
section 9.06 of the Revised Code for the private operation and 12301
management of that facility, ~~but only if the facility is used to~~ 12302
~~house only misdemeanor inmates.~~ 12303

Sec. 355.02. ~~Each~~ (A) Not later than December 15, 2015, each 12304
board of county commissioners ~~may~~ shall adopt a resolution to 12305
establish a ~~county~~ local healthier buckeye council. The resolution 12306
shall specify the organization of the council and shall designate 12307
a member to serve as a staffing agent and, if the board determines 12308
necessary, a member to serve as a fiscal agent. The board may 12309
revise the council's organization as necessary by adopting a 12310
resolution. 12311

(B)(1) The board may invite any person or entity to become a 12312
member of the council, including a ~~public or private agency or~~ 12313
~~group that funds, advocates, or provides care coordination~~ 12314
~~services, provides or promotes private employment or educational~~ 12315
~~services, or otherwise contributes to the well being of~~ 12316
~~individuals and families~~ any of the following: 12317

| | |
|--|----------------|
| <u>(a) Individuals with community leadership experience;</u> | 12318 |
| <u>(b) Individuals with experience leading others;</u> | 12319 |
| <u>(c) Individuals likely to receive healthier buckeye services</u> <u>and participate in healthier buckeye programs;</u> | 12320 12321 |
| <u>(d) Representatives from public and private entities,</u> <u>including any of the following:</u> | 12322 12323 |
| <u>(i) Employers;</u> | 12324 |
| <u>(ii) Municipal corporations, counties, and townships;</u> | 12325 |
| <u>(iii) Courts, including those with specialized court programs</u> <u>certified by the Ohio supreme court;</u> | 12326 12327 |
| <u>(iv) Law enforcement;</u> | 12328 |
| <u>(v) Faith-based social services organizations;</u> | 12329 |
| <u>(vi) Foundations;</u> | 12330 |
| <u>(vii) Public health, including free clinics;</u> | 12331 |
| <u>(viii) Child support enforcement agencies;</u> | 12332 |
| <u>(ix) Children services agencies;</u> | 12333 |
| <u>(x) Child care providers;</u> | 12334 |
| <u>(xi) Preschool programs;</u> | 12335 |
| <u>(xii) Primary and secondary schools;</u> | 12336 |
| <u>(xiii) Colleges and universities;</u> | 12337 |
| <u>(xiv) Mental health and addiction services providers;</u> | 12338 |
| <u>(xv) Medicaid care coordinators or service providers;</u> | 12339 |
| <u>(xvi) Emergency or urgent care services providers;</u> | 12340 |
| <u>(xvii) Transportation providers;</u> | 12341 |
| <u>(xviii) Housing providers;</u> | 12342 |
| <u>(xix) The boy scouts of America, 4-H clubs, boys and girls</u> | 12343 |

clubs of America, and other similar organizations. 12344

(2) If a county healthier buckeye council was established 12345
under this section as it existed prior to the effective date of 12346
this amendment, the board may designate the county council to 12347
serve as the local council required by this section on and after 12348
the effective date of this amendment. 12349

(3) The board may form a multi-county council in accordance 12350
with division (C) of this section. 12351

(C)(1) The boards of county commissioners of any two or more 12352
counties, by entering into a written agreement, may form a joint 12353
local healthier buckeye council to satisfy the requirement of 12354
division (A) of this section. The agreement shall be ratified by 12355
resolution of the board of county commissioners of each county 12356
that entered into the agreement. Each board of county 12357
commissioners that enters into an agreement shall give notice of 12358
the agreement to the Ohio healthier buckeye advisory council. 12359

(2) An agreement to establish a joint local healthier buckeye 12360
council may set forth procedures or standards necessary for the 12361
joint local healthier buckeye council to perform its duties and 12362
operate efficiently. 12363

(3) Costs incurred in operating a joint local healthier 12364
buckeye council shall be paid from a joint general fund created by 12365
the council, except as may be otherwise provided in the agreement. 12366

(4) If a joint local healthier buckeye council is 12367
established, all references in the Revised Code to a local 12368
healthier buckeye council shall apply to the joint local council. 12369

Sec. 355.03. (A) A county local healthier buckeye council may 12370
de shall promote all of the following: 12371

(A)(1) A cooperative and effective environment in all 12372
communities to maximize opportunities for individuals and families 12373

to achieve and maintain optimal health in all aspects, thereby 12374
achieving greater productivity and reducing reliance on publicly 12375
funded assistance programs; 12376

~~Promote means~~ (2) Means by which council members or the 12377
entities the members represent may reduce the reliance of 12378
individuals and families on publicly funded assistance programs 12379
using both of the following: 12380

~~(1)(a)~~ (a) Programs that have been demonstrated to be effective 12381
and have one or more of the following features: 12382

~~(a)(i)~~ (i) Low costs; 12383

~~(b)(ii)~~ (ii) Use volunteer workers; 12384

~~(c)(iii)~~ (iii) Use incentives to encourage designated behaviors; 12385

~~(d)(iv)~~ (iv) Are led by peers. 12386

~~(2)(b)~~ (b) Practices that identify and seek to eliminate barriers 12387
to achieving greater financial independence for individuals and 12388
families who receive services from or participate in programs 12389
operated by council members or the entities the members represent. 12390

~~(B) Promote care~~ (3) Care coordination among physical health, 12391
behavioral health, social, employment, education, and housing 12392
service providers within the county+. 12393

(B) A local healthier buckeye council shall develop a 12394
healthier buckeye plan that promotes the objectives set forth in 12395
division (A) of this section and submit the council's healthier 12396
buckeye plan to the board of county commissioners that created the 12397
council and to the Ohio healthier buckeye advisory council. 12398

(C) A local healthier buckeye council shall convene at least 12399
once per year. 12400

(D) A local healthier buckeye council shall organize itself 12401
in accordance with section 355.02 of the Revised Code and any 12402
other applicable provisions of law. 12403

~~(C) Collect~~ (E) A local healthier buckeye council shall 12404
collect and analyze data regarding individuals or families who 12405
receive services from or participate in programs operated by 12406
council members or the entities the members represent. 12407

(F) Beginning one year after the effective date of this 12408
amendment, each local healthier buckeye council shall submit an 12409
annual report of the council's performance to the Ohio healthier 12410
buckeye council. 12411

(G) A local healthier buckeye council may apply for, receive, 12412
and oversee the administration of grants. 12413

Sec. 355.04. A ~~county~~ local healthier buckeye council ~~may~~ 12414
shall report the following information to the joint medicaid 12415
oversight committee created in section 103.41 of the Revised Code 12416
and to the Ohio healthier buckeye advisory council: 12417

(A) Notification that the ~~county~~ local council has been 12418
established and information regarding the council's organization, 12419
plan, and activities; 12420

(B) Information regarding enrollment or outcome data 12421
collected under division ~~(C)~~(E) of section 355.03 of the Revised 12422
Code; 12423

(C) Recommendations regarding the best practices for the 12424
administration and delivery of publicly funded assistance programs 12425
or other services or programs provided by council members or the 12426
entities the members represent; 12427

(D) Recommendations regarding the best practices in care 12428
coordination. 12429

Sec. 503.55. (A) As used in this section: 12430

(1) "Financial transaction device" includes a credit card, 12431
debit card, charge card, or prepaid or stored value card, or 12432

automated clearinghouse network credit, debit, or e-check entry 12433
that includes, but is not limited to, accounts receivable and 12434
internet-initiated, point of purchase, and telephone-initiated 12435
applications or any other device or method for making an 12436
electronic payment or transfer of funds. 12437

(2) "Township expenses" includes fees, costs, assessments, 12438
finances, penalties, payments, or any other expense a person owes or 12439
otherwise pays to a township. 12440

(B) Notwithstanding any other section of the Revised Code and 12441
except as provided in division (D) of this section, a board of 12442
township trustees may adopt a resolution authorizing the 12443
acceptance of payments by financial transaction devices for 12444
township expenses. The resolution shall include the following: 12445

(1) A specification of those township offices that are 12446
authorized to accept payments by financial transaction devices; 12447

(2) A list of township expenses that may be paid for through 12448
the use of a financial transaction device; 12449

(3) Specific identification of financial transaction devices 12450
that the board authorizes as acceptable means of payment for 12451
township expenses. Uniform acceptance of financial transaction 12452
devices among different types of township expenses is not 12453
required. 12454

(4) The amount, if any, authorized as a surcharge or 12455
convenience fee under division (E) of this section for persons 12456
using a financial transaction device. Uniform application of 12457
surcharges or convenience fees among different types of township 12458
expenses is not required. 12459

(5) A specific provision as provided in division (G) of this 12460
section requiring the payment of a penalty if a payment made by 12461
means of a financial transaction device is returned or dishonored 12462
for any reason. 12463

The board's resolution also shall designate the township 12464
fiscal officer as an administrative agent to solicit proposals, 12465
within guidelines established by the board in the resolution and 12466
in compliance with the procedures provided in division (C) of this 12467
section, from financial institutions, issuers of financial 12468
transaction devices, and processors of financial transaction 12469
devices, to make recommendations about those proposals to the 12470
board, and to assist township offices in implementing the 12471
township's financial transaction devices program. 12472

(C) The township shall follow the procedures provided in this 12473
division whenever it plans to contract with financial 12474
institutions, issuers of financial transaction devices, or 12475
processors of financial transaction devices for the purposes of 12476
this section. The township fiscal officer shall request proposals 12477
from financial institutions, issuers of financial transaction 12478
devices, or processors of financial transaction devices, as 12479
appropriate in accordance with the resolution adopted under 12480
division (B) of this section. Upon receiving the proposals, the 12481
fiscal officer shall review them and make a recommendation to the 12482
board of trustees on which proposals to accept. The board of 12483
trustees shall consider the fiscal officer's recommendation and 12484
review all proposals submitted, and then may choose to contract 12485
with any or all of the entities submitting proposals, as 12486
appropriate. The board of trustees shall provide any financial 12487
institution, issuer, or processor that submitted a proposal, but 12488
with which the board does not enter into a contract, notice that 12489
its proposal is rejected. The notice shall state the reasons for 12490
the rejection, indicate whose proposals were accepted, and provide 12491
a copy of the terms and conditions of the successful bids. 12492

(D) A board of township trustees adopting a resolution under 12493
this section shall post a copy of the resolution in each township 12494
office accepting payment by a financial transaction device. 12495

Each township office subject to the board's resolution 12496
adopted under division (B) of this section may use only the 12497
financial institutions, issuers of financial transaction devices, 12498
and processors of financial transaction devices with which the 12499
board of township trustees contracts, and each such office is 12500
subject to the terms of those contracts. 12501

(E) A board of township trustees may establish a surcharge or 12502
convenience fee that may be imposed upon a person making payment 12503
by a financial transaction device. The surcharge or convenience 12504
fee shall not be imposed unless authorized or otherwise permitted 12505
by the rules prescribed by an agreement governing the use and 12506
acceptance of the financial transaction device. 12507

If a surcharge or convenience fee is imposed, every township 12508
office accepting payment by a financial transaction device shall 12509
clearly post a notice in that office, and shall notify each person 12510
making a payment by such a device, about the surcharge or fee. 12511
Notice to each person making a payment shall be provided 12512
regardless of the medium used to make the payment and in a manner 12513
appropriate to that medium. Each notice shall include all of the 12514
following: 12515

(1) A statement that there is a surcharge or convenience fee 12516
for using a financial transaction device; 12517

(2) The total amount of the charge or fee expressed in 12518
dollars and cents for each transaction, or the rate of the charge 12519
or fee expressed as a percentage of the total amount of the 12520
transaction, whichever is applicable; 12521

(3) A clear statement that the surcharge or convenience fee 12522
is nonrefundable. 12523

(F) If a person elects to make a payment to the county by a 12524
financial transaction device and a surcharge or convenience fee is 12525
imposed, the payment of the surcharge or fee shall be considered 12526

voluntary and the surcharge or fee is not refundable. 12527

(G) If a person makes payment by financial transaction device 12528
and the payment is returned or dishonored for any reason, the 12529
person is liable to the township for payment of a penalty over and 12530
above the amount of the expense due. The board of township 12531
trustees shall determine the amount of the penalty, which may be 12532
either a fee not to exceed twenty dollars or payment of the amount 12533
necessary to reimburse the township for banking charges, legal 12534
fees, or other expenses incurred by the township in collecting the 12535
returned or dishonored payment. The remedies and procedures 12536
provided in this section are in addition to any other available 12537
civil or criminal remedies provided by law. 12538

(H) No person making any payment by financial transaction 12539
device to a township office shall be relieved from liability for 12540
the underlying obligation except to the extent that the township 12541
realizes final payment of the underlying obligation in cash or its 12542
equivalent. If final payment is not made by the financial 12543
transaction device issuer or other guarantor of payment in the 12544
transaction, the underlying obligation shall survive and the 12545
township shall retain all remedies for enforcement that would have 12546
applied if the transaction had not occurred. 12547

(I) A township official or employee who accepts a financial 12548
transaction device payment in accordance with this section and any 12549
applicable state or local policies or rules is immune from 12550
personal liability for the final collection of such payments. 12551

Sec. 505.101. The board of township trustees of any township 12552
may, by resolution, enter into a contract, without advertising or 12553
bidding, for the purchase or sale of motor vehicles, materials, 12554
equipment, or supplies from or to any department, agency, or 12555
political subdivision of the state, for the purchase of services 12556
with a soil and water conservation district established under 12557

Chapter 1515. of the Revised Code, for the purchase of supplies, 12558
services, materials, and equipment with a regional planning 12559
commission pursuant to division (D) of section 713.23 of the 12560
Revised Code, or for the purchase of services from an educational 12561
service center under section 3313.846 of the Revised Code. The 12562
resolution shall: 12563

(A) Set forth the maximum amount to be paid as the purchase 12564
price for the motor vehicles, materials, equipment, supplies, or 12565
services; 12566

(B) Describe the type of motor vehicles, materials, 12567
equipment, supplies, or services that are to be purchased; 12568

(C) Appropriate sufficient funds to pay the purchase price 12569
for the motor vehicles, materials, equipment, supplies, or 12570
services, except that no such appropriation is necessary if funds 12571
have been previously appropriated for the purpose and remain 12572
unencumbered at the time the resolution is adopted. 12573

Sec. 505.1010. A board of township trustees may purchase real 12574
or personal property at public auction by adopting a resolution to 12575
designate an individual, officer, or employee to represent the 12576
board and tender bids at the auction. Any purchase made at a 12577
public auction shall be subject to a maximum purchase price 12578
established by resolution of the board or an appraisal obtained 12579
before the auction and approved by the board of township trustees. 12580
A purchase made under this section shall comply with division (D) 12581
of section 5705.41 of the Revised Code. 12582

Sec. 718.01. Any term used in this chapter that is not 12583
otherwise defined in this chapter has the same meaning as when 12584
used in a comparable context in laws of the United States relating 12585
to federal income taxation or in Title LVII of the Revised Code, 12586
unless a different meaning is clearly required. If a term used in 12587

this chapter that is not otherwise defined in this chapter is used 12588
in a comparable context in both the laws of the United States 12589
relating to federal income tax and in Title LVII of the Revised 12590
Code and the use is not consistent, then the use of the term in 12591
the laws of the United States relating to federal income tax shall 12592
control over the use of the term in Title LVII of the Revised 12593
Code. 12594

As used in this chapter: 12595

(A)(1) "Municipal taxable income" means the following: 12596

(a) For a person other than an individual, income reduced by 12597
exempt income to the extent otherwise included in income and then, 12598
as applicable, apportioned or situated to the municipal corporation 12599
under section 718.02 of the Revised Code, and further reduced by 12600
any pre-2017 net operating loss carryforward available to the 12601
person for the municipal corporation. 12602

(b)(i) For an individual who is a resident of a municipal 12603
corporation other than a qualified municipal corporation, income 12604
reduced by exempt income to the extent otherwise included in 12605
income, then reduced as provided in division (A)(2) of this 12606
section, and further reduced by any pre-2017 net operating loss 12607
carryforward available to the individual for the municipal 12608
corporation. 12609

(ii) For an individual who is a resident of a qualified 12610
municipal corporation, Ohio adjusted gross income reduced by 12611
income exempted, and increased by deductions excluded, by the 12612
qualified municipal corporation from the qualified municipal 12613
corporation's tax ~~on or before December 31, 2013~~. If a qualified 12614
municipal corporation, on or before December 31, 2013, exempts 12615
income earned by individuals who are not residents of the 12616
qualified municipal corporation and net profit of persons that are 12617
not wholly located within the qualified municipal corporation, 12618

such individual or person shall have no municipal taxable income 12619
for the purposes of the tax levied by the qualified municipal 12620
corporation and may be exempted by the qualified municipal 12621
corporation from the requirements of section 718.03 of the Revised 12622
Code. 12623

(c) For an individual who is a nonresident of a municipal 12624
corporation, income reduced by exempt income to the extent 12625
otherwise included in income and then, as applicable, apportioned 12626
or situated to the municipal corporation under section 718.02 of 12627
the Revised Code, then reduced as provided in division (A)(2) of 12628
this section, and further reduced by any pre-2017 net operating 12629
loss carryforward available to the individual for the municipal 12630
corporation. 12631

(2) In computing the municipal taxable income of a taxpayer 12632
who is an individual, the taxpayer may subtract, as provided in 12633
division (A)(1)(b)(i) or (c) of this section, the amount of the 12634
individual's employee business expenses reported on the 12635
individual's form 2106 that the individual deducted for federal 12636
income tax purposes for the taxable year, subject to the 12637
limitation imposed by section 67 of the Internal Revenue Code. For 12638
the municipal corporation in which the taxpayer is a resident, the 12639
taxpayer may deduct all such expenses allowed for federal income 12640
tax purposes. For a municipal corporation in which the taxpayer is 12641
not a resident, the taxpayer may deduct such expenses only to the 12642
extent the expenses are related to the taxpayer's performance of 12643
personal services in that nonresident municipal corporation. 12644

(B) "Income" means the following: 12645

(1)(a) For residents, all income, salaries, qualifying wages, 12646
commissions, and other compensation from whatever source earned or 12647
received by the resident, including the resident's distributive 12648
share of the net profit of pass-through entities owned directly or 12649
indirectly by the resident and any net profit of the resident. 12650

(b) For the purposes of division (B)(1)(a) of this section: 12651

(i) Any net operating loss of the resident incurred in the 12652
taxable year and the resident's distributive share of any net 12653
operating loss generated in the same taxable year and attributable 12654
to the resident's ownership interest in a pass-through entity 12655
shall be allowed as a deduction, for that taxable year and the 12656
following five taxable years, against any other net profit of the 12657
resident or the resident's distributive share of any net profit 12658
attributable to the resident's ownership interest in a 12659
pass-through entity until fully utilized, subject to division 12660
(B)(1)(d) of this section; 12661

(ii) The resident's distributive share of the net profit of 12662
each pass-through entity owned directly or indirectly by the 12663
resident shall be calculated without regard to any net operating 12664
loss that is carried forward by that entity from a prior taxable 12665
year and applied to reduce the entity's net profit for the current 12666
taxable year. 12667

(c) Division (B)(1)(b) of this section does not apply with 12668
respect to any net profit or net operating loss attributable to an 12669
ownership interest in an S corporation unless shareholders' 12670
distributive shares of net profits from S corporations are subject 12671
to tax in the municipal corporation as provided in division 12672
(C)(14)(b) or (c) of this section. 12673

(d) Any amount of a net operating loss used to reduce a 12674
taxpayer's net profit for a taxable year shall reduce the amount 12675
of net operating loss that may be carried forward to any 12676
subsequent year for use by that taxpayer. In no event shall the 12677
cumulative deductions for all taxable years with respect to a 12678
taxpayer's net operating loss exceed the original amount of that 12679
net operating loss available to that taxpayer. 12680

(2) In the case of nonresidents, all income, salaries, 12681

qualifying wages, commissions, and other compensation from 12682
whatever source earned or received by the nonresident for work 12683
done, services performed or rendered, or activities conducted in 12684
the municipal corporation, including any net profit of the 12685
nonresident, but excluding the nonresident's distributive share of 12686
the net profit or loss of only pass-through entities owned 12687
directly or indirectly by the nonresident. 12688

(3) For taxpayers that are not individuals, net profit of the 12689
taxpayer; 12690

(4) Lottery, sweepstakes, gambling and sports winnings, 12691
winnings from games of chance, and prizes and awards. If the 12692
taxpayer is a professional gambler for federal income tax 12693
purposes, the taxpayer may deduct related wagering losses and 12694
expenses to the extent authorized under the Internal Revenue Code 12695
and claimed against such winnings. 12696

(C) "Exempt income" means all of the following: 12697

(1) The military pay or allowances of members of the armed 12698
forces of the United States or members of their reserve 12699
components, including the national guard of any state; 12700

(2)(a) Except as provided in division (C)(2)(b) of this 12701
section, intangible income; 12702

(b) A municipal corporation that taxed any type of intangible 12703
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 12704
116th general assembly, may continue to tax that type of income if 12705
a majority of the electors of the municipal corporation voting on 12706
the question of whether to permit the taxation of that type of 12707
intangible income after 1988 voted in favor thereof at an election 12708
held on November 8, 1988. 12709

(3) Social security benefits, railroad retirement benefits, 12710
unemployment compensation, pensions, retirement benefit payments, 12711
payments from annuities, and similar payments made to an employee 12712

or to the beneficiary of an employee under a retirement program or 12713
plan, disability payments received from private industry or local, 12714
state, or federal governments or from charitable, religious or 12715
educational organizations, and the proceeds of sickness, accident, 12716
or liability insurance policies. As used in division (C)(3) of 12717
this section, "unemployment compensation" does not include 12718
supplemental unemployment compensation described in section 12719
3402(o)(2) of the Internal Revenue Code. 12720

(4) The income of religious, fraternal, charitable, 12721
scientific, literary, or educational institutions to the extent 12722
such income is derived from tax-exempt real estate, tax-exempt 12723
tangible or intangible property, or tax-exempt activities. 12724

(5) Compensation paid under section 3501.28 or 3501.36 of the 12725
Revised Code to a person serving as a precinct election official 12726
to the extent that such compensation does not exceed one thousand 12727
dollars for the taxable year. Such compensation in excess of one 12728
thousand dollars for the taxable year may be subject to taxation 12729
by a municipal corporation. A municipal corporation shall not 12730
require the payer of such compensation to withhold any tax from 12731
that compensation. 12732

(6) Dues, contributions, and similar payments received by 12733
charitable, religious, educational, or literary organizations or 12734
labor unions, lodges, and similar organizations; 12735

(7) Alimony and child support received; 12736

(8) Compensation for personal injuries or for damages to 12737
property from insurance proceeds or otherwise, excluding 12738
compensation paid for lost salaries or wages or compensation from 12739
punitive damages; 12740

(9) Income of a public utility when that public utility is 12741
subject to the tax levied under section 5727.24 or 5727.30 of the 12742
Revised Code. Division (C)(9) of this section does not apply for 12743

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| purposes of Chapter 5745. of the Revised Code. | 12744 |
| (10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business; | 12745 12746 12747 12748 12749 12750 |
| (11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code; | 12751 12752 |
| (12) Employee compensation that is not qualifying wages as defined in division (R) of this section; | 12753 12754 |
| (13) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile. | 12755 12756 12757 12758 12759 12760 12761 12762 12763 |
| (14)(a) Except as provided in division (C)(14)(b) or (c) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined in section 3121(a) of the Internal Revenue Code or net earnings from self-employment as defined in section 1402(a) of the Internal Revenue Code. | 12764 12765 12766 12767 12768 12769 12770 |
| (b) If, pursuant to division (H) of former section 718.01 of the Revised Code as it existed before March 11, 2004, a majority of the electors of a municipal corporation voted in favor of the question at an election held on November 4, 2003, the municipal | 12771 12772 12773 12774 |

corporation may continue after 2002 to tax an S corporation 12775
shareholder's distributive share of net profits of an S 12776
corporation. 12777

(c) If, on December 6, 2002, a municipal corporation was 12778
imposing, assessing, and collecting a tax on an S corporation 12779
shareholder's distributive share of net profits of the S 12780
corporation to the extent the distributive share would be 12781
allocated or apportioned to this state under divisions (B)(1) and 12782
(2) of section 5733.05 of the Revised Code if the S corporation 12783
were a corporation subject to taxes imposed under Chapter 5733. of 12784
the Revised Code, the municipal corporation may continue to impose 12785
the tax on such distributive shares to the extent such shares 12786
would be so allocated or apportioned to this state only until 12787
December 31, 2004, unless a majority of the electors of the 12788
municipal corporation voting on the question of continuing to tax 12789
such shares after that date voted in favor of that question at an 12790
election held November 2, 2004. If a majority of those electors 12791
voted in favor of the question, the municipal corporation may 12792
continue after December 31, 2004, to impose the tax on such 12793
distributive shares only to the extent such shares would be so 12794
allocated or apportioned to this state. 12795

(d) A municipal corporation shall be deemed to have elected 12796
to tax S corporation shareholders' distributive shares of net 12797
profits of the S corporation in the hands of the shareholders if a 12798
majority of the electors of a municipal corporation voted in favor 12799
of a question at an election held under division (C)(14)(b) or (c) 12800
of this section. The municipal corporation shall specify by 12801
resolution or ordinance that the tax applies to the distributive 12802
share of a shareholder of an S corporation in the hands of the 12803
shareholder of the S corporation. 12804

(15) To the extent authorized under a resolution or ordinance 12805
adopted by a municipal corporation before January 1, 2016, all or 12806

a portion of the income of individuals or a class of individuals 12807
under eighteen years of age. 12808

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 12809
(d) of this section, qualifying wages described in division (B)(1) 12810
or (E) of section 718.011 of the Revised Code to the extent the 12811
qualifying wages are not subject to withholding for the municipal 12812
corporation under either of those divisions. 12813

(b) The exemption provided in division (C)(16)(a) of this 12814
section does not apply with respect to the municipal corporation 12815
in which the employee resided at the time the employee earned the 12816
qualifying wages. 12817

(c) The exemption provided in division (C)(16)(a) of this 12818
section does not apply to qualifying wages that an employer elects 12819
to withhold under division (D)(2) of section 718.011 of the 12820
Revised Code. 12821

(d) The exemption provided in division (C)(16)(a) of this 12822
section does not apply to qualifying wages if both of the 12823
following conditions apply: 12824

(i) For qualifying wages described in division (B)(1) of 12825
section 718.011 of the Revised Code, the employee's employer 12826
withholds and remits tax on the qualifying wages to the municipal 12827
corporation in which the employee's principal place of work is 12828
situated, or, for qualifying wages described in division (E) of 12829
section 718.011 of the Revised Code, the employee's employer 12830
withholds and remits tax on the qualifying wages to the municipal 12831
corporation in which the employer's fixed location is located; 12832

(ii) The employee receives a refund of the tax described in 12833
division (C)(16)(d)(i) of this section on the basis of the 12834
employee not performing services in that municipal corporation. 12835

(17)(a) Except as provided in division (C)(17)(b) or (c) of 12836
this section, compensation that is not qualifying wages paid to a 12837

nonresident individual for personal services performed in the 12838
municipal corporation on not more than twenty days in a taxable 12839
year. 12840

(b) The exemption provided in division (C)(17)(a) of this 12841
section does not apply under either of the following 12842
circumstances: 12843

(i) The individual's base of operation is located in the 12844
municipal corporation. 12845

(ii) The individual is a professional athlete, professional 12846
entertainer, or public figure, and the compensation is paid for 12847
the performance of services in the individual's capacity as a 12848
professional athlete, professional entertainer, or public figure. 12849
For purposes of division (C)(17)(b)(ii) of this section, 12850
"professional athlete," "professional entertainer," and "public 12851
figure" have the same meanings as in section 718.011 of the 12852
Revised Code. 12853

(c) Compensation to which division (C)(17) of this section 12854
applies shall be treated as earned or received at the individual's 12855
base of operation. If the individual does not have a base of 12856
operation, the compensation shall be treated as earned or received 12857
where the individual is domiciled. 12858

(d) For purposes of division (C)(17) of this section, "base 12859
of operation" means the location where an individual owns or rents 12860
an office, storefront, or similar facility to which the individual 12861
regularly reports and at which the individual regularly performs 12862
personal services for compensation. 12863

(18) Compensation paid to a person for personal services 12864
performed for a political subdivision on property owned by the 12865
political subdivision, regardless of whether the compensation is 12866
received by an employee of the subdivision or another person 12867
performing services for the subdivision under a contract with the 12868

subdivision, if the property on which services are performed is 12869
annexed to a municipal corporation pursuant to section 709.023 of 12870
the Revised Code on or after March 27, 2013, unless the person is 12871
subject to such taxation because of residence. If the compensation 12872
is subject to taxation because of residence, municipal income tax 12873
shall be payable only to the municipal corporation of residence. 12874

(19) Income the taxation of which is prohibited by the 12875
constitution or laws of the United States. 12876

Any item of income that is exempt income of a pass-through 12877
entity under division (C) of this section is exempt income of each 12878
owner of the pass-through entity to the extent of that owner's 12879
distributive or proportionate share of that item of the entity's 12880
income. 12881

(D)(1) "Net profit" for a person other than an individual 12882
means adjusted federal taxable income. 12883

(2) "Net profit" for a person who is an individual means the 12884
individual's net profit required to be reported on schedule C, 12885
schedule E, or schedule F reduced by any net operating loss 12886
carried forward. For the purposes of division (D)(2) of this 12887
section, the net operating loss carried forward shall be 12888
calculated and deducted in the same manner as provided in division 12889
(E)(8) of this section. 12890

(3) For the purposes of this chapter, and notwithstanding 12891
division (D)(1) of this section, net profit of a disregarded 12892
entity shall not be taxable as against that disregarded entity, 12893
but shall instead be included in the net profit of the owner of 12894
the disregarded entity. 12895

(E) "Adjusted federal taxable income," for a person required 12896
to file as a C corporation means a C corporation's federal taxable 12897
income before net operating losses and special deductions as 12898
determined under the Internal Revenue Code, adjusted as follows: 12899

- (1) Deduct intangible income to the extent included in 12900
federal taxable income. The deduction shall be allowed regardless 12901
of whether the intangible income relates to assets used in a trade 12902
or business or assets held for the production of income. 12903
- (2) Add an amount equal to five per cent of intangible income 12904
deducted under division (E)(1) of this section, but excluding that 12905
portion of intangible income directly related to the sale, 12906
exchange, or other disposition of property described in section 12907
1221 of the Internal Revenue Code; 12908
- (3) Add any losses allowed as a deduction in the computation 12909
of federal taxable income if the losses directly relate to the 12910
sale, exchange, or other disposition of an asset described in 12911
section 1221 or 1231 of the Internal Revenue Code; 12912
- (4)(a) Except as provided in division (E)(4)(b) of this 12913
section, deduct income and gain included in federal taxable income 12914
to the extent the income and gain directly relate to the sale, 12915
exchange, or other disposition of an asset described in section 12916
1221 or 1231 of the Internal Revenue Code; 12917
- (b) Division (E)(4)(a) of this section does not apply to the 12918
extent the income or gain is income or gain described in section 12919
1245 or 1250 of the Internal Revenue Code. 12920
- (5) Add taxes on or measured by net income allowed as a 12921
deduction in the computation of federal taxable income; 12922
- (6) In the case of a real estate investment trust or 12923
regulated investment company, add all amounts with respect to 12924
dividends to, distributions to, or amounts set aside for or 12925
credited to the benefit of investors and allowed as a deduction in 12926
the computation of federal taxable income; 12927
- (7) Deduct, to the extent not otherwise deducted or excluded 12928
in computing federal taxable income, any income derived from a 12929
transfer agreement or from the enterprise transferred under that 12930

agreement under section 4313.02 of the Revised Code; 12931

(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) 12932
of this section, deduct any net operating loss incurred by the 12933
person in a taxable year beginning on or after January 1, 2017. 12934

The amount of such net operating loss shall be deducted from 12935
net profit that is reduced by exempt income to the extent 12936
necessary to reduce municipal taxable income to zero, with any 12937
remaining unused portion of the net operating loss carried forward 12938
to not more than five consecutive taxable years following the 12939
taxable year in which the loss was incurred, but in no case for 12940
more years than necessary for the deduction to be fully utilized. 12941

(b) No person shall use the deduction allowed by division 12942
(E)(8) of this section to offset qualifying wages. 12943

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 12944
or 2022, a person may not deduct, for purposes of an income tax 12945
levied by a municipal corporation that levies an income tax before 12946
January 1, 2016, more than fifty per cent of the amount of the 12947
deduction otherwise allowed by division (E)(8)(a) of this section. 12948

(ii) For taxable years beginning in 2023 or thereafter, a 12949
person may deduct, for purposes of an income tax levied by a 12950
municipal corporation that levies an income tax before January 1, 12951
2016, the full amount allowed by division (E)(8)(a) of this 12952
section. 12953

(d) Any pre-2017 net operating loss carryforward deduction 12954
that is available must be utilized before a taxpayer may deduct 12955
any amount pursuant to division (E)(8) of this section. 12956

(e) Nothing in divisions (E)(8)(c)(i) and (ii) of this 12957
section precludes a person from carrying forward, for the period 12958
otherwise permitted under division (E)(8)(a) of this section, any 12959
amount of net operating loss that was not fully utilized by 12960
operation of divisions (E)(8)(c)(i) and (ii) of this section. 12961

(9) Deduct any net profit of a pass-through entity owned 12962
directly or indirectly by the taxpayer and included in the 12963
taxpayer's federal taxable income unless an affiliated group of 12964
corporations includes that net profit in the group's federal 12965
taxable income in accordance with division (E)(3)(b) of section 12966
718.06 of the Revised Code. 12967

(10) Add any loss incurred by a pass-through entity owned 12968
directly or indirectly by the taxpayer and included in the 12969
taxpayer's federal taxable income unless an affiliated group of 12970
corporations includes that loss in the group's federal taxable 12971
income in accordance with division (E)(3)(b) of section 718.06 of 12972
the Revised Code. 12973

If the taxpayer is not a C corporation, is not a disregarded 12974
entity, and is not an individual, the taxpayer shall compute 12975
adjusted federal taxable income under this section as if the 12976
taxpayer were a C corporation, except guaranteed payments and 12977
other similar amounts paid or accrued to a partner, former 12978
partner, shareholder, former shareholder, member, or former member 12979
shall not be allowed as a deductible expense unless such payments 12980
are in consideration for the use of capital and treated as payment 12981
of interest under section 469 of the Internal Revenue Code or 12982
United States treasury regulations. Amounts paid or accrued to a 12983
qualified self-employed retirement plan with respect to a partner, 12984
former partner, shareholder, former shareholder, member, or former 12985
member of the taxpayer, amounts paid or accrued to or for health 12986
insurance for a partner, former partner, shareholder, former 12987
shareholder, member, or former member, and amounts paid or accrued 12988
to or for life insurance for a partner, former partner, 12989
shareholder, former shareholder, member, or former member shall 12990
not be allowed as a deduction. 12991

Nothing in division (E) of this section shall be construed as 12992
allowing the taxpayer to add or deduct any amount more than once 12993

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| or shall be construed as allowing any taxpayer to deduct any | 12994 |
| amount paid to or accrued for purposes of federal self-employment | 12995 |
| tax. | 12996 |
| (F) "Schedule C" means internal revenue service schedule C | 12997 |
| (form 1040) filed by a taxpayer pursuant to the Internal Revenue | 12998 |
| Code. | 12999 |
| (G) "Schedule E" means internal revenue service schedule E | 13000 |
| (form 1040) filed by a taxpayer pursuant to the Internal Revenue | 13001 |
| Code. | 13002 |
| (H) "Schedule F" means internal revenue service schedule F | 13003 |
| (form 1040) filed by a taxpayer pursuant to the Internal Revenue | 13004 |
| Code. | 13005 |
| (I) "Internal Revenue Code" has the same meaning as in | 13006 |
| section 5747.01 of the Revised Code. | 13007 |
| (J) "Resident" means an individual who is domiciled in the | 13008 |
| municipal corporation as determined under section 718.012 of the | 13009 |
| Revised Code. | 13010 |
| (K) "Nonresident" means an individual that is not a resident. | 13011 |
| (L)(1) "Taxpayer" means a person subject to a tax levied on | 13012 |
| income by a municipal corporation in accordance with this chapter. | 13013 |
| "Taxpayer" does not include a grantor trust or, except as provided | 13014 |
| in division (L)(2)(a) of this section, a disregarded entity. | 13015 |
| (2)(a) A single member limited liability company that is a | 13016 |
| disregarded entity for federal tax purposes may be a separate | 13017 |
| taxpayer from its single member in all Ohio municipal corporations | 13018 |
| in which it either filed as a separate taxpayer or did not file | 13019 |
| for its taxable year ending in 2003, if all of the following | 13020 |
| conditions are met: | 13021 |
| (i) The limited liability company's single member is also a | 13022 |
| limited liability company. | 13023 |

(ii) The limited liability company and its single member were 13024
formed and doing business in one or more Ohio municipal 13025
corporations for at least five years before January 1, 2004. 13026

(iii) Not later than December 31, 2004, the limited liability 13027
company and its single member each made an election to be treated 13028
as a separate taxpayer under division (L) of this section as this 13029
section existed on December 31, 2004. 13030

(iv) The limited liability company was not formed for the 13031
purpose of evading or reducing Ohio municipal corporation income 13032
tax liability of the limited liability company or its single 13033
member. 13034

(v) The Ohio municipal corporation that was the primary place 13035
of business of the sole member of the limited liability company 13036
consented to the election. 13037

(b) For purposes of division (L)(2)(a)(v) of this section, a 13038
municipal corporation was the primary place of business of a 13039
limited liability company if, for the limited liability company's 13040
taxable year ending in 2003, its income tax liability was greater 13041
in that municipal corporation than in any other municipal 13042
corporation in Ohio, and that tax liability to that municipal 13043
corporation for its taxable year ending in 2003 was at least four 13044
hundred thousand dollars. 13045

(M) "Person" includes individuals, firms, companies, joint 13046
stock companies, business trusts, estates, trusts, partnerships, 13047
limited liability partnerships, limited liability companies, 13048
associations, C corporations, S corporations, governmental 13049
entities, and any other entity. 13050

(N) "Pass-through entity" means a partnership not treated as 13051
an association taxable as a C corporation for federal income tax 13052
purposes, a limited liability company not treated as an 13053
association taxable as a C corporation for federal income tax 13054

purposes, an S corporation, or any other class of entity from 13055
which the income or profits of the entity are given pass-through 13056
treatment for federal income tax purposes. "Pass-through entity" 13057
does not include a trust, estate, grantor of a grantor trust, or 13058
disregarded entity. 13059

(O) "S corporation" means a person that has made an election 13060
under subchapter S of Chapter 1 of Subtitle A of the Internal 13061
Revenue Code for its taxable year. 13062

(P) "Single member limited liability company" means a limited 13063
liability company that has one direct member. 13064

(Q) "Limited liability company" means a limited liability 13065
company formed under Chapter 1705. of the Revised Code or under 13066
the laws of another state. 13067

(R) "Qualifying wages" means wages, as defined in section 13068
3121(a) of the Internal Revenue Code, without regard to any wage 13069
limitations, adjusted as follows: 13070

(1) Deduct the following amounts: 13071

(a) Any amount included in wages if the amount constitutes 13072
compensation attributable to a plan or program described in 13073
section 125 of the Internal Revenue Code. 13074

(b) Any amount included in wages if the amount constitutes 13075
payment on account of a disability related to sickness or an 13076
accident paid by a party unrelated to the employer, agent of an 13077
employer, or other payer. 13078

(c) Any amount attributable to a nonqualified deferred 13079
compensation plan or program described in section 3121(v)(2)(C) of 13080
the Internal Revenue Code if the compensation is included in wages 13081
and the municipal corporation has, by resolution or ordinance 13082
adopted before January 1, 2016, exempted the amount from 13083
withholding and tax. 13084

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| (d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax. | 13085 13086 13087 13088 13089 13090 13091 |
| (e) Any amount included in wages that is exempt income. | 13092 |
| (2) Add the following amounts: | 13093 |
| (a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986. | 13094 13095 |
| (b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income. | 13096 13097 13098 13099 13100 13101 13102 13103 |
| (c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals. | 13104 13105 13106 13107 |
| (d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages. | 13108 13109 13110 |
| (e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code. | 13111 13112 13113 |
| (f) Any amount not included in wages if all of the following | 13114 |

apply: 13115

(i) For the taxable year the amount is employee compensation 13116
that is included in the taxpayer's gross income for federal income 13117
tax purposes; 13118

(ii) For no preceding taxable year did the amount constitute 13119
wages as defined in section 3121(a) of the Internal Revenue Code; 13120

(iii) For no succeeding taxable year will the amount 13121
constitute wages; and 13122

(iv) For any taxable year the amount has not otherwise been 13123
added to wages pursuant to either division (R)(2) of this section 13124
or section 718.03 of the Revised Code, as that section existed 13125
before the effective date of H.B. 5 of the 130th general assembly, 13126
March 23, 2015. 13127

(S) "Intangible income" means income of any of the following 13128
types: income yield, interest, capital gains, dividends, or other 13129
income arising from the ownership, sale, exchange, or other 13130
disposition of intangible property including, but not limited to, 13131
investments, deposits, money, or credits as those terms are 13132
defined in Chapter 5701. of the Revised Code, and patents, 13133
copyrights, trademarks, tradenames, investments in real estate 13134
investment trusts, investments in regulated investment companies, 13135
and appreciation on deferred compensation. "Intangible income" 13136
does not include prizes, awards, or other income associated with 13137
any lottery winnings, gambling winnings, or other similar games of 13138
chance. 13139

(T) "Taxable year" means the corresponding tax reporting 13140
period as prescribed for the taxpayer under the Internal Revenue 13141
Code. 13142

(U) "Tax administrator" means the individual charged with 13143
direct responsibility for administration of an income tax levied 13144
by a municipal corporation in accordance with this chapter, and 13145

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| also includes the following: | 13146 |
| (1) A municipal corporation acting as the agent of another municipal corporation; | 13147 13148 |
| (2) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis; | 13149 13150 13151 13152 |
| (3) The central collection agency or the regional income tax agency or their successors in interest, or another entity organized to perform functions similar to those performed by the central collection agency and the regional income tax agency. | 13153 13154 13155 13156 |
| (V) "Employer" means a person that is an employer for federal income tax purposes. | 13157 13158 |
| (W) "Employee" means an individual who is an employee for federal income tax purposes. | 13159 13160 |
| (X) "Other payer" means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents. | 13161 13162 13163 13164 13165 |
| (Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December. | 13166 13167 |
| (Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code. | 13168 13169 |
| (AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Revised Code. | 13170 13171 13172 13173 |
| (BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or | 13174 13175 |

another entity if the company, subsidiary, or entity is a 13176
disregarded entity for federal income tax purposes. 13177

(CC) "Generic form" means an electronic or paper form that is 13178
not prescribed by a particular municipal corporation and that is 13179
designed for reporting taxes withheld by an employer, agent of an 13180
employer, or other payer, estimated municipal income taxes, or 13181
annual municipal income tax liability or for filing a refund 13182
claim. 13183

(DD) "Tax return preparer" means any individual described in 13184
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 13185
301.7701-15. 13186

(EE) "Ohio business gateway" means the online computer 13187
network system, created under section 125.30 of the Revised Code, 13188
that allows persons to electronically file business reply forms 13189
with state agencies and includes any successor electronic filing 13190
and payment system. 13191

(FF) "Local board of tax review" and "board of tax review" 13192
mean the entity created under section 718.11 of the Revised Code. 13193

(GG) "Net operating loss" means a loss incurred by a person 13194
in the operation of a trade or business. "Net operating loss" does 13195
not include unutilized losses resulting from basis limitations, 13196
at-risk limitations, or passive activity loss limitations. 13197

(HH) "Casino operator" and "casino facility" have the same 13198
meanings as in section 3772.01 of the Revised Code. 13199

(II) "Video lottery terminal" has the same meaning as in 13200
section 3770.21 of the Revised Code. 13201

(JJ) "Video lottery terminal sales agent" means a lottery 13202
sales agent licensed under Chapter 3770. of the Revised Code to 13203
conduct video lottery terminals on behalf of the state pursuant to 13204
section 3770.21 of the Revised Code. 13205

| | |
|--|--|
| (KK) "Postal service" means the United States postal service. | 13206 |
| (LL) "Certified mail," "express mail," "United States mail," "postal service," and similar terms include any delivery service authorized pursuant to section 5703.056 of the Revised Code. | 13207 13208 13209 |
| (MM) "Postmark date," "date of postmark," and similar terms include the date recorded and marked in the manner described in division (B)(3) of section 5703.056 of the Revised Code. | 13210 13211 13212 |
| (NN) "Related member" means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code. | 13213 13214 13215 13216 13217 13218 13219 13220 13221 13222 |
| (OO) "Related entity" means any of the following: | 13223 |
| (1) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock; | 13224 13225 13226 13227 13228 13229 |
| (2) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock; | 13230 13231 13232 13233 13234 13235 |
| (3) A corporation, or a party related to the corporation in a | 13236 |

manner that would require an attribution of stock from the 13237
corporation to the party or from the party to the corporation 13238
under division (OO)(4) of this section, provided the taxpayer owns 13239
directly, indirectly, beneficially, or constructively, at least 13240
fifty per cent of the value of the corporation's outstanding 13241
stock; 13242

(4) The attribution rules described in section 318 of the 13243
Internal Revenue Code apply for the purpose of determining whether 13244
the ownership requirements in divisions (OO)(1) to (3) of this 13245
section have been met. 13246

(PP)(1) "Assessment" means a written finding by the tax 13247
administrator that a person has underpaid municipal income tax, or 13248
owes penalty and interest, or any combination of tax, penalty, or 13249
interest, to the municipal corporation that commences the person's 13250
time limitation for making an appeal to the local board of tax 13251
review pursuant to section 718.11 of the Revised Code, and has 13252
"ASSESSMENT" written in all capital letters at the top of such 13253
finding. 13254

(2) "Assessment" does not include an informal notice denying 13255
a request for refund issued under division (B)(3) of section 13256
718.19 of the Revised Code, a billing statement notifying a 13257
taxpayer of current or past-due balances owed to the municipal 13258
corporation, a tax administrator's request for additional 13259
information, a notification to the taxpayer of mathematical 13260
errors, or a tax administrator's other written correspondence to a 13261
person or taxpayer that does meet the criteria prescribed by 13262
division (PP)(1) of this section. 13263

(QQ) "Taxpayers' rights and responsibilities" means the 13264
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 13265
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 13266
Revised Code and the responsibilities of taxpayers to file, 13267
report, withhold, remit, and pay municipal income tax and 13268

otherwise comply with Chapter 718. of the Revised Code and 13269
resolutions, ordinances, and rules adopted by a municipal 13270
corporation for the imposition and administration of a municipal 13271
income tax. 13272

(RR) "Qualified municipal corporation" means a municipal 13273
corporation that, by resolution or ordinance adopted on or before 13274
December 31, 2011, adopted Ohio adjusted gross income, as defined 13275
by section 5747.01 of the Revised Code, as the income subject to 13276
tax for the purposes of imposing a municipal income tax. 13277

(SS)(1) "Pre-2017 net operating loss carryforward" means any 13278
net operating loss incurred in a taxable year beginning before 13279
January 1, 2017, to the extent such loss was permitted, by a 13280
resolution or ordinance of the municipal corporation that was 13281
adopted by the municipal corporation before January 1, 2016, to be 13282
carried forward and utilized to offset income or net profit 13283
generated in such municipal corporation in future taxable years. 13284

(2) For the purpose of calculating municipal taxable income, 13285
any pre-2017 net operating loss carryforward may be carried 13286
forward to any taxable year, including taxable years beginning in 13287
2017 or thereafter, for the number of taxable years provided in 13288
the resolution or ordinance or until fully utilized, whichever is 13289
earlier. 13290

(TT) "Small employer" means any employer that had total 13291
revenue of less than five hundred thousand dollars during the 13292
preceding taxable year. For purposes of this division, "total 13293
revenue" means receipts of any type or kind, including, but not 13294
limited to, sales receipts; payments; rents; profits; gains, 13295
dividends, and other investment income; compensation; commissions; 13296
premiums; money; property; grants; contributions; donations; 13297
gifts; program service revenue; patient service revenue; premiums; 13298
fees, including premium fees and service fees; tuition payments; 13299
unrelated business revenue; reimbursements; any type of payment 13300

from a governmental unit, including grants and other allocations; 13301
and any other similar receipts reported for federal income tax 13302
purposes or under generally accepted accounting principles. "Small 13303
employer" does not include the federal government; any state 13304
government, including any state agency or instrumentality; any 13305
political subdivision; or any entity treated as a government for 13306
financial accounting and reporting purposes. 13307

(UU) "Audit" means the examination of a person or the 13308
inspection of the books, records, memoranda, or accounts of a 13309
person for the purpose of determining liability for a municipal 13310
income tax. 13311

Sec. 718.05. (A) An annual return with respect to the income 13312
tax levied by a municipal corporation shall be completed and filed 13313
by every taxpayer for any taxable year for which the taxpayer is 13314
liable for the tax. If the total credit allowed against the tax as 13315
described in division (D) of section 718.04 of the Revised Code 13316
for the year is equal to or exceeds the tax imposed by the 13317
municipal corporation, no return shall be required unless the 13318
municipal ordinance or resolution levying the tax requires the 13319
filing of a return in such circumstances. 13320

(B) If an individual is deceased, any return or notice 13321
required of that individual shall be completed and filed by that 13322
decedent's executor, administrator, or other person charged with 13323
the property of that decedent. 13324

(C) If an individual is unable to complete and file a return 13325
or notice required by a municipal corporation in accordance with 13326
this chapter, the return or notice required of that individual 13327
shall be completed and filed by the individual's duly authorized 13328
agent, guardian, conservator, fiduciary, or other person charged 13329
with the care of the person or property of that individual. 13330

(D) Returns or notices required of an estate or a trust shall 13331

be completed and filed by the fiduciary of the estate or trust. 13332

(E) No municipal corporation shall deny spouses the ability 13333
to file a joint return. 13334

(F)(1) Each return required to be filed under this section 13335
shall contain the signature of the taxpayer or the taxpayer's duly 13336
authorized agent and of the person who prepared the return for the 13337
taxpayer, and shall include the taxpayer's social security number 13338
or taxpayer identification number. Each return shall be verified 13339
by a declaration under penalty of perjury. 13340

(2) A tax administrator may require a taxpayer who is an 13341
individual to include, with each annual return, amended return, or 13342
request for refund required under this section, copies of only the 13343
following documents: all of the taxpayer's Internal Revenue 13344
Service form W-2, "Wage and Tax Statements," including all 13345
information reported on the taxpayer's federal W-2, as well as 13346
taxable wages reported or withheld for any municipal corporation; 13347
the taxpayer's Internal Revenue Service form 1040 or, in the case 13348
of a return or request required by a qualified municipal 13349
corporation, Ohio form IT-1040; and, with respect to an amended 13350
tax return or refund request, any other documentation necessary to 13351
support the refund request or the adjustments made in the amended 13352
return. An individual taxpayer who files the annual return 13353
required by this section electronically is not required to provide 13354
paper copies of any of the foregoing to the tax administrator 13355
unless the tax administrator requests such copies after the return 13356
has been filed. 13357

(3) A tax administrator may require a taxpayer that is not an 13358
individual to include, with each annual net profit return, amended 13359
net profit return, or request for refund required under this 13360
section, copies of only the following documents: the taxpayer's 13361
Internal Revenue Service form 1041, form 1065, form 1120, form 13362
1120-REIT, form 1120F, or form 1120S, and, with respect to an 13363

amended tax return or refund request, any other documentation 13364
necessary to support the refund request or the adjustments made in 13365
the amended return. 13366

A taxpayer that is not an individual and that files an annual 13367
net profit return electronically through the Ohio business gateway 13368
or in some other manner shall either mail the documents required 13369
under this division to the tax administrator at the time of filing 13370
or, if electronic submission is available, submit the documents 13371
electronically through the Ohio business gateway. The department 13372
of taxation shall publish a method of electronically submitting 13373
the documents required under this division through the Ohio 13374
business gateway on or before January 1, 2016. The department 13375
shall transmit all documents submitted electronically under this 13376
division to the appropriate tax administrator. 13377

(4) After a taxpayer files a tax return, the tax 13378
administrator may request, and the taxpayer shall provide, any 13379
information, statements, or documents required by the municipal 13380
corporation to determine and verify the taxpayer's municipal 13381
income tax liability. The requirements imposed under division (F) 13382
of this section apply regardless of whether the taxpayer files on 13383
a generic form or on a form prescribed by the tax administrator. 13384

(G)(1)(a) Except as otherwise provided in this chapter, each 13385
individual income tax return required to be filed under this 13386
section shall be completed and filed as required by the tax 13387
administrator on or before the date prescribed for the filing of 13388
state individual income tax returns under division (G) of section 13389
5747.08 of the Revised Code. The taxpayer shall complete and file 13390
the return or notice on forms prescribed by the tax administrator 13391
or on generic forms, together with remittance made payable to the 13392
municipal corporation or tax administrator. No remittance is 13393
required if the amount shown to be due is ten dollars or less. 13394

(b) Except as otherwise provided in this chapter, each annual 13395

net profit return required to be filed under this section by a taxpayer that is not an individual shall be completed and filed as required by the tax administrator on or before the fifteenth day of the fourth month following the end of the taxpayer's taxable year. The taxpayer shall complete and file the return or notice on forms prescribed by the tax administrator or on generic forms, together with remittance made payable to the municipal corporation or tax administrator. No remittance is required if the amount shown to be due is ten dollars or less.

(2)(a) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. ~~An~~

(b) A taxpayer that has not requested or received a six-month extension for filing the taxpayer's federal income tax return may request that the tax administrator grant the taxpayer a six-month extension of the date for filing the taxpayer's municipal income tax return. If the request is received by the tax administrator on or before the date the municipal income tax return is due, the tax administrator shall grant the taxpayer's requested extension.

(c) An extension of time to file under this division (G)(2) of this section is not an extension of the time to pay any tax due unless the tax administrator grants an extension of that date.

(3) If the tax commissioner extends for all taxpayers the date for filing state income tax returns under division (G) of section 5747.08 of the Revised Code, a taxpayer shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the same as the extended due date of the state

income tax return. 13428

(4) If the tax administrator considers it necessary in order 13429
to ensure the payment of the tax imposed by the municipal 13430
corporation in accordance with this chapter, the tax administrator 13431
may require taxpayers to file returns and make payments otherwise 13432
than as provided in this section, including taxpayers not 13433
otherwise required to file annual returns. 13434

(5) To the extent that any provision in this division 13435
conflicts with any provision in section 718.052 of the Revised 13436
Code, the provision in that section prevails. 13437

(H)(1) For taxable years beginning after 2015, a municipal 13438
corporation shall not require a taxpayer to remit tax with respect 13439
to net profits if the amount due is less than ten dollars. 13440

(2) Any taxpayer not required to remit tax to a municipal 13441
corporation for a taxable year pursuant to division (H)(1) of this 13442
section shall file with the municipal corporation an annual net 13443
profit return under division (F)(3) of this section. 13444

(I) This division shall not apply to payments required to be 13445
made under division (B)(1)(a) or (2)(a) of section 718.03 of the 13446
Revised Code. 13447

(1) If any report, claim, statement, or other document 13448
required to be filed, or any payment required to be made, within a 13449
prescribed period or on or before a prescribed date under this 13450
chapter is delivered after that period or that date by United 13451
States mail to the tax administrator or other municipal official 13452
with which the report, claim, statement, or other document is 13453
required to be filed, or to which the payment is required to be 13454
made, the date of the postmark stamped on the cover in which the 13455
report, claim, statement, or other document, or payment is mailed 13456
shall be deemed to be the date of delivery or the date of payment. 13457
"The date of postmark" means, in the event there is more than one 13458

date on the cover, the earliest date imprinted on the cover by the 13459
postal service. 13460

(2) If a payment is required to be made by electronic funds 13461
transfer, the payment is considered to be made when the payment is 13462
credited to an account designated by the tax administrator for the 13463
receipt of tax payments, except that, when a payment made by 13464
electronic funds transfer is delayed due to circumstances not 13465
under the control of the taxpayer, the payment is considered to be 13466
made when the taxpayer submitted the payment. 13467

(J) The amounts withheld by an employer, the agent of an 13468
employer, or an other payer as described in section 718.03 of the 13469
Revised Code shall be allowed to the recipient of the compensation 13470
as credits against payment of the tax imposed on the recipient by 13471
the municipal corporation, unless the amounts withheld were not 13472
remitted to the municipal corporation and the recipient colluded 13473
with the employer, agent, or other payer in connection with the 13474
failure to remit the amounts withheld. 13475

(K) Each return required by a municipal corporation to be 13476
filed in accordance with this section shall include a box that the 13477
taxpayer may check to authorize another person, including a tax 13478
return preparer who prepared the return, to communicate with the 13479
tax administrator about matters pertaining to the return. The 13480
return or instructions accompanying the return shall indicate that 13481
by checking the box the taxpayer authorizes the tax administrator 13482
to contact the preparer or other person concerning questions that 13483
arise during the examination or other review of the return and 13484
authorizes the preparer or other person only to provide the tax 13485
administrator with information that is missing from the return, to 13486
contact the tax administrator for information about the 13487
examination or other review of the return or the status of the 13488
taxpayer's refund or payments, and to respond to notices about 13489
mathematical errors, offsets, or return preparation that the 13490

taxpayer has received from the tax administrator and has shown to 13491
the preparer or other person. 13492

(L) The tax administrator of a municipal corporation shall 13493
accept for filing a generic form of any income tax return, report, 13494
or document required by the municipal corporation in accordance 13495
with this chapter, provided that the generic form, once completed 13496
and filed, contains all of the information required by ordinance, 13497
resolution, or rules adopted by the municipal corporation or tax 13498
administrator, and provided that the taxpayer or tax return 13499
preparer filing the generic form otherwise complies with the 13500
provisions of this chapter and of the municipal corporation 13501
ordinance or resolution governing the filing of returns, reports, 13502
or documents. 13503

(M) When income tax returns, reports, or other documents 13504
require the signature of a tax return preparer, the tax 13505
administrator shall accept a facsimile of such a signature in lieu 13506
of a manual signature. 13507

Sec. 718.07. ~~On and after January 1, 2002, each~~ The tax 13508
administrator of a municipal corporation that imposes a tax on 13509
income in accordance with this chapter shall make electronic 13510
versions of any rules or ordinances governing the tax available to 13511
the public through the internet, including, but not limited to, 13512
ordinances or rules governing the rate of tax; payment and 13513
withholding of taxes; filing any prescribed returns, reports, or 13514
other documents; dates for filing or paying taxes, including 13515
estimated taxes; penalties, interest, assessment, and other 13516
collection remedies; rights of taxpayers to appeal; ~~and~~ procedures 13517
for filing appeals; and a summary of taxpayers' rights and 13518
responsibilities. ~~On and after that date, any municipal~~ 13519
~~corporation that requires taxpayers to file income tax returns,~~ 13520
~~reports, or other documents~~ The tax administrator shall make 13521

blanks of ~~such~~ any prescribed returns, reports, or documents, and 13522
any instructions pertaining thereto, available to the public 13523
electronically through the internet. Electronic versions of rules, 13524
ordinances, blanks, and instructions shall be made available 13525
~~either~~ by posting them on the electronic site established by the 13526
tax commissioner under section 5703.49 of the Revised Code ~~or~~ and, 13527
if the municipal corporation or tax administrator maintains an 13528
electronic site for the posting of such documents that is 13529
accessible through the internet, by posting them on ~~an~~ that 13530
electronic site ~~established by the municipal corporation that is~~ 13531
~~accessible through the internet.~~ If a municipal corporation or tax 13532
administrator establishes such an electronic site, the municipal 13533
corporation shall incorporate an electronic link between that site 13534
and the site established pursuant to section 5703.49 of the 13535
Revised Code, and shall provide to the tax commissioner the 13536
uniform resource locator of the site established pursuant to this 13537
division. 13538

Sec. 718.37. (A) A taxpayer aggrieved by an action or 13539
omission of a tax administrator, a tax administrator's employee, 13540
or an employee of the municipal corporation may bring an action 13541
against the ~~tax administrator, against the~~ municipal corporation, 13542
~~or against both,~~ for damages in the court of common pleas of the 13543
county in which the municipal corporation is located, if all of 13544
the following apply: 13545

(1) In the action or omission the tax administrator, the tax 13546
administrator's employee, or the employee of the municipal 13547
corporation frivolously disregards a provision of this chapter or 13548
a rule or instruction of the tax administrator; 13549

(2) The action or omission occurred with respect to an audit 13550
or an assessment and the review and collection proceedings 13551
connected with the audit or assessment; 13552

(3) The tax administrator, the tax administrator's employee, 13553
or the employee of the municipal corporation did not act 13554
manifestly outside the scope of employment and did not act with 13555
malicious purpose, in bad faith, or in a wanton or reckless 13556
manner. 13557

(B) In any action brought under division (A) of this section, 13558
upon a finding of liability on the part of the ~~tax administrator~~ 13559
~~or the municipal corporation, the tax administrator or the~~ 13560
municipal corporation shall be liable to the taxpayer in an amount 13561
equal to the sum of the following: 13562

(1) Compensatory damages sustained by the taxpayer as a 13563
result of the action or omission by the tax administrator, the tax 13564
administrator's employee, or the employee of the municipal 13565
corporation; 13566

(2) Reasonable costs of litigation and attorneys' fees 13567
sustained by the taxpayer. 13568

(C) In the awarding of damages under division (B) of this 13569
section, the court shall take into account the negligent actions 13570
or omissions, if any, on the part of the taxpayer that contributed 13571
to the damages, but shall not be bound by the provisions of 13572
sections 2315.32 to 2315.36 of the Revised Code. 13573

(D) Whenever it appears to the court that a taxpayer's 13574
conduct in the proceedings brought under division (A) of this 13575
section is frivolous, the court may impose a penalty against the 13576
taxpayer in an amount not to exceed ten thousand dollars which 13577
shall be paid to the general fund of the municipal corporation. 13578

(E) Division (A) of this section does not apply to opinions 13579
of the tax administrator or other information functions of the tax 13580
administrator. 13581

(F) As used in this section, "frivolous" means that the 13582
conduct of the tax administrator, an employee of the municipal 13583

corporation or the tax administrator, the taxpayer, or the 13584
taxpayer's counsel of record satisfies either of the following: 13585

(1) It obviously serves merely to harass or maliciously 13586
injure the tax administrator, the municipal corporation, or 13587
employees thereof if referring to the conduct of a taxpayer or the 13588
taxpayer's counsel of record, or to harass or maliciously injure 13589
the taxpayer if referring to the conduct of the tax administrator, 13590
the municipal corporation, or employees thereof; 13591

(2) It is not warranted under existing law and cannot be 13592
supported by a good faith argument for an extension, modification, 13593
or reversal of existing law. 13594

Sec. 737.41. (A) The legislative authority of a municipal 13595
corporation in which is established a municipal court, other than 13596
a county-operated municipal court, that has a department of 13597
probation shall establish in the municipal treasury a municipal 13598
probation services fund. The fund shall contain all moneys paid to 13599
the treasurer of the municipal corporation under section 2951.021 13600
of the Revised Code for deposit into the fund. The treasurer of 13601
the municipal corporation shall disburse the money contained in 13602
the fund at the request of the municipal court department of 13603
probation, for use only by that department for specialized staff, 13604
purchase of equipment, purchase of services, reconciliation 13605
programs for offenders and victims, other treatment programs, 13606
including community addiction services providers ~~certified under~~ 13607
~~section 5119.36 of the Revised Code~~, determined to be appropriate 13608
by the chief probation officer, and other similar expenses related 13609
to placing offenders under a community control sanction. 13610

(B) Any money in a municipal probation services fund at the 13611
end of a fiscal year shall not revert to the treasury of the 13612
municipal corporation but shall be retained in the fund. 13613

(C) As used in this section: 13614

(1) "County-operated municipal court" has the same meaning as 13615
in section 1901.03 of the Revised Code. 13616

(2) "Community addiction services provider" has the same 13617
meaning as in section 5119.01 of the Revised Code. 13618

(3) "Community control sanction" has the same meaning as in 13619
section 2929.01 of the Revised Code. 13620

Sec. 742.11. (A) The members of the board of trustees of the 13621
Ohio police and fire pension fund shall be the trustees of the 13622
funds created by section 742.59 of the Revised Code. The board 13623
shall have full power to invest the funds. The board and other 13624
fiduciaries shall discharge their duties with respect to the funds 13625
solely in the interest of the participants and beneficiaries; for 13626
the exclusive purpose of providing benefits to participants and 13627
their beneficiaries and defraying reasonable expenses of 13628
administering the Ohio police and fire pension fund; with care, 13629
skill, prudence, and diligence under the circumstances then 13630
prevailing that a prudent person acting in a like capacity and 13631
familiar with these matters would use in the conduct of an 13632
enterprise of a like character and with like aims; and by 13633
diversifying the investments of the disability and pension fund so 13634
as to minimize the risk of large losses, unless under the 13635
circumstances it is clearly prudent not to do so. 13636

To facilitate investment of the funds, the board may 13637
establish a partnership, trust, limited liability company, 13638
corporation, including a corporation exempt from taxation under 13639
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C.A. 1, as 13640
amended, or any other legal entity authorized to transact business 13641
in this state. 13642

(B) In exercising its fiduciary responsibility with respect 13643
to the investment of the funds, it shall be the intent of the 13644
board to give consideration to investments that enhance the 13645

general welfare of the state and its citizens where the 13646
investments offer quality, return, and safety comparable to other 13647
investments currently available to the board. In fulfilling this 13648
intent, equal consideration shall be given to investments 13649
otherwise qualifying under this section that involve minority 13650
owned and controlled firms and firms owned and controlled by 13651
women, either alone or in joint venture with other firms. 13652

The board shall adopt, in regular meeting, policies, 13653
objectives, or criteria for the operation of the investment 13654
program that include asset allocation targets and ranges, risk 13655
factors, asset class benchmarks, time horizons, total return 13656
objectives, and performance evaluation guidelines. In adopting 13657
policies and criteria for the selection of agents with whom the 13658
board may contract for the administration of the funds, the board 13659
shall comply with sections 742.114 and 742.116 of the Revised Code 13660
and shall also give equal consideration to minority owned and 13661
controlled firms, firms owned and controlled by women, and joint 13662
ventures involving minority owned and controlled firms and firms 13663
owned and controlled by women that otherwise meet the policies and 13664
criteria established by the board. Amendments and additions to the 13665
policies and criteria shall be adopted in regular meeting. The 13666
board shall publish its policies, objectives, and criteria under 13667
this provision no less often than annually and shall make copies 13668
available to interested parties. 13669

When reporting on the performance of investments, the board 13670
shall comply with the performance presentation standards 13671
established by the association for investment management and 13672
research. 13673

(C) All bonds, notes, certificates, stocks, or other 13674
evidences of investments purchased by the board shall be delivered 13675
to the treasurer of state, who is hereby designated as custodian 13676
thereof, or to the treasurer of state's authorized agent, and the 13677

treasurer of state or the agent shall collect the principal, 13678
interest, dividends, and distributions that become due and payable 13679
and place them when so collected into the custodial funds. 13680
Evidences of title of the investments may be deposited by the 13681
treasurer of state for safekeeping with an authorized agent, 13682
selected by the ~~treasurer of state, who is a qualified trustee~~ 13683
under custodial bank selection committee in accordance with 13684
section ~~135.18~~ 171.08 of the Revised Code. The treasurer of state 13685
shall pay for the investments purchased by the board on receipt of 13686
written or electronic instructions from the board or the board's 13687
designated agent authorizing the purchase and pending receipt of 13688
the evidence of title of the investment by the treasurer of state 13689
or the treasurer of state's authorized agent. The board may sell 13690
investments held by the board, and the treasurer of state or the 13691
treasurer of state's authorized agent shall accept payment from 13692
the purchaser and deliver evidence of title of the investment to 13693
the purchaser on receipt of written or electronic instructions 13694
from the board or the board's designated agent authorizing the 13695
sale, and pending receipt of the moneys for the investments. The 13696
amount received shall be placed into the custodial funds. The 13697
board and the treasurer of state may enter into agreements to 13698
establish procedures for the purchase and sale of investments 13699
under this division and the custody of the investments. 13700

(D) All of the board's business shall be transacted, all its 13701
funds shall be invested, all warrants for money drawn and payments 13702
shall be made, and all of its cash, securities, and other property 13703
shall be held, in the name of the board or its nominee, provided 13704
that nominees are authorized by board resolution for the purpose 13705
of facilitating the ownership and transfer of investments. 13706

(E) No purchase or sale of any investment shall be made under 13707
this section except as authorized by the board of trustees of the 13708
Ohio police and fire pension fund. 13709

(F) Any statement of financial position distributed by the 13710
board shall include the fair value, as of the statement date, of 13711
all investments held by the board under this section. 13712

Sec. 742.61. The treasurer of state shall be the custodian of 13713
all funds under the control and management of the board of 13714
trustees of the Ohio police and fire pension fund, and all 13715
disbursements of such funds shall be paid by the treasurer of 13716
state only upon instruments duly authorized by the board and 13717
bearing the signatures of the chairperson and secretary of the 13718
board. The signatures of the chairperson and secretary may be 13719
facsimile signatures. 13720

The treasurer of state shall give a separate and additional 13721
bond in such amount as is fixed by the board, conditioned upon the 13722
faithful performance of the treasurer of state's duties as 13723
custodian of the funds under the control and management of the 13724
board and to be executed by a surety company selected by the board 13725
that is authorized to transact business in this state. Such bond 13726
shall be deposited with the secretary of state and kept in the 13727
secretary of state's office. The board may require the treasurer 13728
of state to give other and additional bonds, as the funds under 13729
the control and management of the board increase, in such amounts 13730
and at such times as are fixed by the board, which additional 13731
bonds shall be conditioned, filed, and executed as is provided for 13732
the original bond of the treasurer of state covering the funds 13733
under the control and management of the board. The premium on all 13734
bonds shall be paid by the board. 13735

The treasurer of state shall deposit any portion of the funds 13736
under the control and management of the board not needed for 13737
immediate use in the ~~same manner as state funds are deposited, and~~ 13738
~~subject to all provisions of law with respect to the deposit of~~ 13739
~~state funds, by the treasurer of state~~ financial institution or 13740

institutions selected to serve as a depository for the fund under 13741
section 171.08 of the Revised Code, and all interest earned on 13742
such funds so deposited shall be collected by the treasurer of 13743
state and placed to the credit of the board. 13744

Sec. 753.03. A municipal legislative authority may, by 13745
ordinance, provide for the keeping of persons convicted and 13746
sentenced for misdemeanors, during the term of their imprisonment, 13747
at such place as the legislative authority determines, provided 13748
that the place selected is in substantial compliance with the 13749
minimum standards for jails in Ohio promulgated by the department 13750
of rehabilitation and correction. The legislative authority may 13751
enter into a contract under section 9.06 of the Revised Code for 13752
the private operation and management of any municipal correctional 13753
facility, but only if the facility is used to house only 13754
misdemeanant inmates, except as permitted under division (G) of 13755
section 307.93 of the Revised Code for a municipal-county or 13756
multicounty-municipal correction center. 13757

Sec. 902.01. As used in this chapter: 13758

(A) "Bonds" means bonds, notes, or other forms of evidences 13759
of obligation issued in temporary or definitive form, including 13760
refunding bonds and notes and bonds and notes issued in 13761
anticipation of the issuance of bonds and renewal notes. 13762

(B) "Bond proceedings" means the resolution or ordinance or 13763
the trust agreement or indenture of mortgage, or combination 13764
thereof, authorizing or providing for the terms and conditions 13765
applicable to bonds issued under authority of this chapter. 13766

(C) "Borrower" means the recipient of a loan or the lessee or 13767
purchaser of a project under this chapter and is limited to a sole 13768
proprietor, or to a partnership, joint venture, firm, association, 13769
or corporation, a majority of whose stockholders, partners, 13770

members, or associates are persons or the spouses of persons 13771
related to each other within the fourth degree of kinship, 13772
according to law, provided that the sole proprietor or at least 13773
one of such related persons resides or will reside on or is or 13774
will actively operate the project or the farm or agricultural 13775
enterprise composed, in whole or in part, of the project, and 13776
provided further that the sole proprietor or all of the 13777
stockholders, members, partners, or associates are natural 13778
persons. The agricultural financing commission may establish 13779
procedures for the determination of the eligibility of borrowers 13780
under this chapter which determinations are conclusive in relation 13781
to the validity and enforceability of bonds issued under bond 13782
proceedings authorized in connection therewith, and in relation to 13783
security interests given and leases, subleases, sale agreements, 13784
loan agreements, and other agreements made in connection 13785
therewith, all in accordance with their terms. 13786

(D) "Composite financing arrangement" means the sale of a 13787
single issue of bonds to finance two or more projects, including, 13788
but not limited to, a single issue of bonds for a group of loans 13789
submitted by or through a single lending institution or with 13790
credit enhancement from a single lending institution, or the sale 13791
by or on behalf of one or more issuers of two or more issues or 13792
lots of bonds under or pursuant to a single sale agreement, single 13793
marketing arrangement, or single official statement, offering 13794
circular, or other marketing document. 13795

(E) "Issuer" means the state, or any county or municipal 13796
corporation of the state. 13797

(F) "Issuing authority" means ~~in the case of the state, the~~ 13798
~~agricultural financing commission created by section 901.61 of the~~ 13799
~~Revised Code;~~ in the case of a municipal corporation, the 13800
legislative authority thereof; and in the case of a county, the 13801
board of county commissioners or whatever officers, board, 13802

commission, council, or other body might succeed to or assume the 13803
legislative powers of the board of county commissioners. 13804

(G) "Lending institution" means any domestic building and 13805
loan association as defined in section 1151.01 of the Revised 13806
Code, any service corporation the entire stock of which is owned 13807
by one or more such building and loan associations, a bank which 13808
has its principal place of business located in this state, a bank 13809
subsidiary corporation that is wholly owned by a bank having its 13810
principal place of business located in this state, any state or 13811
federal governmental agency or instrumentality including without 13812
limitation the federal land bank, production credit association, 13813
or bank for cooperatives, or any of their local associations, or 13814
any other financial institution or entity authorized to make 13815
mortgage loans and qualified to do business in this state. 13816

(H) "Loan" includes a loan made to or through, or a deposit 13817
with, a lending institution or a loan made directly to the owner 13818
or operator of a project to finance one or more projects. 13819
Notwithstanding any other provision of this chapter, loans from 13820
proceeds of bonds issued under a composite financing arrangement 13821
shall be made only to or through, or by a deposit with, a lending 13822
institution, including the purchase of loans from lending 13823
institutions, or be made in any other manner in which a lending 13824
institution has been or is involved in the origination or credit 13825
enhancement of the loan. 13826

(I) "Mortgage loan" means a loan secured by a mortgage, deed 13827
of trust, or other security interest. 13828

(J) "Pledged facilities" means the project or projects 13829
mortgaged or facilities the rentals, revenues, and other income, 13830
charges, and moneys from which are pledged, or both, for the 13831
payment of the principal of and interest on the bonds issued under 13832
authority of section 902.04 of the Revised Code, and includes a 13833
project for which a loan has been made under authority of this 13834

chapter, in which case, references in this chapter to revenues of 13835
such pledged facilities or from the disposition thereof include 13836
payments made or to be made to or for the account of the issuer 13837
pursuant to such loan. 13838

(K) "Project" means real or personal property, or both, 13839
including undivided and other interests therein, acquired by gift 13840
or purchase, constructed, reconstructed, enlarged, improved, 13841
furnished, or equipped, or any combination thereof, by an issuer, 13842
or by others from the proceeds of bonds, located within the 13843
boundaries of the issuer, and used or to be used by a borrower for 13844
agricultural purposes as provided in division (D) of this section. 13845
A project is hereby determined to qualify as facilities for 13846
industry, commerce, distribution, or research described in Section 13847
13 of Article VIII, Ohio Constitution. 13848

(L) "Purchase" means, with respect to loans, the purchase of 13849
loans from, or other acquisition by an issuer of loans of, lending 13850
institutions. 13851

(M) "Revenues" means the rentals, revenues, payments, 13852
repayments, income, charges, and moneys derived or to be derived 13853
from the use, lease, sublease, rental, sale, including installment 13854
sale or conditional sale, or other disposition of pledged 13855
facilities, or derived or to be derived pursuant to a loan made 13856
for a project, bond proceeds to the extent provided in the bond 13857
proceedings for the payment of principal of, or premium, if any, 13858
or interest on the bonds, proceeds from any insurance, 13859
condemnation, or guaranty pertaining to pledged facilities or the 13860
financing thereof, any income and profit from the investment of 13861
the proceeds of bonds or of any revenues, any fees and charges 13862
received by or on behalf of an issuer for the services of or 13863
commitments by the issuer, and moneys received in repayment of and 13864
for interest on any loan made or purchased by an issuer, moneys 13865
received by an issuer upon the sale of any bonds of the issuer 13866

under section 902.04 of the Revised Code, any moneys received from 13867
investment of funds of an issuer or from the sale of collateral 13868
securing loans made or purchased by the issuer, including 13869
collateral acquired by foreclosure or other action to enforce a 13870
security interest, and any moneys received in payment of a claim 13871
under insurance, guarantees, letters of credit, or otherwise with 13872
respect to any loans made or purchased by an issuer or any 13873
collateral held by the issuer of any bonds issued under this 13874
chapter. 13875

(N) "Security interest" means a mortgage, lien, or other 13876
encumbrance on, or pledge or assignment of, or other security 13877
interest with respect to all or any part of pledged facilities, 13878
revenues, reserve funds, or other funds established under the bond 13879
proceedings, or on, of, or with respect to, a lease, sublease, 13880
sale, conditional sale, or installment sale agreement, loan 13881
agreement, or any other agreement pertaining to the lease, 13882
sublease, sale, or other disposition of a project or pertaining to 13883
a loan made for a project, or any guaranty or insurance agreement 13884
made with respect thereto, or any interest of the issuer therein, 13885
or any other interest granted, assigned, purchased, or released to 13886
secure payments of the principal of, premium, if any, or interest 13887
on any bonds or to secure any other payments to be made by an 13888
issuer under the bond proceedings. Any security interest under 13889
this chapter may be prior or subordinate to or on a parity with 13890
any other mortgage, lien, encumbrance, pledge, assignment, or 13891
other security interest. 13892

Sec. 903.01. As used in this chapter: 13893

(A) "Agricultural animal" means any animal generally used for 13894
food or in the production of food, including cattle, sheep, goats, 13895
rabbits, poultry, and swine; horses; alpacas; llamas; and any 13896
other animal included by the director of agriculture by rule. 13897

"Agricultural animal" does not include fish or other aquatic animals regardless of whether they are raised at fish hatcheries, fish farms, or other facilities that raise aquatic animals. 13898
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(B) "Animal feeding facility" means a lot, building, or structure where both of the following conditions are met: 13901
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(1) Agricultural animals have been, are, or will be stabled or confined and fed or maintained there for a total of forty-five days or more in any twelve-month period. 13903
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(2) Crops, vegetative forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot, building, or structure. 13906
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"Animal feeding facility" also includes land that is owned or leased by or otherwise is under the control of the owner or operator of the lot, building, or structure and on which manure originating from agricultural animals in the lot, building, or structure or a production area is or may be applied. 13909
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Two or more animal feeding facilities under common ownership shall be considered to be a single animal feeding facility for the purposes of this chapter if they adjoin each other or if they use a common area or system for the disposal of manure. 13914
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(C) "Animal feeding operation" has the same meaning as "animal feeding facility." 13918
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(D) "Cattle" includes, but is not limited to, heifers, steers, bulls, and cow and calf pairs. 13920
13921

(E) "Concentrated animal feeding facility" means an animal feeding facility with a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section. 13922
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(F) "Concentrated animal feeding operation" means an animal feeding facility that complies with one of the following: 13926
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| (1) Has a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section; | 13928 13929 13930 |
| (2) Satisfies the criteria in division (M), (Q), or (FF) of this section; | 13931 13932 |
| (3) Is designated by the director of agriculture as a medium or small concentrated animal feeding operation pursuant to rules. | 13933 13934 |
| (G) "Discharge" means to add from a point source to waters of the state. | 13935 13936 |
| (H) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33 U.S.C. 1251 et. seq., as amended, and regulations adopted under it. | 13937 13938 13939 13940 |
| (I) "Finalized," with respect to the programs required under division (A)(1) of section 903.02 and division (A)(1) of section 903.03 of the Revised Code, means that all rules that are necessary for the administration of this chapter have been adopted and all employees of the department of agriculture that are necessary for the administration of this chapter have been employed. | 13941 13942 13943 13944 13945 13946 13947 |
| (J) "General permit" has the meaning that is established in rules. | 13948 13949 |
| (K) "Individual permit" has the meaning that is established in rules. | 13950 13951 |
| (L) "Installation permit" means a permit for the installation or modification of a disposal system or any part of a disposal system issued by the director of environmental protection under division (J)(1) of section 6111.03 of the Revised Code. | 13952 13953 13954 13955 |
| (M) "Large concentrated animal feeding operation" means an animal feeding facility that stables or confines at least the | 13956 13957 |

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| number of animals specified in any of the following categories: | 13958 |
| (1) Seven hundred mature dairy cattle whether milked or dry; | 13959 |
| (2) One thousand veal calves; | 13960 |
| (3) One thousand cattle other than mature dairy cattle or veal calves; | 13961 13962 |
| (4) Two thousand five hundred swine that each weigh fifty-five pounds or more; | 13963 13964 |
| (5) Ten thousand swine that each weigh less than fifty-five pounds; | 13965 13966 |
| (6) Five hundred horses; | 13967 |
| (7) Ten thousand sheep or lambs; | 13968 |
| (8) Fifty-five thousand turkeys; | 13969 |
| (9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system; | 13970 13971 |
| (10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system; | 13972 13973 13974 |
| (11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system; | 13975 13976 13977 |
| (12) Thirty thousand ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system; | 13978 13979 13980 |
| (13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system. | 13981 13982 |
| (N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section. | 13983 13984 13985 13986 |

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| (O) "Manure" means any of the following wastes used in or | 13987 |
| resulting from the production of agricultural animals or direct | 13988 |
| agricultural products such as milk or eggs: animal excreta, | 13989 |
| discarded products, bedding, process waste water, process | 13990 |
| generated waste water, waste feed, silage drainage, and compost | 13991 |
| products resulting from mortality composting or the composting of | 13992 |
| animal excreta. | 13993 |
| (P) "Manure storage or treatment facility" means any | 13994 |
| excavated, diked, or walled structure or combination of structures | 13995 |
| designed for the biological stabilization, holding, or storage of | 13996 |
| manure. | 13997 |
| (Q) "Medium concentrated animal feeding operation" means an | 13998 |
| animal feeding facility that satisfies both of the following: | 13999 |
| (1) The facility stables or confines the number of animals | 14000 |
| specified in any of the following categories: | 14001 |
| (a) Two hundred to six hundred ninety-nine mature dairy | 14002 |
| cattle whether milked or dry; | 14003 |
| (b) Three hundred to nine hundred ninety-nine veal calves; | 14004 |
| (c) Three hundred to nine hundred ninety-nine cattle other | 14005 |
| than mature dairy cattle or veal calves; | 14006 |
| (d) Seven hundred fifty to two thousand four hundred | 14007 |
| ninety-nine swine that each weigh fifty-five pounds or more; | 14008 |
| (e) Three thousand to nine thousand nine hundred ninety-nine | 14009 |
| swine that each weigh less than fifty-five pounds; | 14010 |
| (f) One hundred fifty to four hundred ninety-nine horses; | 14011 |
| (g) Three thousand to nine thousand nine hundred ninety-nine | 14012 |
| sheep or lambs; | 14013 |
| (h) Sixteen thousand five hundred to fifty-four thousand nine | 14014 |
| hundred ninety-nine turkeys; | 14015 |

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| (i) Nine thousand to twenty-nine thousand nine hundred | 14016 |
| ninety-nine laying hens or broilers if the animal feeding facility | 14017 |
| uses a liquid manure handling system; | 14018 |
| (j) Thirty-seven thousand five hundred to one hundred | 14019 |
| twenty-four thousand nine hundred ninety-nine chickens, other than | 14020 |
| laying hens, if the animal feeding facility uses a manure handling | 14021 |
| system that is not a liquid manure handling system; | 14022 |
| (k) Twenty-five thousand to eighty-one thousand nine hundred | 14023 |
| ninety-nine laying hens if the animal feeding facility uses a | 14024 |
| manure handling system that is not a liquid manure handling | 14025 |
| system; | 14026 |
| (l) Ten thousand to twenty-nine thousand nine hundred | 14027 |
| ninety-nine ducks if the animal feeding facility uses a manure | 14028 |
| handling system that is not a liquid manure handling system; | 14029 |
| (m) One thousand five hundred to four thousand nine hundred | 14030 |
| ninety-nine ducks if the animal feeding facility uses a liquid | 14031 |
| manure handling system. | 14032 |
| (2) The facility does one of the following: | 14033 |
| (a) Discharges pollutants into waters of the United States | 14034 |
| through a ditch constructed by humans, a flushing system | 14035 |
| constructed by humans, or another similar device constructed by | 14036 |
| humans; | 14037 |
| (b) Discharges pollutants directly into waters of the United | 14038 |
| States that originate outside of and that pass over, across, or | 14039 |
| through the facility or otherwise come into direct contact with | 14040 |
| the animals at the facility. | 14041 |
| "Medium concentrated animal feeding operation" includes an | 14042 |
| animal feeding facility that is designated by the director as a | 14043 |
| medium concentrated animal feeding operation pursuant to rules. | 14044 |
| (R) "Mortality composting" means the controlled decomposition | 14045 |

of organic solid material consisting of dead animals that 14046
stabilizes the organic fraction of the material. 14047

(S) "NPDES permit" means a permit issued under the national 14048
pollutant discharge elimination system established in section 402 14049
of the Federal Water Pollution Control Act and includes the 14050
renewal of such a permit. "NPDES permit" includes the federally 14051
enforceable provisions of a permit to operate into which NPDES 14052
permit provisions have been incorporated. 14053

(T) "Permit" includes an initial, renewed, or modified permit 14054
to install, permit to operate, NPDES permit, and installation 14055
permit unless expressly stated otherwise. 14056

(U) "Permit to install" means a permit issued under section 14057
903.02 of the Revised Code. 14058

(V) "Permit to operate" means a permit issued or renewed 14059
under section 903.03 of the Revised Code and includes incorporated 14060
NPDES permit provisions, if applicable. 14061

(W) "Person" has the same meaning as in section 1.59 of the 14062
Revised Code and also includes the state, any political 14063
subdivision of the state, any interstate body created by compact, 14064
the United States, or any department, agency, or instrumentality 14065
of any of those entities. 14066

(X) "Point source" has the same meaning as in the Federal 14067
Water Pollution Control Act. 14068

(Y) "Pollutant" means dredged spoil, solid waste, incinerator 14069
residue, filter backwash, sewage, garbage, sewage sludge, 14070
munitions, chemical wastes, biological materials, radioactive 14071
materials except those regulated under the "Atomic Energy Act of 14072
1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or 14073
discarded equipment, rock, sand, cellar dirt, and industrial, 14074
municipal, and agricultural waste, including manure, discharged 14075
into water. "Pollutant" does not include either of the following: 14076

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| (1) Sewage from vessels; | 14077 |
| (2) Water, gas, or other material that is injected into a well to facilitate production of oil or gas, or water derived in association with oil and gas production and disposed of in a well, if the well that is used either to facilitate production or for disposal purposes is approved by the state and if the state determines that the injection or disposal will not result in the degradation of ground or surface water resources. | 14078 14079 14080 14081 14082 14083 14084 |
| (Z) "Process generated waste water" means water that is directly or indirectly used in the operation of an animal feeding facility for any of the following: | 14085 14086 14087 |
| (1) Spillage or overflow from animal watering systems; | 14088 |
| (2) Washing, cleaning, or flushing pens, barns, manure pits, or other areas of an animal feeding facility; | 14089 14090 |
| (3) Direct contact swimming, washing, or spray cooling of animals; | 14091 14092 |
| (4) Dust control. | 14093 |
| (AA) "Process waste water" means any process generated waste water and any precipitation, including rain or snow, that comes into contact with manure, litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or direct products such as milk or eggs. | 14094 14095 14096 14097 14098 14099 |
| (BB) "Production area" means any of the following components of an animal feeding facility: | 14100 14101 |
| (1) Animal confinement areas, including, but not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, animal walkways, and stables; | 14102 14103 14104 14105 |
| (2) Manure storage areas, including, but not limited to, | 14106 |

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| manure storage or treatment facilities; | 14107 |
| (3) Raw material storage areas, including, but not limited to, feed silos, silage bunkers, commodity buildings, and bedding materials; | 14108 14109 14110 |
| (4) Waste containment areas, including, but not limited to, any of the following: | 14111 14112 |
| (a) An egg washing or egg processing facility; | 14113 |
| (b) An area used in the storage, handling, treatment, or disposal of mortalities; | 14114 14115 |
| (c) Settling basins, runoff ponds, liquid impoundments, and areas within berms and diversions that are designed and maintained to separate uncontaminated storm water runoff from contaminated water and to contain and treat contaminated storm water runoff. | 14116 14117 14118 14119 |
| (CC) "Public meeting" means a nonadversarial public hearing at which a person may present written or oral statements for the director of agriculture's consideration and includes public hearings held under section 6111.12 of the Revised Code. | 14120 14121 14122 14123 |
| (DD) "Review compliance certificate" means a certificate issued under section 903.04 of the Revised Code. | 14124 14125 |
| (EE) "Rule" means a rule adopted under section 903.10 of the Revised Code. | 14126 14127 |
| (FF) <u>(EE)</u> "Small concentrated animal feeding operation" means an animal feeding facility that is not a large or medium concentrated animal feeding operation and that is designated by the director as a small concentrated animal feeding operation pursuant to rules. | 14128 14129 14130 14131 14132 |
| (GG) <u>(FF)</u> "Waters of the state" has the same meaning as in section 6111.01 of the Revised Code. | 14133 14134 |
| Sec. 903.03. (A)(1) Not later than one hundred eighty days | 14135 |

after March 15, 2001, the director of agriculture shall prepare a program for the issuance of permits to operate under this section.

(2) Except for a concentrated animal feeding facility that is operating under an installation permit ~~or a review compliance certificate~~, on and after the date on which the director has finalized the program required under division (A)(1) of this section, no person shall own or operate a concentrated animal feeding facility without a permit to operate issued by the director under this section.

(B) The director or the director's authorized representative may help an applicant for a permit to operate during the permitting process by providing guidance and technical assistance.

(C) An applicant for a permit to operate shall submit a fee in an amount established by rule together with, except as otherwise provided in division (E) of this section, an application to the director on a form that the director prescribes and provides. The applicant shall include with the application all of the following information:

(1) The name and address of the applicant, of all partners if the applicant is a partnership, of all members if the applicant is a limited liability company, or of all officers and directors if the applicant is a corporation, and of any other person who has a right to control or in fact controls management of the applicant or the selection of officers, directors, or managers of the applicant. As used in division (C)(1) of this section, "control" has the same meaning as in division (C)(1) of section 903.02 of the Revised Code.

(2) Information concerning the applicant's past compliance with laws pertaining to environmental protection that is required to be provided under section 903.05 of the Revised Code, if applicable;

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| (3) A manure management plan for the concentrated animal | 14167 |
| feeding facility that conforms to best management practices | 14168 |
| regarding the handling, storage, transportation, and land | 14169 |
| application of manure generated at the facility and that contains | 14170 |
| any other information required by rule; | 14171 |
| (4) An insect and rodent control plan for the concentrated | 14172 |
| animal feeding facility that conforms to best management practices | 14173 |
| and is prepared in accordance with section 903.06 of the Revised | 14174 |
| Code; | 14175 |
| (5) In the case of an application for a major concentrated | 14176 |
| animal feeding facility, written proof that the person who would | 14177 |
| be responsible for the supervision of the management and handling | 14178 |
| of manure at the facility has been issued a livestock manager | 14179 |
| certification in accordance with section 903.07 of the Revised | 14180 |
| Code or will obtain a livestock manager certification prior to | 14181 |
| applying any manure to land. | 14182 |
| (D) The director shall issue permits to operate in accordance | 14183 |
| with section 903.09 of the Revised Code. The director shall deny a | 14184 |
| permit to operate if either of the following applies: | 14185 |
| (1) The permit application contains misleading or false | 14186 |
| information; | 14187 |
| (2) The manure management plan or insect and rodent control | 14188 |
| plan fails to conform to best management practices. | 14189 |
| Additional grounds for the denial of a permit to operate | 14190 |
| shall be those established in this chapter and in rules. | 14191 |
| (E) The director shall issue general permits to operate for | 14192 |
| categories of concentrated animal feeding facilities that will | 14193 |
| apply in lieu of individual permits to operate, provided that each | 14194 |
| category of facilities meets all of the criteria established in | 14195 |
| rules for general permits to operate. A person who is required to | 14196 |
| obtain a permit to operate shall submit to the director a notice | 14197 |

of the person's intent to be covered under an existing general 14198
permit or, at the person's option, shall submit an application for 14199
an individual permit to operate. Upon receipt of a notice of 14200
intent to be covered under an existing general permit, the 14201
director shall notify the applicant in writing that the person is 14202
covered by the general permit if the person satisfies the criteria 14203
established in rules for eligibility for such coverage. If the 14204
person is ineligible for coverage under the general permit, the 14205
director shall require the submission of an application for an 14206
individual permit to operate. 14207

(F) A permit to operate shall be valid for a period of five 14208
years. 14209

(G) A permit to operate may be renewed. An application for 14210
renewal of a permit to operate shall be submitted to the director 14211
at least one hundred eighty days prior to the expiration date of 14212
the permit to operate and shall comply with the requirements 14213
governing applications for permits to operate that are established 14214
under this section and by rules, including requirements pertaining 14215
to public notice and participation. 14216

(H) The director may modify, suspend, or revoke a permit to 14217
operate in accordance with rules. 14218

(I) The owner or operator of a concentrated animal feeding 14219
facility who proposes to make a major operational change at the 14220
facility shall submit an application for approval of the change to 14221
the director in accordance with rules. 14222

Sec. 903.07. (A) On and after the date that is established in 14223
rules by the director of agriculture, both of the following apply: 14224
14225

(1) The management and handling of manure at a major 14226
concentrated animal feeding facility, including the land 14227

application of manure or the removal of manure from a manure 14228
storage or treatment facility, shall be conducted only by or under 14229
the supervision of a person holding a livestock manager 14230
certification issued under this section. A person managing or 14231
handling manure who is acting under the instructions and control 14232
of a person holding a livestock manager certification is 14233
considered to be under the supervision of the certificate holder 14234
if the certificate holder is responsible for the actions of the 14235
person and is available when needed even though the certificate 14236
holder is not physically present at the time of the manure 14237
management or handling. 14238

(2) No person shall transport and land apply annually or buy, 14239
sell, or land apply annually the volume of manure established in 14240
rules adopted by the director under division ~~(E)~~(D)(5) of section 14241
903.10 of the Revised Code unless the person holds a livestock 14242
manager certification issued under this section. 14243

(B) The director shall issue a livestock manager 14244
certification to a person who has submitted a complete application 14245
for certification on a form prescribed and provided by the 14246
director, together with the appropriate application fee, and who 14247
has completed successfully the required training and has passed 14248
the required examination. The director may suspend or revoke a 14249
livestock manager certification and may reinstate a suspended or 14250
revoked livestock manager certification in accordance with rules. 14251

(C) Information required to be included in an application for 14252
a livestock manager certification, the amount of the application 14253
fee, requirements regarding training and the examination, 14254
requirements governing the management and handling of manure, 14255
including the land application of manure, and requirements 14256
governing the keeping of records regarding the handling of manure, 14257
including the land application of manure, shall be established in 14258
rules. 14259

Sec. 903.09. (A) Prior to issuing or modifying a permit to 14260
install, permit to operate, or NPDES permit, the director of 14261
agriculture shall issue a draft permit. The director or the 14262
director's representative shall mail notice of the issuance of a 14263
draft permit to the applicant and shall publish the notice once in 14264
a newspaper of general circulation in the county in which the 14265
concentrated animal feeding facility or discharger is located or 14266
proposed to be located. The director shall mail notice of the 14267
issuance of a draft permit and a copy of the draft permit to the 14268
board of county commissioners of the county and the board of 14269
township trustees of the township in which the concentrated animal 14270
feeding facility or discharger is located or proposed to be 14271
located. The director or the director's representative also shall 14272
provide notice of the issuance of a draft NPDES permit to any 14273
other persons that are entitled to notice under the Federal Water 14274
Pollution Control Act. Notice of the issuance of a draft permit to 14275
install, permit to operate, or NPDES permit shall include the 14276
address where written comments concerning the draft permit may be 14277
submitted and the period of time during which comments will be 14278
accepted as established by rule. 14279

If the director receives written comments in an amount that 14280
demonstrates significant public interest, as defined by rule, in 14281
the draft permit, the director shall schedule one public meeting 14282
to provide information to the public and to hear comments 14283
pertinent to the draft permit. The notice of the public meeting 14284
shall be provided in the same manner as the notice of the issuance 14285
of the draft permit. 14286

(B) If a person is required to obtain both a permit to 14287
install and a permit to operate, including any permit to operate 14288
with NPDES provisions, and public meetings are required for both 14289
permits, the public meetings for the permits shall be combined. 14290

(C) The director shall apply the antidegradation policy 14291
adopted under section 6111.12 of the Revised Code to permits 14292
issued under this chapter to the same degree and under the same 14293
circumstances as it applies to permits issued under Chapter 6111. 14294
of the Revised Code. The director shall hold one public meeting to 14295
consider antidegradation issues when such a meeting is required by 14296
the antidegradation policy. When allowed by the antidegradation 14297
policy, the director shall hold the public meeting on 14298
antidegradation issues concurrently with any public meeting held 14299
for the draft permit. 14300

(D) The director or the director's representative shall 14301
publish notice of the issuance of a final permit to install, 14302
permit to operate, or NPDES permit once in a newspaper of general 14303
circulation in the county in which the concentrated animal feeding 14304
facility or discharger is located. 14305

(E) Notice or a public meeting is not required for the 14306
modification of a permit made with the consent of the permittee 14307
for the correction of typographical errors. 14308

(F) The denial, modification, suspension, or revocation of a 14309
permit to install, permit to operate, or NPDES permit without the 14310
consent of the applicant or permittee shall be preceded by a 14311
proposed action stating the director's intention to issue an order 14312
with respect to the permit and the reasons for it. 14313

The director shall mail to the applicant or the permittee 14314
notice of the director's proposed action to deny, modify, suspend, 14315
or revoke a permit to install, permit to operate, or NPDES permit. 14316
The director shall publish the notice once in a newspaper of 14317
general circulation in the county in which the concentrated animal 14318
feeding facility or concentrated animal feeding operation is 14319
located or proposed to be located. The director shall mail a copy 14320
of the notice of the proposed action to the board of county 14321
commissioners of the county and to the board of township trustees 14322

of the township in which the concentrated animal feeding facility 14323
or concentrated animal feeding operation is located or proposed to 14324
be located. The director also shall provide notice of the 14325
director's proposed action to deny, modify, suspend, or revoke a 14326
permit to install, permit to operate, or NPDES permit to any other 14327
person that is entitled to notice under the Federal Water 14328
Pollution Control Act. The notice of the director's proposed 14329
action to deny, modify, suspend, or revoke a permit to install, 14330
permit to operate, or NPDES permit shall include the address where 14331
written comments concerning the director's proposed action may be 14332
submitted and the period of time during which comments will be 14333
accepted as established by rule. If the director receives written 14334
comments in an amount that demonstrates significant public 14335
interest, as defined by rule, the director shall schedule one 14336
public meeting to provide information to the public and to hear 14337
comments pertinent to the proposed action. The notice of the 14338
public meeting shall be provided in the same manner as the notice 14339
of the director's proposed action. 14340

The director shall not issue an order that makes the proposed 14341
action final until the applicant or permittee has had an 14342
opportunity for an adjudication hearing in accordance with Chapter 14343
119. of the Revised Code, except that section 119.12 of the 14344
Revised Code does not apply. An order of the director that 14345
finalizes the proposed action or an order issuing a permit without 14346
a prior proposed action may be appealed to the environmental 14347
review appeals commission under sections 3745.04 to 3745.06 of the 14348
Revised Code. 14349

(G)(1) The director shall issue an order issuing or denying 14350
an application for a permit to operate that contains NPDES 14351
provisions or for a NPDES permit, as well as any application for a 14352
permit to install that is submitted simultaneously, not later than 14353
one hundred eighty days after receiving the application. 14354

(2) In the case of an application for a permit to install or permit to operate that is not connected with an application for a NPDES permit, the director shall issue or propose to deny the permit not later than ninety days after receiving the application. If the director has proposed to deny the permit to install or permit to operate under division (G)(2) of this section, the director shall issue an order denying the permit or, if the director decides against the proposed denial, issuing the permit not later than one hundred eighty days after receiving the application. If the director denies the permit, the director shall notify the applicant in writing of the reason for the denial.

(H) All rulemaking and the issuance of civil penalties under this chapter shall comply with Chapter 119. of the Revised Code.

(I) Upon the transfer of ownership of an animal feeding facility for which a permit to install, an installation permit, a ~~review compliance certificate~~, or a permit to operate that contains no NPDES provisions has been issued, the permit ~~or certificate~~ shall be transferred to the new owner of the animal feeding facility except as provided in division (C) of section 903.05 of the Revised Code. In the case of the transfer of ownership of a point source for which a NPDES permit or a permit to operate that contains NPDES provisions has been issued, the permit shall be transferred in accordance with rules.

(J) Applications for installation permits for animal feeding facilities pending before the director of environmental protection on the date on which the director of agriculture has finalized the programs required under division (A)(1) of section 903.02 and division (A)(1) of section 903.03 of the Revised Code shall be transferred to the director of agriculture. In the case of an applicant who is required to obtain a permit to install and a permit to operate under sections 903.02 and 903.03, respectively, of the Revised Code, the director of agriculture shall process the

pending application for an installation permit as an application 14387
for a permit to install and a permit to operate. 14388

(K) Applications for NPDES permits for either of the 14389
following that are pending before the director of environmental 14390
protection on the date on which the United States environmental 14391
protection agency approves the NPDES program submitted by the 14392
director of agriculture under section 903.08 of the Revised Code 14393
shall be transferred to the director of agriculture: 14394

(1) The discharge of pollutants from a concentrated animal 14395
feeding operation; 14396

(2) The discharge of storm water resulting from an animal 14397
feeding facility. 14398

In the case of an applicant who is required to obtain a NPDES 14399
permit under section 903.08 of the Revised Code, the director of 14400
agriculture shall process the pending application as an 14401
application for a NPDES permit under that section. 14402

Sec. 903.10. The director of agriculture may adopt rules in 14403
accordance with Chapter 119. of the Revised Code that do all of 14404
the following: 14405

(A) Establish all of the following concerning permits to 14406
install and permits to operate: 14407

(1) A description of what constitutes a modification of a 14408
concentrated animal feeding facility; 14409

(2) A description of what constitutes a major operational 14410
change at a concentrated animal feeding facility; 14411

(3) The amount of the fee that must be submitted with each 14412
permit application and each application for a permit modification; 14413

(4) Information that must be included in the designs and 14414
plans required to be submitted with an application for a permit to 14415

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| install and criteria for approving, disapproving, or requiring | 14416 |
| modification of the designs and plans; | 14417 |
| (5) Information that must be included in a manure management | 14418 |
| plan required to be submitted with an application for a permit to | 14419 |
| operate; | 14420 |
| (6) Information that must be included in an application for | 14421 |
| the modification of an installation permit, a permit to install, | 14422 |
| or a permit to operate; | 14423 |
| (7) Information that must be included in an application for | 14424 |
| approval of a major operational change at a concentrated animal | 14425 |
| feeding facility; | 14426 |
| (8) Any additional information that must be included with a | 14427 |
| permit application; | 14428 |
| (9) Procedures for the issuance, denial, modification, | 14429 |
| transfer, suspension, and revocation of permits to install and | 14430 |
| permits to operate, including general permits; | 14431 |
| (10) Procedures for the approval or denial of an application | 14432 |
| for approval of a major operational change at a concentrated | 14433 |
| animal feeding facility; | 14434 |
| (11) Grounds for the denial, modification, suspension, or | 14435 |
| revocation of permits to install and permits to operate in | 14436 |
| addition to the grounds established in division (D) of section | 14437 |
| 903.02 and division (D) of section 903.03 of the Revised Code; | 14438 |
| (12) Grounds for the denial of an application for approval of | 14439 |
| a major operational change at a concentrated animal feeding | 14440 |
| facility; | 14441 |
| (13) A requirement that a person that is required to obtain | 14442 |
| both a permit to install and a permit to operate submit | 14443 |
| applications for those permits simultaneously; | 14444 |
| (14) A definition of "general permit to operate" that | 14445 |

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| establishes categories of concentrated animal feeding facilities | 14446 |
| to be covered under such a permit and a definition of "individual | 14447 |
| permit to operate" together with the criteria for issuing a | 14448 |
| general permit to operate and the criteria for determining a | 14449 |
| person's eligibility to operate under a general permit to operate. | 14450 |
| (B) Establish all of the following for the purposes of review | 14451 |
| compliance certificates issued under section 903.04 of the Revised | 14452 |
| Code: | 14453 |
| (1) The form of a certificate; | 14454 |
| (2) Criteria for what constitutes a significant capital | 14455 |
| expenditure under division (D) of that section; | 14456 |
| (3) Deadlines and procedures for submitting information under | 14457 |
| division (E)(2) of that section. | 14458 |
| (C) Establish best management practices that minimize water | 14459 |
| pollution, odors, insects, and rodents, that govern the land | 14460 |
| application of manure that originated at a concentrated animal | 14461 |
| feeding facility, and that govern all of the following activities | 14462 |
| that occur at a concentrated animal feeding facility: | 14463 |
| (1) Manure management, including the storage, handling, | 14464 |
| transportation, and land application of manure. Rules adopted | 14465 |
| under division (C)(B)(1) of this section shall include practices | 14466 |
| that prevent surface and ground water contamination caused by the | 14467 |
| storage of manure or the land application of manure and prevent | 14468 |
| the contamination of water in drainage tiles that may be caused by | 14469 |
| that application. | 14470 |
| (2) Disposal of dead livestock; | 14471 |
| (3) Production of biodiesel, biomass energy, electric or heat | 14472 |
| energy, and biologically derived methane gas as those terms are | 14473 |
| defined in section 5713.30 of the Revised Code; | 14474 |
| (4) Any other activity that the director considers | 14475 |

appropriate. 14476

Best management practices established in rules adopted under 14477
division ~~(C)~~(B) of this section shall not conflict with best 14478
management practices established in rules that have been adopted 14479
under any other section of the Revised Code. The rules adopted 14480
under division ~~(C)~~(B) of this section shall establish guidelines 14481
that require owners or operators of concentrated animal feeding 14482
facilities to consult with and work with local officials, 14483
including boards of county commissioners and boards of township 14484
trustees, in addressing issues related to local government 14485
infrastructure needs and the financing of that infrastructure. 14486

~~(D)~~(C) Establish all of the following concerning insect and 14487
rodent control plans required under section 903.06 of the Revised 14488
Code: 14489

(1) The information to be included in an insect and rodent 14490
control plan; 14491

(2) Criteria for approving, disapproving, or requiring 14492
modification of an insect and rodent control plan; 14493

(3) Criteria for determining compliance with or violation of 14494
an insect and rodent control plan; 14495

(4) Procedures and standards for monitoring insect and rodent 14496
control plans; 14497

(5) Procedures and standards for enforcing insect and rodent 14498
control plans at concentrated animal feeding facilities at which 14499
insects or rodents constitute a nuisance or adversely affect 14500
public health; 14501

(6) The amount of civil penalties for violation of an insect 14502
and rodent control plan assessed by the director of agriculture 14503
under division (B) of section 903.16 of the Revised Code, provided 14504
that the rules adopted under division ~~(D)~~(C)(6) of this section 14505

shall not establish a civil penalty of more than ten thousand 14506
dollars for a violation involving a concentrated animal feeding 14507
facility that is not a major concentrated animal feeding facility 14508
and shall not establish a civil penalty of more than twenty-five 14509
thousand dollars for a violation involving a major concentrated 14510
animal feeding facility; 14511

(7) The time period within which the director must approve or 14512
deny an insect and rodent control plan after receiving it; 14513

(8) Any other provisions necessary to administer and enforce 14514
section 903.12 of the Revised Code. 14515

~~(E)~~(D) Establish all of the following concerning livestock 14516
manager certifications required under section 903.07 of the 14517
Revised Code: 14518

(1) The information to be included in an application for a 14519
livestock manager certification and the amount of the application 14520
fee; 14521

(2) The content of the training required to be completed and 14522
of the examination required to be passed by an applicant for a 14523
livestock manager certification. The training shall include and 14524
the examination shall test the applicant's knowledge of 14525
information on topics that include calculating nutrient values in 14526
manure, devising and implementing a plan for the land application 14527
of manure, removing manure held in a manure storage or treatment 14528
facility, and following best management practices established in 14529
rules for disposal of dead animals and manure management, 14530
including practices that control odor and protect the environment. 14531
The director may specify other types of recognized training 14532
programs that, if completed, are considered to satisfy the 14533
training and examination requirement. 14534

(3) Criteria and procedures for the issuance, denial, 14535
suspension, revocation, or reinstatement of a livestock manager 14536

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| certification; | 14537 |
| (4) The length of time during which livestock manager | 14538 |
| certifications will be valid and procedures for their renewal; | 14539 |
| (5) The volume of manure that must be transported and land | 14540 |
| applied annually or the volume of manure that must be bought, | 14541 |
| sold, or land applied annually by a person in order for the person | 14542 |
| to be required to obtain a livestock manager certification under | 14543 |
| division (A)(2) of section 903.07 of the Revised Code; | 14544 |
| (6) Requirements governing the management and handling of | 14545 |
| manure, including the land application of manure; | 14546 |
| (7) Requirements governing the keeping of records regarding | 14547 |
| the handling of manure, including the land application of manure; | 14548 |
| (8) Any other provisions necessary to administer and enforce | 14549 |
| section 903.07 of the Revised Code. | 14550 |
| (F) (E) Establish all of the following concerning NPDES | 14551 |
| permits: | 14552 |
| (1) The designation of concentrated animal feeding operations | 14553 |
| that are subject to NPDES permit requirements under section 903.08 | 14554 |
| of the Revised Code; | 14555 |
| (2) Effluent limitations governing discharges into waters of | 14556 |
| the state that are authorized by permits; | 14557 |
| (3) Variances from effluent limitations and other permit | 14558 |
| requirements to the extent that the variances are consistent with | 14559 |
| the Federal Water Pollution Control Act; | 14560 |
| (4) Terms and conditions to be included in a permit, | 14561 |
| including, as applicable, best management practices; installation | 14562 |
| of discharge or water quality monitoring methods or equipment; | 14563 |
| creation and retention of records; submission of periodic reports; | 14564 |
| schedules of compliance; net volume, net weight, and, where | 14565 |
| necessary, concentration and mass loading limits of manure that | 14566 |

may be discharged into waters of the state; and authorized 14567
duration and frequency of any discharges into waters of the state; 14568

(5) Procedures for the submission of applications for permits 14569
and notices of intent to be covered by general permits, including 14570
information that must be included in the applications and notices; 14571

(6) The amount of the fee that must be submitted with an 14572
application for a permit; 14573

(7) Procedures for processing permit applications, including 14574
public notice and participation requirements; 14575

(8) Procedures for notifying the United States environmental 14576
protection agency of the submission of permit applications, the 14577
director's action on those applications, and any other reasonable 14578
and relevant information; 14579

(9) Procedures for notifying and receiving and responding to 14580
recommendations from other states whose waters may be affected by 14581
the issuance of a permit; 14582

(10) Procedures for the transfer of permits to new owners or 14583
operators; 14584

(11) Grounds and procedures for the issuance, denial, 14585
modification, suspension, or revocation of permits, including 14586
general permits; 14587

(12) A definition of "general NPDES permit" that establishes 14588
categories of point sources to be covered under such a permit and 14589
a definition of "individual NPDES permit" together with the 14590
criteria for issuing a general NPDES permit and the criteria for 14591
determining a person's eligibility to discharge under a general 14592
NPDES permit. 14593

The rules adopted under division ~~(F)~~(E) of this section shall 14594
be consistent with the requirements of the Federal Water Pollution 14595
Control Act. 14596

~~(G)~~(F) Establish public notice and participation 14597
requirements, in addition to the procedures established in rules 14598
adopted under division ~~(F)~~(E)(7) of this section, for the 14599
issuance, denial, modification, transfer, suspension, and 14600
revocation of permits to install, permits to operate, and NPDES 14601
permits consistent with section 903.09 of the Revised Code, 14602
including a definition of what constitutes significant public 14603
interest for the purposes of divisions (A) and (F) of section 14604
903.09 of the Revised Code and procedures for public meetings. The 14605
rules shall require that information that is presented at such a 14606
public meeting be limited to the criteria that are applicable to 14607
the permit application that is the subject of the public meeting. 14608

~~(H)~~(G) Establish the amount of civil penalties assessed by 14609
the director of agriculture under division (B) of section 903.16 14610
of the Revised Code for violation of the terms and conditions of a 14611
permit to install, or permit to operate, ~~or review compliance~~ 14612
~~certificate~~, provided that the rules adopted under this division 14613
shall not establish a civil penalty of more than ten thousand 14614
dollars per day for each violation; 14615

~~(I)~~(H) Establish procedures for the protection of trade 14616
secrets from public disclosure. The procedures shall authorize the 14617
release of trade secrets to officers, employees, or authorized 14618
representatives of the state, another state, or the United States 14619
when necessary for an enforcement action brought under this 14620
chapter or when otherwise required by the Federal Water Pollution 14621
Control Act. The rules shall require at least ten days' written 14622
notice to the person to whom a trade secret applies prior to the 14623
release of the trade secret. Rules adopted under this division do 14624
not apply to any information that is contained in applications, 14625
including attachments, for NPDES permits and that is required to 14626
be submitted under section 903.08 of the Revised Code or rules 14627
adopted under division ~~(F)~~(E) of this section. 14628

~~(J)~~(I) Establish any other provisions necessary to administer 14629
and enforce this chapter. 14630

Sec. 903.11. (A) The director of agriculture may enter into 14631
contracts or agreements to carry out the purposes of this chapter 14632
with any public or private person, including OSU extension, the 14633
natural resources conservation service in the United States 14634
department of agriculture, the environmental protection agency, 14635
the division of soil and water resources in the department of 14636
natural resources, and soil and water conservation districts 14637
established under Chapter 1515. of the Revised Code. However, the 14638
director shall not enter into a contract or agreement with a 14639
private person for the review of applications for permits to 14640
install, permits to operate, or NPDES permits, ~~or review~~ 14641
~~compliance certificates~~ that are issued under this chapter or for 14642
the inspection of a facility regulated under this chapter or with 14643
any person for the issuance of any of those permits ~~or~~ 14644
~~certificates~~ or for the enforcement of this chapter and rules 14645
adopted under it. 14646

(B) The director may administer grants and loans using moneys 14647
from the federal government and other sources, public or private, 14648
for carrying out any of the director's functions. Nothing in this 14649
chapter shall be construed to limit the eligibility of owners or 14650
operators of animal feeding facilities or other agricultural 14651
enterprises to receive moneys from the water pollution control 14652
loan fund established under section 6111.036 of the Revised Code 14653
and the nonpoint source pollution management fund established 14654
under section 6111.037 of the Revised Code. 14655

The director of agriculture shall provide the director of 14656
environmental protection with written recommendations for 14657
providing financial assistance from those funds to agricultural 14658
enterprises. The director of environmental protection shall 14659

consider the recommendations in developing priorities for 14660
providing financial assistance from the funds. 14661

Sec. 903.12. (A) The director of agriculture or the 14662
director's authorized representative at reasonable times may enter 14663
on any public or private property, real or personal, to make 14664
investigations and inspections, including the sampling of 14665
discharges and the inspection of discharge monitoring equipment, 14666
or to otherwise execute duties that are necessary for the 14667
administration and enforcement of this chapter. The director or 14668
the director's authorized representative at reasonable times may 14669
examine and copy any records pertaining to discharges that are 14670
subject to this chapter or any records that are required to be 14671
maintained by the terms and conditions of a permit ~~or review~~ 14672
~~compliance certificate~~ issued under this chapter. If refused 14673
entry, the director or the director's authorized representative 14674
may apply for and the court of common pleas having jurisdiction 14675
may issue an appropriate warrant. 14676

(B) No person to whom a permit ~~or review compliance~~ 14677
~~certificate~~ has been issued under this chapter shall refuse entry 14678
to the director or the director's authorized representative or 14679
purposely hinder or thwart the director or the director's 14680
authorized representative in the exercise of any authority granted 14681
under division (A) of this section. 14682

Sec. 903.13. In a private civil action for an alleged 14683
nuisance related to agricultural activities conducted at a 14684
concentrated animal feeding facility, it is an affirmative defense 14685
if the person owning, operating, or otherwise responsible for the 14686
concentrated animal feeding facility is in compliance with best 14687
management practices established in the installation permit, or 14688
permit to operate, ~~or review compliance certificate~~ issued for the 14689
concentrated animal feeding facility and the agricultural 14690

activities do not violate federal, state, and local laws governing 14691
nuisances. 14692

Sec. 903.16. (A) The director of agriculture may propose to 14693
require corrective actions and assess a civil penalty against an 14694
owner or operator of a concentrated animal feeding facility if the 14695
director or the director's authorized representative determines 14696
that the owner or operator is not in compliance with section 14697
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 14698
the Revised Code, the terms and conditions of a permit to install, 14699
or permit to operate, ~~or review compliance certificate~~ issued for 14700
the concentrated animal feeding facility, including the 14701
requirements established under division (C) of section 903.06 of 14702
the Revised Code, or rules adopted under division (A), (B), (C), 14703
(D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code. 14704
However, the director may impose a civil penalty only if all of 14705
the following occur: 14706

(1) The owner or operator is notified in writing of the 14707
deficiencies resulting in noncompliance, the actions that the 14708
owner or operator must take to correct the deficiencies, and the 14709
time period within which the owner or operator must correct the 14710
deficiencies and attain compliance. 14711

(2) After the time period specified in the notice has 14712
elapsed, the director or the director's duly authorized 14713
representative has inspected the concentrated animal feeding 14714
facility, determined that the owner or operator is still not in 14715
compliance, and issued a notice of an adjudication hearing. 14716

(3) The director affords the owner or operator an opportunity 14717
for an adjudication hearing under Chapter 119. of the Revised Code 14718
to challenge the director's determination that the owner or 14719
operator is not in compliance or the imposition of the civil 14720

penalty, or both. However, the owner or operator may waive the right to an adjudication hearing.

(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation has occurred or is occurring, the director may issue an order requiring compliance and assess the civil penalty. The order and the assessment of the civil penalty may be appealed in accordance with section 119.12 of the Revised Code.

Civil penalties shall be assessed under this division as follows:

(1) A person who has violated section 903.02, or 903.03, ~~or 903.04~~ of the Revised Code, the terms and conditions of a permit to install, or permit to operate, ~~or review compliance certificate~~, or rules adopted under division (A), (B), (C), (D), ~~(E)~~, or ~~(F)~~ (I) of section 903.10 of the Revised Code shall pay a civil penalty in an amount established in rules unless the violation is of the requirements established under division (C) of section 903.06 or division (A) of section 903.07 of the Revised Code.

(2) A person who has violated the requirements established under division (C) of section 903.06 of the Revised Code shall pay a civil penalty in an amount established in rules for each violation. Each seven-day period during which a violation continues constitutes a separate violation.

(3) A person who has violated the requirements established under division (A) of section 903.07 of the Revised Code shall pay a civil penalty of not more than ten thousand dollars for each violation. Each thirty-day period during which a violation continues constitutes a separate violation.

(C) The attorney general, upon the written request of the director, shall bring an action for an injunction in any court of

competent jurisdiction against any person violating or threatening 14752
to violate section 903.02, or 903.03, ~~or 903.04~~ or division (A) of 14753
section 903.07 of the Revised Code; the terms and conditions of a 14754
permit to install, or permit to operate, ~~or review compliance~~ 14755
~~certificate~~, including the requirements established under division 14756
(C) of section 903.06 of the Revised Code; rules adopted under 14757
division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of 14758
the Revised Code; or an order issued under division (B) of this 14759
section or division (B) of section 903.07 of the Revised Code. 14760

(D)(1) In lieu of seeking civil penalties under division (A) 14761
of this section, the director may request the attorney general, in 14762
writing, to bring an action for a civil penalty in a court of 14763
competent jurisdiction against any person that has violated or is 14764
violating division (A) of section 903.07 of the Revised Code or 14765
the terms and conditions of a permit to install, or permit to 14766
operate, ~~or review compliance certificate~~, including the 14767
requirements established under division (C) of section 903.06 of 14768
the Revised Code. 14769

(2) The director may request the attorney general, in 14770
writing, to bring an action for a civil penalty in a court of 14771
competent jurisdiction against any person that has violated or is 14772
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 14773
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 14774
~~(J)~~(I) of section 903.10 of the Revised Code, or an order issued 14775
under division (B) of this section or division (B) of section 14776
903.07 of the Revised Code. 14777

(3) A person who has committed a violation for which the 14778
attorney general may bring an action for a civil penalty under 14779
division (D)(1) or (2) of this section shall pay a civil penalty 14780
of not more than ten thousand dollars per violation. Each day that 14781
a violation continues constitutes a separate violation. 14782

(E) In addition to any other penalties imposed under this 14783

section, the director may impose an administrative penalty against 14784
an owner or operator of a concentrated animal feeding facility if 14785
the director or the director's authorized representative 14786
determines that the owner or operator is not in compliance with 14787
best management practices that are established in rules adopted 14788
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 14789
Code or in the permit to install, or permit to operate, ~~or review~~ 14790
~~compliance certificate~~ issued for the facility. The administrative 14791
penalty shall not exceed five thousand dollars. 14792

The director shall afford the owner or operator an 14793
opportunity for an adjudication hearing under Chapter 119. of the 14794
Revised Code to challenge the director's determination under this 14795
division, the director's imposition of an administrative penalty 14796
under this division, or both. The director's determination and the 14797
imposition of the administrative penalty may be appealed in 14798
accordance with section 119.12 of the Revised Code. 14799

Sec. 903.17. (A) The director of agriculture may propose to 14800
require corrective actions and assess a civil penalty against an 14801
owner or operator of an animal feeding operation if the director 14802
or the director's authorized representative determines that the 14803
owner or operator is not in compliance with section 903.08 of the 14804
Revised Code, the terms and conditions of a NPDES permit, the 14805
NPDES provisions of a permit to operate, or rules adopted under 14806
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 14807
the director may impose a civil penalty only if all of the 14808
following occur: 14809

(1) The owner or operator is notified in writing of the 14810
deficiencies resulting in noncompliance, the actions that the 14811
owner or operator must take to correct the deficiencies, and the 14812
time period within which the owner or operator must correct the 14813
deficiencies and attain compliance. 14814

(2) After the time period specified in the notice has elapsed, the director or the director's duly authorized representative has inspected the animal feeding operation, determined that the owner or operator is still not in compliance, and issued a notice of violation to require corrective actions.

(3) The director affords the owner or operator an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the director's determination that the owner or operator is not in compliance or the imposition of the civil penalty, or both. However, the owner or operator may waive the right to an adjudication hearing.

(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation has occurred or is occurring, the director may issue an order and assess a civil penalty of not more than ten thousand dollars per violation against the violator. For purposes of determining the civil penalty, each day that a violation continues constitutes a separate and distinct violation. The order and the assessment of the civil penalty may be appealed in accordance with section 119.12 of the Revised Code.

(C) To the extent consistent with the Federal Water Pollution Control Act, the director shall consider technical feasibility and economic costs in issuing orders under this section.

(D)(1) The attorney general, upon the written request of the director, shall bring an action for an injunction in any court of competent jurisdiction against any person violating or threatening to violate section 903.08 of the Revised Code, the terms and conditions of a NPDES permit, the NPDES provisions of a permit to operate, rules adopted under division ~~(F)~~(E) of section 903.10 of the Revised Code, or an order issued under division (B) of this section.

(2) In lieu of seeking civil penalties under division (A) of 14846
this section, the director may request, in writing, the attorney 14847
general to bring an action for a civil penalty of not more than 14848
ten thousand dollars per violation in a court of competent 14849
jurisdiction against any person that has violated or is violating 14850
section 903.08 of the Revised Code, the terms and conditions of a 14851
NPDES permit, the NPDES provisions of a permit to operate, rules 14852
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 14853
Code, or an order issued under division (B) of this section. For 14854
purposes of determining the civil penalty to be assessed under 14855
division (B) of this section, each day that a violation continues 14856
constitutes a separate and distinct violation. 14857

(E) In addition to any other penalties imposed under this 14858
section, the director may impose an administrative penalty against 14859
an owner or operator of an animal feeding operation if the 14860
director or the director's authorized representative determines 14861
that the owner or operator has discharged pollutants into waters 14862
of the state in violation of section 903.08 of the Revised Code or 14863
the terms and conditions of a NPDES permit or the NPDES provisions 14864
of the permit to operate issued for the operation. The 14865
administrative penalty shall not exceed five thousand dollars. 14866

The director shall afford the owner or operator an 14867
opportunity for an adjudication hearing under Chapter 119. of the 14868
Revised Code to challenge the director's determination under this 14869
division, the director's imposition of an administrative penalty 14870
under this division, or both. The director's determination and the 14871
imposition of the administrative penalty may be appealed in 14872
accordance with section 119.12 of the Revised Code. 14873

Sec. 903.25. An owner or operator of an animal feeding 14874
facility who holds a permit to install, a permit to operate, a 14875
~~review compliance certificate,~~ or a NPDES permit or who is 14876

operating under an operation and management plan, as defined in 14877
section 1511.01 of the Revised Code, developed or approved by the 14878
chief of the division of soil and water resources in the 14879
department of natural resources under section 1511.02 of the 14880
Revised Code or by the supervisors of the appropriate soil and 14881
water conservation district under section 1515.08 of the Revised 14882
Code shall not be required by any political subdivision of the 14883
state or any officer, employee, agency, board, commission, 14884
department, or other instrumentality of a political subdivision to 14885
obtain a license, permit, or other approval pertaining to manure, 14886
insects or rodents, odor, or siting requirements for installation 14887
of an animal feeding facility. 14888

Sec. 918.41. If the director of agriculture has not entered 14889
into an agreement with the United States department of agriculture 14890
in compliance with section 918.44 of the Revised Code, ~~he~~ the 14891
director shall establish and maintain a state acceptance service 14892
within the department of agriculture to examine and monitor 14893
compliance by meat and poultry vendors ~~on the list established and~~ 14894
~~maintained by the director of administrative services under~~ 14895
~~section 125.17 of the Revised Code~~ with the specifications of the 14896
state purchase contracts awarded them under section 125.11 of the 14897
Revised Code, and by establishments, as defined in section 918.01 14898
or 918.21 of the Revised Code, subject to state or federal 14899
inspection. State acceptance service shall be made available to 14900
such vendors and establishments within the state from eight a.m. 14901
to five p.m. Monday through Friday. 14902

At least forty-eight hours, excluding Saturday and Sunday, 14903
before the date on which ~~he~~ a vendor or authorized representative 14904
from such an establishment desires examination and monitoring of 14905
the production of meat products, as defined in section 918.01 of 14906
the Revised Code, or poultry products, as defined in section 14907
918.21 of the Revised Code, that ~~he~~ the vendor or establishment 14908

intends to supply to the state under a state purchase contract, a 14909
vendor or authorized representative from such an establishment 14910
shall contact the state acceptance service and request examination 14911
and monitoring. A state acceptor shall examine and monitor the 14912
production of the meat or poultry products to determine whether 14913
there is compliance with the state purchase contract 14914
specifications. The containers of products found to be in 14915
compliance shall be sealed, dated, and marked with an official 14916
mark. The state acceptor shall provide an official acceptance 14917
certificate to accompany each shipment to its destination. 14918

The director shall train and appoint as state acceptors 14919
inspectors, as defined in sections 918.01 and 918.21 of the 14920
Revised Code. 14921

Acceptance may be provided by the United States department of 14922
agriculture at the option of the vendor or authorized 14923
representative of such an establishment. 14924

Sec. 955.12. Except as provided in section 955.121 of Revised 14925
Code, a board of county commissioners shall appoint or employ a 14926
county dog warden and deputies in such number, for such periods of 14927
time, and at such compensation as the board considers necessary to 14928
enforce sections 955.01 to 955.27, ~~955.29 to 955.38~~, and 955.50 to 14929
955.53 of the Revised Code. 14930

The warden and deputies shall give bond in a sum not less 14931
than five hundred dollars and not more than two thousand dollars, 14932
as set by the board, conditioned for the faithful performance of 14933
their duties. The bond or bonds may, in the discretion of the 14934
board, be individual or blanket bonds. The bonds shall be filed 14935
with the county auditor of their respective counties. 14936

The warden and deputies shall make a record of all dogs 14937
owned, kept, and harbored in their respective counties. They shall 14938
patrol their respective counties and seize and impound on sight 14939

all dogs found running at large and all dogs more than three 14940
months of age found not wearing a valid registration tag, except 14941
any dog that wears a valid registration tag and is: on the 14942
premises of its owner, keeper, or harborer, under the reasonable 14943
control of its owner or some other person, hunting with its owner 14944
or its handler at a field trial, kept constantly confined in a dog 14945
kennel registered under this chapter or one licensed under Chapter 14946
956. of the Revised Code, or acquired by, and confined on the 14947
premises of, an institution or organization of the type described 14948
in section 955.16 of the Revised Code. A dog that wears a valid 14949
registration tag may be seized on the premises of its owner, 14950
keeper, or harborer and impounded only in the event of a natural 14951
disaster. 14952

If a dog warden has reason to believe that a dog is being 14953
treated inhumanely on the premises of its owner, keeper, or 14954
harborer, the warden shall apply to the court of common pleas for 14955
the county in which the premises are located for an order to enter 14956
the premises, and if necessary, seize the dog. If the court finds 14957
probable cause to believe that the dog is being treated 14958
inhumanely, it shall issue such an order. 14959

The warden and deputies shall also ~~investigate all claims for~~ 14960
~~damages to animals reported to them under section 955.29 of the~~ 14961
~~Revised Code and assist claimants to fill out the claim form~~ 14962
~~therefor. They shall~~ make weekly reports, in writing, to the board 14963
in their respective counties of all dogs seized, impounded, 14964
redeemed, and destroyed ~~and of all claims for damage to animals~~ 14965
~~inflicted by dogs.~~ 14966

The wardens and deputies shall have the same police powers as 14967
are conferred upon sheriffs and police officers in the performance 14968
of their duties as prescribed by sections 955.01 to 955.27, ~~955.29~~ 14969
~~to 955.38,~~ and 955.50 to 955.53 of the Revised Code. They shall 14970
also have power to summon the assistance of bystanders in 14971

performing their duties and may serve writs and other legal 14972
processes issued by any court in their respective counties with 14973
reference to enforcing those sections. County auditors may 14974
deputize the wardens or deputies to issue dog licenses as provided 14975
in sections 955.01 and 955.14 of the Revised Code. 14976

Whenever any person files an affidavit in a court of 14977
competent jurisdiction that there is a dog running at large that 14978
is not kept constantly confined either in a dog kennel registered 14979
under this chapter or one licensed under Chapter 956. of the 14980
Revised Code or on the premises of an institution or organization 14981
of the type described in section 955.16 of the Revised Code or 14982
that a dog is kept or harbored in the warden's jurisdiction 14983
without being registered as required by law, the court shall 14984
immediately order the warden to seize and impound the dog. 14985
Thereupon the warden shall immediately seize and impound the dog 14986
complained of. The warden shall give immediate notice by certified 14987
mail to the owner, keeper, or harborer of the dog seized and 14988
impounded by the warden, if the owner, keeper, or harborer can be 14989
determined from the current year's registration list maintained by 14990
the warden and the county auditor of the county where the dog is 14991
registered, that the dog has been impounded and that, unless the 14992
dog is redeemed within fourteen days of the date of the notice, it 14993
may thereafter be sold or destroyed according to law. If the 14994
owner, keeper, or harborer cannot be determined from the current 14995
year's registration list maintained by the warden and the county 14996
auditor of the county where the dog is registered, the officer 14997
shall post a notice in the pound or animal shelter both describing 14998
the dog and place where seized and advising the unknown owner 14999
that, unless the dog is redeemed within three days, it may 15000
thereafter be sold or destroyed according to law. 15001

~~As used in this section, "animal" has the same meaning as in 15002
section 955.51 of the Revised Code. 15003~~

Sec. 955.121. (A)(1) In lieu of appointing a county dog warden and deputies under section 955.12 of the Revised Code, a board of county commissioners may appoint the county sheriff to enforce sections 955.01 to 955.27, ~~955.29 to 955.38~~, and 955.50 to 955.53 of the Revised Code. If a board chooses to appoint the county sheriff as the county dog warden, the board shall enter into a two-year written agreement with the sheriff for that purpose at the first meeting in a calendar year following a general election in which at least one of the members of the board was elected.

(2) The agreement may authorize both of the following:

(a) The sheriff to appoint sheriff's deputies or persons other than peace officers as deputy dog wardens;

(b) The transfer of any benefits accrued by employees who are transferred as a result of the county sheriff's being appointed as the county dog warden.

(B) Any dog warden and deputy dog wardens appointed under this section shall comply with both of the following:

(1) Any training requirements applicable to county dog wardens and deputy dog wardens appointed or employed under section 955.12 of the Revised Code;

(2) The requirements established in that section.

(C) If a county sheriff or a sheriff's deputies are appointed as a dog warden or deputy dog wardens under this section, references in this chapter and in Chapters 953., 956., and 959. of the Revised Code to "dog warden" and "deputy dog warden" shall be deemed to be replaced, respectively, with references to "sheriff" and "deputy sheriff."

Sec. 955.14. (A) Notwithstanding section 955.01 of the

Revised Code, a board of county commissioners by resolution may 15033
increase dog and kennel registration fees in the county. The 15034
amount of the fees shall not exceed an amount that the board, in 15035
its discretion, estimates is needed to pay all expenses for the 15036
administration of this chapter ~~and to pay claims allowed for~~ 15037
~~animals injured or destroyed by dogs~~. Such a resolution shall be 15038
adopted not earlier than the first day of February and not later 15039
than the thirty-first day of August of any year and shall specify 15040
the registration period or periods to which the increased fees 15041
apply. An increase in fees adopted under this division shall be in 15042
the ratio of two dollars for each year of registration for a dog 15043
registration fee, twenty dollars for a permanent dog registration 15044
fee, and ten dollars for a kennel registration fee. 15045

~~(B) Not later than the fifteenth day of October of each year,~~ 15046
~~the board of county commissioners shall determine if there is~~ 15047
~~sufficient money in the dog and kennel fund, after paying the~~ 15048
~~expenses of administration incurred or estimated to be incurred~~ 15049
~~for the remainder of the year, to pay the claims allowed for~~ 15050
~~animals injured or destroyed by dogs. If the board determines~~ 15051
~~there is not sufficient money in the dog and kennel fund to pay~~ 15052
~~the claims allowed, the board shall provide by resolution that all~~ 15053
~~claims remaining unpaid shall be paid from the general fund of the~~ 15054
~~county. All money paid out of the general fund for those purposes~~ 15055
~~may be replaced by the board from the dog and kennel fund at any~~ 15056
~~time during the following year notwithstanding section 5705.14 of~~ 15057
~~the Revised Code.~~ 15058

~~(C)~~ Notwithstanding section 955.20 of the Revised Code, if 15059
dog and kennel registration fees in any county are increased above 15060
two dollars for each year of registration and twenty dollars for a 15061
permanent registration for a dog registration fee and ten dollars 15062
for a kennel registration fee under authority of division (A) of 15063
this section, then on or before the first day of March following 15064

each year in which the increased fees are in effect, the county auditor shall draw on the dog and kennel fund a warrant payable to the college of veterinary medicine of the Ohio state university in an amount equal to ten cents for each one-year dog registration, thirty cents for each three-year dog registration, one dollar for each permanent dog registration, and ten cents for each kennel registration fee received during the preceding year. The money received by the college of veterinary medicine of the Ohio state university under this division shall be applied for research and study of the diseases of dogs, particularly those transmittable to humans, and for research of other diseases of dogs that by their nature will provide results applicable to the prevention and treatment of both human and canine illness.

~~(D)~~(C) The Ohio state university college of veterinary medicine shall be responsible to report annually to the general assembly the progress of the research and study authorized and funded by division ~~(C)~~(B) of this section. The report shall briefly describe the research projects undertaken and assess the value of each. The report shall account for funds received pursuant to division ~~(C)~~(B) of this section and for the funds expended attributable to each research project and for other necessary expenses in conjunction with the research authorized by division ~~(C)~~(B) of this section. The report shall be filed with the general assembly by the first day of May of each year.

~~(E)~~(D) The county auditor may authorize agents to receive applications for registration of dogs and kennels and to issue certificates of registration and tags. If authorized agents are employed in a county, each applicant for a dog or kennel registration shall pay to the agent an administrative fee of seventy-five cents in addition to the registration fee. The administrative fee shall be the compensation of the agent. The county auditor shall establish rules for reporting and accounting

by the agents. No administrative or similar fee shall be charged 15097
in any county except as authorized by this division or division 15098
~~(F)~~(E) of this section. 15099

~~(F)~~(E) For any county that accepts the payment of dog and 15100
kennel registration fees by financial transaction devices in 15101
accordance with section 955.013 of the Revised Code, in addition 15102
to those registration fees, the county auditor shall collect for 15103
each registration paid by a financial transaction device one of 15104
the following: 15105

(1) An administrative fee of seventy-five cents or another 15106
amount necessary to cover actual costs designated by the county 15107
auditor; 15108

(2) If the board of county commissioners adopts a surcharge 15109
or convenience fee for making payments by a financial transaction 15110
device under division (E) of section 301.28 of the Revised Code, 15111
that surcharge or convenience fee; 15112

(3) If the county auditor contracts with a third party to 15113
provide services to enable registration via the internet as 15114
provided in section 955.013 of the Revised Code, a surcharge or 15115
convenience fee as agreed to between that third party and the 15116
county for those internet registration services. Any additional 15117
expenses incurred by the county auditor that result from a 15118
contract with a third party as provided in this section and 15119
section 955.013 of the Revised Code and that are not covered by a 15120
surcharge or convenience fee shall be paid out of the allowance 15121
provided to the county auditor under section 955.20 of the Revised 15122
Code. 15123

~~(G)~~(F) The county auditor shall post conspicuously the amount 15124
of the administrative fee, surcharge, or convenience fee that is 15125
permissible under this section on the web page where the auditor 15126
accepts payments for registrations made under division (B)(1) of 15127

section 955.013 of the Revised Code. If any person chooses to pay 15128
by financial transaction device, the administrative fee, 15129
surcharge, or convenience fee shall be considered voluntary and is 15130
not refundable. 15131

~~(H) As used in this section, "animal" has the same meaning as 15132
in section 955.51 of the Revised Code. 15133~~

Sec. 955.15. The board of county commissioners shall provide 15134
nets and other suitable devices for the taking of dogs in a humane 15135
manner, provide a suitable place for impounding dogs, make proper 15136
provision for feeding and caring for the same, and provide humane 15137
devices and methods for destroying dogs. In any county in which 15138
there is a society for the prevention of cruelty to children and 15139
animals, having one or more agents and maintaining an animal 15140
shelter suitable for a dog pound and devices for humanely 15141
destroying dogs, the board need not furnish a dog pound, but the 15142
county dog warden shall deliver all dogs seized by ~~him~~ the warden 15143
and ~~his~~ the warden's deputies to such society at its animal 15144
shelter, there to be dealt with in accordance with law. The board 15145
shall provide for the payment of reasonable compensation to such 15146
society for its services so performed out of the dog and kennel 15147
fund. The board may designate and appoint any officers regularly 15148
employed by any society organized under sections 1717.02 to 15149
1717.05, ~~inclusive,~~ of the Revised Code, to act as county dog 15150
warden or deputies for the purpose of carrying out sections 955.01 15151
to 955.27, ~~inclusive,~~ and 955.29 to 955.38, ~~inclusive,~~ of the 15152
Revised Code, if such society whose agents are so employed owns or 15153
controls a suitable place for keeping and destroying dogs. 15154

Sec. 955.20. The registration fees provided for in sections 15155
955.01 to 955.14 of the Revised Code constitute a special fund 15156
known as "the dog and kennel fund." The fees shall be deposited by 15157
the county auditor in the county treasury daily as collected. 15158

Money in the fund shall be used for the purpose of defraying the 15159
cost of furnishing all blanks, records, tags, nets, and other 15160
equipment, for the purpose of paying the compensation of county 15161
dog wardens, deputies, poundkeepers, and other employees necessary 15162
to carry out and enforce sections 955.01 to 955.261 of the Revised 15163
Code, ~~and for the payment of animal claims as provided in sections~~ 15164
~~955.29 to 955.38 of the Revised Code,~~ and in accordance with 15165
section 955.27 of the Revised Code. The board of county 15166
commissioners, by resolution, shall appropriate sufficient funds 15167
out of the dog and kennel fund, not more than fifteen per cent of 15168
which shall be expended by the auditor for registration tags, 15169
blanks, records, and clerk hire, for the purpose of defraying the 15170
necessary expenses of registering, seizing, impounding, and 15171
destroying dogs in accordance with sections 955.01 to 955.27 of 15172
the Revised Code, and for the purpose of covering any additional 15173
expenses incurred by the county auditor as authorized by division 15174
~~(F)~~(E)(3) of section 955.14 of the Revised Code. 15175

If the funds so appropriated in any calendar year are found 15176
by the board to be insufficient to defray the necessary cost and 15177
expense of the county dog warden in enforcing sections 955.01 to 15178
955.27 of the Revised Code, the board, by resolution so provided, 15179
~~after setting aside a sum equal to the total amount of animal~~ 15180
~~claims filed in that calendar year, or an amount equal to the~~ 15181
~~total amount of animal claims paid or allowed the preceding year,~~ 15182
~~whichever amount is larger,~~ may appropriate further funds for the 15183
use and purpose of the county dog warden in administering those 15184
sections. 15185

Sec. 955.27. After paying all necessary expenses of 15186
administering the sections of the Revised Code relating to the 15187
registration, seizing, impounding, and destroying of dogs, 15188
including the purchase, construction, and repair of vehicles and 15189
facilities necessary for the proper administration of such 15190

~~sections, making compensation for injuries to livestock inflicted~~ 15191
~~by dogs, and after paying all animal claims,~~ the board of county 15192
commissioners, at the December session, if there remains more than 15193
two thousand dollars in the dog and kennel fund for that year in a 15194
county in which there is a society for the prevention of cruelty 15195
to children and animals, incorporated and organized by law, and 15196
having one or more agents appointed pursuant to law, or any other 15197
society organized under Chapter 1717. of the Revised Code, that 15198
owns or controls a suitable dog kennel or a place for the keeping 15199
and destroying of dogs that has one or more agents appointed and 15200
employed pursuant to law, may pay to the treasurer of the society, 15201
upon warrant of the county auditor, all such excess as the board 15202
deems necessary for the uses and purposes of the society. 15203

~~As used in this section, "animal" has the same meaning as in~~ 15204
~~section 955.51 of the Revised Code.~~ 15205

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised 15206
Code, each state agency shall determine if, and the extent to 15207
which, it will send and receive electronic records and electronic 15208
signatures to and from other persons and otherwise create, 15209
generate, communicate, store, process, use, and rely upon 15210
electronic records and electronic signatures. 15211

(B)(1) Subject to division (B)(2) of this section, a state 15212
agency may waive a requirement in the Revised Code, other than a 15213
requirement in sections 1306.01 to 1306.15 of the Revised Code, 15214
that relates to any of the following: 15215

(a) The method of posting or displaying records; 15216

(b) The manner of sending, communicating, or transmitting 15217
records; 15218

(c) The manner of formatting records. 15219

(2) A state agency may exercise its authority to waive a 15220

requirement under division (B)(1) of this section only if the 15221
following apply: 15222

(a) The requirement relates to a matter over which the state 15223
agency has jurisdiction; 15224

(b) The waiver is consistent with criteria set forth in rules 15225
adopted by the state agency. The criteria, to the extent 15226
reasonable under the circumstances, shall contain standards to 15227
facilitate the use of electronic commerce by persons under the 15228
jurisdiction of the state agency consistent with rules adopted by 15229
the department of administrative services pursuant to division (A) 15230
of section 1306.21 of the Revised Code. 15231

(C) If a state agency creates, uses, receives, or retains 15232
electronic records, both of the following apply: 15233

(1) Any rules adopted by a state agency relating to 15234
electronic records shall be consistent with rules adopted by the 15235
department of administrative services pursuant to division (A) of 15236
section 1306.21 of the Revised Code. 15237

(2) Each state agency shall create, use, receive, and retain 15238
electronic records in accordance with section 149.40 of the 15239
Revised Code. 15240

(D) If a state agency creates, uses, or receives electronic 15241
signatures, the state agency shall create, use, or receive the 15242
signatures in accordance with rules adopted by the department of 15243
administrative services pursuant to division (A) of section 15244
1306.21 of the Revised Code. 15245

(E)~~(1)~~ To the extent a state agency retains an electronic 15246
record, the state agency may retain a record in a format that is 15247
different from the format in which the record was originally 15248
created, used, sent, or received only if it can be demonstrated 15249
that the alternative format used accurately and completely 15250
reflects the record as it was originally created, used, sent, or 15251

received. 15252

~~(2) If a state agency in retaining any set of electronic 15253
records pursuant to division (E)(1) of this section alters the 15254
format of the records, the state agency shall create a certificate 15255
of authenticity for each set of records that is altered. 15256~~

~~(3) The department of administrative services, in 15257
consultation with the state archivist, shall adopt rules in 15258
accordance with section 111.15 of the Revised Code that establish 15259
the methods for creating certificates of authenticity pursuant to 15260
division (E)(2) of this section. 15261~~

(F) Whenever any rule of law requires or authorizes the 15262
filing of any information, notice, lien, or other document or 15263
record with any state agency, a filing made by an electronic 15264
record shall have the same force and effect as a filing made on 15265
paper in all cases where the state agency has authorized or agreed 15266
to such electronic filing and the filing is made in accordance 15267
with applicable rules or agreement. 15268

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 15269
Code shall be construed to require any state agency to use or 15270
permit the use of electronic records and electronic signatures. 15271

~~(H)(1) Notwithstanding division (C)(1) or (D) of this 15272
section, any state agency that, prior to September 14, 2000, used 15273
or permitted the use of electronic records or electronic 15274
signatures pursuant to laws enacted, rules adopted, or agency 15275
policies adopted before September 14, 2000, may use or permit the 15276
use of electronic records or electronic signatures pursuant to 15277
those previously enacted laws, adopted rules, or adopted policies 15278
for a period of two years after September 14, 2000. 15279~~

~~(2) Subject to division (H)(3) of this section, after the 15280
two-year period described in division (H)(1) of this section has 15281
concluded, all state agencies that use or permit the use of 15282~~

~~electronic records or electronic signatures before September 14, 15283
2000, shall only use or permit the use of electronic records or 15284
electronic signatures consistent with rules adopted by the 15285
department of administrative services pursuant to division (A) of 15286
section 1306.21 of the Revised Code. 15287~~

~~(3) After the two year period described in division (H)(1) of 15288
this section has concluded, the department of administrative 15289
services may permit a state agency to use electronic records or 15290
electronic signatures that do not comply with division (H)(2) of 15291
this section, if the state agency files a written request with the 15292
department. 15293~~

~~(I) For the purposes of this section, "state agency" means 15294
every organized body, office, or agency established by the laws of 15295
the state for the exercise of any function of state government, 15296
but does not include the general assembly, any legislative agency, 15297
the supreme court, the other courts of record in this state, any 15298
judicial agency, or any state university identified in section 15299
3345.011 of the Revised Code, or the northeast Ohio medical 15300
university. 15301~~

~~(J)(I) A state university identified in section 3345.011 of 15302
the Revised Code, and the northeast Ohio medical university, that 15303
uses or permits the use of electronic records or electronic 15304
signatures on ~~the effective date of this amendment~~ September 16, 15305
2014, shall, within six months after ~~the effective date of this~~ 15306
~~amendment~~ September 16, 2014, adopt rules in accordance with 15307
section 111.15 of the Revised Code to provide for the use or 15308
permission to use electronic records or electronic signatures. A 15309
state university identified in section 3345.011 of the Revised 15310
Code, and the northeast Ohio medical university, if not using or 15311
permitting the use of electronic records or electronic signatures 15312
on ~~the effective date of this amendment~~ September 16, 2014, shall 15313
adopt rules in accordance with section 111.15 of the Revised Code 15314~~

when it elects to begin using or permitting the use of electronic 15315
records or electronic signatures. 15316

Sec. 1309.528. All fees collected by the secretary of state 15317
for filings under Title XIII or XVII of the Revised Code shall be 15318
deposited into the state treasury to the credit of the corporate 15319
and uniform commercial code filing fund, which is hereby created. 15320
The fund shall also receive revenue from fees charged to customers 15321
for special database requests. All moneys credited to the fund 15322
shall be used for the purpose of paying for the operations of the 15323
office of the secretary of state and for the purpose of paying for 15324
expenses relating to the processing of filings under Title XIII or 15325
XVII of the Revised Code. 15326

Sec. 1347.08. (A) Every state or local agency that maintains 15327
a personal information system, upon the request and the proper 15328
identification of any person who is the subject of personal 15329
information in the system, shall: 15330

(1) Inform the person of the existence of any personal 15331
information in the system of which the person is the subject; 15332

(2) Except as provided in divisions (C) and (E)(2) of this 15333
section, permit the person, the person's legal guardian, or an 15334
attorney who presents a signed written authorization made by the 15335
person, to inspect all personal information in the system of which 15336
the person is the subject; 15337

(3) Inform the person about the types of uses made of the 15338
personal information, including the identity of any users usually 15339
granted access to the system. 15340

(B) Any person who wishes to exercise a right provided by 15341
this section may be accompanied by another individual of the 15342
person's choice. 15343

(C)(1) A state or local agency, upon request, shall disclose 15344

medical, psychiatric, or psychological information to a person who 15345
is the subject of the information or to the person's legal 15346
guardian, unless a physician, psychiatrist, or psychologist 15347
determines for the agency that the disclosure of the information 15348
is likely to have an adverse effect on the person, in which case 15349
the information shall be released to a physician, psychiatrist, or 15350
psychologist who is designated by the person or by the person's 15351
legal guardian. 15352

(2) Upon the signed written request of either a licensed 15353
attorney at law or a licensed physician designated by the inmate, 15354
together with the signed written request of an inmate of a 15355
correctional institution under the administration of the 15356
department of rehabilitation and correction, the department shall 15357
disclose medical information to the designated attorney or 15358
physician as provided in division (C) of section 5120.21 of the 15359
Revised Code. 15360

(D) If an individual who is authorized to inspect personal 15361
information that is maintained in a personal information system 15362
requests the state or local agency that maintains the system to 15363
provide a copy of any personal information that the individual is 15364
authorized to inspect, the agency shall provide a copy of the 15365
personal information to the individual. Each state and local 15366
agency may establish reasonable fees for the service of copying, 15367
upon request, personal information that is maintained by the 15368
agency. 15369

(E)(1) This section regulates access to personal information 15370
that is maintained in a personal information system by persons who 15371
are the subject of the information, but does not limit the 15372
authority of any person, including a person who is the subject of 15373
personal information maintained in a personal information system, 15374
to inspect or have copied, pursuant to section 149.43 of the 15375
Revised Code, a public record as defined in that section. 15376

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

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

(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;

(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;

(4) Records specified in division (A) of section 3107.52 of the Revised Code;

(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;

(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend

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| to identify such an individual; | 15407 |
| (8) Records that identify an individual described in division | 15408 |
| (A)(1) of section 5165.88 of the Revised Code, or that would tend | 15409 |
| to identify such an individual; | 15410 |
| (9) Test materials, examinations, or evaluation tools used in | 15411 |
| an examination for licensure as a nursing home administrator that | 15412 |
| the board of executives of long-term services and supports | 15413 |
| administers under section 4751.04 of the Revised Code or contracts | 15414 |
| under that section with a private or government entity to | 15415 |
| administer; | 15416 |
| (10) Information contained in a database established and | 15417 |
| maintained pursuant to section 5101.13 of the Revised Code; | 15418 |
| <u>(11) Information contained in a database established and</u> | 15419 |
| <u>maintained pursuant to section 5101.612 of the Revised Code.</u> | 15420 |
| Sec. 1349.04. (A) As used in this section: | 15421 |
| (1) "Active duty" means active duty pursuant to an executive | 15422 |
| order of the president of the United States, an act of the | 15423 |
| congress of the United States, or section 5919.29 or 5923.21 of | 15424 |
| the Revised Code. | 15425 |
| (2) "Immediate family" means a person's spouse residing in | 15426 |
| the person's household; brothers and sisters of the whole or half | 15427 |
| blood; children, including adopted children and stepchildren; | 15428 |
| parents; and grandparents. | 15429 |
| (B) The attorney general shall appoint a member of the staff | 15430 |
| of the consumer protection division of the attorney general's | 15431 |
| office to expedite cases or issues raised by a person, or the | 15432 |
| immediate family of the person, who is deployed on active duty, | 15433 |
| which cases or issues raised relate to sections 125.021, <u>section</u> | 15434 |
| 317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, | 15435 |
| 3332.20, 3345.53, 3915.053, 4933.12, or 4933.121 of the Revised | 15436 |

Code or to any other relevant section of the Revised Code 15437
regulating consumer protection. 15438

Sec. 1501.01. (A) Except where otherwise expressly provided, 15439
the director of natural resources shall formulate and institute 15440
all the policies and programs of the department of natural 15441
resources. The chief of any division of the department shall not 15442
enter into any contract, agreement, or understanding unless it is 15443
approved by the director. No appointee or employee of the 15444
director, other than the assistant director, may bind the director 15445
in a contract except when given general or special authority to do 15446
so by the director. 15447

The director may enter into contracts or agreements with any 15448
agency of the United States government, any other public agency, 15449
or any private entity or organization for the performance of the 15450
duties of the department. 15451

(B) The director shall correlate and coordinate the work and 15452
activities of the divisions in the department to eliminate 15453
unnecessary duplications of effort and overlapping of functions. 15454
The chiefs of the various divisions of the department shall meet 15455
with the director at least once each month at a time and place 15456
designated by the director. 15457

The director may create advisory boards to any of those 15458
divisions in conformity with section 121.13 of the Revised Code. 15459

(C) The director may accept and expend gifts, devises, and 15460
bequests of money, lands, and other properties on behalf of the 15461
department or any division thereof under the terms set forth in 15462
section 9.20 of the Revised Code. Any political subdivision of 15463
this state may make contributions to the department for the use of 15464
the department or any division therein according to the terms of 15465
the contribution. 15466

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| (D) The director may publish and sell or otherwise distribute data, reports, and information. | 15467 15468 |
| (E) The director may identify and develop the geographic information system needs for the department, which may include, but not be limited to, all of the following: | 15469 15470 15471 |
| (1) Assisting in the training and education of department resource managers, administrators, and other staff in the application and use of geographic information system technology; | 15472 15473 15474 |
| (2) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services; | 15475 15476 15477 15478 15479 |
| (3) Creating, maintaining, and documenting spatial digital data bases; | 15480 15481 |
| (4) Providing information to and otherwise assisting government officials, planners, and resource managers in understanding land use planning and resource management; | 15482 15483 15484 |
| (5) Providing continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities; | 15485 15486 15487 15488 15489 15490 |
| (6) Coordinating and administering the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state; | 15491 15492 15493 15494 |
| (7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, | 15495 15496 |

regional, and statewide basis; 15497

(8) Locating and distributing hard copy maps, digital data, 15498
aerial photography, and other resource data and information to 15499
government agencies and the public; 15500

(9) Preparing special studies and executing any other related 15501
duties, functions, and responsibilities identified by the 15502
director; 15503

(10) Entering into contracts or agreements with any agency of 15504
the United States government, any other public agency, or any 15505
private agency or organization for the performance of the duties 15506
specified in division (E) of this section or for accomplishing 15507
cooperative projects within those duties; 15508

(11) Entering into agreements with local government agencies 15509
for the purposes of land use inventories, Ohio capability analysis 15510
data layers, and other duties related to resource management. 15511

(F) The director shall adopt rules in accordance with Chapter 15512
119. of the Revised Code to permit the department to accept by 15513
means of a credit card the payment of fees, charges, and rentals 15514
at those facilities described in section 1501.07 of the Revised 15515
Code that are operated by the department, for any data, reports, 15516
or information sold by the department, and for any other goods or 15517
services provided by the department. 15518

(G) Whenever authorized by the governor to do so, the 15519
director may appropriate property for the uses and purposes 15520
authorized to be performed by the department and on behalf of any 15521
division within the department. This authority shall be exercised 15522
in the manner provided in sections 163.01 to 163.22 of the Revised 15523
Code for the appropriation of property by the director of 15524
administrative services. This authority to appropriate property is 15525
in addition to the authority provided by law for the appropriation 15526
of property by divisions of the department. The director of 15527

natural resources also may acquire by purchase, lease, or 15528
otherwise such real and personal property rights or privileges in 15529
the name of the state as are necessary for the purposes of the 15530
department or any division therein. The director, ~~with the~~ 15531
~~approval of the governor and the attorney general~~ in accordance 15532
with section 5301.13 of the Revised Code, if applicable, may sell, 15533
lease, or exchange portions of lands or property, real or 15534
personal, of any division of the department or grant easements or 15535
licenses for the use thereof, or enter into agreements for the 15536
sale of water from lands and waters under the administration or 15537
care of the department or any of its divisions, when the sale, 15538
lease, exchange, easement, agreement, or license for use is in an 15539
amount that is less than fifty thousand dollars and is 15540
advantageous to the state, ~~provided that such approval is not~~ 15541
~~required for leases and contracts made under section 1501.07,~~ 15542
~~1501.09, or 1520.03 or Chapter 1523. of the Revised Code.~~ With the 15543
approval of the governor, the director, in accordance with section 15544
5301.13 of the Revised Code, if applicable, may sell, lease, or 15545
exchange portions of, grant easements or licenses for the use of, 15546
or enter into agreements for the sale of such lands, property, or 15547
waters in an amount of fifty thousand dollars or more when the 15548
sale, lease, exchange, easement, agreement, or license is 15549
advantageous to the state. Water may be sold from a reservoir only 15550
to the extent that the reservoir was designed to yield a supply of 15551
water for a purpose other than recreation or wildlife, and the 15552
water sold is in excess of that needed to maintain the reservoir 15553
for purposes of recreation or wildlife. 15554

Money received from such sales, leases, easements, exchanges, 15555
agreements, or licenses for use, except revenues required to be 15556
set aside or paid into depositories or trust funds for the payment 15557
of bonds issued under sections 1501.12 to 1501.15 of the Revised 15558
Code, and to maintain the required reserves therefor as provided 15559
in the orders authorizing the issuance of such bonds or the trust 15560

agreements securing such bonds, revenues required to be paid and 15561
credited pursuant to the bond proceeding applicable to obligations 15562
issued pursuant to section 154.22, and revenues generated under 15563
section 1520.05 of the Revised Code, shall be deposited in the 15564
state treasury to the credit of the fund of the division of the 15565
department having prior jurisdiction over the lands or property. 15566
If no such fund exists, the money shall be credited to the general 15567
revenue fund. All such money received from lands or properties 15568
administered by the division of wildlife shall be credited to the 15569
wildlife fund. 15570

(H) The director shall provide for the custody, safekeeping, 15571
and deposit of all moneys, checks, and drafts received by the 15572
department or its employees prior to paying them to the treasurer 15573
of state under section 113.08 of the Revised Code. 15574

(I) The director shall cooperate with the nature conservancy, 15575
other nonprofit organizations, and the United States fish and 15576
wildlife service in order to secure protection of islands in the 15577
Ohio river and the wildlife and wildlife habitat of those islands. 15578

(J) Any instrument by which real property is acquired 15579
pursuant to this section shall identify the agency of the state 15580
that has the use and benefit of the real property as specified in 15581
section 5301.012 of the Revised Code. 15582

Sec. 1501.011. (A) Except as provided in divisions (B), (C), 15583
and (D) of this section, the Ohio facilities construction 15584
commission shall supervise the design and construction of, and 15585
make contracts for the construction, reconstruction, improvement, 15586
enlargement, alteration, repair, or decoration of, any projects or 15587
improvements for the department of natural resources that may be 15588
authorized by legislative appropriations or any other funds 15589
available therefor, the estimated cost of which amounts to two 15590
hundred thousand dollars or more or the amount determined pursuant 15591

to section 153.53 of the Revised Code or more. 15592

(B) The department of natural resources shall administer the 15593
construction of improvements under an agreement with the 15594
supervisors of a soil and water conservation district pursuant to 15595
division (I) of section 1515.08 of the Revised Code. 15596

(C)(1) The department of natural resources shall supervise 15597
the design and construction of, and make contracts for the 15598
construction, reconstruction, improvement, enlargement, 15599
alteration, repair, or decoration of, any of the following 15600
activities, projects, or improvements: 15601

(a) Dam repairs administered by the division of engineering 15602
under Chapter 1507. of the Revised Code; 15603

(b) Projects or improvements administered by the division of 15604
watercraft and funded through the waterways safety fund 15605
established in section 1547.75 of the Revised Code; 15606

(c) Projects or improvements administered by the division of 15607
wildlife under Chapter 1531. or 1533. of the Revised Code; 15608

(d) Activities conducted by the department pursuant to 15609
section 5511.05 of the Revised Code in order to maintain the 15610
department's roadway inventory. 15611

(2) If a contract to be let under division (C)(1) of this 15612
section involves an exigency that concerns the public health, 15613
safety, or welfare or addresses an emergency situation in which 15614
timeliness is crucial in preventing the cost of the contract from 15615
increasing significantly, pursuant to the declaration of a public 15616
exigency, the department may award the contract without 15617
competitive bidding or selection as otherwise required by Chapter 15618
153. of the Revised Code. 15619

A notice published by the department of natural resources 15620
regarding an activity, project, or improvement shall be published 15621

as contemplated in section 7.16 of the Revised Code. 15622

(D) The executive director of the Ohio facilities 15623
construction commission may authorize the department of natural 15624
resources to administer any other project or improvement, the 15625
estimated cost of which, including design fees, construction, 15626
equipment, and contingency amounts, is not more than one million 15627
five hundred thousand dollars. 15628

Sec. 1505.10. ~~The chief of the division of geological survey~~ 15629
director of natural resources or the director's designee shall 15630
prepare and publish for public distribution annual reports that 15631
shall include all of the following: 15632

(A) A list of the operators of mines, quarries, pits, or 15633
other mineral resource extraction operations in this state; 15634

(B) Information on the location of and commodity extracted at 15635
each operation; 15636

(C) Information on the employment at each operation; 15637

(D) Information on the tonnage of coal or other minerals 15638
extracted at each operation along with the method of extraction; 15639

(E) Information on the production, use, distribution, value, 15640
and other facts relative to the mineral resources of the state 15641
that may be of public interest. 15642

The director or the director's designee may require the 15643
division of mineral resources management to perform the duties 15644
required by this section. 15645

Each operator engaged in the extraction of minerals shall 15646
submit an accurate and complete annual report, on or before the 15647
last day of January each year, to the ~~chief of the division of~~ 15648
~~geological survey~~ director or the director's designee on forms 15649
provided by the ~~chief~~ director or the director's designee and 15650
containing the information specified in divisions (A) to (E) of 15651

this section for the immediately preceding calendar year. The 15652
~~chief of the division of mineral resources management~~ director or 15653
the director's designee may use all or portions of the information 15654
collected pursuant to this section in preparing the annual report 15655
required by section 1561.04 of the Revised Code. 15656

No person shall fail to comply with this section. 15657

Sec. 1509.01. As used in this chapter: 15658

(A) "Well" means any borehole, whether drilled or bored, 15659
within the state for production, extraction, or injection of any 15660
gas or liquid mineral, excluding potable water to be used as such, 15661
but including natural or artificial brines and oil field waters. 15662

(B) "Oil" means crude petroleum oil and all other 15663
hydrocarbons, regardless of gravity, that are produced in liquid 15664
form by ordinary production methods, but does not include 15665
hydrocarbons that were originally in a gaseous phase in the 15666
reservoir. 15667

(C) "Gas" means all natural gas and all other fluid 15668
hydrocarbons that are not oil, including condensate. 15669

(D) "Condensate" means liquid hydrocarbons separated at or 15670
near the well pad or along the gas production or gathering system 15671
prior to gas processing. 15672

(E) "Pool" means an underground reservoir containing a common 15673
accumulation of oil or gas, or both, but does not include a gas 15674
storage reservoir. Each zone of a geological structure that is 15675
completely separated from any other zone in the same structure may 15676
contain a separate pool. 15677

(F) "Field" means the general area underlaid by one or more 15678
pools. 15679

(G) "Drilling unit" means the minimum acreage on which one 15680
well may be drilled, but does not apply to a well for injecting 15681

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| gas into or removing gas from a gas storage reservoir. | 15682 |
| (H) "Waste" includes all of the following: | 15683 |
| (1) Physical waste, as that term generally is understood in the oil and gas industry; | 15684 15685 |
| (2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy; | 15686 15687 |
| (3) Inefficient storing of oil or gas; | 15688 |
| (4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas; | 15689 15690 15691 15692 15693 15694 |
| (5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused. | 15695 15696 |
| (I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense. | 15697 15698 15699 15700 15701 |
| (J) "Tract" means a single, individually taxed <u>individual</u> parcel of land appearing on the tax list <u>or a portion of a single, individual parcel of land.</u> | 15702 15703 15704 |
| (K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter. "Owner" does not | 15705 15706 15707 15708 15709 15710 15711 |

include a person who obtains a lease of the mineral rights for oil 15712
and gas on a parcel of land if the person does not attempt to 15713
produce or produce oil or gas from a well or obtain a permit under 15714
this chapter for a well or if the entire interest of a well is 15715
transferred to the person in accordance with division (B) of 15716
section 1509.31 of the Revised Code. 15717

(L) "Royalty interest" means the fee holder's share in the 15718
production from a well. 15719

(M) "Discovery well" means the first well capable of 15720
producing oil or gas in commercial quantities from a pool. 15721

(N) "Prepared clay" means a clay that is plastic and is 15722
thoroughly saturated with fresh water to a weight and consistency 15723
great enough to settle through saltwater in the well in which it 15724
is to be used, except as otherwise approved by the chief of the 15725
division of oil and gas resources management. 15726

(O) "Rock sediment" means the combined cutting and residue 15727
from drilling sedimentary rocks and formation. 15728

(P) "Excavations and workings," "mine," and "pillar" have the 15729
same meanings as in section 1561.01 of the Revised Code. 15730

(Q) "Coal bearing township" means a township designated as 15731
such by the chief of the division of mineral resources management 15732
under section 1561.06 of the Revised Code. 15733

(R) "Gas storage reservoir" means a continuous area of a 15734
subterranean porous sand or rock stratum or strata into which gas 15735
is or may be injected for the purpose of storing it therein and 15736
removing it therefrom and includes a gas storage reservoir as 15737
defined in section 1571.01 of the Revised Code. 15738

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 15739
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 15740
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 15741

U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 15742
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 15743
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 15744
regulations adopted under those acts. 15745

(T) "Person" includes any political subdivision, department, 15746
agency, or instrumentality of this state; the United States and 15747
any department, agency, or instrumentality thereof; ~~and~~ any legal 15748
entity defined as a person under section 1.59 of the Revised Code; 15749
and any other form of business organization or entity recognized 15750
by the laws of this state. 15751

(U) "Brine" means all saline geological formation water 15752
resulting from, obtained from, or produced in connection with 15753
exploration, drilling, well stimulation, production of oil or gas, 15754
or plugging of a well. 15755

(V) "Waters of the state" means all streams, lakes, ponds, 15756
marshes, watercourses, waterways, springs, irrigation systems, 15757
drainage systems, and other bodies of water, surface or 15758
underground, natural or artificial, that are situated wholly or 15759
partially within this state or within its jurisdiction, except 15760
those private waters that do not combine or effect a junction with 15761
natural surface or underground waters. 15762

(W) "Exempt Mississippian well" means a well that meets all 15763
of the following criteria: 15764

(1) Was drilled and completed before January 1, 1980; 15765

(2) Is located in an unglaciated part of the state; 15766

(3) Was completed in a reservoir no deeper than the 15767
Mississippian Big Injun sandstone in areas underlain by 15768
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 15769
sandstone in areas directly underlain by Permian stratigraphy; 15770

(4) Is used primarily to provide oil or gas for domestic use. 15771

| | |
|--|-------|
| (X) "Exempt domestic well" means a well that meets all of the following criteria: | 15772 |
| | 15773 |
| (1) Is owned by the owner of the surface estate of the tract on which the well is located; | 15774 |
| | 15775 |
| (2) Is used primarily to provide gas for the owner's domestic use; | 15776 |
| | 15777 |
| (3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located; | 15778 |
| | 15779 |
| | 15780 |
| | 15781 |
| (4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public. | 15782 |
| | 15783 |
| | 15784 |
| | 15785 |
| (Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities. | 15786 |
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| | 15791 |
| (Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations. | 15792 |
| | 15793 |
| | 15794 |
| (AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production | 15795 |
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| operation" also includes all of the following: | 15803 |
| (1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery; | 15804 15805 15806 |
| (2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities; | 15807 15808 15809 15810 |
| (3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities; | 15811 15812 15813 15814 15815 15816 15817 |
| (4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or another operation at a wellpad or that will be disposed of in accordance with applicable laws and rules adopted under them. | 15818 15819 15820 15821 15822 15823 15824 |
| (BB) "Annular overpressurization" means the accumulation of fluids within an annulus with sufficient pressure to allow migration of annular fluids into underground sources of drinking water. | 15825 15826 15827 15828 |
| (CC) "Idle and orphaned well" means a well for which a bond has been forfeited or an abandoned well for which no money is available to plug the well in accordance with this chapter and rules adopted under it. | 15829 15830 15831 15832 |
| (DD) "Temporarily inactive well" means a well that has been | 15833 |

granted temporary inactive status under section 1509.062 of the Revised Code. 15834
15835

(EE) "Material and substantial violation" means any of the following: 15836
15837

(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter; 15838
15839

(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter; 15840
15841

(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter; 15842
15843

(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well; 15844
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15846
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(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code; 15849
15850

(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code; 15851
15852
15853

(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code; 15854
15855

(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it. 15856
15857

(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code. 15858
15859

(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated. 15860
15861
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15863

(HH) "Well pad" means the area that is cleared or prepared 15864
for the drilling of one or more horizontal wells. 15865

Sec. 1509.06. (A) An application for a permit to drill a new 15866
well, drill an existing well deeper, reopen a well, convert a well 15867
to any use other than its original purpose, or plug back a well to 15868
a different source of supply, including associated production 15869
operations, shall be filed with the chief of the division of oil 15870
and gas resources management upon such form as the chief 15871
prescribes and shall contain each of the following that is 15872
applicable: 15873

(1) The name and address of the owner and, if a corporation, 15874
the name and address of the statutory agent; 15875

(2) The signature of the owner or the owner's authorized 15876
agent. When an authorized agent signs an application, it shall be 15877
accompanied by a certified copy of the appointment as such agent. 15878

(3) The names and addresses of all persons holding the 15879
royalty interest in the tract upon which the well is located or is 15880
to be drilled or within a proposed drilling unit; 15881

(4) The location of the tract or drilling unit on which the 15882
well is located or is to be drilled identified by section or lot 15883
number, city, village, township, and county; 15884

(5) Designation of the well by name and number; 15885

(6)(a) The geological formation to be tested or used and the 15886
proposed total depth of the well; 15887

(b) If the well is for the injection of a liquid, identity of 15888
the geological formation to be used as the injection zone and the 15889
composition of the liquid to be injected. 15890

(7) The type of drilling equipment to be used; 15891

(8)(a) An identification, to the best of the owner's 15892

knowledge, of each proposed source of ground water and surface 15893
water that will be used in the production operations of the well. 15894
The identification of each proposed source of water shall indicate 15895
if the water will be withdrawn from the Lake Erie watershed or the 15896
Ohio river watershed. In addition, the owner shall provide, to the 15897
best of the owner's knowledge, the proposed estimated rate and 15898
volume of the water withdrawal for the production operations. If 15899
recycled water will be used in the production operations, the 15900
owner shall provide the estimated volume of recycled water to be 15901
used. The owner shall submit to the chief an update of any of the 15902
information that is required by division (A)(8)(a) of this section 15903
if any of that information changes before the chief issues a 15904
permit for the application. 15905

(b) Except as provided in division (A)(8)(c) of this section, 15906
for an application for a permit to drill a new well within an 15907
urbanized area, the results of sampling of water wells within 15908
three hundred feet of the proposed well prior to commencement of 15909
drilling. In addition, the owner shall include a list that 15910
identifies the location of each water well where the owner of the 15911
property on which the water well is located denied the owner 15912
access to sample the water well. The sampling shall be conducted 15913
in accordance with the guidelines established in "Best Management 15914
Practices For Pre-drilling Water Sampling" in effect at the time 15915
that the application is submitted. The division shall furnish 15916
those guidelines upon request and shall make them available on the 15917
division's web site. If the chief determines that conditions at 15918
the proposed well site warrant a revision, the chief may revise 15919
the distance established in this division for purposes of 15920
pre-drilling water sampling. 15921

(c) For an application for a permit to drill a new horizontal 15922
well, the results of sampling of water wells within one thousand 15923
five hundred feet of the proposed horizontal wellhead prior to 15924

commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner access to sample the water well. The sampling shall be conducted in accordance with the guidelines established in "Best Management Practices For Pre-drilling Water Sampling" in effect at the time that the application is submitted. The division shall furnish those guidelines upon request and shall make them available on the division's web site. If the chief determines that conditions at the proposed well site warrant a revision, the chief may revise the distance established in this division for purposes of pre-drilling water sampling.

(9) For an application for a permit to drill a new well within an urbanized area, a sworn statement that the applicant has provided notice by regular mail of the application to the owner of each parcel of real property that is located within five hundred feet of the surface location of the well and to the executive authority of the municipal corporation or the board of township trustees of the township, as applicable, in which the well is to be located. In addition, the notice shall contain a statement that informs an owner of real property who is required to receive the notice under division (A)(9) of this section that within five days of receipt of the notice, the owner is required to provide notice under section 1509.60 of the Revised Code to each residence in an occupied dwelling that is located on the owner's parcel of real property. The notice shall contain a statement that an application has been filed with the division of oil and gas resources management, identify the name of the applicant and the proposed well location, include the name and address of the division, and contain a statement that comments regarding the application may be sent to the division. The notice may be provided by hand delivery or regular mail. The identity of the owners of parcels of real property shall be determined using the tax records of the

municipal corporation or county in which a parcel of real property 15958
is located as of the date of the notice. 15959

(10) A plan for restoration of the land surface disturbed by 15960
drilling operations. The plan shall provide for compliance with 15961
the restoration requirements of division (A) of section 1509.072 15962
of the Revised Code and any rules adopted by the chief pertaining 15963
to that restoration. 15964

(11)(a) A description by name or number of the county, 15965
township, and municipal corporation roads, streets, and highways 15966
that the applicant anticipates will be used for access to and 15967
egress from the well site; 15968

(b) For an application for a permit for a horizontal well, a 15969
copy of an agreement concerning maintenance and safe use of the 15970
roads, streets, and highways described in division (A)(11)(a) of 15971
this section entered into on reasonable terms with the public 15972
official that has the legal authority to enter into such 15973
maintenance and use agreements for each county, township, and 15974
municipal corporation, as applicable, in which any such road, 15975
street, or highway is located or an affidavit on a form prescribed 15976
by the chief attesting that the owner attempted in good faith to 15977
enter into an agreement under division (A)(11)(b) of this section 15978
with the applicable public official of each such county, township, 15979
or municipal corporation, but that no agreement was executed. 15980

(12) Such other relevant information as the chief prescribes 15981
by rule. 15982

Each application shall be accompanied by a map, on a scale 15983
not smaller than four hundred feet to the inch, prepared by an 15984
Ohio registered surveyor, showing the location of the well and 15985
containing such other data as may be prescribed by the chief. If 15986
the well is or is to be located within the excavations and 15987
workings of a mine, the map also shall include the location of the 15988

mine, the name of the mine, and the name of the person operating 15989
the mine. 15990

(B) The chief shall cause a copy of the weekly circular 15991
prepared by the division to be provided to the county engineer of 15992
each county that contains active or proposed drilling activity. 15993
The weekly circular shall contain, in the manner prescribed by the 15994
chief, the names of all applicants for permits, the location of 15995
each well or proposed well, the information required by division 15996
(A)(11) of this section, and any additional information the chief 15997
prescribes. In addition, the chief promptly shall transfer an 15998
electronic copy or facsimile, or if those methods are not 15999
available to a municipal corporation or township, a copy via 16000
regular mail, of a drilling permit application to the clerk of the 16001
legislative authority of the municipal corporation or to the clerk 16002
of the township in which the well or proposed well is or is to be 16003
located if the legislative authority of the municipal corporation 16004
or the board of township trustees has asked to receive copies of 16005
such applications and the appropriate clerk has provided the chief 16006
an accurate, current electronic mailing address or facsimile 16007
number, as applicable. 16008

(C)(1) Except as provided in division (C)(2) of this section, 16009
the chief shall not issue a permit for at least ten days after the 16010
date of filing of the application for the permit unless, upon 16011
reasonable cause shown, the chief waives that period or a request 16012
for expedited review is filed under this section. However, the 16013
chief shall issue a permit within twenty-one days of the filing of 16014
the application unless the chief denies the application by order. 16015

(2) If the location of a well or proposed well will be or is 16016
within an urbanized area, the chief shall not issue a permit for 16017
at least eighteen days after the date of filing of the application 16018
for the permit unless, upon reasonable cause shown, the chief 16019
waives that period or the chief at the chief's discretion grants a 16020

request for an expedited review. However, the chief shall issue a permit for a well or proposed well within an urbanized area within thirty days of the filing of the application unless the chief denies the application by order.

(D) An applicant may file a request with the chief for expedited review of a permit application if the well is not or is not to be located in a gas storage reservoir or reservoir protective area, as "reservoir protective area" is defined in section 1571.01 of the Revised Code. If the well is or is to be located in a coal bearing township, the application shall be accompanied by the affidavit of the landowner prescribed in section 1509.08 of the Revised Code.

In addition to a complete application for a permit that meets the requirements of this section and the permit fee prescribed by this section, a request for expedited review shall be accompanied by a separate nonrefundable filing fee of two hundred fifty dollars. Upon the filing of a request for expedited review, the chief shall cause the county engineer of the county in which the well is or is to be located to be notified of the filing of the permit application and the request for expedited review by telephone or other means that in the judgment of the chief will provide timely notice of the application and request. The chief shall issue a permit within seven days of the filing of the request unless the chief denies the application by order. Notwithstanding the provisions of this section governing expedited review of permit applications, the chief may refuse to accept requests for expedited review if, in the chief's judgment, the acceptance of the requests would prevent the issuance, within twenty-one days of their filing, of permits for which applications are pending.

(E) A well shall be drilled and operated in accordance with the plans, sworn statements, and other information submitted in

the approved application. 16053

(F) The chief shall issue an order denying a permit if the 16054
chief finds that there is a substantial risk that the operation 16055
will result in violations of this chapter or rules adopted under 16056
it that will present an imminent danger to public health or safety 16057
or damage to the environment, provided that where the chief finds 16058
that terms or conditions to the permit can reasonably be expected 16059
to prevent such violations, the chief shall issue the permit 16060
subject to those terms or conditions, including, if applicable, 16061
terms and conditions regarding subjects identified in rules 16062
adopted under section 1509.03 of the Revised Code. The issuance of 16063
a permit shall not be considered an order of the chief. 16064

The chief shall post notice of each permit that has been 16065
approved under this section on the division's web site not later 16066
than two business days after the application for a permit has been 16067
approved. 16068

(G) Each application for a permit required by section 1509.05 16069
of the Revised Code, except an application ~~to plug back an~~ 16070
~~existing well that is required by that section and an application~~ 16071
for a well drilled or reopened for purposes of section 1509.22 of 16072
the Revised Code, also shall be accompanied by a nonrefundable fee 16073
as follows: 16074

(1) Five hundred dollars for a permit to conduct activities 16075
in a township with a population of fewer than ten thousand; 16076

(2) Seven hundred fifty dollars for a permit to conduct 16077
activities in a township with a population of ten thousand or 16078
more, but fewer than fifteen thousand; 16079

(3) One thousand dollars for a permit to conduct activities 16080
in either of the following: 16081

(a) A township with a population of fifteen thousand or more; 16082

(b) A municipal corporation regardless of population. 16083

(4) If the application is for a permit that requires 16084
mandatory pooling, an additional five thousand dollars. 16085

For purposes of calculating fee amounts, populations shall be 16086
determined using the most recent federal decennial census. 16087

Each application for the revision or reissuance of a permit 16088
shall be accompanied by a nonrefundable fee of two hundred fifty 16089
dollars. 16090

(H)(1) Prior to the commencement of well pad construction and 16091
prior to the issuance of a permit to drill a proposed horizontal 16092
well or a proposed well that is to be located in an urbanized 16093
area, the division shall conduct a site review to identify and 16094
evaluate any site-specific terms and conditions that may be 16095
attached to the permit. At the site review, a representative of 16096
the division shall consider fencing, screening, and landscaping 16097
requirements, if any, for similar structures in the community in 16098
which the well is proposed to be located. The terms and conditions 16099
that are attached to the permit shall include the establishment of 16100
fencing, screening, and landscaping requirements for the surface 16101
facilities of the proposed well, including a tank battery of the 16102
well. 16103

(2) Prior to the issuance of a permit to drill a proposed 16104
well, the division shall conduct a review to identify and evaluate 16105
any site-specific terms and conditions that may be attached to the 16106
permit if the proposed well will be located in a one-hundred-year 16107
floodplain or within the five-year time of travel associated with 16108
a public drinking water supply. 16109

(I) A permit shall be issued by the chief in accordance with 16110
this chapter. A permit issued under this section for a well that 16111
is or is to be located in an urbanized area shall be valid for 16112
twelve months, and all other permits issued under this section 16113

shall be valid for twenty-four months. 16114

(J) An applicant or a permittee, as applicable, shall submit 16115
to the chief an update of the information that is required under 16116
division (A)(8)(a) of this section if any of that information 16117
changes prior to commencement of production operations. 16118

(K) A permittee or a permittee's authorized representative 16119
shall notify an inspector from the division at least twenty-four 16120
hours, or another time period agreed to by the chief's authorized 16121
representative, prior to the commencement of well pad construction 16122
and of drilling, reopening, converting, well stimulation, or 16123
plugback operations. 16124

Sec. 1509.11. (A)(1) The owner of any well, except a 16125
horizontal well, that is producing or capable of producing oil or 16126
gas shall file with the chief of the division of oil and gas 16127
resources management, on or before the thirty-first day of March, 16128
a statement of production of oil, gas, and brine for the last 16129
preceding calendar year in such form as the chief may prescribe. 16130
An owner that has more than one hundred such wells in this state 16131
shall submit electronically the statement of production in a 16132
format that is approved by the chief. ~~The chief shall include on 16133
the form, at the minimum, a request for the submittal of the 16134
information that a person who is regulated under this chapter is 16135
required to submit under the "Emergency Planning and Community 16136
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 16137
regulations adopted under it, and that the division of oil and gas 16138
resources management does not obtain through other reporting 16139
mechanisms.~~ 16140

(2) The owner of any horizontal well that is producing or 16141
capable of producing oil or gas shall file with the chief, on the 16142
forty-fifth day following the close of each calendar quarter, a 16143
statement of production of oil, gas, and brine for the preceding 16144

calendar quarter in a form that the chief prescribes. An owner 16145
that has more than one hundred horizontal wells in this state 16146
shall submit electronically the statement of production in a 16147
format that is approved by the chief. ~~The chief shall include on~~ 16148
~~the form, at a minimum, a request for the submittal of the~~ 16149
~~information that a person who is regulated under this chapter is~~ 16150
~~required to submit under the "Emergency Planning and Community~~ 16151
~~Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and~~ 16152
~~regulations adopted under it, and that the division does not~~ 16153
~~obtain through other reporting mechanisms.~~ 16154

(B) The chief shall not disclose information received from 16155
the department of taxation under division (C)(12) of section 16156
5703.21 of the Revised Code until the related statement of 16157
production required by division (A) of this section is filed with 16158
the chief. 16159

Sec. 1509.23. ~~(A)~~ Rules of the chief of the division of oil 16160
and gas resources management may specify practices to be followed 16161
in the drilling and treatment of wells, production of oil and gas, 16162
and plugging of wells for protection of public health or safety or 16163
to prevent damage to natural resources, including specification of 16164
the following: 16165

~~(1)~~(A) Appropriate devices; 16166

~~(2)~~(B) Minimum distances that wells and other excavations, 16167
structures, and equipment shall be located from water wells, 16168
streets, roads, highways, rivers, lakes, streams, ponds, other 16169
bodies of water, railroad tracks, public or private recreational 16170
areas, zoning districts, and buildings or other structures. Rules 16171
adopted under this division ~~(A)(2) of this section~~ shall not 16172
conflict with section 1509.021 of the Revised Code. 16173

~~(3)~~(C) Other methods of operation; 16174

~~(4)(D)~~ Procedures, methods, and equipment and other requirements for equipment to prevent and contain discharges of oil and brine from oil production facilities and oil drilling and workover facilities consistent with and equivalent in scope, content, and coverage to section 311(j)(1)(c) of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended, and regulations adopted under it. In addition, the rules may specify procedures, methods, and equipment and other requirements for equipment to prevent and contain surface and subsurface discharges of fluids, condensates, and gases.

~~(5)(E)~~ Notifications; 16186

~~(6)(F)~~ Requirements governing the location and construction of fresh water impoundments that are part of a production operation. 16187
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~~(B)~~ The chief, in consultation with the emergency response commission created in section 3750.02 of the Revised Code, shall adopt rules in accordance with Chapter 119. of the Revised Code that specify the information that shall be included in an electronic database that the chief shall create and host. The information shall be that which the chief considers to be appropriate for the purpose of responding to emergency situations that pose a threat to public health or safety or the environment. At the minimum, the information shall include that which a person who is regulated under this chapter is required to submit under the "Emergency Planning and Community Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under it. 16190
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~~In addition, the rules shall specify whether and to what extent the database and the information that it contains will be made accessible to the public. The rules shall ensure that the database will be made available via the internet or a system of~~ 16203
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~~computer disks to the emergency response commission and to every
local emergency planning committee and fire department in this
state.~~

Sec. 1509.231. (A) A person that is regulated under this
chapter and rules adopted under it and that is required to submit
information under the "Emergency Planning and Community
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and
regulations adopted under it shall submit the information to the
chief of the division of oil and gas resources management on or
before the first day of March of each calendar year. The person
shall submit the information in accordance with rules adopted
under division (B) of this section.

(B) The chief, in consultation with the emergency response
commission created in section 3750.02 of the Revised Code, shall
adopt rules in accordance with Chapter 119. of the Revised Code
that specify the information that shall be included in an
electronic database that the chief shall create and host. The
information shall be information that the chief considers to be
appropriate for the purpose of responding to emergency situations
that pose a threat to public health or safety or the environment.
The rules shall require that the information be consistent with
the information that a person that is regulated under this chapter
is required to submit under the "Emergency Planning and Community
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and
regulations adopted under it.

In addition, the rules shall do all of the following:

(1) Specify whether and to what extent the database and the
information that it contains will be made accessible to the
public;

(2) Ensure that the information submitted for the database
will be made immediately available to the emergency response

commission, the local emergency planning committee of the 16238
emergency planning district in which a facility is located, and 16239
the fire department having jurisdiction over a facility; 16240

(3) Ensure that the information submitted for the database 16241
includes the information required to be reported under section 16242
3750.08 of the Revised Code and rules adopted under section 16243
3750.02 of the Revised Code. 16244

(C) As used in this section, "emergency planning district," 16245
"facility," and "fire department" have the same meanings as in 16246
section 3750.01 of the Revised Code. 16247

Sec. 1509.232. (A) A person engaging in an activity regulated 16248
under this chapter and rules adopted under it shall notify the 16249
director of natural resources or the director's designee of the 16250
occurrence of any of the following within thirty minutes of the 16251
occurrence: 16252

(1) Emergency medical treatment at a location other than the 16253
production operation of a person exposed to a chemical or injured 16254
at a production operation or a fatality occurring at a production 16255
operation; 16256

(2) The response of a fire department to a fire at a 16257
production operation, excluding flaring or controlled burns 16258
authorized under this chapter and rules adopted under it or by the 16259
terms and conditions of a permit issued under this chapter; 16260

(3) An uncontrolled release of gas or oil that may jeopardize 16261
worker safety or public safety; 16262

(4) A discharge or spill of a liquid, solid, or semisolid 16263
substance or material associated with a production operation or 16264
other activity regulated under this chapter and rules adopted 16265
under it, excluding a discharge or spill consisting solely of 16266
fresh water; 16267

(5) Any other occurrence that the director specifies in rules adopted under this section. 16268
16269

(B) If a person performs services on behalf of the owner of a well and an occurrence specified in division (A) of this section occurs at the well or associated production operation, the person shall notify the owner of the well within thirty minutes of the occurrence. 16270
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(C) The director may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of this section. 16275
16276
16277

(D) Failure to comply with this section is a strict liability offense, and section 2901.20 of the Revised Code does not apply. The designation of that failure as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. 16278
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Sec. 1509.27. ~~If a tract of land is~~ or tracts are of 16284
insufficient size or shape to meet the requirements for drilling a 16285
proposed well thereon as provided in section 1509.24 or 1509.25 of 16286
the Revised Code, whichever is applicable, and the owner ~~of the~~ 16287
~~tract who also is the owner of the mineral interest~~ has been 16288
unable to form a drilling unit under agreement as provided in 16289
section 1509.26 of the Revised Code, on a just and equitable 16290
basis, ~~such an~~ the owner may make application to the division of 16291
oil and gas resources management for a mandatory pooling order. 16292

The application shall include information as shall be 16293
reasonably required by the chief of the division of oil and gas 16294
resources management and shall be accompanied by an application 16295
for a permit as required by section 1509.05 of the Revised Code. 16296
The chief shall notify all mineral rights owners of ~~land~~ tracts 16297
within the area proposed to be pooled by an order and included 16298

within the drilling unit of the filing of the application and of 16299
their right to a hearing. After the hearing or after the 16300
expiration of thirty days from the date notice of application was 16301
mailed to such owners, the chief, if satisfied that the 16302
application is proper in form and that mandatory pooling is 16303
necessary to protect correlative rights and to provide effective 16304
development, use, and conservation of oil and gas, shall issue a 16305
drilling permit and a mandatory pooling order complying with the 16306
requirements for drilling a well as provided in section 1509.24 or 16307
1509.25 of the Revised Code, whichever is applicable. The 16308
mandatory pooling order shall: 16309

(A) Designate the boundaries of the drilling unit within 16310
which the well shall be drilled; 16311

(B) Designate the proposed production site; 16312

(C) Describe each separately owned tract or part thereof 16313
pooled by the order; 16314

(D) Allocate on a surface acreage basis a pro rata portion of 16315
the production to ~~the owner of~~ each tract pooled by the order. The 16316
pro rata portion shall be in the same proportion that the 16317
percentage of the ~~owner's~~ tract's acreage is to the state minimum 16318
acreage requirements established in rules adopted under this 16319
chapter for a drilling unit unless the applicant demonstrates to 16320
the chief using geological evidence that the geologic structure 16321
containing the oil or gas is larger than the minimum acreage 16322
requirement in which case the pro rata portion shall be in the 16323
same proportion that the percentage of the ~~owner's~~ tract's acreage 16324
is to the geologic structure. 16325

(E) Specify the basis upon which each mineral rights owner of 16326
a tract pooled by the order shall share all reasonable costs and 16327
expenses of drilling and producing if the mineral rights owner 16328
elects to participate in the drilling and operation of the well; 16329

(F) Designate the person to whom the permit shall be issued. 16330

A person shall not submit more than five applications for 16331
mandatory pooling orders per year under this section unless 16332
otherwise approved by the chief. 16333

No surface operations or disturbances to the surface of the 16334
land shall occur on a tract pooled by an order without the written 16335
consent of or a written agreement with the surface rights owner of 16336
the tract that approves the operations or disturbances. 16337

If ~~an~~ a mineral rights owner of a tract pooled by the order 16338
does not elect to participate in the risk and cost of the drilling 16339
and operation of a well, the mineral rights owner shall be 16340
designated as a nonparticipating owner in the drilling and 16341
operation of the well on a limited or carried basis and is subject 16342
to terms and conditions determined by the chief to be just and 16343
reasonable. In addition, if ~~an~~ a mineral rights owner is 16344
designated as a nonparticipating owner, the mineral rights owner 16345
is not liable for actions or conditions associated with the 16346
drilling or operation of the well. If the applicant bears the 16347
costs of drilling, equipping, and operating a well for the benefit 16348
of a nonparticipating owner, as provided for in the pooling order, 16349
then the applicant shall be entitled to the share of production 16350
from the drilling unit accruing to the interest of that 16351
nonparticipating owner, exclusive of the nonparticipating owner's 16352
proportionate share of the royalty interest until there has been 16353
received the share of costs charged to that nonparticipating owner 16354
plus such additional percentage of the share of costs as the chief 16355
shall determine. The total amount receivable hereunder shall in no 16356
event exceed two hundred per cent of the share of costs charged to 16357
that nonparticipating owner. After receipt of that share of costs 16358
by such an applicant, a nonparticipating owner shall receive a 16359
proportionate share of the working interest in the well in 16360
addition to a proportionate share of the royalty interest, if any. 16361

If there is a dispute as to costs of drilling, equipping, or 16362
operating a well, the chief shall determine those costs. 16363

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 16364
1509.31 of the Revised Code, or any rules adopted or orders or 16365
terms or conditions of a permit or registration certificate issued 16366
pursuant to these sections for which no specific penalty is 16367
provided in this section, shall pay a civil penalty of not more 16368
than ~~four~~ ten thousand dollars for each offense. 16369

(B) Whoever violates section 1509.221 of the Revised Code or 16370
any rules adopted or orders or terms or conditions of a permit 16371
issued thereunder shall pay a civil penalty of not more than ~~two~~ 16372
ten thousand ~~five hundred~~ dollars for each violation. 16373

(C) Whoever violates division (D) of section 1509.22 or 16374
division (A)(1) of section 1509.222 of the Revised Code shall pay 16375
a civil penalty of not less than two thousand five hundred dollars 16376
nor more than twenty thousand dollars for each violation. 16377

(D) Whoever violates division (A) of section 1509.22 of the 16378
Revised Code shall pay a civil penalty of not less than two 16379
thousand five hundred dollars nor more than ten thousand dollars 16380
for each violation. 16381

(E) Whoever violates division (A) of section 1509.223 of the 16382
Revised Code shall pay a civil penalty of not more than ten 16383
thousand dollars for each violation. 16384

(F) Whoever violates section 1509.072 of the Revised Code or 16385
any rules adopted or orders issued to administer, implement, or 16386
enforce that section shall pay a civil penalty of not more than 16387
five thousand dollars for each violation. 16388

(G) In addition to any other penalties provided in this 16389
chapter, whoever violates section 1509.05, section 1509.21, 16390
division (B) of section 1509.22, or division (A)(1) of section 16391

1509.222 of the Revised Code or a term or condition of a permit or 16392
an order issued by the chief of the division of oil and gas 16393
resources management under this chapter or knowingly violates 16394
division (A) of section 1509.223 of the Revised Code is liable for 16395
any damage or injury caused by the violation and for the actual 16396
cost of rectifying the violation and conditions caused by the 16397
violation. If two or more persons knowingly violate one or more of 16398
those divisions in connection with the same event, activity, or 16399
transaction, they are jointly and severally liable under this 16400
division. 16401

(H) The attorney general, upon the request of the chief of 16402
the division of oil and gas resources management, shall commence 16403
an action under this section against any person who violates 16404
sections 1509.01 to 1509.31 of the Revised Code, or any rules 16405
adopted or orders or terms or conditions of a permit or 16406
registration certificate issued pursuant to these sections. Any 16407
action under this section is a civil action, governed by the Rules 16408
of Civil Procedure and other rules of practice and procedure 16409
applicable to civil actions. The remedy provided in this division 16410
is cumulative and concurrent with any other remedy provided in 16411
this chapter, and the existence or exercise of one remedy does not 16412
prevent the exercise of any other, except that no person shall be 16413
subject to both a civil penalty under division (A), (B), (C), or 16414
(D) of this section and a ~~criminal penalty under~~ fine established 16415
in section 1509.99 of the Revised Code for the same offense. 16416

(I) For purposes of this section, each day of violation 16417
constitutes a separate offense. 16418

Sec. 1513.07. (A)(1) No operator shall conduct a coal mining 16419
operation without a permit for the operation issued by the chief 16420
of the division of mineral resources management. 16421

(2) All permits issued pursuant to this chapter shall be 16422

issued for a term not to exceed five years, except that, if the 16423
applicant demonstrates that a specified longer term is reasonably 16424
needed to allow the applicant to obtain necessary financing for 16425
equipment and the opening of the operation and if the application 16426
is full and complete for the specified longer term, the chief may 16427
grant a permit for the longer term. A successor in interest to a 16428
permittee who applies for a new permit within thirty days after 16429
succeeding to the interest and who is able to obtain the 16430
performance security of the original permittee may continue coal 16431
mining and reclamation operations according to the approved mining 16432
and reclamation plan of the original permittee until the 16433
successor's application is granted or denied. 16434

(3) A permit shall terminate if the permittee has not 16435
commenced the coal mining operations covered by the permit within 16436
three years after the issuance of the permit, except that the 16437
chief may grant reasonable extensions of the time upon a showing 16438
that the extensions are necessary by reason of litigation 16439
precluding the commencement or threatening substantial economic 16440
loss to the permittee or by reason of conditions beyond the 16441
control and without the fault or negligence of the permittee, and 16442
except that with respect to coal to be mined for use in a 16443
synthetic fuel facility or specified major electric generating 16444
facility, the permittee shall be deemed to have commenced coal 16445
mining operations at the time construction of the synthetic fuel 16446
or generating facility is initiated. 16447

(4)(a) Any permit issued pursuant to this chapter shall carry 16448
with it the right of successive renewal upon expiration with 16449
respect to areas within the boundaries of the permit. The holders 16450
of the permit may apply for renewal and the renewal shall be 16451
issued unless the chief determines by written findings, subsequent 16452
to fulfillment of the public notice requirements of this section 16453
and section 1513.071 of the Revised Code through demonstrations by 16454

opponents of renewal or otherwise, that one or more of the 16455
following circumstances exists: 16456

(i) The terms and conditions of the existing permit are not 16457
being satisfactorily met. 16458

(ii) The present coal mining and reclamation operation is not 16459
in compliance with the environmental protection standards of this 16460
chapter. 16461

(iii) The renewal requested substantially jeopardizes the 16462
operator's continuing responsibilities on existing permit areas. 16463

(iv) The applicant has not provided evidence that the 16464
performance security in effect for the operation will continue in 16465
effect for any renewal requested in the application. 16466

(v) Any additional, revised, or updated information required 16467
by the chief has not been provided. Prior to the approval of any 16468
renewal of a permit, the chief shall provide notice to the 16469
appropriate public authorities as prescribed by rule of the chief. 16470

(b) If an application for renewal of a valid permit includes 16471
a proposal to extend the mining operation beyond the boundaries 16472
authorized in the existing permit, the portion of the application 16473
for renewal of a valid permit that addresses any new land areas 16474
shall be subject to the full standards applicable to new 16475
applications under this chapter. 16476

(c) A permit renewal shall be for a term not to exceed the 16477
period of the original permit established by this chapter. 16478
Application for permit renewal shall be made at least one hundred 16479
twenty days prior to the expiration of the valid permit. 16480

(5) A permit issued pursuant to this chapter does not 16481
eliminate the requirements for obtaining a permit to install or 16482
modify a disposal system or any part thereof or to discharge 16483
sewage, industrial waste, or other wastes into the waters of the 16484

state in accordance with Chapter 6111. of the Revised Code. 16485

(B)(1) The permit application shall be submitted in a manner 16486
satisfactory to the chief and shall contain, among other things, 16487
all of the following: 16488

(a) The names and addresses of all of the following: 16489

(i) The permit applicant; 16490

(ii) Every legal owner of record of the property, surface and 16491
mineral, to be mined; 16492

(iii) The holders of record of any leasehold interest in the 16493
property; 16494

(iv) Any purchaser of record of the property under a real 16495
estate contract; 16496

(v) The operator if different from the applicant; 16497

(vi) If any of these are business entities other than a 16498
single proprietor, the names and addresses of the principals, 16499
officers, and statutory agent for service of process. 16500

(b) The names and addresses of the owners of record of all 16501
surface and subsurface areas adjacent to any part of the permit 16502
area; 16503

(c) A statement of any current or previous coal mining 16504
permits in the United States held by the applicant, the permit 16505
identification, and any pending applications; 16506

(d) If the applicant is a partnership, corporation, 16507
association, or other business entity, the following where 16508
applicable: the names and addresses of every officer, partner, 16509
director, or person performing a function similar to a director, 16510
of the applicant, the name and address of any person owning, of 16511
record, ten per cent or more of any class of voting stock of the 16512
applicant, a list of all names under which the applicant, partner, 16513
or principal shareholder previously operated a coal mining 16514

operation within the United States within the five-year period 16515
preceding the date of submission of the application, and a list of 16516
the person or persons primarily responsible for ensuring that the 16517
applicant complies with the requirements of this chapter and rules 16518
adopted pursuant thereto while mining and reclaiming under the 16519
permit; 16520

(e) A statement of whether the applicant, any subsidiary, 16521
affiliate, or persons controlled by or under common control with 16522
the applicant, any partner if the applicant is a partnership, any 16523
officer, principal shareholder, or director if the applicant is a 16524
corporation, or any other person who has a right to control or in 16525
fact controls the management of the applicant or the selection of 16526
officers, directors, or managers of the applicant: 16527

(i) Has ever held a federal or state coal mining permit that 16528
in the five-year period prior to the date of submission of the 16529
application has been suspended or revoked or has had a coal mining 16530
bond, performance security, or similar security deposited in lieu 16531
of bond forfeited and, if so, a brief explanation of the facts 16532
involved; 16533

(ii) Has been an officer, partner, director, principal 16534
shareholder, or person having the right to control or has in fact 16535
controlled the management of or the selection of officers, 16536
directors, or managers of a business entity that has had a coal 16537
mining or surface mining permit that in the five-year period prior 16538
to the date of submission of the application has been suspended or 16539
revoked or has had a coal mining or surface mining bond, 16540
performance security, or similar security deposited in lieu of 16541
bond forfeited and, if so, a brief explanation of the facts 16542
involved. 16543

(f) A copy of the applicant's advertisement to be published 16544
in a newspaper of general circulation in the locality of the 16545
proposed site at least once a week for four successive weeks, 16546

which shall include the ownership of the proposed mine, a 16547
description of the exact location and boundaries of the proposed 16548
site sufficient to make the proposed operation readily 16549
identifiable by local residents, and the location where the 16550
application is available for public inspection; 16551

(g) A description of the type and method of coal mining 16552
operation that exists or is proposed, the engineering techniques 16553
proposed or used, and the equipment used or proposed to be used; 16554

(h) The anticipated or actual starting and termination dates 16555
of each phase of the mining operation and number of acres of land 16556
to be affected; 16557

(i) An accurate map or plan, to an appropriate scale, clearly 16558
showing the land to be affected ~~and~~, the land upon which the 16559
applicant has the legal right to enter and commence coal mining 16560
operations, the land for which the applicant will acquire the 16561
legal right to enter and commence coal mining operations during 16562
the term of the permit, copies of those documents upon which is 16563
based the applicant's legal right to enter and commence coal 16564
mining operations or a notarized statement describing the 16565
applicant's legal right to enter and commence coal mining 16566
operations, and a statement whether that right is the subject of 16567
pending litigation. This chapter does not authorize the chief to 16568
adjudicate property title disputes. 16569

(j) The name of the watershed and location of the surface 16570
stream or tributary into which drainage from the operation will be 16571
discharged; 16572

(k) A determination of the probable hydrologic consequences 16573
of the mining and reclamation operations, both on and off the mine 16574
site, with respect to the hydrologic regime, providing information 16575
on the quantity and quality of water in surface and ground water 16576
systems including the dissolved and suspended solids under 16577

seasonal flow conditions and the collection of sufficient data for 16578
the mine site and surrounding areas so that an assessment can be 16579
made by the chief of the probable cumulative impacts of all 16580
anticipated mining in the area upon the hydrology of the area and 16581
particularly upon water availability, but this determination shall 16582
not be required until hydrologic information of the general area 16583
prior to mining is made available from an appropriate federal or 16584
state agency; however, the permit shall not be approved until the 16585
information is available and is incorporated into the application; 16586

(l) When requested by the chief, the climatological factors 16587
that are peculiar to the locality of the land to be affected, 16588
including the average seasonal precipitation, the average 16589
direction and velocity of prevailing winds, and the seasonal 16590
temperature ranges; 16591

(m) Accurate maps prepared by or under the direction of and 16592
certified by a qualified registered professional engineer, 16593
registered surveyor, or licensed landscape architect to an 16594
appropriate scale clearly showing all types of information set 16595
forth on topographical maps of the United States geological survey 16596
of a scale of not more than four hundred feet to the inch, 16597
including all artificial features and significant known 16598
archeological sites. The map, among other things specified by the 16599
chief, shall show all boundaries of the land to be affected, the 16600
boundary lines and names of present owners of record of all 16601
surface areas abutting the permit area, and the location of all 16602
buildings within one thousand feet of the permit area. 16603

(n)(i) Cross-section maps or plans of the land to be affected 16604
including the actual area to be mined, prepared by or under the 16605
direction of and certified by a qualified registered professional 16606
engineer or certified professional geologist with assistance from 16607
experts in related fields such as hydrology, hydrogeology, 16608
geology, and landscape architecture, showing pertinent elevations 16609

and locations of test borings or core samplings and depicting the 16610
following information: the nature and depth of the various strata 16611
of overburden; the nature and thickness of any coal or rider seam 16612
above the coal seam to be mined; the nature of the stratum 16613
immediately beneath the coal seam to be mined; all mineral crop 16614
lines and the strike and dip of the coal to be mined within the 16615
area to be affected; existing or previous coal mining limits; the 16616
location and extent of known workings of any underground mines, 16617
including mine openings to the surface; the location of spoil, 16618
waste, or refuse areas and topsoil preservation areas; the 16619
location of all impoundments for waste or erosion control; any 16620
settling or water treatment facility; constructed or natural 16621
drainways and the location of any discharges to any surface body 16622
of water on the land to be affected or adjacent thereto; profiles 16623
at appropriate cross sections of the anticipated final surface 16624
configuration that will be achieved pursuant to the operator's 16625
proposed reclamation plan; the location of subsurface water, if 16626
encountered; the location and quality of aquifers; and the 16627
estimated elevation of the water table. Registered surveyors shall 16628
be allowed to perform all plans, maps, and certifications under 16629
this chapter as they are authorized under Chapter 4733. of the 16630
Revised Code. 16631

(ii) A statement of the quality and locations of subsurface 16632
water. The chief shall provide by rule the number of locations to 16633
be sampled, frequency of collection, and parameters to be analyzed 16634
to obtain the statement required. 16635

(o) A statement of the results of test borings or core 16636
samplings from the permit area, including logs of the drill holes, 16637
the thickness of the coal seam found, an analysis of the chemical 16638
properties of the coal, the sulfur content of any coal seam, 16639
chemical analysis of potentially acid or toxic forming sections of 16640
the overburden, and chemical analysis of the stratum lying 16641

immediately underneath the coal to be mined, except that this 16642
division may be waived by the chief with respect to the specific 16643
application by a written determination that its requirements are 16644
unnecessary. If the test borings or core samplings from the permit 16645
area indicate the existence of potentially acid forming or toxic 16646
forming quantities of sulfur in the coal or overburden to be 16647
disturbed by mining, the application also shall include a 16648
statement of the acid generating potential and the acid 16649
neutralizing potential of the rock strata to be disturbed as 16650
calculated in accordance with the calculation method established 16651
under section 1513.075 of the Revised Code or with another 16652
calculation method. 16653

(p) For those lands in the permit application that a 16654
reconnaissance inspection suggests may be prime farmlands, a soil 16655
survey shall be made or obtained according to standards 16656
established by the secretary of the United States department of 16657
agriculture in order to confirm the exact location of the prime 16658
farmlands, if any; 16659

(q) A certificate issued by an insurance company authorized 16660
to do business in this state certifying that the applicant has a 16661
public liability insurance policy in force for the coal mining and 16662
reclamation operations for which the permit is sought or evidence 16663
that the applicant has satisfied other state self-insurance 16664
requirements. The policy shall provide for personal injury and 16665
property damage protection in an amount adequate to compensate any 16666
persons damaged as a result of coal mining and reclamation 16667
operations, including the use of explosives, and entitled to 16668
compensation under the applicable provisions of state law. The 16669
policy shall be maintained in effect during the term of the permit 16670
or any renewal, including the length of all reclamation 16671
operations. The insurance company shall give prompt notice to the 16672
permittee and the chief if the public liability insurance policy 16673

lapses for any reason including the nonpayment of insurance 16674
premiums. Upon the lapse of the policy, the chief may suspend the 16675
permit and all other outstanding permits until proper insurance 16676
coverage is obtained. 16677

(r) The business telephone number of the applicant; 16678

(s) If the applicant seeks an authorization under division 16679
(E)(7) of this section to conduct coal mining and reclamation 16680
operations on areas to be covered by the permit that were affected 16681
by coal mining operations before August 3, 1977, that have 16682
resulted in continuing water pollution from or on the previously 16683
mined areas, such additional information pertaining to those 16684
previously mined areas as may be required by the chief, including, 16685
without limitation, maps, plans, cross sections, data necessary to 16686
determine existing water quality from or on those areas with 16687
respect to pH, iron, and manganese, and a pollution abatement plan 16688
that may improve water quality from or on those areas with respect 16689
to pH, iron, and manganese. 16690

(2) Information pertaining to coal seams, test borings, core 16691
samplings, or soil samples as required by this section shall be 16692
made available by the chief to any person with an interest that is 16693
or may be adversely affected, except that information that 16694
pertains only to the analysis of the chemical and physical 16695
properties of the coal, excluding information regarding mineral or 16696
elemental content that is potentially toxic in the environment, 16697
shall be kept confidential and not made a matter of public record. 16698

(3)(a) If the chief finds that the probable total annual 16699
production at all locations of any operator will not exceed three 16700
hundred thousand tons, the following activities, upon the written 16701
request of the operator in connection with a permit application, 16702
shall be performed by a qualified public or private laboratory or 16703
another public or private qualified entity designated by the 16704
chief, and the cost of the activities shall be assumed by the 16705

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| chief, provided that sufficient moneys for such assistance are available: | 16706 |
| | 16707 |
| (i) The determination of probable hydrologic consequences required under division (B)(1)(k) of this section; | 16708 |
| | 16709 |
| (ii) The development of cross-section maps and plans required under division (B)(1)(n)(i) of this section; | 16710 |
| | 16711 |
| (iii) The geologic drilling and statement of results of test borings and core samplings required under division (B)(1)(o) of this section; | 16712 |
| | 16713 |
| | 16714 |
| (iv) The collection of archaeological information required under division (B)(1)(m) of this section and any other archaeological and historical information required by the chief, and the preparation of plans necessitated thereby; | 16715 |
| | 16716 |
| | 16717 |
| | 16718 |
| (v) Pre-blast surveys required under division (E) of section 1513.161 of the Revised Code; | 16719 |
| | 16720 |
| (vi) The collection of site-specific resource information and production of protection and enhancement plans for fish and wildlife habitats and other environmental values required by the chief under this chapter. | 16721 |
| | 16722 |
| | 16723 |
| | 16724 |
| (b) A coal operator that has received assistance under division (B)(3)(a) of this section shall reimburse the chief for the cost of the services rendered if the chief finds that the operator's actual and attributed annual production of coal for all locations exceeds three hundred thousand tons during the twelve months immediately following the date on which the operator was issued a coal mining and reclamation permit. | 16725 |
| | 16726 |
| | 16727 |
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| | 16730 |
| | 16731 |
| (4) Each applicant for a permit shall submit to the chief as part of the permit application a reclamation plan that meets the requirements of this chapter. | 16732 |
| | 16733 |
| | 16734 |
| (5) Each applicant for a coal mining and reclamation permit | 16735 |

shall file a copy of the application for a permit, excluding that 16736
information pertaining to the coal seam itself, for public 16737
inspection with the county recorder or an appropriate public 16738
office approved by the chief in the county where the mining is 16739
proposed to occur. 16740

(6) Each applicant for a coal mining and reclamation permit 16741
shall submit to the chief as part of the permit application a 16742
blasting plan that describes the procedures and standards by which 16743
the operator will comply with section 1513.161 of the Revised 16744
Code. 16745

(C) Each reclamation plan submitted as part of a permit 16746
application shall include, in the detail necessary to demonstrate 16747
that reclamation required by this chapter can be accomplished and 16748
in the detail necessary for the chief to determine the estimated 16749
cost of reclamation if the reclamation has to be performed by the 16750
division of mineral resources management in the event of 16751
forfeiture of the performance security by the applicant, a 16752
statement of: 16753

(1) The identification of the lands subject to coal mining 16754
operations over the estimated life of those operations and the 16755
size, sequence, and timing of the subareas for which it is 16756
anticipated that individual permits for mining will be sought; 16757

(2) The condition of the land to be covered by the permit 16758
prior to any mining, including all of the following: 16759

(a) The uses existing at the time of the application and, if 16760
the land has a history of previous mining, the uses that preceded 16761
any mining; 16762

(b) The capability of the land prior to any mining to support 16763
a variety of uses, giving consideration to soil and foundation 16764
characteristics, topography, and vegetative cover and, if 16765
applicable, a soil survey prepared pursuant to division (B)(1)(p) 16766

of this section; 16767

(c) The productivity of the land prior to mining, including 16768
appropriate classification as prime farmlands as well as the 16769
average yield of food, fiber, forage, or wood products obtained 16770
from the land under high levels of management. 16771

(3) The use that is proposed to be made of the land following 16772
reclamation, including information regarding the utility and 16773
capacity of the reclaimed land to support a variety of alternative 16774
uses, the relationship of the proposed use to existing land use 16775
policies and plans, and the comments of any owner of the land and 16776
state and local governments or agencies thereof that would have to 16777
initiate, implement, approve, or authorize the proposed use of the 16778
land following reclamation; 16779

(4) A detailed description of how the proposed postmining 16780
land use is to be achieved and the necessary support activities 16781
that may be needed to achieve the proposed land use; 16782

(5) The engineering techniques proposed to be used in mining 16783
and reclamation and a description of the major equipment; a plan 16784
for the control of surface water drainage and of water 16785
accumulation; a plan, where appropriate, for backfilling, soil 16786
stabilization, and compacting, grading, and appropriate 16787
revegetation; a plan for soil reconstruction, replacement, and 16788
stabilization, pursuant to the performance standards in section 16789
1513.16 of the Revised Code, for those food, forage, and forest 16790
lands identified in that section; and a statement as to how the 16791
permittee plans to comply with each of the requirements set out in 16792
section 1513.16 of the Revised Code; 16793

(6) A description of the means by which the utilization and 16794
conservation of the solid fuel resource being recovered will be 16795
maximized so that re-affecting the land in the future can be 16796
minimized; 16797

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| (7) A detailed estimated timetable for the accomplishment of each major step in the reclamation plan; | 16798 16799 |
| (8) A description of the degree to which the coal mining and reclamation operations are consistent with surface owner plans and applicable state and local land use plans and programs; | 16800 16801 16802 |
| (9) The steps to be taken to comply with applicable air and water quality laws and regulations and any applicable health and safety standards; | 16803 16804 16805 |
| (10) A description of the degree to which the reclamation plan is consistent with local physical, environmental, and climatological conditions; | 16806 16807 16808 |
| (11) A description of all lands, interests in lands, or options on such interests held by the applicant or pending bids on interests in lands by the applicant, which lands are contiguous to the area to be covered by the permit; | 16809 16810 16811 16812 |
| (12) The results of test borings that the applicant has made at the area to be covered by the permit, or other equivalent information and data in a form satisfactory to the chief, including the location of subsurface water, and an analysis of the chemical properties, including acid forming properties of the mineral and overburden; except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental contents that are potentially toxic in the environment, shall be kept confidential and not made a matter of public record; | 16813 16814 16815 16816 16817 16818 16819 16820 16821 16822 |
| (13) A detailed description of the measures to be taken during the mining and reclamation process to ensure the protection of all of the following: | 16823 16824 16825 |
| (a) The quality of surface and ground water systems, both on- and off-site, from adverse effects of the mining and reclamation process; | 16826 16827 16828 |

(b) The rights of present users to such water; 16829

(c) The quantity of surface and ground water systems, both 16830
on- and off-site, from adverse effects of the mining and 16831
reclamation process or, where such protection of quantity cannot 16832
be assured, provision of alternative sources of water. 16833

(14) Any other requirements the chief prescribes by rule. 16834

(D)(1) Any information required by division (C) of this 16835
section that is not on public file pursuant to this chapter shall 16836
be held in confidence by the chief. 16837

(2) With regard to requests for an exemption from the 16838
requirements of this chapter for coal extraction incidental to the 16839
extraction of other minerals, as described in division (H)(1)(a) 16840
of section 1513.01 of the Revised Code, confidential information 16841
includes and is limited to information concerning trade secrets or 16842
privileged commercial or financial information relating to the 16843
competitive rights of the persons intending to conduct the 16844
extraction of minerals. 16845

(E)(1) Upon the basis of a complete mining application and 16846
reclamation plan or a revision or renewal thereof, as required by 16847
this chapter, and information obtained as a result of public 16848
notification and public hearing, if any, as provided by section 16849
1513.071 of the Revised Code, the chief shall grant, require 16850
modification of, or deny the application for a permit and notify 16851
the applicant in writing in accordance with division (I)(3) of 16852
this section. An application is deemed to be complete as submitted 16853
to the chief unless the chief, within fourteen days of the 16854
submission, identifies deficiencies in the application in writing 16855
and subsequently submits a copy of a written list of deficiencies 16856
to the applicant. An application shall not be considered 16857
incomplete or denied by reason of right of entry documentation, 16858
provided that the applicant documents the applicant's legal right 16859

to enter and mine at least sixty-seven per cent of the total area 16860
for which coal mining operations are proposed. 16861

A decision of the chief denying a permit shall state in 16862
writing the specific reasons for the denial. 16863

The applicant for a permit or revision of a permit has the 16864
burden of establishing that the application is in compliance with 16865
all the requirements of this chapter. Within ten days after the 16866
granting of a permit, the chief shall notify the boards of 16867
township trustees and county commissioners, the mayor, and the 16868
legislative authority in the township, county, and municipal 16869
corporation in which the area of land to be affected is located 16870
that a permit has been issued and shall describe the location of 16871
the land. However, failure of the chief to notify the local 16872
officials shall not affect the status of the permit. 16873

(2) No permit application or application for revision of an 16874
existing permit shall be approved unless the application 16875
affirmatively demonstrates and the chief finds in writing on the 16876
basis of the information set forth in the application or from 16877
information otherwise available, which shall be documented in the 16878
approval and made available to the applicant, all of the 16879
following: 16880

(a) The application is accurate and complete and all the 16881
requirements of this chapter have been complied with. 16882

(b) The applicant has demonstrated that the reclamation 16883
required by this chapter can be accomplished under the reclamation 16884
plan contained in the application. 16885

(c)(i) Assessment of the probable cumulative impact of all 16886
anticipated mining in the general and adjacent area on the 16887
hydrologic balance specified in division (B)(1)(k) of this section 16888
has been made by the chief, and the proposed operation has been 16889
designed to prevent material damage to hydrologic balance outside 16890

the permit area. 16891

(ii) There shall be an ongoing process conducted by the chief 16892
in cooperation with other state and federal agencies to review all 16893
assessments of probable cumulative impact of coal mining in light 16894
of post-mining data and any other hydrologic information as it 16895
becomes available to determine if the assessments were realistic. 16896
The chief shall take appropriate action as indicated in the review 16897
process. 16898

(d) The area proposed to be mined is not included within an 16899
area designated unsuitable for coal mining pursuant to section 16900
1513.073 of the Revised Code or is not within an area under study 16901
for such designation in an administrative proceeding commenced 16902
pursuant to division (A)(3)(c) or (B) of section 1513.073 of the 16903
Revised Code unless in an area as to which an administrative 16904
proceeding has commenced pursuant to division (A)(3)(c) or (B) of 16905
section 1513.073 of the Revised Code, the operator making the 16906
permit application demonstrates that, prior to January 1, 1977, 16907
the operator made substantial legal and financial commitments in 16908
relation to the operation for which a permit is sought. 16909

(e) In cases where the private mineral estate has been 16910
severed from the private surface estate and surface disturbance 16911
will result from the applicant's proposed use of a strip mining 16912
method, the applicant has submitted to the chief one of the 16913
following: 16914

(i) The written consent of the surface owner to the surface 16915
disturbance that will result from the extraction of coal by the 16916
applicant's proposed strip mining method; 16917

(ii) A conveyance that expressly grants or reserves the right 16918
to extract the coal by strip mining methods that cause surface 16919
disturbance; 16920

(iii) If the conveyance does not expressly grant the right to 16921

extract coal by strip mining methods that cause surface 16922
disturbance, the surface-subsurface legal relationship concerning 16923
surface disturbance shall be determined under the law of this 16924
state. This chapter does not authorize the chief to adjudicate 16925
property rights disputes. 16926

(3)(a) The applicant shall file with the permit application a 16927
schedule listing all notices of violations of any law, rule, or 16928
regulation of the United States or of any department or agency 16929
thereof or of any state pertaining to air or water environmental 16930
protection incurred by the applicant in connection with any coal 16931
mining operation during the three-year period prior to the date of 16932
application. The schedule also shall indicate the final resolution 16933
of such a notice of violation. Upon receipt of an application, the 16934
chief shall provide a schedule listing all notices of violations 16935
of this chapter pertaining to air or water environmental 16936
protection incurred by the applicant during the three-year period 16937
prior to receipt of the application and the final resolution of 16938
all such notices of violation. The chief shall provide this 16939
schedule to the applicant for filing by the applicant with the 16940
application filed for public review, as required by division 16941
(B)(5) of this section. When the schedule or other information 16942
available to the chief indicates that any coal mining operation 16943
owned or controlled by the applicant is currently in violation of 16944
such laws, the permit shall not be issued until the applicant 16945
submits proof that the violation has been corrected or is in the 16946
process of being corrected to the satisfaction of the regulatory 16947
authority, department, or agency that has jurisdiction over the 16948
violation and that any civil penalties owed to the state for a 16949
violation and not the subject of an appeal have been paid. No 16950
permit shall be issued to an applicant after a finding by the 16951
chief that the applicant or the operator specified in the 16952
application controls or has controlled mining operations with a 16953
demonstrated pattern of willful violations of this chapter of a 16954

nature and duration to result in irreparable damage to the 16955
environment as to indicate an intent not to comply with or a 16956
disregard of this chapter. 16957

(b) For the purposes of division (E)(3)(a) of this section, 16958
any violation resulting from an unanticipated event or condition 16959
at a surface coal mining operation on lands eligible for remining 16960
under a permit held by the person submitting an application for a 16961
coal mining permit under this section shall not prevent issuance 16962
of that permit. As used in this division, "unanticipated event or 16963
condition" means an event or condition encountered in a remining 16964
operation that was not contemplated by the applicable surface coal 16965
mining and reclamation permit. 16966

(4)(a) In addition to finding the application in compliance 16967
with division (E)(2) of this section, if the area proposed to be 16968
mined contains prime farmland as determined pursuant to division 16969
(B)(1)(p) of this section, the chief, after consultation with the 16970
secretary of the United States department of agriculture and 16971
pursuant to regulations issued by the secretary of the interior 16972
with the concurrence of the secretary of agriculture, may grant a 16973
permit to mine on prime farmland if the chief finds in writing 16974
that the operator has the technological capability to restore the 16975
mined area, within a reasonable time, to equivalent or higher 16976
levels of yield as nonmined prime farmland in the surrounding area 16977
under equivalent levels of management and can meet the soil 16978
reconstruction standards in section 1513.16 of the Revised Code. 16979

(b) Division (E)(4)(a) of this section does not apply to a 16980
permit issued prior to August 3, 1977, or revisions or renewals 16981
thereof. 16982

(5) The chief shall issue an order denying a permit after 16983
finding that the applicant has misrepresented or omitted any 16984
material fact in the application for the permit. 16985

(6) The chief may issue an order denying a permit after 16986
finding that the applicant, any partner, if the applicant is a 16987
partnership, any officer, principal shareholder, or director, if 16988
the applicant is a corporation, or any other person who has a 16989
right to control or in fact controls the management of the 16990
applicant or the selection of officers, directors, or managers of 16991
the applicant has been a sole proprietor or partner, officer, 16992
director, principal shareholder, or person having the right to 16993
control or has in fact controlled the management of or the 16994
selection of officers, directors, or managers of a business entity 16995
that ever has had a coal mining license or permit issued by this 16996
or any other state or the United States suspended or revoked, ever 16997
has forfeited a coal or surface mining bond, performance security, 16998
or similar security deposited in lieu of bond in this or any other 16999
state or with the United States, or ever has substantially or 17000
materially failed to comply with this chapter. 17001

(7) When issuing a permit under this section, the chief may 17002
authorize an applicant to conduct coal mining and reclamation 17003
operations on areas to be covered by the permit that were affected 17004
by coal mining operations before August 3, 1977, that have 17005
resulted in continuing water pollution from or on the previously 17006
mined areas for the purpose of potentially reducing the pollution 17007
loadings of pH, iron, and manganese from discharges from or on the 17008
previously mined areas. Following the chief's authorization to 17009
conduct such operations on those areas, the areas shall be 17010
designated as pollution abatement areas for the purposes of this 17011
chapter. 17012

The chief shall not grant an authorization under division 17013
(E)(7) of this section to conduct coal mining and reclamation 17014
operations on any such previously mined areas unless the applicant 17015
demonstrates to the chief's satisfaction that all of the following 17016
conditions are met: 17017

(a) The applicant's pollution abatement plan for mining and reclaiming the previously mined areas represents the best available technology economically achievable.

(b) Implementation of the plan will potentially reduce pollutant loadings of pH, iron, and manganese resulting from discharges of surface waters or ground water from or on the previously mined areas within the permit area.

(c) Implementation of the plan will not cause any additional degradation of surface water quality off the permit area with respect to pH, iron, and manganese.

(d) Implementation of the plan will not cause any additional degradation of ground water.

(e) The plan meets the requirements governing mining and reclamation of such previously mined pollution abatement areas established by the chief in rules adopted under section 1513.02 of the Revised Code.

(f) Neither the applicant; any partner, if the applicant is a partnership; any officer, principal shareholder, or director, if the applicant is a corporation; any other person who has a right to control or in fact controls the management of the applicant or the selection of officers, directors, or managers of the applicant; nor any contractor or subcontractor of the applicant, has any of the following:

(i) Responsibility or liability under this chapter or rules adopted under it as an operator for treating the discharges of water pollutants from or on the previously mined areas for which the authorization is sought;

(ii) Any responsibility or liability under this chapter or rules adopted under it for reclaiming the previously mined areas for which the authorization is sought;

(iii) During the eighteen months prior to submitting the permit application requesting an authorization under division (E)(7) of this section, had a coal mining and reclamation permit suspended or revoked under division (D)(3) of section 1513.02 of the Revised Code for violating this chapter or Chapter 6111. of the Revised Code or rules adopted under them with respect to water quality, effluent limitations, or surface or ground water monitoring;

(iv) Ever forfeited a coal or surface mining bond, performance security, or similar security deposited in lieu of a bond in this or any other state or with the United States.

(8) In the case of the issuance of a permit that involves a conflict of results between various methods of calculating potential acidity and neutralization potential for purposes of assessing the potential for acid mine drainage to occur at a mine site, the permit shall include provisions for monitoring and record keeping to identify the creation of unanticipated acid water at the mine site. If the monitoring detects the creation of acid water at the site, the permit shall impose on the permittee additional requirements regarding mining practices and site reclamation to prevent the discharge of acid mine drainage from the mine site. As used in division (E)(8) of this section, "potential acidity" and "neutralization potential" have the same meanings as in section 1513.075 of the Revised Code.

(F)(1) During the term of the permit, the permittee may submit an application for a revision of the permit, together with a revised reclamation plan, to the chief.

(2) An application for a revision of a permit shall not be approved unless the chief finds that reclamation required by this chapter can be accomplished under the revised reclamation plan. The revision shall be approved or disapproved within ninety days after receipt of a complete revision application. The chief shall

establish, by rule, criteria for determining the extent to which 17080
all permit application information requirements and procedures, 17081
including notice and hearings, shall apply to the revision 17082
request, except that any revisions that propose significant 17083
alterations in the reclamation plan, at a minimum, shall be 17084
subject to notice and hearing requirements. 17085

(3) Any extensions to the area covered by the permit except 17086
incidental boundary revisions shall be made by application for a 17087
permit. 17088

(4) Documents or a notarized statement that form the basis of 17089
the applicant's legal right to enter and commence coal mining 17090
operations on land that is located within an area covered by the 17091
permit and that was legally acquired subsequent to the issuance of 17092
the permit for the area shall be submitted with an application for 17093
a revision of the permit. 17094

(G) No transfer, assignment, or sale of the rights granted 17095
under a permit issued pursuant to this chapter shall be made 17096
without the written approval of the chief. 17097

(H) The chief, within a time limit prescribed in the chief's 17098
rules, shall review outstanding permits and may require reasonable 17099
revision or modification of a permit. A revision or modification 17100
shall be based upon a written finding and subject to notice and 17101
hearing requirements established by rule of the chief. 17102

(I)(1) If an informal conference has been held pursuant to 17103
section 1513.071 of the Revised Code, the chief shall issue and 17104
furnish the applicant for a permit, persons who participated in 17105
the informal conference, and persons who filed written objections 17106
pursuant to division (B) of section 1513.071 of the Revised Code, 17107
with the written finding of the chief granting or denying the 17108
permit in whole or in part and stating the reasons therefor within 17109
sixty days of the conference, provided that the chief shall comply 17110

with the time frames established in division (I)(3) of this section. 17111
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(2) If there has been no informal conference held pursuant to section 1513.071 of the Revised Code, the chief shall submit to the applicant for a permit the written finding of the chief granting or denying the permit in whole or in part and stating the reasons therefor within the time frames established in division (I)(3) of this section. 17113
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(3) The chief shall grant or deny a permit not later than two hundred forty days after the submission of a complete application for the permit. Any time during which the applicant is making revisions to an application or providing additional information requested by the chief regarding an application shall not be included in the two hundred forty days. If the chief determines that a permit cannot be granted or denied within the two-hundred-forty-day time frame, the chief, not later than two hundred ten days after the submission of a complete application for the permit, shall provide the applicant with written notice of the expected delay. 17119
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(4) If the application is approved, the permit shall be issued. However, the permit shall prohibit the commencement of coal mining operations on any land that is located within an area covered by the permit if the permittee has not provided to the chief documents that form the basis of the permittee's legal right to enter and conduct coal mining operations on that land. If the application is disapproved, specific reasons therefor shall be set forth in the notification. Within thirty days after the applicant is notified of the final decision of the chief on the permit application, the applicant or any person with an interest that is or may be adversely affected may appeal the decision to the reclamation commission pursuant to section 1513.13 of the Revised Code. 17130
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(5) Any applicant or any person with an interest that is or
may be adversely affected who has participated in the
administrative proceedings as an objector and is aggrieved by the
decision of the reclamation commission, or if the commission fails
to act within the time limits specified in this chapter, may
appeal in accordance with section 1513.14 of the Revised Code.

Sec. 1513.16. (A) Any permit issued under this chapter to
conduct coal mining operations shall require that the operations
meet all applicable performance standards of this chapter and such
other requirements as the chief of the division of mineral
resources management shall adopt by rule. General performance
standards shall apply to all coal mining and reclamation
operations and shall require the operator at a minimum to do all
of the following:

(1) Conduct coal mining operations so as to maximize the
utilization and conservation of the solid fuel resource being
recovered so that re-affecting the land in the future through coal
mining can be minimized;

(2) Restore the land affected to a condition capable of
supporting the uses that it was capable of supporting prior to any
mining, or higher or better uses of which there is reasonable
likelihood, so long as the uses do not present any actual or
probable hazard to public health or safety or pose any actual or
probable threat of diminution or pollution of the waters of the
state, and the permit applicants' declared proposed land uses
following reclamation are not considered to be impractical or
unreasonable, to be inconsistent with applicable land use policies
and plans, to involve unreasonable delay in implementation, or to
violate federal, state, or local law;

(3) Except as provided in division (B) of this section, with
respect to all coal mining operations, backfill, compact where

advisable to ensure stability or to prevent leaching of toxic 17174
materials, and grade in order to restore the approximate original 17175
contour of the land with all highwalls, spoil piles, and 17176
depressions eliminated unless small depressions are needed in 17177
order to retain moisture to assist revegetation or as otherwise 17178
authorized pursuant to this chapter, provided that if the operator 17179
demonstrates that due to volumetric expansion the amount of 17180
overburden and the spoil and waste materials removed in the course 17181
of the mining operation are more than sufficient to restore the 17182
approximate original contour, the operator shall backfill, grade, 17183
and compact the excess overburden and other spoil and waste 17184
materials to attain the lowest grade, but not more than the angle 17185
of repose, and to cover all acid-forming and other toxic materials 17186
in order to achieve an ecologically sound land use compatible with 17187
the surrounding region in accordance with the approved mining 17188
plan. The overburden or spoil shall be shaped and graded in such a 17189
way as to prevent slides, erosion, and water pollution and shall 17190
be revegetated in accordance with this chapter. 17191

(4) Stabilize and protect all surface areas, including spoil 17192
piles affected by the coal mining and reclamation operation, to 17193
control erosion and attendant air and water pollution effectively; 17194

(5) Remove the topsoil from the land in a separate layer, 17195
replace it on the backfill area, or, if not utilized immediately, 17196
segregate it in a separate pile from the spoil, and when the 17197
topsoil is not replaced on a backfill area within a time short 17198
enough to avoid deterioration of the topsoil, maintain a 17199
successful cover by quick-growing plants or other means thereafter 17200
so that the topsoil is preserved from wind and water erosion, 17201
remains free of any contamination by acid or other toxic material, 17202
and is in a usable condition for sustaining vegetation when 17203
restored during reclamation. If the topsoil is of insufficient 17204
quantity or of poor quality for sustaining vegetation or if other 17205

strata can be shown to be more suitable for vegetation 17206
requirements, the operator shall remove, segregate, and preserve 17207
in a like manner such other strata as are best able to support 17208
vegetation. 17209

(6) Restore the topsoil or the best available subsoil that is 17210
best able to support vegetation; 17211

(7) For all prime farmlands as identified in division 17212
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 17213
reclaimed, perform soil removal, storage, replacement, and 17214
reconstruction in accordance with specifications established by 17215
the secretary of the United States department of agriculture under 17216
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 17217
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 17218
required to do all of the following: 17219

(a) Segregate the A horizon of the natural soil, except where 17220
it can be shown that other available soil materials will create a 17221
final soil having a greater productive capacity, and, if not 17222
utilized immediately, stockpile this material separately from the 17223
spoil and provide needed protection from wind and water erosion or 17224
contamination by acid or other toxic material; 17225

(b) Segregate the B horizon of the natural soil, or 17226
underlying C horizons or other strata, or a combination of such 17227
horizons or other strata that are shown to be both texturally and 17228
chemically suitable for plant growth and that can be shown to be 17229
equally or more favorable for plant growth than the B horizon, in 17230
sufficient quantities to create in the regraded final soil a root 17231
zone of comparable depth and quality to that which existed in the 17232
natural soil, and, if not utilized immediately, stockpile this 17233
material separately from the spoil and provide needed protection 17234
from wind and water erosion or contamination by acid or other 17235
toxic material; 17236

- (c) Replace and regrade the root zone material described in 17237
division (A)(7)(b) of this section with proper compaction and 17238
uniform depth over the regraded spoil material; 17239
- (d) Redistribute and grade in a uniform manner the surface 17240
soil horizon described in division (A)(7)(a) of this section. 17241
- (8) Create, if authorized in the approved mining and 17242
reclamation plan and permit, permanent impoundments of water on 17243
mining sites as part of reclamation activities only when it is 17244
adequately demonstrated by the operator that all of the following 17245
conditions will be met: 17246
- (a) The size of the impoundment is adequate for its intended 17247
purposes. 17248
- (b) The impoundment dam construction will be so designed as 17249
to achieve necessary stability with an adequate margin of safety 17250
compatible with that of structures constructed under the 17251
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 17252
(1954), 16 U.S.C. 1001, as amended. 17253
- (c) The quality of impounded water will be suitable on a 17254
permanent basis for its intended use and discharges from the 17255
impoundment will not degrade the water quality below water quality 17256
standards established pursuant to applicable federal and state law 17257
in the receiving stream. 17258
- (d) The level of water will be reasonably stable. 17259
- (e) Final grading will provide adequate safety and access for 17260
proposed water users. 17261
- (f) The water impoundments will not result in the diminution 17262
of the quality or quantity of water utilized by adjacent or 17263
surrounding landowners for agricultural, industrial, recreational, 17264
or domestic uses. 17265
- (9) Conduct any augering operation associated with strip 17266

mining in a manner to maximize recoverability of mineral reserves 17267
remaining after the operation and reclamation are complete and 17268
seal all auger holes with an impervious and noncombustible 17269
material in order to prevent drainage, except where the chief 17270
determines that the resulting impoundment of water in such auger 17271
holes may create a hazard to the environment or the public health 17272
or safety. The chief may prohibit augering if necessary to 17273
maximize the utilization, recoverability, or conservation of the 17274
solid fuel resources or to protect against adverse water quality 17275
impacts. 17276

(10) Minimize the disturbances to the prevailing hydrologic 17277
balance at the mine site and in associated offsite areas and to 17278
the quality and quantity of water in surface and ground water 17279
systems both during and after coal mining operations and during 17280
reclamation by doing all of the following: 17281

(a) Avoiding acid or other toxic mine drainage by such 17282
measures as, but not limited to: 17283

(i) Preventing or removing water from contact with toxic 17284
producing deposits; 17285

(ii) Treating drainage to reduce toxic content that adversely 17286
affects downstream water upon being released to water courses in 17287
accordance with rules adopted by the chief in accordance with 17288
section 1513.02 of the Revised Code; 17289

(iii) Casing, sealing, or otherwise managing boreholes, 17290
shafts, and wells, and keeping acid or other toxic drainage from 17291
entering ground and surface waters. 17292

(b)(i) Conducting coal mining operations so as to prevent, to 17293
the extent possible using the best technology currently available, 17294
additional contributions of suspended solids to streamflow or 17295
runoff outside the permit area, but in no event shall 17296
contributions be in excess of requirements set by applicable state 17297

or federal laws; 17298

(ii) Constructing any siltation structures pursuant to 17299
division (A)(10)(b)(i) of this section prior to commencement of 17300
coal mining operations. The structures shall be certified by 17301
persons approved by the chief to be constructed as designed and as 17302
approved in the reclamation plan. 17303

(c) Cleaning out and removing temporary or large settling 17304
ponds or other siltation structures from drainways after disturbed 17305
areas are revegetated and stabilized, and depositing the silt and 17306
debris at a site and in a manner approved by the chief; 17307

(d) Restoring recharge capacity of the mined area to 17308
approximate premining conditions; 17309

(e) Avoiding channel deepening or enlargement in operations 17310
requiring the discharge of water from mines; 17311

(f) Such other actions as the chief may prescribe. 17312

(11) With respect to surface disposal of mine wastes, 17313
tailings, coal processing wastes, and other wastes in areas other 17314
than the mine working areas or excavations, stabilize all waste 17315
piles in designated areas through construction in compacted 17316
layers, including the use of noncombustible and impervious 17317
materials if necessary, and ensure that the final contour of the 17318
waste pile will be compatible with natural surroundings and that 17319
the site can and will be stabilized and revegetated according to 17320
this chapter; 17321

(12) Refrain from coal mining within five hundred feet of 17322
active and abandoned underground mines in order to prevent 17323
breakthroughs and to protect the health or safety of miners. The 17324
chief shall permit an operator to mine near, through, or partially 17325
through an abandoned underground mine or closer than five hundred 17326
feet to an active underground mine if both of the following 17327
conditions are met: 17328

- (a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief.
- (b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.
- (13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;
- (14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;
- (15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation if:
- (a) The chief finds in writing that:
- (i) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground

mining operations. 17360

(ii) The proposed underground mining operations are necessary 17361
or desirable to ensure maximum practical recovery of the mineral 17362
resource and will avoid multiple disturbance of the surface. 17363

(iii) The applicant has satisfactorily demonstrated that the 17364
plan for the underground mining operations conforms to 17365
requirements for underground mining in this state and that permits 17366
necessary for the underground mining operations have been issued 17367
by the appropriate authority. 17368

(iv) The areas proposed for the variance have been shown by 17369
the applicant to be necessary for the implementing of the proposed 17370
underground mining operations. 17371

(v) No substantial adverse environmental damage, either 17372
on-site or off-site, will result from the delay in completion of 17373
reclamation as required by this chapter. 17374

(vi) Provisions for the off-site storage of spoil will comply 17375
with division (A)(21) of this section. 17376

(b) The chief has adopted specific rules to govern the 17377
granting of such variances in accordance with this division and 17378
has imposed such additional requirements as the chief considers 17379
necessary. 17380

(c) Variances granted under this division shall be reviewed 17381
by the chief not more than three years from the date of issuance 17382
of the permit. 17383

(d) Liability under the performance security filed by the 17384
applicant with the chief pursuant to section 1513.08 of the 17385
Revised Code shall be for the duration of the underground mining 17386
operations and until the requirements of this section and section 17387
1513.08 of the Revised Code have been fully complied with. 17388

(16) Ensure that the construction, maintenance, and 17389

postmining conditions of access roads into and across the site of 17390
operations will control or prevent erosion and siltation, 17391
pollution of water, and damage to fish or wildlife or their 17392
habitat, or to public or private property; 17393

(17) Refrain from the construction of roads or other access 17394
ways up a stream bed or drainage channel or in such proximity to 17395
the channel as to seriously alter the normal flow of water; 17396

(18) Establish, on the regraded areas and all other lands 17397
affected, a diverse, effective, and permanent vegetative cover of 17398
the same seasonal variety native to the area of land to be 17399
affected and capable of self-regeneration and plant succession at 17400
least equal in extent of cover to the natural vegetation of the 17401
area, except that introduced species may be used in the 17402
revegetation process where desirable and necessary to achieve the 17403
approved postmining land use plan; 17404

(19)(a) Assume the responsibility for successful 17405
revegetation, as required by division (A)(18) of this section, for 17406
a period of five full years after the last year of augmented 17407
seeding, fertilizing, irrigation, or other work in order to ensure 17408
compliance with that division, except that when the chief approves 17409
a long-term intensive agricultural postmining land use, the 17410
applicable five-year period of responsibility for revegetation 17411
shall commence at the date of initial planting for that long-term 17412
intensive agricultural postmining land use, and except that when 17413
the chief issues a written finding approving a long-term intensive 17414
agricultural postmining land use as part of the mining and 17415
reclamation plan, the chief may grant an exception to division 17416
(A)(18) of this section; 17417

(b) On lands eligible for remining, assume the responsibility 17418
for successful revegetation, as required by division (A)(18) of 17419
this section, for a period of two full years after the last year 17420
of augmented seeding, fertilizing, irrigation, or other work in 17421

order to ensure compliance with that division. 17422

(20) Protect off-site areas from slides or damage occurring 17423
during the coal mining and reclamation operations and not deposit 17424
spoil material or locate any part of the operations or waste 17425
accumulations outside the permit area; 17426

(21) Place all excess spoil material resulting from coal 17427
mining and reclamation operations in such a manner that all of the 17428
following apply: 17429

(a) Spoil is transported and placed in a controlled manner in 17430
position for concurrent compaction and in such a way as to ensure 17431
mass stability and to prevent mass movement. 17432

(b) The areas of disposal are within the permit areas for 17433
which performance security has been provided. All organic matter 17434
shall be removed immediately prior to spoil placement except in 17435
the zoned concept method. 17436

(c) Appropriate surface and internal drainage systems and 17437
diversion ditches are used so as to prevent spoil erosion and mass 17438
movement. 17439

(d) The disposal area does not contain springs, natural 17440
watercourses, or wet weather seeps unless lateral drains are 17441
constructed from the wet areas to the main underdrains in such a 17442
manner that filtration of the water into the spoil pile will be 17443
prevented unless the zoned concept method is used. 17444

(e) If placed on a slope, the spoil is placed upon the most 17445
moderate slope among those slopes upon which, in the judgment of 17446
the chief, the spoil could be placed in compliance with all the 17447
requirements of this chapter and is placed, where possible, upon, 17448
or above, a natural terrace, bench, or berm if that placement 17449
provides additional stability and prevents mass movement. 17450

(f) Where the toe of the spoil rests on a downslope, a rock 17451

toe buttress of sufficient size to prevent mass movement is 17452
constructed. 17453

(g) The final configuration is compatible with the natural 17454
drainage pattern and surroundings and suitable for intended uses. 17455

(h) Design of the spoil disposal area is certified by a 17456
qualified registered professional engineer in conformance with 17457
professional standards. 17458

(i) All other provisions of this chapter are met. 17459

(22) Meet such other criteria as are necessary to achieve 17460
reclamation in accordance with the purpose of this chapter, taking 17461
into consideration the physical, climatological, and other 17462
characteristics of the site; 17463

(23) To the extent possible, using the best technology 17464
currently available, minimize disturbances and adverse impacts of 17465
the operation on fish, wildlife, and related environmental values, 17466
and achieve enhancement of such resources where practicable; 17467

(24) Provide for an undisturbed natural barrier beginning at 17468
the elevation of the lowest coal seam to be mined and extending 17469
from the outslope for such distance as the chief shall determine 17470
to be retained in place as a barrier to slides and erosion; 17471

(25) Restore on the permit area streams and wetlands affected 17472
by mining operations unless the chief approves restoration off the 17473
permit area without a permit required by section 1513.07 or 17474
1513.074 of the Revised Code, instead of restoration on the permit 17475
area, of a stream or wetland or a portion of a stream or wetland, 17476
provided that the chief first makes all of the following written 17477
determinations: 17478

(a) A hydrologic and engineering assessment of the affected 17479
lands, submitted by the operator, demonstrates that restoration on 17480
the permit area is not possible. 17481

(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible. 17482
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(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code. 17487
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(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section. 17496
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If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan. 17498
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Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be approved prior to the construction of required mitigation activities off the permit area. 17502
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(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section. 17508
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(2) When an applicant meets the requirements of divisions (B)(3) and (4) of this section, a permit without regard to the requirement to restore to approximate original contour known as 17510
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mountain top removal set forth in divisions (A)(3) or (C)(2) and 17513
(3) of this section may be granted for the mining of coal where 17514
the mining operation will remove an entire coal seam or seams 17515
running through the upper fraction of a mountain, ridge, or hill, 17516
except as provided in division (B)(4)(a) of this section, by 17517
removing all of the overburden and creating a level plateau or a 17518
gently rolling contour with no highwalls remaining, and capable of 17519
supporting postmining uses in accordance with this division. 17520

(3) In cases where an industrial, commercial, agricultural, 17521
residential, or public facility use, including recreational 17522
facilities, is proposed for the postmining use of the affected 17523
land, the chief may grant a permit for a mining operation of the 17524
nature described in division (B)(2) of this section when all of 17525
the following apply: 17526

(a) After consultation with the appropriate land use planning 17527
agencies, if any, the proposed postmining land use is considered 17528
to constitute an equal or better economic or public use of the 17529
affected land, as compared with premining use. 17530

(b) The applicant presents specific plans for the proposed 17531
postmining land use and appropriate assurances that the use will 17532
be all of the following: 17533

(i) Compatible with adjacent land uses; 17534

(ii) Obtainable according to data regarding expected need and 17535
market; 17536

(iii) Assured of investment in necessary public facilities; 17537

(iv) Supported by commitments from public agencies where 17538
appropriate; 17539

(v) Practicable with respect to private financial capability 17540
for completion of the proposed use; 17541

(vi) Planned pursuant to a schedule attached to the 17542

reclamation plan so as to integrate the mining operation and 17543
reclamation with the postmining land use; 17544

(vii) Designed by a registered engineer in conformity with 17545
professional standards established to ensure the stability, 17546
drainage, and configuration necessary for the intended use of the 17547
site. 17548

(c) The proposed use is consistent with adjacent land uses 17549
and existing state and local land use plans and programs. 17550

(d) The chief provides the governing body of the unit of 17551
general-purpose local government in which the land is located, and 17552
any state or federal agency that the chief, in the chief's 17553
discretion, determines to have an interest in the proposed use, an 17554
opportunity of not more than sixty days to review and comment on 17555
the proposed use. 17556

(e) All other requirements of this chapter will be met. 17557

(4) In granting a permit pursuant to this division, the chief 17558
shall require that each of the following is met: 17559

(a) The toe of the lowest coal seam and the overburden 17560
associated with it are retained in place as a barrier to slides 17561
and erosion. 17562

(b) The reclaimed area is stable. 17563

(c) The resulting plateau or rolling contour drains inward 17564
from the outslopes except at specified points. 17565

(d) No damage will be done to natural watercourses. 17566

(e) Spoil will be placed on the mountaintop bench as is 17567
necessary to achieve the planned postmining land use, except that 17568
all excess spoil material not retained on the mountaintop bench 17569
shall be placed in accordance with division (A)(21) of this 17570
section. 17571

(f) Stability of the spoil retained on the mountaintop bench 17572

is ensured and the other requirements of this chapter are met. 17573

(5) The chief shall adopt specific rules to govern the 17574
granting of permits in accordance with divisions (B)(1) to (4) of 17575
this section and may impose such additional requirements as the 17576
chief considers necessary. 17577

(6) All permits granted under divisions (B)(1) to (4) of this 17578
section shall be reviewed not more than three years from the date 17579
of issuance of the permit unless the applicant affirmatively 17580
demonstrates that the proposed development is proceeding in 17581
accordance with the terms of the approved schedule and reclamation 17582
plan. 17583

(C) All of the following performance standards apply to 17584
steep-slope coal mining and are in addition to those general 17585
performance standards required by this section, except that this 17586
division does not apply to those situations in which an operator 17587
is mining on flat or gently rolling terrain on which an occasional 17588
steep slope is encountered through which the mining operation is 17589
to proceed, leaving a plain or predominantly flat area, or where 17590
an operator is in compliance with division (B) of this section: 17591

(1) The operator shall ensure that when performing coal 17592
mining on steep slopes, no debris, abandoned or disabled 17593
equipment, spoil material, or waste mineral matter is placed on 17594
the downslope below the bench or mining cut. Spoil material in 17595
excess of that required for the reconstruction of the approximate 17596
original contour under division (A)(3) or (C)(2) of this section 17597
shall be permanently stored pursuant to division (A)(21) of this 17598
section. 17599

(2) The operator shall complete backfilling with spoil 17600
material to cover completely the highwall and return the site to 17601
the approximate original contour, which material will maintain 17602
stability following mining and reclamation. 17603

(3) The operator shall not disturb land above the top of the highwall unless the chief finds that the disturbance will facilitate compliance with the environmental protection standards of this section, except that any such disturbance involving land above the highwall shall be limited to that amount of land necessary to facilitate compliance.

(D)(1) The chief may permit variances for the purposes set forth in division (D)(3) of this section, provided that the watershed control of the area is improved and that complete backfilling with spoil material shall be required to cover completely the highwall, which material will maintain stability following mining and reclamation.

(2) Where an applicant meets the requirements of divisions (D)(3) and (4) of this section, a variance from the requirement to restore to approximate original contour set forth in division (C)(2) of this section may be granted for the mining of coal when the owner of the surface knowingly requests in writing, as a part of the permit application, that such a variance be granted so as to render the land, after reclamation, suitable for an industrial, commercial, residential, or public use, including recreational facilities, in accordance with divisions (D)(3) and (4) of this section.

(3) A variance pursuant to division (D)(2) of this section may be granted if:

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability,

drainage, and configuration necessary for the intended use of the site. 17635
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(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved. 17637
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(4) In granting a variance pursuant to division (D) of this section, the chief shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, ensure stability of the spoil retained on the bench, and meet all other requirements of this chapter. All spoil placement off the mine bench shall comply with division (A)(21) of this section. 17640
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(5) The chief shall adopt specific rules to govern the granting of variances under division (D) of this section and may impose such additional requirements as the chief considers necessary. 17647
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(6) All variances granted under division (D) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan. 17651
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(E) The chief shall establish standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment of new and existing coal mine waste piles referred to in division (A)(13) of this section and division (A)(5) of section 1513.35 of the Revised Code. The standards and criteria shall conform to the standards and criteria used by the chief of the United States army corps of engineers to ensure that flood control structures are safe and effectively perform their intended function. In addition to engineering and other technical specifications, the standards 17656
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and criteria developed pursuant to this division shall include 17666
provisions for review and approval of plans and specifications 17667
prior to construction, enlargement, modification, removal, or 17668
abandonment; performance of periodic inspections during 17669
construction; issuance of certificates of approval upon completion 17670
of construction; performance of periodic safety inspections; and 17671
issuance of notices for required remedial or maintenance work. 17672

(F)(1) The permittee may file a request with the chief for 17673
release of a part of a performance security under division (F)(3) 17674
of this section. Within thirty days after any request for 17675
performance security release under this section has been filed 17676
with the chief, the operator shall submit a copy of an 17677
advertisement placed at least once a week for four successive 17678
weeks in a newspaper of general circulation in the locality of the 17679
coal mining operation. The advertisement shall be considered part 17680
of any performance security release application and shall contain 17681
a notification of the precise location of the land affected, the 17682
number of acres, the permit number and the date approved, the 17683
amount of the performance security filed and the portion sought to 17684
be released, the type and appropriate dates of reclamation work 17685
performed, and a description of the results achieved as they 17686
relate to the operator's approved reclamation plan and, if 17687
applicable, the operator's pollution abatement plan. In addition, 17688
as part of any performance security release application, the 17689
applicant shall submit copies of the letters sent to adjoining 17690
property owners, local governmental bodies, planning agencies, and 17691
sewage and water treatment authorities or water companies in the 17692
locality in which the coal mining and reclamation activities took 17693
place, notifying them of the applicant's intention to seek release 17694
from the performance security. 17695

(2) Upon receipt of a copy of the advertisement and request 17696
for release of a performance security under division (F)(3)(c) of 17697

this section, the chief, within thirty days, shall conduct an 17698
inspection and evaluation of the reclamation work involved. The 17699
evaluation shall consider, among other things, the degree of 17700
difficulty to complete any remaining reclamation, whether 17701
pollution of surface and subsurface water is occurring, the 17702
probability of continuation or future occurrence of the pollution, 17703
and the estimated cost of abating the pollution. The chief shall 17704
notify the permittee in writing of the decision to release or not 17705
to release all or part of the performance security within sixty 17706
days after the filing of the request if no public hearing is held 17707
pursuant to division (F)(6) of this section or, if there has been 17708
a public hearing held pursuant to division (F)(6) of this section, 17709
within thirty days thereafter. 17710

(3) The chief may release the performance security if the 17711
reclamation covered by the performance security or portion thereof 17712
has been accomplished as required by this chapter and rules 17713
adopted under it according to the following schedule: 17714

(a) When the operator completes the backfilling, regrading, 17715
and drainage control of an area for which performance security has 17716
been provided in accordance with the approved reclamation plan, 17717
and, if the area covered by the performance security is one for 17718
which an authorization was made under division (E)(7) of section 17719
1513.07 of the Revised Code, the operator has complied with the 17720
approved pollution abatement plan and all additional requirements 17721
established by the chief in rules adopted under section 1513.02 of 17722
the Revised Code governing coal mining and reclamation operations 17723
on pollution abatement areas, the chief shall grant a release of 17724
fifty per cent of the performance security for the applicable 17725
permit area. 17726

(b) After resoiling and revegetation have been established on 17727
the regraded mined lands in accordance with the approved 17728
reclamation plan, the chief shall grant a release in an amount not 17729

exceeding thirty-five per cent of the original performance 17730
security for all or part of the affected area under the permit. 17731
When determining the amount of performance security to be released 17732
after successful revegetation has been established, the chief 17733
shall retain that amount of performance security for the 17734
revegetated area that would be sufficient for a third party to 17735
cover the cost of reestablishing revegetation for the period 17736
specified for operator responsibility in this section for 17737
reestablishing revegetation. No part of the performance security 17738
shall be released under this division so long as the lands to 17739
which the release would be applicable are contributing suspended 17740
solids to streamflow or runoff outside the permit area in excess 17741
of the requirements of this section or until soil productivity for 17742
prime farmlands has returned to equivalent levels of yield as 17743
nonmined land of the same soil type in the surrounding area under 17744
equivalent management practices as determined from the soil survey 17745
performed pursuant to section 1513.07 of the Revised Code. If the 17746
area covered by the performance security is one for which an 17747
authorization was made under division (E)(7) of section 1513.07 of 17748
the Revised Code, no part of the performance security shall be 17749
released under this division until the operator has complied with 17750
the approved pollution abatement plan and all additional 17751
requirements established by the chief in rules adopted under 17752
section 1513.02 of the Revised Code governing coal mining and 17753
reclamation operations on pollution abatement areas. Where a silt 17754
dam is to be retained as a permanent impoundment pursuant to 17755
division (A)(10) of this section, the portion of performance 17756
security may be released under this division so long as provisions 17757
for sound future maintenance by the operator or the landowner have 17758
been made with the chief. 17759

(c) When the operator has completed successfully all coal 17760
mining and reclamation activities, including, if applicable, all 17761
additional requirements established in the pollution abatement 17762

plan approved under division (E)(7) of section 1513.07 of the Revised Code and all additional requirements established by the chief in rules adopted under section 1513.02 of the Revised Code governing coal mining and reclamation operations on pollution abatement areas, the chief shall release all or any of the remaining portion of the performance security for all or part of the affected area under a permit, but not before the expiration of the period specified for operator responsibility in this section, except that the chief may adopt rules for a variance to the operator period of responsibility considering vegetation success and probability of continued growth and consent of the landowner, provided that no performance security shall be fully released until all reclamation requirements of this chapter are fully met.

(4) If the chief disapproves the application for release of the performance security or portion thereof, the chief shall notify the permittee, in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure the release, and allowing the opportunity for a public adjudicatory hearing.

(5) When any application for total or partial performance security release is filed with the chief under this section, the chief shall notify the municipal corporation in which the coal mining operation is located by certified mail at least thirty days prior to the release of all or a portion of the performance security.

(6) A person with a valid legal interest that might be adversely affected by release of a performance security under this section or the responsible officer or head of any federal, state, or local government agency that has jurisdiction by law or special expertise with respect to any environmental, social, or economic impact involved in the operation or is authorized to develop and enforce environmental standards with respect to such operations

may file written objections to the proposed release from the 17795
performance security with the chief within thirty days after the 17796
last publication of the notice required by division (F)(1) of this 17797
section. If written objections are filed and an informal 17798
conference is requested, the chief shall inform all interested 17799
parties of the time and place of the conference. The date, time, 17800
and location of the informal conference shall be advertised by the 17801
chief in a newspaper of general circulation in the locality of the 17802
coal mining operation proposed for performance security release 17803
for at least once a week for two consecutive weeks. The informal 17804
conference shall be held in the locality of the coal mining 17805
operation proposed for performance security release or in Franklin 17806
county, at the option of the objector, within thirty days after 17807
the request for the conference. An electronic or stenographic 17808
record shall be made of the conference proceeding unless waived by 17809
all parties. The record shall be maintained and shall be 17810
accessible to the parties until final release of the performance 17811
security at issue. In the event all parties requesting the 17812
informal conference stipulate agreement prior to the requested 17813
informal conference and withdraw their request, the informal 17814
conference need not be held. 17815

(7) If an informal conference has been held pursuant to 17816
division (F)(6) of this section, the chief shall issue and furnish 17817
the applicant and persons who participated in the conference with 17818
the written decision regarding the release within sixty days after 17819
the conference. Within thirty days after notification of the final 17820
decision of the chief regarding the performance security release, 17821
the applicant or any person with an interest that is or may be 17822
adversely affected by the decision may appeal the decision to the 17823
reclamation commission pursuant to section 1513.13 of the Revised 17824
Code. 17825

(8)(a) If the chief determines that a permittee is 17826

responsible for mine drainage that requires water treatment after 17827
reclamation is completed under the terms of the permit or that a 17828
permittee must provide an alternative water supply after 17829
reclamation is completed under the terms of the permit, the 17830
permittee shall provide alternative financial security in an 17831
amount determined by the chief prior to the release of the 17832
remaining portion of performance security under division (F)(3)(c) 17833
of this section. The alternative financial security shall be in an 17834
amount that is equal to or greater than the present value of the 17835
estimated cost over time to develop and implement mine drainage 17836
plans and provide water treatment or in an amount that is 17837
necessary to provide and maintain an alternative water supply, as 17838
applicable. The alternative financial security shall include a 17839
contract, trust, or other agreement or mechanism that is 17840
enforceable under law to provide long-term water treatment or a 17841
long-term alternative water supply, or both. The contract, trust, 17842
or other agreement or mechanism included with the alternative 17843
financial security may provide for the funding of the alternative 17844
financial security incrementally over a period of time, not to 17845
exceed five years, with reliance on guarantees or other collateral 17846
provided by the permittee and approved by the chief for the 17847
balance of the alternative financial security required until the 17848
alternative financial security has been fully funded by the 17849
permittee. 17850

(b) The chief shall adopt rules in accordance with Chapter 17851
119. of the Revised Code that are necessary for the administration 17852
of division (F)(8)(a) of this section. 17853

(c) If the chief determines that a permittee must provide 17854
alternative financial security under division (F)(8)(a) of this 17855
section and the performance security for the permit was provided 17856
under division (C)(2) of section 1513.08 of the Revised Code, the 17857
permittee may fund the alternative financial security 17858

incrementally over a period of time, not to exceed five years, 17859
with reliance on the reclamation forfeiture fund created in 17860
section 1513.18 of the Revised Code for the balance of the 17861
alternative financial security required until the alternative 17862
financial security has been fully funded by the permittee. The 17863
permittee semiannually shall pay to the division of mineral 17864
resources management a fee that is equal to seven and one-half per 17865
cent of the average balance of the alternative financial security 17866
that is being provided by reliance on the reclamation forfeiture 17867
fund over the previous six months. All money received from the fee 17868
shall be credited to the reclamation forfeiture fund. 17869

(9) Final release of the performance security in accordance 17870
with division (F)(3)(c) of this section terminates the 17871
jurisdiction of the chief under this chapter over the reclaimed 17872
site of a surface coal mining and reclamation operation or 17873
applicable portion of an operation. However, the chief shall 17874
reassert jurisdiction over such a site if the release was based on 17875
fraud, collusion, or misrepresentation of a material fact and the 17876
chief, in writing, demonstrates evidence of the fraud, collusion, 17877
or misrepresentation. Any person with an interest that is or may 17878
be adversely affected by the chief's determination may appeal the 17879
determination to the reclamation commission in accordance with 17880
section 1513.13 of the Revised Code. 17881

(G) The chief shall adopt rules governing the criteria for 17882
forfeiture of performance security, the method of determining the 17883
forfeited amount, and the procedures to be followed in the event 17884
of forfeiture. Cash received as the result of such forfeiture is 17885
the property of the state. 17886

Sec. 1531.35. The wildlife boater angler fund is hereby 17887
created in the state treasury. The fund shall consist of money 17888
credited to the fund pursuant to section 5735.051 of the Revised 17889

Code and other money contributed to the division of wildlife for 17890
the purposes of the fund. The fund shall be used for boating 17891
access construction, improvements, ~~and~~ maintenance and repair of 17892
dams and impoundments, and acquisitions, including lands and 17893
facilities for boating access, and to pay for equipment and 17894
personnel costs involved with those activities, on ~~lakes~~ waters on 17895
which the operation of gasoline-powered watercraft is permissible. 17896
However, not more than ~~two~~ five hundred thousand dollars of the 17897
annual expenditures from the fund may be used to pay for the 17898
equipment and personnel costs. 17899

Sec. 1533.10. Except as provided in this section or division 17900
(A)(2) of section 1533.12 or section 1533.73 or 1533.731 of the 17901
Revised Code, no person shall hunt any wild bird or wild quadruped 17902
without a hunting license. Each day that any person hunts within 17903
the state without procuring such a license constitutes a separate 17904
offense. Except as otherwise provided in this section, every 17905
applicant for a hunting license who is a resident of the state and 17906
eighteen years of age or more shall procure a resident hunting 17907
license or an apprentice resident hunting license, the fee for 17908
which shall be eighteen dollars unless the rules adopted under 17909
division (B) of section 1533.12 of the Revised Code provide for 17910
issuance of a resident hunting license to the applicant free of 17911
charge. Except as provided in rules adopted under division (B)(2) 17912
of that section, each applicant who is a resident of this state 17913
and who at the time of application is sixty-six years of age or 17914
older shall procure a special senior hunting license, the fee for 17915
which shall be one-half of the regular hunting license fee. Every 17916
applicant who is under the age of eighteen years shall procure a 17917
special youth hunting license or an apprentice youth hunting 17918
license, the fee for which shall be one-half of the regular 17919
hunting license fee. 17920

A resident of this state who owns lands in the state and the 17921

owner's children of any age and grandchildren under eighteen years 17922
of age may hunt on the lands without a hunting license. A resident 17923
of any other state who owns real property in this state, and the 17924
spouse and children living with the property owner, may hunt on 17925
that property without a license, provided that the state of 17926
residence of the real property owner allows residents of this 17927
state owning real property in that state, and the spouse and 17928
children living with the property owner, to hunt without a 17929
license. If the owner of land in this state is a limited liability 17930
company or a limited liability partnership that consists of three 17931
or fewer individual members or partners, as applicable, an 17932
individual member or partner who is a resident of this state and 17933
the member's or partner's children of any age and grandchildren 17934
under eighteen years of age may hunt on the land owned by the 17935
limited liability company or limited liability partnership without 17936
a hunting license. In addition, if the owner of land in this state 17937
is a trust that has a total of three or fewer trustees and 17938
beneficiaries, an individual who is a trustee or beneficiary and 17939
who is a resident of this state and the individual's children of 17940
any age and grandchildren under eighteen years of age may hunt on 17941
the land owned by the trust without a hunting license. The tenant 17942
and children of the tenant, residing on lands in the state, may 17943
hunt on them without a hunting license. 17944

Except as otherwise provided in division (A)(1) of section 17945
1533.12 of the Revised Code, every applicant for a hunting license 17946
who is a nonresident of the state and who is eighteen years of age 17947
or older shall procure a nonresident hunting license or an 17948
apprentice nonresident hunting license, the fee for which shall be 17949
one hundred ~~twenty-four~~ forty-nine dollars unless the applicant is 17950
a resident of a state that is a party to an agreement under 17951
section 1533.91 of the Revised Code, in which case the fee shall 17952
be eighteen dollars. Apprentice resident hunting licenses, 17953
apprentice youth hunting licenses, and apprentice nonresident 17954

hunting licenses are subject to the requirements established under 17955
section 1533.102 of the Revised Code and rules adopted pursuant to 17956
it. 17957

The chief of the division of wildlife may issue a small game 17958
hunting license expiring three days from the effective date of the 17959
license to a nonresident of the state, the fee for which shall be 17960
thirty-nine dollars. No person shall take or possess deer, wild 17961
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 17962
animal while possessing only a small game hunting license. A small 17963
game hunting license or an apprentice nonresident hunting license 17964
does not authorize the taking or possessing of ducks, geese, or 17965
brant without having obtained, in addition to the small game 17966
hunting license or the apprentice nonresident hunting license, a 17967
wetlands habitat stamp as provided in section 1533.112 of the 17968
Revised Code. A small game hunting license or an apprentice 17969
nonresident hunting license does not authorize the taking or 17970
possessing of deer, wild turkeys, or fur-bearing animals. A 17971
nonresident of the state who wishes to take or possess deer, wild 17972
turkeys, or fur-bearing animals in this state shall procure, 17973
respectively, a deer or wild turkey permit as provided in section 17974
1533.11 of the Revised Code or a fur taker permit as provided in 17975
section 1533.111 of the Revised Code in addition to a nonresident 17976
hunting license, an apprentice nonresident hunting license, a 17977
special youth hunting license, or an apprentice youth hunting 17978
license, as applicable, as provided in this section. 17979

No person shall procure or attempt to procure a hunting 17980
license by fraud, deceit, misrepresentation, or any false 17981
statement. 17982

This section does not authorize the taking and possessing of 17983
deer or wild turkeys without first having obtained, in addition to 17984
the hunting license required by this section, a deer or wild 17985
turkey permit as provided in section 1533.11 of the Revised Code 17986

or the taking and possessing of ducks, geese, or brant without 17987
first having obtained, in addition to the hunting license required 17988
by this section, a wetlands habitat stamp as provided in section 17989
1533.112 of the Revised Code. 17990

This section does not authorize the hunting or trapping of 17991
fur-bearing animals without first having obtained, in addition to 17992
a hunting license required by this section, a fur taker permit as 17993
provided in section 1533.111 of the Revised Code. 17994

No hunting license shall be issued unless it is accompanied 17995
by a written explanation of the law in section 1533.17 of the 17996
Revised Code and the penalty for its violation, including a 17997
description of terms of imprisonment and fines that may be 17998
imposed. 17999

No hunting license, other than an apprentice hunting license, 18000
shall be issued unless the applicant presents to the agent 18001
authorized to issue the license a previously held hunting license 18002
or evidence of having held such a license in content and manner 18003
approved by the chief, a certificate of completion issued upon 18004
completion of a hunter education and conservation course approved 18005
by the chief, or evidence of equivalent training in content and 18006
manner approved by the chief. A previously held apprentice hunting 18007
license does not satisfy the requirement concerning the 18008
presentation of a previously held hunting license or evidence of 18009
it. 18010

No person shall issue a hunting license, except an apprentice 18011
hunting license, to any person who fails to present the evidence 18012
required by this section. No person shall purchase or obtain a 18013
hunting license, other than an apprentice hunting license, without 18014
presenting to the issuing agent the evidence required by this 18015
section. Issuance of a hunting license in violation of the 18016
requirements of this section is an offense by both the purchaser 18017
of the illegally obtained hunting license and the clerk or agent 18018

who issued the hunting license. Any hunting license issued in 18019
violation of this section is void. 18020

The chief, with approval of the wildlife council, shall adopt 18021
rules prescribing a hunter education and conservation course for 18022
first-time hunting license buyers, other than buyers of apprentice 18023
hunting licenses, and for volunteer instructors. The course shall 18024
consist of subjects including, but not limited to, hunter safety 18025
and health, use of hunting implements, hunting tradition and 18026
ethics, the hunter and conservation, the law in section 1533.17 of 18027
the Revised Code along with the penalty for its violation, 18028
including a description of terms of imprisonment and fines that 18029
may be imposed, and other law relating to hunting. Authorized 18030
personnel of the division or volunteer instructors approved by the 18031
chief shall conduct such courses with such frequency and at such 18032
locations throughout the state as to reasonably meet the needs of 18033
license applicants. The chief shall issue a certificate of 18034
completion to each person who successfully completes the course 18035
and passes an examination prescribed by the chief. 18036

Sec. 1533.11. (A)(1) Except as provided in this section or 18037
section 1533.731 of the Revised Code, no person shall hunt deer on 18038
lands of another without first obtaining an annual deer permit. 18039
Except as provided in this section, no person shall hunt wild 18040
turkeys on lands of another without first obtaining an annual wild 18041
turkey permit. ~~Each~~ 18042

(2) ~~Each~~ applicant for a ~~deer~~ or wild turkey permit shall pay 18043
an annual fee of twenty-three dollars for ~~each~~ the permit unless 18044
the rules adopted under division (B) of section 1533.12 of the 18045
Revised Code provide for issuance of a ~~deer~~ or wild turkey permit 18046
to the applicant free of charge. Except as provided in rules 18047
adopted under division (B)(2) of that section, each applicant who 18048
is a resident of this state and who at the time of application is 18049

sixty-six years of age or older shall procure a senior ~~deer or~~ 18050
wild turkey permit, the fee for which shall be one-half of the 18051
regular ~~deer or~~ wild turkey permit fee. Each applicant who is 18052
under the age of eighteen years shall procure a youth ~~deer or~~ wild 18053
turkey permit, the fee for which shall be one-half of the regular 18054
~~deer or~~ wild turkey permit fee. ~~Except~~ 18055

(3) Each applicant for a deer permit who is a resident of 18056
this state shall procure a resident deer permit, the fee for which 18057
is twenty-three dollars unless the rules adopted under division 18058
(B) of section 1533.12 of the Revised Code provide for issuance of 18059
a deer permit to the applicant free of charge. Each applicant for 18060
a deer permit who is a nonresident of this state shall procure a 18061
nonresident deer permit, the fee for which is ninety-nine dollars 18062
unless the rules adopted under that division provide for issuance 18063
of a deer permit to the applicant free of charge. Except as 18064
provided in rules adopted under division (B)(2) of section 1533.12 18065
of the Revised Code, each applicant who is a resident of this 18066
state and who at the time of application is sixty-six years of age 18067
or older shall procure a senior resident deer permit, the fee for 18068
which is one-half of the regular resident deer permit fee. Each 18069
applicant who is under the age of eighteen years, regardless of 18070
residency, shall procure a youth deer permit, the fee for which is 18071
one-half of the regular resident deer permit fee. 18072

(4) As used in this chapter, "deer permit" includes a 18073
resident deer permit and a nonresident deer permit unless the 18074
context indicates otherwise. 18075

(5) Except as provided in division (A)(2) of section 1533.12 18076
of the Revised Code, a deer or wild turkey permit shall run 18077
concurrently with the hunting license. The money received shall be 18078
paid into the state treasury to the credit of the wildlife fund, 18079
created in section 1531.17 of the Revised Code, exclusively for 18080
the use of the division of wildlife in the acquisition and 18081

development of land for deer or wild turkey management, for 18082
investigating deer or wild turkey problems, and for the stocking, 18083
management, and protection of deer or wild turkey. Every person, 18084
while hunting deer or wild turkey on lands of another, shall carry 18085
the person's deer or wild turkey permit and exhibit it to any 18086
enforcement officer so requesting. Failure to so carry and exhibit 18087
such a permit constitutes an offense under this section. The chief 18088
of the division of wildlife shall adopt any additional rules the 18089
chief considers necessary to carry out this section and section 18090
1533.10 of the Revised Code. 18091

An owner who is a resident of this state or an owner who is 18092
exempt from obtaining a hunting license under section 1533.10 of 18093
the Revised Code and the children of the owner of lands in this 18094
state may hunt deer or wild turkey thereon without a deer or wild 18095
turkey permit. If the owner of land in this state is a limited 18096
liability company or a limited liability partnership that consists 18097
of three or fewer individual members or partners, as applicable, 18098
an individual member or partner who is a resident of this state 18099
and the member's or partner's children of any age may hunt deer or 18100
wild turkey on the land owned by the limited liability company or 18101
limited liability partnership without a deer or wild turkey 18102
permit. In addition, if the owner of land in this state is a trust 18103
that has a total of three or fewer trustees and beneficiaries, an 18104
individual who is a trustee or beneficiary and who is a resident 18105
of this state and the individual's children of any age may hunt 18106
deer or wild turkey on the land owned by the trust without a deer 18107
or wild turkey permit. The tenant and children of the tenant may 18108
hunt deer or wild turkey on lands where they reside without a deer 18109
or wild turkey permit. 18110

(B) A deer or wild turkey permit is not transferable. No 18111
person shall carry a deer or wild turkey permit issued in the name 18112
of another person. 18113

(C) The wildlife refunds fund is hereby created in the state 18114
treasury. The fund shall consist of money received from 18115
application fees for deer permits that are not issued. Money in 18116
the fund shall be used to make refunds of such application fees. 18117

(D) If the division establishes a system for the electronic 18118
submission of information regarding deer or wild turkey that are 18119
taken, the division shall allow the owner and the children of the 18120
owner of lands in this state to use the owner's name or address 18121
for purposes of submitting that information electronically via 18122
that system. 18123

Sec. 1533.12. (A)(1) Except as otherwise provided in division 18124
(A)(2) of this section, every person on active duty in the armed 18125
forces of the United States who is stationed in this state and who 18126
wishes to engage in an activity for which a license, permit, or 18127
stamp is required under this chapter first shall obtain the 18128
requisite license, permit, or stamp. Such a person is eligible to 18129
obtain a resident hunting or fishing license regardless of whether 18130
the person qualifies as a resident of this state. To obtain a 18131
resident hunting or fishing license, the person shall present a 18132
card or other evidence identifying the person as being on active 18133
duty in the armed forces of the United States and as being 18134
stationed in this state. 18135

(2) Every person on active duty in the armed forces of the 18136
United States, while on leave or furlough, may take or catch fish 18137
of the kind lawfully permitted to be taken or caught within the 18138
state, may hunt any wild bird or wild quadruped lawfully permitted 18139
to be hunted within the state, and may trap fur-bearing animals 18140
lawfully permitted to be trapped within the state, without 18141
procuring a fishing license, a hunting license, a fur taker 18142
permit, or a wetlands habitat stamp required by this chapter, 18143
provided that the person shall carry on the person when fishing, 18144

hunting, or trapping, a card or other evidence identifying the 18145
person as being on active duty in the armed forces of the United 18146
States, and provided that the person is not otherwise violating 18147
any of the hunting, fishing, and trapping laws of this state. 18148

In order to hunt deer or wild turkey, any such person shall 18149
obtain a resident deer or wild turkey permit, as applicable, under 18150
section 1533.11 of the Revised Code. Such a person is eligible to 18151
obtain a resident deer permit regardless of whether the person is 18152
a resident of this state. However, the person need not obtain a 18153
hunting license in order to obtain ~~such a~~ either permit. 18154

(B) The chief of the division of wildlife shall provide by 18155
rule adopted under section 1531.10 of the Revised Code all of the 18156
following: 18157

(1) Every resident of this state with a disability that has 18158
been determined by the veterans administration to be permanently 18159
and totally disabling, who receives a pension or compensation from 18160
the veterans administration, and who received an honorable 18161
discharge from the armed forces of the United States, and every 18162
veteran to whom the registrar of motor vehicles has issued a set 18163
of license plates under section 4503.41 of the Revised Code, shall 18164
be issued a fishing license, hunting license, fur taker permit, 18165
deer or wild turkey permit, or wetlands habitat stamp, or any 18166
combination of those licenses, permits, and stamp, free of charge 18167
on an annual, multi-year, or lifetime basis as determined 18168
appropriate by the chief when application is made to the chief in 18169
the manner prescribed by and on forms provided by the chief. 18170

(2) Every resident of the state who was born on or before 18171
December 31, 1937, shall be issued an annual fishing license, 18172
hunting license, fur taker permit, deer or wild turkey permit, or 18173
wetlands habitat stamp, or any combination of those licenses, 18174
permits, and stamp, free of charge when application is made to the 18175
chief in the manner prescribed by and on forms provided by the 18176

chief. 18177

(3) Every resident of state or county institutions, 18178
charitable institutions, and military homes in this state shall be 18179
issued an annual fishing license free of charge when application 18180
is made to the chief in the manner prescribed by and on forms 18181
provided by the chief. 18182

(4) Any mobility impaired or blind person, as defined in 18183
section 955.011 of the Revised Code, who is a resident of this 18184
state and who is unable to engage in fishing without the 18185
assistance of another person shall be issued an annual fishing 18186
license free of charge when application is made to the chief in 18187
the manner prescribed by and on forms provided by the chief. The 18188
person who is assisting the mobility impaired or blind person may 18189
assist in taking or catching fish of the kind permitted to be 18190
taken or caught without procuring the license required under 18191
section 1533.32 of the Revised Code, provided that only one line 18192
is used by both persons. 18193

(5) As used in division (B)(5) of this section, "prisoner of 18194
war" means any regularly appointed, enrolled, enlisted, or 18195
inducted member of the military forces of the United States who 18196
was captured, separated, and incarcerated by an enemy of the 18197
United States. 18198

Any person who has been a prisoner of war, was honorably 18199
discharged from the military forces, and is a resident of this 18200
state shall be issued a fishing license, hunting license, fur 18201
taker permit, or wetlands habitat stamp, or any combination of 18202
those licenses, permits, and stamp, free of charge on an annual, 18203
multi-year, or lifetime basis as determined appropriate by the 18204
chief when application is made to the chief in the manner 18205
prescribed by and on forms provided by the chief. 18206

(C) The chief shall adopt rules pursuant to section 1531.08 18207

of the Revised Code designating not more than two days, which need 18208
not be consecutive, in each year as "free sport fishing days" on 18209
which any resident may exercise the privileges accorded the holder 18210
of a fishing license issued under section 1533.32 of the Revised 18211
Code without procuring such a license, provided that the person is 18212
not otherwise violating any of the fishing laws of this state. 18213

Sec. 1548.11. (A) In the event of the transfer of ownership 18214
of a watercraft or outboard motor by operation of law, as upon 18215
inheritance, devise, bequest, order in bankruptcy, insolvency, 18216
replevin, or execution of sale, or whenever the engine of a 18217
watercraft is replaced by another engine, a watercraft or outboard 18218
motor is sold to satisfy storage or repair charges, or 18219
repossession is had upon default in performance of the terms of a 18220
security agreement as provided in Chapter 1309. of the Revised 18221
Code, a clerk of a court of common pleas, upon the surrender of 18222
the prior certificate of title or the manufacturer's or importer's 18223
certificate, or, when that is not possible, upon presentation of 18224
satisfactory proof to the clerk of ownership and rights of 18225
possession to the watercraft or outboard motor, and upon payment 18226
of the fee prescribed in section 1548.10 of the Revised Code and 18227
presentation of an application for certificate of title, may issue 18228
to the applicant a certificate of title to the watercraft or 18229
outboard motor. Only an affidavit by the person or agent of the 18230
person to whom possession of the watercraft or outboard motor has 18231
passed, setting forth the facts entitling the person to possession 18232
and ownership, together with a copy of the journal entry, court 18233
order, or instrument upon which the claim of possession and 18234
ownership is founded, is satisfactory proof of ownership and right 18235
of possession. If the applicant cannot produce such proof of 18236
ownership, the applicant may apply directly to the chief of the 18237
division of watercraft and submit such evidence as the applicant 18238
has, and the chief, if the chief finds the evidence sufficient, 18239

may authorize the clerk to issue a certificate of title. If the 18240
chief finds the evidence insufficient, the applicant may petition 18241
the court of common pleas for a court order ordering the clerk to 18242
issue a certificate of title. The court shall grant or deny the 18243
petition based on the sufficiency of the evidence presented to the 18244
court. If, from the records in the office of the clerk, there 18245
appears to be any lien on the watercraft or outboard motor, the 18246
certificate of title shall contain a statement of the lien unless 18247
the application is accompanied by proper evidence of its 18248
extinction. 18249

(B) Upon the death of one of the persons who have established 18250
joint ownership with right of survivorship under section 2131.12 18251
of the Revised Code in a watercraft or outboard motor and the 18252
presentation to the clerk of the title and the certificate of 18253
death of the deceased person, the clerk shall enter into the 18254
records the transfer of the watercraft or outboard motor to the 18255
surviving person, and the title to the watercraft or outboard 18256
motor immediately passes to the surviving person. The transfer 18257
does not affect any liens on the watercraft or outboard motor. 18258

(C) The clerk shall transfer a decedent's interest in one 18259
watercraft, one watercraft trailer, one outboard motor, or one of 18260
each to the decedent's surviving spouse as provided in section 18261
2106.19 of the Revised Code. 18262

(D) Upon the death of an owner of a watercraft or outboard 18263
motor designated in beneficiary form under section 2131.13 of the 18264
Revised Code, upon application of the transfer-on-death 18265
beneficiary or beneficiaries designated pursuant to that section, 18266
and upon presentation to the clerk of the certificate of title and 18267
the certificate of death of the deceased owner, the clerk shall 18268
transfer the watercraft or outboard motor and issue a certificate 18269
of title to the transfer-on-death beneficiary or beneficiaries. 18270
The transfer does not affect any liens upon any watercraft or 18271

outboard motor so transferred. 18272

Sec. 1561.04. ~~The chief of the division of mineral resources~~ 18273
~~management~~ director of natural resources or the director's 18274
designee shall annually make a report to the governor, which shall 18275
include: 18276

(A) A summary of the activities and of the reports of the 18277
deputy mine inspectors; 18278

(B) A statement of the condition and the operation of the 18279
mines of the state; 18280

(C) A statement of the number of accidents in and about the 18281
mines, the manner in which they occurred, and any other data and 18282
facts bearing upon the prevention of accidents and the 18283
preservation of life, health, and property, and any suggestions 18284
relative to the better preservation of the life, health, and 18285
property of those engaged in the mining industry. 18286

The records of the bureau of workers' compensation shall be 18287
available to the ~~chief~~ director or the director's designee for 18288
information concerning such a report. The ~~chief~~ director or the 18289
director's designee shall send by mail to each coal operator in 18290
the state, to a duly designated representative of the miners at 18291
each mine, and to such other persons as the ~~chief~~ director or the 18292
director's designee deems proper, a copy of such report. The ~~chief~~ 18293
director or the director's designee may have as many copies of 18294
such report printed as are needed to make the distribution thereof 18295
as provided in this section. 18296

The ~~chief~~ director or the director's designee shall also 18297
prepare and publish for public distribution quarterly reports, 18298
including therein information relative to the items enumerated in 18299
this section that is pertinent or available at such times. 18300

Sec. 1707.01. As used in this chapter: 18301

(A) Whenever the context requires it, "division" or "division of securities" may be read as "director of commerce" or as "commissioner of securities."

(B) "Security" means any certificate or instrument, or any oral, written, or electronic agreement, understanding, or opportunity, that represents title to or interest in, or is secured by any lien or charge upon, the capital, assets, profits, property, or credit of any person or of any public or governmental body, subdivision, or agency. It includes shares of stock, certificates for shares of stock, an uncertificated security, membership interests in limited liability companies, voting-trust certificates, warrants and options to purchase securities, subscription rights, interim receipts, interim certificates, promissory notes, all forms of commercial paper, evidences of indebtedness, bonds, debentures, land trust certificates, fee certificates, leasehold certificates, syndicate certificates, endowment certificates, interests in or under profit-sharing or participation agreements, interests in or under oil, gas, or mining leases, preorganization or reorganization subscriptions, preorganization certificates, reorganization certificates, interests in any trust or pretended trust, any investment contract, any life settlement interest, any instrument evidencing a promise or an agreement to pay money, warehouse receipts for intoxicating liquor, and the currency of any government other than those of the United States and Canada, but sections 1707.01 to 1707.45 of the Revised Code do not apply to the sale of real estate.

(C)(1) "Sale" has the full meaning of "sale" as applied by or accepted in courts of law or equity, and includes every disposition, or attempt to dispose, of a security or of an interest in a security. "Sale" also includes a contract to sell, an exchange, an attempt to sell, an option of sale, a solicitation

of a sale, a solicitation of an offer to buy, a subscription, or 18334
an offer to sell, directly or indirectly, by agent, circular, 18335
pamphlet, advertisement, or otherwise. 18336

(2) "Sell" means any act by which a sale is made. 18337

(3) The use of advertisements, circulars, or pamphlets in 18338
connection with the sale of securities in this state exclusively 18339
to the purchasers specified in division (D) of section 1707.03 of 18340
the Revised Code is not a sale when the advertisements, circulars, 18341
and pamphlets describing and offering those securities bear a 18342
readily legible legend in substance as follows: "This offer is 18343
made on behalf of dealers licensed under sections 1707.01 to 18344
1707.45 of the Revised Code, and is confined in this state 18345
exclusively to institutional investors and licensed dealers." 18346

(4) The offering of securities by any person in conjunction 18347
with a licensed dealer by use of advertisement, circular, or 18348
pamphlet is not a sale if that person does not otherwise attempt 18349
to sell securities in this state. 18350

(5) Any security given with, or as a bonus on account of, any 18351
purchase of securities is conclusively presumed to constitute a 18352
part of the subject of that purchase and has been "sold." 18353

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 18354
acting in a representative capacity, includes sale on behalf of 18355
such party by an agent, including a licensed dealer or 18356
salesperson. 18357

(D) "Person," except as otherwise provided in this chapter, 18358
means a natural person, firm, partnership, limited partnership, 18359
partnership association, syndicate, joint-stock company, 18360
unincorporated association, trust or trustee except where the 18361
trust was created or the trustee designated by law or judicial 18362
authority or by a will, and a corporation or limited liability 18363
company organized under the laws of any state, any foreign 18364

government, or any political subdivision of a state or foreign 18365
government. 18366

(E)(1) "Dealer," except as otherwise provided in this 18367
chapter, means every person, other than a salesperson, who engages 18368
or professes to engage, in this state, for either all or part of 18369
the person's time, directly or indirectly, either in the business 18370
of the sale of securities for the person's own account, or in the 18371
business of the purchase or sale of securities for the account of 18372
others in the reasonable expectation of receiving a commission, 18373
fee, or other remuneration as a result of engaging in the purchase 18374
and sale of securities. "Dealer" does not mean any of the 18375
following: 18376

(a) Any issuer, including any officer, director, employee, or 18377
trustee of, or member or manager of, or partner in, or any general 18378
partner of, any issuer, that sells, offers for sale, or does any 18379
act in furtherance of the sale of a security that represents an 18380
economic interest in that issuer, provided no commission, fee, or 18381
other similar remuneration is paid to or received by the issuer 18382
for the sale; 18383

(b) Any licensed attorney, public accountant, or firm of such 18384
attorneys or accountants, whose activities are incidental to the 18385
practice of the attorney's, accountant's, or firm's profession; 18386

(c) Any person that, for the account of others, engages in 18387
the purchase or sale of securities that are issued and outstanding 18388
before such purchase and sale, if a majority or more of the equity 18389
interest of an issuer is sold in that transaction, and if, in the 18390
case of a corporation, the securities sold in that transaction 18391
represent a majority or more of the voting power of the 18392
corporation in the election of directors; 18393

(d) Any person that brings an issuer together with a 18394
potential investor and whose compensation is not directly or 18395

indirectly based on the sale of any securities by the issuer to the investor; 18396
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(e) Any bank; 18398

(f) Any person that the division of securities by rule exempts from the definition of "dealer" under division (E)(1) of this section. 18399
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(2) "Licensed dealer" means a dealer licensed under this chapter. 18402
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(F)(1) "Salesman" or "salesperson" means every natural person, other than a dealer, who is employed, authorized, or appointed by a dealer to sell securities within this state. 18404
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(2) The general partners of a partnership, and the executive officers of a corporation or unincorporated association, licensed as a dealer are not salespersons within the meaning of this definition, nor are clerical or other employees of an issuer or dealer that are employed for work to which the sale of securities is secondary and incidental; but the division of securities may require a license from any such partner, executive officer, or employee if it determines that protection of the public necessitates the licensing. 18407
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(3) "Licensed salesperson" means a salesperson licensed under this chapter. 18416
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(G) "Issuer" means every person who has issued, proposes to issue, or issues any security. 18418
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(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees. 18420
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(I) "Incorporator" means any incorporator of a corporation 18426
and any organizer of, or any person participating, other than in a 18427
representative or professional capacity, in the organization of an 18428
unincorporated issuer. 18429

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 18430
practices," or "fraudulent transactions" means anything recognized 18431
on or after July 22, 1929, as such in courts of law or equity; any 18432
device, scheme, or artifice to defraud or to obtain money or 18433
property by means of any false pretense, representation, or 18434
promise; any fictitious or pretended purchase or sale of 18435
securities; and any act, practice, transaction, or course of 18436
business relating to the purchase or sale of securities that is 18437
fraudulent or that has operated or would operate as a fraud upon 18438
the seller or purchaser. 18439

(K) Except as otherwise specifically provided, whenever any 18440
classification or computation is based upon "par value," as 18441
applied to securities without par value, the average of the 18442
aggregate consideration received or to be received by the issuer 18443
for each class of those securities shall be used as the basis for 18444
that classification or computation. 18445

(L)(1) "Intangible property" means patents, copyrights, 18446
secret processes, formulas, services, good will, promotion and 18447
organization fees and expenses, trademarks, trade brands, trade 18448
names, licenses, franchises, any other assets treated as 18449
intangible according to generally accepted accounting principles, 18450
and securities, accounts receivable, or contract rights having no 18451
readily determinable value. 18452

(2) "Tangible property" means all property other than 18453
intangible property and includes securities, accounts receivable, 18454
and contract rights, when the securities, accounts receivable, or 18455
contract rights have a readily determinable value. 18456

(M) "Public utilities" means those utilities defined in sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised Code; in the case of a foreign corporation, it means those utilities defined as public utilities by the laws of its domicile; and in the case of any other foreign issuer, it means those utilities defined as public utilities by the laws of the situs of its principal place of business. The term always includes railroads whether or not they are so defined as public utilities.

(N) "State" means any state of the United States, any territory or possession of the United States, the District of Columbia, and any province of Canada.

(O) "Bank" means any bank, trust company, savings and loan association, savings bank, or credit union that is incorporated or organized under the laws of the United States, any state of the United States, Canada, or any province of Canada and that is subject to regulation or supervision by that country, state, or province.

(P) "Include," when used in a definition, does not exclude other things or persons otherwise within the meaning of the term defined.

(Q)(1) "Registration by description" means that the requirements of section 1707.08 of the Revised Code have been complied with.

(2) "Registration by qualification" means that the requirements of sections 1707.09 and 1707.11 of the Revised Code have been complied with.

(3) "Registration by coordination" means that there has been compliance with section 1707.091 of the Revised Code. Reference in this chapter to registration by qualification also includes registration by coordination unless the context otherwise indicates.

(R) "Intoxicating liquor" includes all liquids and compounds 18488
that contain more than three and two-tenths per cent of alcohol by 18489
weight and are fit for use for beverage purposes. 18490

(S) "Institutional investor" means ~~any corporation, bank,~~ 18491
~~insurance company, pension fund or pension fund trust, employees'~~ 18492
~~profit sharing fund or employees' profit sharing trust, any~~ 18493
~~association engaged, as a substantial part of its business or~~ 18494
~~operations, in purchasing or holding securities, or any trust in~~ 18495
~~respect of which a bank is trustee or cotrustee. "Institutional~~ 18496
~~investor" does not include any business entity formed for the~~ 18497
~~primary purpose of evading sections 1707.01 to 1707.45 of the~~ 18498
~~Revised Code any of the following, whether acting for itself or~~ 18499
~~for others in a fiduciary capacity:~~ 18500

(1) A bank or international banking institution; 18501

(2) An insurance company; 18502

(3) A separate account of an insurance company; 18503

(4) An investment company as defined in the "Investment 18504
Company Act of 1940," 15 U.S.C. 80a-3; 18505

(5) A broker-dealer registered under the "Securities Exchange 18506
Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the 18507
division of securities as a dealer; 18508

(6) An employee pension, profit-sharing, or benefit plan if 18509
the plan has total assets in excess of ten million dollars or its 18510
investment decisions are made by a named fiduciary, as defined in 18511
the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 18512
1001, that is one of the following: 18513

(a) A broker-dealer registered under the "Securities Exchange 18514
Act of 1934," 15 U.S.C. 78o, as amended; 18515

(b) An investment adviser registered or exempt from 18516
registration under the "Investment Advisers Act of 1940," 15 18517

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|---|-------|
| <u>U.S.C. 80b-3;</u> | 18518 |
| <u>(c) An investment adviser registered under this chapter, a</u> | 18519 |
| <u>bank, or an insurance company.</u> | 18520 |
| <u>(7) A plan established and maintained by a state, a political</u> | 18521 |
| <u>subdivision of a state, or an agency or instrumentality of a state</u> | 18522 |
| <u>or a political subdivision of a state for the benefit of its</u> | 18523 |
| <u>employees, if the plan has total assets in excess of ten million</u> | 18524 |
| <u>dollars or its investment decisions are made by a duly designated</u> | 18525 |
| <u>public official or by a named fiduciary, as defined in the</u> | 18526 |
| <u>"Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001,</u> | 18527 |
| <u>that is one of the following:</u> | 18528 |
| <u>(a) A broker-dealer registered under the "Securities Exchange</u> | 18529 |
| <u>Act of 1934," 15 U.S.C. 78o, as amended;</u> | 18530 |
| <u>(b) An investment adviser registered or exempt from</u> | 18531 |
| <u>registration under the "Investment Advisers Act of 1940," 15</u> | 18532 |
| <u>U.S.C. 80b-3;</u> | 18533 |
| <u>(c) An investment adviser registered under this chapter, a</u> | 18534 |
| <u>bank, or an insurance company.</u> | 18535 |
| <u>(8) A trust, if it has total assets in excess of ten million</u> | 18536 |
| <u>dollars, its trustee is a bank, and its participants are</u> | 18537 |
| <u>exclusively plans of the types identified in division (S)(6) or</u> | 18538 |
| <u>(7) of this section, regardless of the size of their assets,</u> | 18539 |
| <u>except a trust that includes as participants self-directed</u> | 18540 |
| <u>individual retirement accounts or similar self-directed plans;</u> | 18541 |
| <u>(9) An organization described in section 501(c)(3) of the</u> | 18542 |
| <u>"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended,</u> | 18543 |
| <u>corporation, Massachusetts trust or similar business trust,</u> | 18544 |
| <u>limited liability company, or partnership, not formed for the</u> | 18545 |
| <u>specific purpose of acquiring the securities offered, with total</u> | 18546 |
| <u>assets in excess of ten million dollars;</u> | 18547 |

(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars; 18548
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(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars; 18552
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(12) A federal covered investment adviser acting for its own account; 18556
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(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H); 18558
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(14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b)(4)(i); 18560
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(15) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of evading this chapter; 18562
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(16) Any other person specified by rule adopted or order issued under this chapter. 18566
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(T) A reference to a statute of the United States or to a rule, regulation, or form promulgated by the securities and exchange commission or by another federal agency means the statute, rule, regulation, or form as it exists at the time of the act, omission, event, or transaction to which it is applied under this chapter. 18568
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(U) "Securities and exchange commission" means the securities and exchange commission established by the Securities Exchange Act of 1934. 18574
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(V)(1) "Control bid" means the purchase of or offer to 18577

purchase any equity security of a subject company from a resident 18578
of this state if either of the following applies: 18579

(a) After the purchase of that security, the offeror would be 18580
directly or indirectly the beneficial owner of more than ten per 18581
cent of any class of the issued and outstanding equity securities 18582
of the issuer. 18583

(b) The offeror is the subject company, there is a pending 18584
control bid by a person other than the issuer, and the number of 18585
the issued and outstanding shares of the subject company would be 18586
reduced by more than ten per cent. 18587

(2) For purposes of division (V)(1) of this section, "control 18588
bid" does not include any of the following: 18589

(a) A bid made by a dealer for the dealer's own account in 18590
the ordinary course of business of buying and selling securities; 18591

(b) An offer to acquire any equity security solely in 18592
exchange for any other security, or the acquisition of any equity 18593
security pursuant to an offer, for the sole account of the 18594
offeror, in good faith and not for the purpose of avoiding the 18595
provisions of this chapter, and not involving any public offering 18596
of the other security within the meaning of Section 4 of Title I 18597
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 18598
as amended; 18599

(c) Any other offer to acquire any equity security, or the 18600
acquisition of any equity security pursuant to an offer, for the 18601
sole account of the offeror, from not more than fifty persons, in 18602
good faith and not for the purpose of avoiding the provisions of 18603
this chapter. 18604

(W) "Offeror" means a person who makes, or in any way 18605
participates or aids in making, a control bid and includes persons 18606
acting jointly or in concert, or who intend to exercise jointly or 18607
in concert any voting rights attached to the securities for which 18608

the control bid is made and also includes any subject company 18609
making a control bid for its own securities. 18610

(X)(1) "Investment adviser" means any person who, for 18611
compensation, engages in the business of advising others, either 18612
directly or through publications or writings, as to the value of 18613
securities or as to the advisability of investing in, purchasing, 18614
or selling securities, or who, for compensation and as a part of 18615
regular business, issues or promulgates analyses or reports 18616
concerning securities. 18617

(2) "Investment adviser" does not mean any of the following: 18618

(a) Any attorney, accountant, engineer, or teacher, whose 18619
performance of investment advisory services described in division 18620
(X)(1) of this section is solely incidental to the practice of the 18621
attorney's, accountant's, engineer's, or teacher's profession; 18622

(b) A publisher of any bona fide newspaper, news magazine, or 18623
business or financial publication of general and regular 18624
circulation; 18625

(c) A person who acts solely as an investment adviser 18626
representative; 18627

(d) A bank holding company, as defined in the "Bank Holding 18628
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 18629
investment company; 18630

(e) A bank, or any receiver, conservator, or other 18631
liquidating agent of a bank; 18632

(f) Any licensed dealer or licensed salesperson whose 18633
performance of investment advisory services described in division 18634
(X)(1) of this section is solely incidental to the conduct of the 18635
dealer's or salesperson's business as a licensed dealer or 18636
licensed salesperson and who receives no special compensation for 18637
the services; 18638

(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both of the following:

(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars.

(b) More than ten per cent of its beneficial or record equity

security holders are resident in this state, more than ten per 18670
cent of its equity securities are owned beneficially or of record 18671
by residents in this state, or more than one thousand of its 18672
beneficial or record equity security holders are resident in this 18673
state. 18674

(2) The division of securities may adopt rules to establish 18675
more specific application of the provisions set forth in division 18676
(Y)(1) of this section. Notwithstanding the provisions set forth 18677
in division (Y)(1) of this section and any rules adopted under 18678
this division, the division, by rule or in an adjudicatory 18679
proceeding, may make a determination that an issuer does not 18680
constitute a "subject company" under division (Y)(1) of this 18681
section if appropriate review of control bids involving the issuer 18682
is to be made by any regulatory authority of another jurisdiction. 18683

(Z) "Beneficial owner" includes any person who directly or 18684
indirectly through any contract, arrangement, understanding, or 18685
relationship has or shares, or otherwise has or shares, the power 18686
to vote or direct the voting of a security or the power to dispose 18687
of, or direct the disposition of, the security. "Beneficial 18688
ownership" includes the right, exercisable within sixty days, to 18689
acquire any security through the exercise of any option, warrant, 18690
or right, the conversion of any convertible security, or 18691
otherwise. Any security subject to any such option, warrant, 18692
right, or conversion privilege held by any person shall be deemed 18693
to be outstanding for the purpose of computing the percentage of 18694
outstanding securities of the class owned by that person, but 18695
shall not be deemed to be outstanding for the purpose of computing 18696
the percentage of the class owned by any other person. A person 18697
shall be deemed the beneficial owner of any security beneficially 18698
owned by any relative or spouse or relative of the spouse residing 18699
in the home of that person, any trust or estate in which that 18700
person owns ten per cent or more of the total beneficial interest 18701

or serves as trustee or executor, any corporation or entity in 18702
which that person owns ten per cent or more of the equity, and any 18703
affiliate or associate of that person. 18704

(AA) "Offeree" means the beneficial or record owner of any 18705
security that an offeror acquires or offers to acquire in 18706
connection with a control bid. 18707

(BB) "Equity security" means any share or similar security, 18708
or any security convertible into any such security, or carrying 18709
any warrant or right to subscribe to or purchase any such 18710
security, or any such warrant or right, or any other security 18711
that, for the protection of security holders, is treated as an 18712
equity security pursuant to rules of the division of securities. 18713

(CC)(1) "Investment adviser representative" means a 18714
supervised person of an investment adviser, provided that the 18715
supervised person has more than five clients who are natural 18716
persons other than excepted persons defined in division (EE) of 18717
this section, and that more than ten per cent of the supervised 18718
person's clients are natural persons other than excepted persons 18719
defined in division (EE) of this section. "Investment adviser 18720
representative" does not mean any of the following: 18721

(a) A supervised person that does not on a regular basis 18722
solicit, meet with, or otherwise communicate with clients of the 18723
investment adviser; 18724

(b) A supervised person that provides only investment 18725
advisory services described in division (X)(1) of this section by 18726
means of written materials or oral statements that do not purport 18727
to meet the objectives or needs of specific individuals or 18728
accounts; 18729

(c) Any other person that the division designates by rule, if 18730
the division finds that the designation is necessary or 18731
appropriate in the public interest or for the protection of 18732

investors or clients and is consistent with the provisions fairly 18733
intended by the policy and provisions of this chapter. 18734

(2) For the purpose of the calculation of clients in division 18735
(CC)(1) of this section, a natural person and the following 18736
persons are deemed a single client: Any minor child of the natural 18737
person; any relative, spouse, or relative of the spouse of the 18738
natural person who has the same principal residence as the natural 18739
person; all accounts of which the natural person or the persons 18740
referred to in division (CC)(2) of this section are the only 18741
primary beneficiaries; and all trusts of which the natural person 18742
or persons referred to in division (CC)(2) of this section are the 18743
only primary beneficiaries. Persons who are not residents of the 18744
United States need not be included in the calculation of clients 18745
under division (CC)(1) of this section. 18746

(3) If subsequent to March 18, 1999, amendments are enacted 18747
or adopted defining "investment adviser representative" for 18748
purposes of the Investment Advisers Act of 1940 or additional 18749
rules or regulations are promulgated by the securities and 18750
exchange commission regarding the definition of "investment 18751
adviser representative" for purposes of the Investment Advisers 18752
Act of 1940, the division of securities shall, by rule, adopt the 18753
substance of the amendments, rules, or regulations, unless the 18754
division finds that the amendments, rules, or regulations are not 18755
necessary for the protection of investors or in the public 18756
interest. 18757

(DD) "Supervised person" means a natural person who is any of 18758
the following: 18759

(1) A partner, officer, or director of an investment adviser, 18760
or other person occupying a similar status or performing similar 18761
functions with respect to an investment adviser; 18762

(2) An employee of an investment adviser; 18763

(3) A person who provides investment advisory services 18764
described in division (X)(1) of this section on behalf of the 18765
investment adviser and is subject to the supervision and control 18766
of the investment adviser. 18767

(EE) "Excepted person" means a natural person to whom any of 18768
the following applies: 18769

(1) Immediately after entering into the investment advisory 18770
contract with the investment adviser, the person has at least 18771
seven hundred fifty thousand dollars under the management of the 18772
investment adviser. 18773

(2) The investment adviser reasonably believes either of the 18774
following at the time the investment advisory contract is entered 18775
into with the person: 18776

(a) The person has a net worth, together with assets held 18777
jointly with a spouse, of more than one million five hundred 18778
thousand dollars. 18779

(b) The person is a qualified purchaser as defined in 18780
division (FF) of this section. 18781

(3) Immediately prior to entering into an investment advisory 18782
contract with the investment adviser, the person is either of the 18783
following: 18784

(a) An executive officer, director, trustee, general partner, 18785
or person serving in a similar capacity, of the investment 18786
adviser; 18787

(b) An employee of the investment adviser, other than an 18788
employee performing solely clerical, secretarial, or 18789
administrative functions or duties for the investment adviser, 18790
which employee, in connection with the employee's regular 18791
functions or duties, participates in the investment activities of 18792
the investment adviser, provided that, for at least twelve months, 18793

the employee has been performing such nonclerical, nonsecretarial, 18794
or nonadministrative functions or duties for or on behalf of the 18795
investment adviser or performing substantially similar functions 18796
or duties for or on behalf of another company. 18797

If subsequent to March 18, 1999, amendments are enacted or 18798
adopted defining "excepted person" for purposes of the Investment 18799
Advisers Act of 1940 or additional rules or regulations are 18800
promulgated by the securities and exchange commission regarding 18801
the definition of "excepted person" for purposes of the Investment 18802
Advisers Act of 1940, the division of securities shall, by rule, 18803
adopt the substance of the amendments, rules, or regulations, 18804
unless the division finds that the amendments, rules, or 18805
regulations are not necessary for the protection of investors or 18806
in the public interest. 18807

(FF)(1) "Qualified purchaser" means either of the following: 18808

(a) A natural person who owns not less than five million 18809
dollars in investments as defined by rule by the division of 18810
securities; 18811

(b) A natural person, acting for the person's own account or 18812
accounts of other qualified purchasers, who in the aggregate owns 18813
and invests on a discretionary basis, not less than twenty-five 18814
million dollars in investments as defined by rule by the division 18815
of securities. 18816

(2) If subsequent to March 18, 1999, amendments are enacted 18817
or adopted defining "qualified purchaser" for purposes of the 18818
Investment Advisers Act of 1940 or additional rules or regulations 18819
are promulgated by the securities and exchange commission 18820
regarding the definition of "qualified purchaser" for purposes of 18821
the Investment Advisers Act of 1940, the division of securities 18822
shall, by rule, adopt the amendments, rules, or regulations, 18823
unless the division finds that the amendments, rules, or 18824

regulations are not necessary for the protection of investors or 18825
in the public interest. 18826

(GG)(1) "Purchase" has the full meaning of "purchase" as 18827
applied by or accepted in courts of law or equity and includes 18828
every acquisition of, or attempt to acquire, a security or an 18829
interest in a security. "Purchase" also includes a contract to 18830
purchase, an exchange, an attempt to purchase, an option to 18831
purchase, a solicitation of a purchase, a solicitation of an offer 18832
to sell, a subscription, or an offer to purchase, directly or 18833
indirectly, by agent, circular, pamphlet, advertisement, or 18834
otherwise. 18835

(2) "Purchase" means any act by which a purchase is made. 18836

(3) Any security given with, or as a bonus on account of, any 18837
purchase of securities is conclusively presumed to constitute a 18838
part of the subject of that purchase. 18839

(HH) "Life settlement interest" means the entire interest or 18840
any fractional interest in an insurance policy or certificate of 18841
insurance, or in an insurance benefit under such a policy or 18842
certificate, that is the subject of a life settlement contract. 18843

For purposes of this division, "life settlement contract" 18844
means an agreement for the purchase, sale, assignment, transfer, 18845
devise, or bequest of any portion of the death benefit or 18846
ownership of any life insurance policy or contract, in return for 18847
consideration or any other thing of value that is less than the 18848
expected death benefit of the life insurance policy or contract. 18849
"Life settlement contract" includes a viatical settlement contract 18850
as defined in section 3916.01 of the Revised Code, but does not 18851
include any of the following: 18852

(1) A loan by an insurer under the terms of a life insurance 18853
policy, including, but not limited to, a loan secured by the cash 18854
value of the policy; 18855

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| (2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan; | 18856 18857 |
| (3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code; | 18858 18859 |
| (4) Any agreement between an insurer and a reinsurer; | 18860 |
| (5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year; | 18861 18862 18863 18864 |
| (6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code. | 18865 18866 18867 18868 |
| (II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system. | 18869 18870 18871 18872 |
| (JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets. | 18873 18874 18875 18876 18877 18878 |
| (KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer. | 18879 18880 18881 18882 18883 |
| Sec. 1707.14. (A) (1) No person shall act as a dealer, unless the person is licensed as a dealer by the division of securities, | 18884 18885 |

except ~~in~~ when at least one of the following cases applies: 18886

~~(a)~~(1) When the person is transacting business through or 18887
with a licensed dealer; 18888

~~(b)~~(2) When the securities are the subject matter of one or 18889
more transactions enumerated in divisions (B) to (L), (O) to (R), 18890
and (U) to (Y) of section 1707.03, or in section 1707.06 of the 18891
Revised Code, except when a commission, discount, or other 18892
remuneration is paid or given in consideration with transactions 18893
enumerated in divisions (O), (Q), (W), (X), and (Y) of section 18894
1707.03, or in section 1707.06 of the Revised Code; 18895

~~(c)~~(3) When the person is an issuer selling securities issued 18896
by it or by its subsidiary, if such securities are specified under 18897
division (G) or (I) of section 1707.02, or under section 1707.04 18898
of the Revised Code; 18899

~~(d)~~(4) When the person is participating in transactions 18900
exempt, under section 1707.34 of the Revised Code, from this 18901
chapter; 18902

(5) When the person has no place of business in this state, 18903
is registered with the securities and exchange commission, and the 18904
only transactions effected in this state are with institutional 18905
investors. 18906

~~(2) Notwithstanding the exceptions to licensure set forth in~~ 18907
~~divisions (A)(1)(a) to (d) of this section, no person other than~~ 18908
~~an issuer selling its own securities shall engage in the business~~ 18909
~~of selling securities to an institutional investor unless the~~ 18910
~~person is licensed as a dealer or the division, by rule, finds~~ 18911
~~that such licensure is not necessary for the protection of~~ 18912
~~investors or in the public interest.~~ 18913

(B) Each dealer that in any twelve-month or shorter period, 18914
alone or with any other dealer with which it is affiliated, has 18915
total revenues of one hundred fifty thousand dollars or more 18916

derived from the business of buying, selling, or otherwise dealing 18917
in securities, and that at any time during such period has one 18918
hundred or more retail securities customers, shall be registered 18919
as a broker or dealer with the securities and exchange commission 18920
under the Securities Exchange Act of 1934, except the following 18921
entities: 18922

(1) A bank; 18923

(2) A dealer that enters into and is in compliance with an 18924
undertaking accepted by the division, in which the dealer agrees 18925
that it will not engage in any transaction involving the buying, 18926
selling, or otherwise dealing in securities with any natural 18927
person in this state, except for transactions involving either of 18928
the following: 18929

(a) Securities of corporations or associations that have 18930
qualified for treatment as nonprofit organizations pursuant to 18931
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 18932
Stat. 2085, 26 U.S.C.A. 501, as amended; 18933

(b) Securities or transactions that are described in 18934
divisions (A)(1)~~(a)~~ to ~~(d)~~(4) of this section. 18935

(C) Every dealer that must be registered as a broker or 18936
dealer with the securities and exchange commission pursuant to 18937
division (B) of this section shall become so registered no later 18938
than ninety days after the date on which the dealer meets the 18939
requirements for such registration. 18940

(D) The division by rule may exempt any dealer from complying 18941
with the licensing or registration requirements of this section, 18942
if the division finds that such licensing or registration is not 18943
necessary for the protection of investors or in the public 18944
interest. 18945

(E) As used in division (B) of this section, "retail 18946
securities customer" means a person that purchases from or through 18947

or sells securities to or through a dealer, and that is not an officer, a director, a principal, a general partner, or an employee of, the dealer. Each of the following is deemed to be a single retail securities customer:

(1) A husband and wife;

(2) A minor child and the minor child's parent or legal guardian;

(3) A corporation, a partnership, an association or other unincorporated entity, a joint stock company, or a trust.

Sec. 1711.15. In any county in which there is a duly organized county agricultural society, the board of county commissioners or the county agricultural society itself may purchase or lease, for a term of not less than twenty years, real estate on which to hold fairs under the management and control of the county agricultural society, and may erect suitable buildings on the real estate and otherwise improve it.

In counties in which there is a county agricultural society that has purchased, or leased, for a term of not less than twenty years, real estate as a site on which to hold fairs, ~~or in which~~ if the title to the site is vested in fee in the county, the board of county commissioners may erect or repair buildings or otherwise improve the site and pay the rental of it, or contribute to or pay any other form of indebtedness of the society, if the director of agriculture has certified to the board that the county agricultural society is complying with all laws and rules governing the operation of county agricultural societies. The board may appropriate from the county's general fund or permanent improvement fund, and may appropriate revenue from a tax levied under division (L) of section 5739.09 of the Revised Code, any amount that it considers necessary for any of those purposes, provided that an appropriation of revenue from that tax may be

expended only for the purposes provided in the resolution levying 18979
that tax. 18980

Sec. 1711.151. A board of county commissioners that levies 18981
the tax authorized by division (L) of section 5739.09 of the 18982
Revised Code, by resolution, may anticipate the proceeds of the 18983
levy and issue tax anticipation bonds, and notes anticipating the 18984
proceeds or the bonds, in the principal amount that, in the 18985
opinion of the board, are necessary for the purpose of paying the 18986
cost of permanent improvements as authorized under that division, 18987
with the interest on them, be paid over the term of the issue, or 18988
in the case of notes anticipating bonds over the term of the 18989
bonds, by the estimated amount of the tax anticipated thereby. A 18990
board, at any time, may issue renewal tax anticipation notes, 18991
issue tax anticipation bonds to pay such notes, and, whenever it 18992
considers refunding expedient, refund any tax anticipation bonds 18993
by the issuance of tax anticipation refunding bonds whether the 18994
bonds to be refunded have or have not matured, and issue tax 18995
anticipation bonds partly to refund bonds then outstanding and 18996
partly for any other authorized purpose. The refunding bonds shall 18997
be sold and the proceeds needed for such purpose applied in the 18998
manner provided in the bond proceedings to the purchase, 18999
redemption, or payment of the bonds to be refunded. 19000

Every issue of outstanding tax anticipation bonds shall be 19001
payable out of the proceeds of the tax anticipated and other 19002
revenues of the board that are pledged for such payment. The 19003
pledge shall be valid and binding from the time the pledge is 19004
made, and the anticipated taxes and revenues so pledged and 19005
thereafter received by the board immediately shall be subject to 19006
the lien of that pledge without any physical delivery of those 19007
taxes and revenues or further act. The lien of any pledge is valid 19008
and binding as against all parties having claims of any kind in 19009
tort, contract, or otherwise against the board, whether or not 19010

such parties have notice of the lien. Neither the resolution nor 19011
any trust agreement by which a pledge is created need be filed or 19012
recorded except in the board's records. 19013

Whether or not the bonds or notes are of such form and 19014
character as to be negotiable instruments under Title XIII of the 19015
Revised Code, the bonds or notes shall have all the qualities and 19016
incidents of negotiable instruments, subject only to their 19017
provisions for registration, if any. 19018

The tax anticipation bonds shall bear such date or dates, and 19019
shall mature at such time or times, in the case of any such notes 19020
or any renewals of such notes not exceeding twenty years from the 19021
date of issue of such original notes and in the case of any such 19022
bonds or any refunding bonds not exceeding forty years from the 19023
date of the original issue of notes or bonds for the purpose, and 19024
shall be executed in the manner that the resolution authorizing 19025
the bonds may provide. The tax anticipation bonds shall bear 19026
interest at such rates, or at variable rate or rates changing from 19027
time to time, in accordance with provisions provided in the 19028
authorizing resolution, be in such denominations and form, either 19029
coupon or registered, carry such registration privileges, be 19030
payable in such medium of payment and at such place or places, and 19031
be subject to such terms of redemption, as the board may authorize 19032
or provide. The tax anticipation bonds may be sold at public or 19033
private sale, and at, or at not less than, the price or prices as 19034
the board determines. If any officer whose signature or a 19035
facsimile of whose signature appears on any bonds or coupons 19036
ceases to be such officer before delivery of the bonds, the 19037
signature or facsimile shall nevertheless be sufficient for all 19038
purposes as if the officer had remained in office until delivery 19039
of the bonds, and in case the seal of the board has been changed 19040
after a facsimile has been imprinted on the bonds, the facsimile 19041
seal will continue to be sufficient for all purposes. 19042

Any resolution or resolutions authorizing any tax anticipation bonds or any issue of tax anticipation bonds may contain provisions, subject to any agreements with bondholders as may then exist, which provisions shall be a part of the contract with the holders of the bonds, as to the pledging of any or all of the board's anticipated taxes and revenues to secure the payment of the bonds or of any issue of the bonds; the use and disposition of revenues of the board; the crediting of the proceeds of the sale of bonds to and among the funds referred to or provided for in the resolution; limitations on the purpose to which the proceeds of sale of the bonds may be applied and the pledging of portions of such proceeds to secure the payment of the bonds or of any issue of the bonds; as to notes issued in anticipation of the issuance of bonds, the agreement of the board to do all things necessary for the authorization, issuance, and sale of such bonds in such amounts as may be necessary for the timely retirement of such notes; limitations on the issuance of additional bonds; the terms upon which additional bonds may be issued and secured; the refunding of outstanding bonds; the procedure, if any, by which the terms of any contract with bondholders may be amended, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; securing any bonds by a trust agreement; any other matters, of like or different character, that in any way affect the security or protection of the bonds. The taxes anticipated by the bonds, including bonds anticipated by notes, shall not be subject to diminution by initiative or referendum or by law while the bonds or notes remain outstanding in accordance with their terms, unless provision is made by law or by the board for an adequate substitute therefor reasonably satisfactory to the trustee, if a trust agreement secures the bonds.

Neither the commissioners of the board nor any person executing the bonds shall be liable personally on the bonds or be

subject to any personal liability or accountability by reason of 19076
the issuance thereof. 19077

In the discretion of the board, any bonds or notes issued 19078
under this chapter may be secured by a trust agreement between the 19079
board and a corporate trustee, which trustee may be any trust 19080
company or bank having the powers of a trust company within or 19081
without the state. 19082

Any such trust agreement may pledge or assign any of the 19083
excise tax authorized by division (L) of section 5739.09 of the 19084
Revised Code. Any such trust agreement or any resolution providing 19085
for the issuance of such bonds or notes may contain such 19086
provisions for protecting and enforcing the rights and remedies of 19087
the bondholders or noteholders as are reasonable and proper and 19088
not in violation of law. Any bank or trust company incorporated 19089
under the laws of this state that may act as depository of the 19090
proceeds of bonds or notes may furnish such indemnifying bonds or 19091
may pledge such securities as are required by the board. Any such 19092
trust agreement may set forth the rights and remedies of the 19093
bondholders and noteholders and of the trustee, and may restrict 19094
the individual right of action by bondholders and noteholders as 19095
is customary in trust agreements or trust indentures securing 19096
similar bonds. Such trust agreement may contain such other 19097
provisions as the board determines reasonable and proper for the 19098
security of the bondholders or noteholders. 19099

Sec. 1711.16. When the control and management of a fairground 19100
is in a county agricultural society, and the board of county 19101
commissioners has appropriated an amount for the aid of the 19102
society as provided in section 1711.15 of the Revised Code, the 19103
society, with the consent of the board, may contract for the 19104
erection or repair of buildings or otherwise improve the 19105
fairground, to the extent that the payment for the improvement is 19106

provided by the board. 19107

When the appropriation is made by the board, the county 19108
auditor shall place the proceeds in a special fund, designated the 19109
"county agricultural society fund," indicating the purpose for 19110
which it is available, provided that an appropriation of revenue 19111
from a tax levied by the board under division (L) of section 19112
5739.09 of the Revised Code may be expended only for the purposes 19113
provided in the resolution levying that tax. On application of the 19114
treasurer of the society, the auditor shall issue an order for the 19115
amount of the appropriation to the treasurer of the society, if 19116
the society has secured the certificate required under section 19117
1711.05 of the Revised Code, on the treasurer's filing with the 19118
auditor a bond in double the amount collected, with good and 19119
sufficient sureties approved by the auditor, conditioned for the 19120
satisfactory paying over and accounting of the funds for the 19121
purposes for which they were provided. The funds shall remain in 19122
the special fund in which they are placed by the auditor until 19123
they are applied ~~or~~ for by the treasurer of the society and the 19124
bond is given, or until they are expended by the board for the 19125
purposes for which the fund was created. If the society ceases to 19126
exist or releases the fund as not required for the purposes for 19127
which the fund was created, the board may by resolution transfer 19128
the fund to the general fund of the county. 19129

Sec. 1713.02. (A) Any institution described in division (A) 19130
of section 1713.01 of the Revised Code may become incorporated 19131
under sections 1702.01 to 1702.58 of the Revised Code. 19132

(B) Except as provided in division (E) of this section, no 19133
nonprofit institution or corporation of the type described in 19134
division (A) of section 1713.01 of the Revised Code that is 19135
established after October 13, 1967, may confer degrees, diplomas, 19136
or other written evidences of proficiency or achievement, until it 19137

has received a certificate of authorization issued by the ~~Ohio~~ 19138
~~board of regents~~ director of higher education, nor shall any such 19139
institution or corporation identify itself as a "college" or 19140
"university" unless it has received a certificate of authorization 19141
from the ~~board~~ director. 19142

(C) Except as provided in division (E) of this section, no 19143
institution of the type described in division (A)(3) or (B) of 19144
section 1713.01 of the Revised Code that intends to offer or 19145
offers a course or courses within this state, but that did not 19146
offer a course or courses within this state on or before October 19147
13, 1967, may confer degrees, diplomas, or other written evidences 19148
of proficiency or achievement or offer any course or courses 19149
within this state until it has received a certificate of 19150
authorization from the ~~Ohio board of regents~~ director, nor shall 19151
the institution identify itself as a "college" or "university" 19152
unless it has received such a certificate from the ~~board~~ director. 19153

(D) Each certificate of authorization shall specify the 19154
diplomas or degrees authorized to be given, courses authorized to 19155
be offered, and the sites at which courses are to be conducted. A 19156
copy of such certificate shall be filed with the secretary of 19157
state if the institution is incorporated. Any institution or 19158
corporation established or that offered a course or courses of 19159
instruction in this state prior to October 13, 1967, may apply to 19160
the ~~board~~ director for a certificate of authorization, and the 19161
~~board~~ director shall issue a certificate if it finds that such 19162
institution or corporation meets the requirements established 19163
pursuant to sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 19164
1713.09, and 1713.25 of the Revised Code. 19165

(E) An institution that clearly identifies itself in its name 19166
with the phrase "bible college" or "bible institute" and has not 19167
received a certificate of authorization may confer diplomas and 19168
other written evidences of proficiency or achievement other than 19169

associate, baccalaureate, master's, and doctoral degrees or any 19170
other type of degree and may identify itself as a "bible college" 19171
if such institution: 19172

(1) Prominently discloses on any transcripts, diplomas, or 19173
other written evidences of proficiency or achievement, and 19174
includes with any promotional material or other literature 19175
intended for the public, the statement: "this institution is not 19176
certified by the ~~board of regents~~ department of higher education 19177
or the state of Ohio." 19178

(2) Limits its course of instruction to religion, theology, 19179
or preparation for a religious vocation, or is operated by a 19180
church or religious organization and limits its instruction to 19181
preparation for service to churches or other religious 19182
organizations. 19183

(3) Confers only diplomas and other written evidences of 19184
proficiency or achievement that bear titles clearly signifying the 19185
religious nature of the instruction offered by the institution. 19186

(F) Except as otherwise provided in section 3333.046 of the 19187
Revised Code, no school of the type described in division (E) of 19188
section 3332.01 of the Revised Code that intends to offer or 19189
offers a degree program within this state or solicits students 19190
within this state may confer a baccalaureate, master's, or 19191
doctoral degree or solicit students for such degree programs until 19192
it has received both a certificate of authorization from the ~~board~~ 19193
~~of regents~~ director of higher education under this chapter and 19194
program authorization from the state board of career colleges and 19195
schools for such degree program under section 3332.05 of the 19196
Revised Code. 19197

Sec. 1713.03. The ~~Ohio board of regents~~ director of higher 19198
education shall establish standards for certificates of 19199
authorization to be issued to institutions as defined in section 19200

1713.01 of the Revised Code, to private institutions exempt from 19201
regulation under Chapter 3332. of the Revised Code as prescribed 19202
in section 3333.046 of the Revised Code, and to schools holding 19203
certificates of registration issued by the state board of career 19204
colleges and schools pursuant to division (C) of section 3332.05 19205
of the Revised Code. A certificate of authorization may permit an 19206
institution or school to award one or more types of degrees. 19207

The standards for a certificate of authorization may include, 19208
for various types of institutions, schools, or degrees, minimum 19209
qualifications for faculty, library, laboratories, and other 19210
facilities as adopted and published by the ~~Ohio board of regents~~ 19211
director. The standards shall be adopted by the ~~board~~ director 19212
pursuant to Chapter 119. of the Revised Code. 19213

An institution or school shall apply to the ~~board~~ director 19214
for a certificate of authorization on forms containing such 19215
information as is prescribed by the ~~board~~ director. Each 19216
institution or school with a certificate of authorization shall 19217
file an annual report with the ~~board~~ director in such form and 19218
containing such information as the ~~board~~ director prescribes. 19219

The ~~board~~ director shall adopt a rule under Chapter 119. of 19220
the Revised Code establishing fees to pay the cost of reviewing an 19221
application for a certificate of authorization, which the 19222
institution or school shall pay when it applies for a certificate 19223
of authorization, and establishing fees, which an institution or 19224
school shall pay, for any further reviews the ~~board~~ director 19225
determines necessary upon examining an institution's or school's 19226
annual report. 19227

Sec. 1713.031. The ~~Ohio board of regents~~ director of higher 19228
education shall review an application for a certificate of 19229
authorization from a school described in division (E) of section 19230
3332.01 of the Revised Code within twenty-two weeks. 19231

Sec. 1713.04. A certificate of authorization provided for in 19232
section 1713.02 of the Revised Code is subject to revocation by 19233
the ~~Ohio board of regents~~ director of higher education for cause 19234
pursuant to Chapter 119. of the Revised Code. 19235

Sec. 1713.05. (A) As used in this section: 19236

(1) "College or university" means a nonprofit educational 19237
institution qualifying under division (A)(2) of section 1713.01 19238
and holding a certificate of authorization issued under section 19239
1713.02 of the Revised Code. 19240

(2) "Controlled entity" means a wholly owned subsidiary of a 19241
college or a university or a partnership in which a college or a 19242
university, or its wholly owned subsidiary, is the sole general 19243
partner. 19244

(3) "Student" means a person attending a college or 19245
university who borrows money or obtains credit from such college 19246
or university, or from a controlled entity of such college or 19247
university, to finance the costs of attending such college or 19248
university, and includes the parents, guardians, and spouse of the 19249
student. 19250

(B) Notwithstanding section 1343.01 of the Revised Code, a 19251
college or university, or a controlled entity of such college or 19252
university, may charge interest or finance charges on loans made 19253
or credit granted to a student for the student's costs of 19254
attending such college or university at any rate or rates agreed 19255
upon or consented to by the student in any open accounts 19256
receivable, loan agreement, or promissory note, but not to exceed 19257
the maximum interest rate applicable to the federal Stafford loan 19258
program under 34 C.F.R. 682.202(a)(1). The ~~Ohio board of regents~~ 19259
director of higher education shall adopt rules specifying a 19260
schedule for the certification of such maximum interest rate. 19261

(C) A college or university, or a controlled entity of such college or university, may charge students for the late payment of any costs of attending such college or university, including any payment under an agreement or note pursuant to division (B) of this section, at a rate not exceeding five per cent of any unpaid amount due and not paid per month for two months and not exceeding two per cent of such amount for subsequent months. A charge for a full month may be made for payments more than ten days late.

Sec. 1713.06. If any institution, school, or person confers degrees, diplomas, or other written evidences of proficiency or achievement or offers or intends to offer a course or courses in this state applicable to requirements for a diploma or degree without the certificate of authorization required by section 1713.02 of the Revised Code, the ~~Ohio board of regents~~ director of higher education may, through the office of the attorney general, apply to the court of common pleas in the county in which such institution, school, or person is operating to restrain such institution, school, or person from the exercise of its franchise, if the institution, school, or person is a corporation, from the awarding of the degrees or diplomas the institution, school, or person is not authorized to award, and from offering any course or courses or enrolling any student in any course or courses it is not authorized to conduct.

The ~~board~~ director may, through the office of the attorney general, petition the court of common pleas in the county in which the institution, school, or person is operating for an order enjoining the awarding of diplomas or degrees, the offering of courses, and the enrolling of students. The court may grant such injunctive relief upon a showing that the institution, school, or person named in the petition is awarding degrees or diplomas, offering courses applicable to requirements for such degrees or diplomas, or enrolling students in such courses to be offered in

the state without receiving the appropriate certificate of 19294
authorization issued by the ~~board of regents~~ director. 19295

Sec. 1713.09. A college, university, or other institution of 19296
learning, existing by virtue of an act of incorporation, or that 19297
becomes incorporated for any of the purposes specified in sections 19298
1713.01 to 1713.39, inclusive, of the Revised Code, if 19299
three-fourths of the trustees or directors thereof deem it proper, 19300
or if the institution is owned in shares, or by stock subscribed 19301
or taken, by a vote of the holders of three-fourths of the stock 19302
or shares, may change the location of such institution, convey its 19303
real estate, and transfer the effects thereof, and invest them at 19304
the place to which such institution is removed. Any institution 19305
which has a certificate of authorization from the ~~Ohio board of~~ 19306
~~regents~~ director of higher education shall give written notice to 19307
the ~~board~~ director before such institution changes its location. 19308
No such removal shall be ordered, and no vote taken thereon, until 19309
after publication in the manner provided by law in case of a sale 19310
and distribution of the property of such an institution. Such 19311
publication shall fully set forth the place to which it is 19312
proposed to remove the institution. In case of removal, a copy of 19313
the proceedings of such meeting shall be filed with the secretary 19314
of state. 19315

Sec. 1713.25. The board of trustees of an institution of 19316
learning incorporated under the authority of this state for the 19317
sole purpose of promoting education, religion and morality, or the 19318
fine arts, at a regular or special meeting of such board called 19319
for that purpose, after thirty days' actual notice to each 19320
trustee, may change the name and enlarge the purposes and objects 19321
of such institution of learning, by amendment to its charter, 19322
approved by a majority of the board. 19323

No institution as defined in section 1713.01 of the Revised 19324

Code or school that holds a certificate of registration issued by 19325
the state board of career colleges and schools pursuant to 19326
division (C) of section 3332.05 of the Revised Code, that has been 19327
issued a certificate of authorization by the ~~Ohio board of regents~~ 19328
director of higher education shall change the purposes of the 19329
institution without giving written notice to the ~~Ohio board of~~ 19330
~~regents, which~~ director, who shall issue an amended certificate of 19331
authorization to the institution or school upon receipt of such 19332
notice. 19333

Sec. 1724.04. A county ~~having a population of more than sixty~~ 19334
~~thousand as of the most recent decennial census~~ that elects under 19335
section 5722.02 of the Revised Code to adopt and implement the 19336
procedures set forth in sections 5722.02 to 5722.15 of the Revised 19337
Code may organize a county land reutilization corporation under 19338
this chapter and Chapter 1702. of the Revised Code for the purpose 19339
of exercising the powers granted to a county under Chapter 5722. 19340
of the Revised Code. The county treasurer of the county for the 19341
benefit of which the corporation is being organized shall be the 19342
incorporator of the county land reutilization corporation. The 19343
form of the articles of incorporation of the corporation shall be 19344
approved by resolution of the board of county commissioners of the 19345
county. 19346

When the articles of incorporation of any community 19347
improvement corporation, or any amendment, amended articles, 19348
merger, or consolidation which provides for the creation of such a 19349
corporation, are deposited for filing and recording in the office 19350
of the secretary of state, the secretary of state shall submit 19351
them to the attorney general for examination. If such articles, 19352
amendment, amended articles, merger, or consolidation, are found 19353
by the attorney general to be in accordance with Chapter 1724. of 19354
the Revised Code, and not inconsistent with the constitution and 19355
laws of the United States and of this state, the attorney general 19356

shall endorse thereon the attorney general's approval and deliver 19357
them to the secretary of state, who shall file and record them 19358
pursuant to section 1702.07 of the Revised Code. 19359

Sec. 1739.05. (A) A multiple employer welfare arrangement 19360
that is created pursuant to sections 1739.01 to 1739.22 of the 19361
Revised Code and that operates a group self-insurance program may 19362
be established only if any of the following applies: 19363

(1) The arrangement has and maintains a minimum enrollment of 19364
three hundred employees of two or more employers. 19365

(2) The arrangement has and maintains a minimum enrollment of 19366
three hundred self-employed individuals. 19367

(3) The arrangement has and maintains a minimum enrollment of 19368
three hundred employees or self-employed individuals in any 19369
combination of divisions (A)(1) and (2) of this section. 19370

(B) A multiple employer welfare arrangement that is created 19371
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 19372
that operates a group self-insurance program shall comply with all 19373
laws applicable to self-funded programs in this state, including 19374
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 19375
to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 19376
3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 19377
3923.66, 3923.80, 3923.85, 3924.031, 3924.032, and 3924.27 of the 19378
Revised Code. 19379

(C) A multiple employer welfare arrangement created pursuant 19380
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 19381
enrollments only through agents or solicitors licensed pursuant to 19382
Chapter 3905. of the Revised Code to sell or solicit sickness and 19383
accident insurance. 19384

(D) A multiple employer welfare arrangement created pursuant 19385
to sections 1739.01 to 1739.22 of the Revised Code shall provide 19386

benefits only to individuals who are members, employees of 19387
members, or the dependents of members or employees, or are 19388
eligible for continuation of coverage under section 1751.53 or 19389
3923.38 of the Revised Code or under Title X of the "Consolidated 19390
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 19391
U.S.C.A. 1161, as amended. 19392

Sec. 1751.18. (A)(1) No health insuring corporation shall 19393
cancel or fail to renew the coverage of a subscriber or enrollee 19394
because of any health status-related factor in relation to the 19395
subscriber or enrollee, the subscriber's or enrollee's 19396
requirements for health care services, or for any other reason 19397
designated under rules adopted by the superintendent of insurance. 19398

(2) Unless otherwise required by state or federal law, no 19399
health insuring corporation, or health care facility or provider 19400
through which the health insuring corporation has made 19401
arrangements to provide health care services, shall discriminate 19402
against any individual with regard to enrollment, disenrollment, 19403
or the quality of health care services rendered, on the basis of 19404
the individual's race, color, sex, age, religion, military status 19405
as defined in section 4112.01 of the Revised Code, or status as a 19406
recipient of medicare or medicaid, or any health status-related 19407
factor in relation to the individual. However, a health insuring 19408
corporation shall not be required to accept a recipient of 19409
medicare or medical assistance, if an agreement has not been 19410
reached on appropriate payment mechanisms between the health 19411
insuring corporation and the governmental agency administering 19412
these programs. Further, except for open enrollment coverage under 19413
sections 3923.58 and 3923.581 of the Revised Code and except as 19414
provided in section 1751.65 of the Revised Code, a health insuring 19415
corporation may reject an applicant for nongroup enrollment on the 19416
basis of any health status-related factor in relation to the 19417
applicant. 19418

(B) A health insuring corporation may cancel or decide not to renew the coverage of an enrollee if the enrollee has performed an act or practice that constitutes fraud or intentional misrepresentation of material fact under the terms of the coverage and if the cancellation or nonrenewal is not based, either directly or indirectly, on any health status-related factor in relation to the enrollee.

(C) An enrollee may appeal any action or decision of a health insuring corporation taken pursuant to section 2742(b) to (e) of the "Health Insurance Portability and Accountability Act of 1996," Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as amended. To appeal, the enrollee may submit a written complaint to the health insuring corporation pursuant to section 1751.19 of the Revised Code. The enrollee may, within thirty days after receiving a written response from the health insuring corporation, appeal the health insuring corporation's action or decision to the superintendent.

(D) As used in this section, "health status-related factor" means any of the following:

- (1) Health status;
- (2) Medical condition, including both physical and mental illnesses;
- (3) Claims experience;
- (4) Receipt of health care;
- (5) Medical history;
- (6) Genetic information;
- (7) Evidence of insurability, including conditions arising out of acts of domestic violence;
- (8) Disability.

Sec. 1751.65. (A) As used in this section, "genetic screening or testing" means a laboratory test of a person's genes or chromosomes for abnormalities, defects, or deficiencies, including carrier status, that are linked to physical or mental disorders or impairments, or that indicate a susceptibility to illness, disease, or other disorders, whether physical or mental, which test is a direct test for abnormalities, defects, or deficiencies, and not an indirect manifestation of genetic disorders.

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(B) ~~Upon the repeal of section 1751.64 of the Revised Code,~~ No health insuring corporation shall do either of the following:

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(1) Consider any information obtained from genetic screening or testing in processing an application for coverage for health care services under an individual or group policy, contract, or agreement or in determining insurability under such a policy, contract, or agreement;

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(2) Inquire, directly or indirectly, into the results of genetic screening or testing or use such information, in whole or in part, to cancel, refuse to issue or renew, ~~or~~ limit benefits under, or set premiums for, an individual or group policy, contract, or agreement.

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(C) Any health insuring corporation that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the superintendent of insurance under section 3901.04 of the Revised Code.

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Sec. 2106.19. (A) Upon the death of a married resident who owned at least one watercraft, one watercraft trailer, one outboard motor, or one of each at the time of death, the interest

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of the deceased spouse in one watercraft, one watercraft trailer, 19478
one outboard motor, or one of each that is not otherwise 19479
specifically disposed of by testamentary disposition and that is 19480
selected by the surviving spouse immediately shall pass to the 19481
surviving spouse upon receipt by the clerk of the court of common 19482
pleas, or in the case of an untitled but registered watercraft 19483
trailer, upon receipt by the bureau of motor vehicles, of both of 19484
the following: 19485

(1) The title executed by the surviving spouse, if titled; 19486

(2) An affidavit sworn by the surviving spouse stating the 19487
date of the decedent's death, a description of the watercraft, 19488
watercraft trailer, or outboard motor, ~~or both, its or their the~~ 19489
approximate value, and that the watercraft, watercraft trailer, or 19490
outboard motor, ~~or both are~~ is not disposed of by testamentary 19491
disposition. 19492

The watercraft, watercraft trailer, or outboard motor, ~~or~~ 19493
~~both~~ shall not be considered an estate asset and shall not be 19494
included and stated in the estate inventory. 19495

Transfer of a decedent's interest under this division does 19496
not affect the existence of any lien against a watercraft, 19497
watercraft trailer, or outboard motor so transferred. 19498

(B) Except for a watercraft, watercraft trailer, or outboard 19499
motor, ~~or both~~ transferred as provided in division (A) of this 19500
section, the executor or administrator may transfer title to a 19501
watercraft, watercraft trailer, or outboard motor in the manner 19502
provided for transfer of an automobile under divisions (B) and (C) 19503
of section 2106.18 of the Revised Code. 19504

(C) A watercraft trailer under this section only refers to 19505
one trailer used to transport the watercraft transferred under 19506
this section. 19507

Sec. 2113.35. (A) Executors and administrators shall be 19508
allowed fees upon the amount of all the personal property, 19509
including the income from the personal property, that is received 19510
and accounted for by them and upon the proceeds of real property 19511
that is sold, as follows: 19512

(1) For the first one hundred thousand dollars, at the rate 19513
of four per cent; 19514

(2) All above one hundred thousand dollars and not exceeding 19515
four hundred thousand dollars, at the rate of three per cent; 19516

(3) All above four hundred thousand dollars, at the rate of 19517
two per cent. 19518

(B) Executors and administrators shall be allowed a fee of 19519
one per cent on the value of real property that is not sold. 19520
Executors and administrators also shall be allowed a fee of one 19521
per cent on all property that is not subject to administration and 19522
that ~~is~~ would have been includable for purposes of computing the 19523
Ohio estate tax, except joint and survivorship property, had the 19524
decedent died on December 31, 2012. 19525

(C) The basis of valuation for the allowance of the fees on 19526
real property sold shall be the gross proceeds of sale, and for 19527
all other property the fair market value of the other property as 19528
of the date of death of the decedent. The fees allowed to 19529
executors and administrators in this section shall be received in 19530
full compensation for all their ordinary services. 19531

(D) If the probate court finds, after a hearing, that an 19532
executor or administrator, in any respect, has not faithfully 19533
discharged the duties as executor or administrator, the court may 19534
deny the executor or administrator any compensation whatsoever or 19535
may allow the executor or administrator the reduced compensation 19536
that the court thinks proper. 19537

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| Sec. 2151.011. (A) As used in the Revised Code: | 19538 |
| (1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code: | 19539 19540 19541 |
| (a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions; | 19542 19543 19544 19545 19546 |
| (b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code; | 19547 19548 19549 19550 |
| (c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas. | 19551 19552 |
| (2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter. | 19553 19554 |
| (3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption. | 19555 19556 19557 19558 19559 |
| (4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following: | 19560 19561 19562 19563 19564 |
| (a) Receives and cares for children for two or more consecutive weeks; | 19565 19566 |
| (b) Participates in the placement of children in certified | 19567 |

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| foster homes; | 19568 |
| (c) Provides adoption services in conjunction with a public children services agency or private child placing agency. | 19569 19570 |
| (B) As used in this chapter: | 19571 |
| (1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs. | 19572 19573 19574 19575 19576 19577 |
| (2) "Adult" means an individual who is eighteen years of age or older. | 19578 19579 |
| (3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency. | 19580 19581 19582 19583 |
| (4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred. | 19584 19585 19586 19587 19588 19589 |
| (5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code. | 19590 19591 19592 |
| (6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that | 19593 19594 19595 19596 19597 |

adjudication, a person who is so adjudicated an unruly child shall 19598
be deemed a "child" until the person attains twenty-one years of 19599
age. 19600

(7) "Child day camp," "child care," "child day-care center," 19601
"part-time child day-care center," "type A family day-care home," 19602
"licensed type B family day-care home," "type B family day-care 19603
home," "administrator of a child day-care center," "administrator 19604
of a type A family day-care home," and "in-home aide" have the 19605
same meanings as in section 5104.01 of the Revised Code. 19606

(8) "Child care provider" means an individual who is a 19607
child-care staff member or administrator of a child day-care 19608
center, a type A family day-care home, or a type B family day-care 19609
home, or an in-home aide or an individual who is licensed, is 19610
regulated, is approved, operates under the direction of, or 19611
otherwise is certified by the department of job and family 19612
services, department of developmental disabilities, or the early 19613
childhood programs of the department of education. 19614

(9) "Chronic truant" has the same meaning as in section 19615
2152.02 of the Revised Code. 19616

(10) "Commit" means to vest custody as ordered by the court. 19617

(11) "Counseling" includes both of the following: 19618

(a) General counseling services performed by a public 19619
children services agency or shelter for victims of domestic 19620
violence to assist a child, a child's parents, and a child's 19621
siblings in alleviating identified problems that may cause or have 19622
caused the child to be an abused, neglected, or dependent child. 19623

(b) Psychiatric or psychological therapeutic counseling 19624
services provided to correct or alleviate any mental or emotional 19625
illness or disorder and performed by a licensed psychiatrist, 19626
licensed psychologist, or a person licensed under Chapter 4757. of 19627
the Revised Code to engage in social work or professional 19628

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| counseling. | 19629 |
| (12) "Custodian" means a person who has legal custody of a | 19630 |
| child or a public children services agency or private child | 19631 |
| placing agency that has permanent, temporary, or legal custody of | 19632 |
| a child. | 19633 |
| (13) "Delinquent child" has the same meaning as in section | 19634 |
| 2152.02 of the Revised Code. | 19635 |
| (14) "Detention" means the temporary care of children pending | 19636 |
| court adjudication or disposition, or execution of a court order, | 19637 |
| in a public or private facility designed to physically restrict | 19638 |
| the movement and activities of children. | 19639 |
| (15) "Developmental disability" has the same meaning as in | 19640 |
| section 5123.01 of the Revised Code. | 19641 |
| (16) "Differential response approach" means an approach that | 19642 |
| a public children services agency may use to respond to accepted | 19643 |
| reports of child abuse or neglect with either an alternative | 19644 |
| response or a traditional response. | 19645 |
| (17) "Foster caregiver" has the same meaning as in section | 19646 |
| 5103.02 of the Revised Code. | 19647 |
| (18) "Guardian" means a person, association, or corporation | 19648 |
| that is granted authority by a probate court pursuant to Chapter | 19649 |
| 2111. of the Revised Code to exercise parental rights over a child | 19650 |
| to the extent provided in the court's order and subject to the | 19651 |
| residual parental rights of the child's parents. | 19652 |
| (19) "Habitual truant" means any child of compulsory school | 19653 |
| age who is absent without legitimate excuse for absence from the | 19654 |
| public school the child is supposed to attend for five or more | 19655 |
| consecutive school days, seven or more school days in one school | 19656 |
| month, or twelve or more school days in a school year. | 19657 |
| (20) "Juvenile traffic offender" has the same meaning as in | 19658 |

section 2152.02 of the Revised Code. 19659

(21) "Legal custody" means a legal status that vests in the 19660
custodian the right to have physical care and control of the child 19661
and to determine where and with whom the child shall live, and the 19662
right and duty to protect, train, and discipline the child and to 19663
provide the child with food, shelter, education, and medical care, 19664
all subject to any residual parental rights, privileges, and 19665
responsibilities. An individual granted legal custody shall 19666
exercise the rights and responsibilities personally unless 19667
otherwise authorized by any section of the Revised Code or by the 19668
court. 19669

(22) A "legitimate excuse for absence from the public school 19670
the child is supposed to attend" includes, but is not limited to, 19671
any of the following: 19672

(a) The fact that the child in question has enrolled in and 19673
is attending another public or nonpublic school in this or another 19674
state; 19675

(b) The fact that the child in question is excused from 19676
attendance at school for any of the reasons specified in section 19677
3321.04 of the Revised Code; 19678

(c) The fact that the child in question has received an age 19679
and schooling certificate in accordance with section 3331.01 of 19680
the Revised Code. 19681

(23) "Mental illness" and "mentally ill person subject to 19682
court order" have the same meanings as in section 5122.01 of the 19683
Revised Code. 19684

(24) "Mental injury" means any behavioral, cognitive, 19685
emotional, or mental disorder in a child caused by an act or 19686
omission that is described in section 2919.22 of the Revised Code 19687
and is committed by the parent or other person responsible for the 19688
child's care. 19689

(25) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 19690
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(26) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility. 19692
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(27) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 19696
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(28) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 19698
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(29) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children. 19704
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(30) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 19717
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(a) Engaging in sexual activity with a child in the person's 19720

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| care; | 19721 |
| (b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health; | 19722 19723 19724 |
| (c) Use of restraint procedures on a child that cause injury or pain; | 19725 19726 |
| (d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician; | 19727 19728 19729 |
| (e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death. | 19730 19731 19732 19733 19734 |
| (31) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care: | 19735 19736 19737 |
| (a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child; | 19738 19739 19740 |
| (b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person; | 19741 19742 19743 19744 |
| (c) Failure to develop a process for all of the following: | 19745 |
| (i) Administration of prescription drugs or psychotropic drugs for the child; | 19746 19747 |
| (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed; | 19748 19749 |
| (iii) Reporting to the licensed physician who prescribed the | 19750 |

drug all unfavorable or dangerous side effects from the use of the 19751
drug. 19752

(d) Failure to provide proper or necessary subsistence, 19753
education, medical care, or other individualized care necessary 19754
for the health or well-being of the child; 19755

(e) Confinement of the child to a locked room without 19756
monitoring by staff; 19757

(f) Failure to provide ongoing security for all prescription 19758
and nonprescription medication; 19759

(g) Isolation of a child for a period of time when there is 19760
substantial risk that the isolation, if continued, will impair or 19761
retard the mental health or physical well-being of the child. 19762

(32) "Permanent custody" means a legal status that vests in a 19763
public children services agency or a private child placing agency, 19764
all parental rights, duties, and obligations, including the right 19765
to consent to adoption, and divests the natural parents or 19766
adoptive parents of all parental rights, privileges, and 19767
obligations, including all residual rights and obligations. 19768

(33) "Permanent surrender" means the act of the parents or, 19769
if a child has only one parent, of the parent of a child, by a 19770
voluntary agreement authorized by section 5103.15 of the Revised 19771
Code, to transfer the permanent custody of the child to a public 19772
children services agency or a private child placing agency. 19773

(34) "Person" means an individual, association, corporation, 19774
or partnership and the state or any of its political subdivisions, 19775
departments, or agencies. 19776

(35) "Person responsible for a child's care in out-of-home 19777
care" means any of the following: 19778

(a) Any foster caregiver, in-home aide, or provider; 19779

(b) Any administrator, employee, or agent of any of the 19780

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| following: a public or private detention facility; shelter | 19781 |
| facility; certified children's crisis care facility; organization; | 19782 |
| certified organization; child day-care center; type A family | 19783 |
| day-care home; licensed type B family day-care home; group home; | 19784 |
| institution; state institution; residential facility; residential | 19785 |
| care facility; residential camp; day camp; school district; | 19786 |
| community school; chartered nonpublic school; educational service | 19787 |
| center; hospital; or medical clinic; | 19788 |
| (c) Any person who supervises or coaches children as part of | 19789 |
| an extracurricular activity sponsored by a school district, public | 19790 |
| school, or chartered nonpublic school; | 19791 |
| (d) Any other person who performs a similar function with | 19792 |
| respect to, or has a similar relationship to, children. | 19793 |
| (36) "Physically impaired" means having one or more of the | 19794 |
| following conditions that substantially limit one or more of an | 19795 |
| individual's major life activities, including self-care, receptive | 19796 |
| and expressive language, learning, mobility, and self-direction: | 19797 |
| (a) A substantial impairment of vision, speech, or hearing; | 19798 |
| (b) A congenital orthopedic impairment; | 19799 |
| (c) An orthopedic impairment caused by disease, rheumatic | 19800 |
| fever or any other similar chronic or acute health problem, or | 19801 |
| amputation or another similar cause. | 19802 |
| (37) "Placement for adoption" means the arrangement by a | 19803 |
| public children services agency or a private child placing agency | 19804 |
| with a person for the care and adoption by that person of a child | 19805 |
| of whom the agency has permanent custody. | 19806 |
| (38) "Placement in foster care" means the arrangement by a | 19807 |
| public children services agency or a private child placing agency | 19808 |
| for the out-of-home care of a child of whom the agency has | 19809 |
| temporary custody or permanent custody. | 19810 |

(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(41) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.

(42) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

~~(42)~~(43) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

~~(43)~~(44) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

~~(44)~~(45) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

~~(45)~~(46) "Residential camp" means a program in which the 19841
care, physical custody, or control of children is accepted 19842
overnight for recreational or recreational and educational 19843
purposes. 19844

~~(46)~~(47) "Residential care facility" means an institution, 19845
residence, or facility that is licensed by the department of 19846
mental health and addiction services under section 5119.34 of the 19847
Revised Code and that provides care for a child. 19848

~~(47)~~(48) "Residential facility" means a home or facility that 19849
is licensed by the department of developmental disabilities under 19850
section 5123.19 of the Revised Code and in which a child with a 19851
developmental disability resides. 19852

~~(48)~~(49) "Residual parental rights, privileges, and 19853
responsibilities" means those rights, privileges, and 19854
responsibilities remaining with the natural parent after the 19855
transfer of legal custody of the child, including, but not 19856
necessarily limited to, the privilege of reasonable visitation, 19857
consent to adoption, the privilege to determine the child's 19858
religious affiliation, and the responsibility for support. 19859

~~(49)~~(50) "School day" means the school day established by the 19860
board of education of the applicable school district pursuant to 19861
section 3313.481 of the Revised Code. 19862

~~(50)~~(51) "School year" has the same meaning as in section 19863
3313.62 of the Revised Code. 19864

~~(51)~~(52) "Secure correctional facility" means a facility 19865
under the direction of the department of youth services that is 19866
designed to physically restrict the movement and activities of 19867
children and used for the placement of children after adjudication 19868
and disposition. 19869

~~(52)~~(53) "Sexual activity" has the same meaning as in section 19870
2907.01 of the Revised Code. 19871

~~(53)~~(54) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition. 19872
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~~(54)~~(55) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 19875
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~~(55)~~(56) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement. 19877
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~~(56)~~(57) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm. 19882
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(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days. 19889
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Sec. 2151.3514. (A) As used in this section: 19894

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code; 19895
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(2) "Chemical dependency" means either of the following: 19897

(a) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others; 19898
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(b) The use of a drug of abuse to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others.

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(3) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.

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(B) If the juvenile court issues an order of temporary custody or protective supervision under division (A) of section 2151.353 of the Revised Code with respect to a child adjudicated to be an abused, neglected, or dependent child and the alcohol or other drug addiction of a parent or other caregiver of the child was the basis for the adjudication of abuse, neglect, or dependency, the court shall issue an order requiring the parent or other caregiver to submit to an assessment and, if needed, treatment from a community addiction services provider ~~certified by the department of mental health and addiction services~~. The court may order the parent or other caregiver to submit to alcohol or other drug testing during, after, or both during and after, the treatment. The court shall send any order issued pursuant to this division to the public children services agency that serves the county in which the court is located for use as described in section 340.15 of the Revised Code.

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(C) Any order requiring alcohol or other drug testing that is issued pursuant to division (B) of this section shall require one alcohol or other drug test to be conducted each month during a period of twelve consecutive months beginning the month immediately following the month in which the order for alcohol or other drug testing is issued. Arrangements for administering the alcohol or other drug tests, as well as funding the costs of the tests, shall be locally determined in accordance with sections 340.03 and 340.15 of the Revised Code. If a parent or other caregiver required to submit to alcohol or other drug tests under this section is not a recipient of medicaid, the agency that

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refers the parent or caregiver for the tests may require the 19934
parent or caregiver to reimburse the agency for the cost of 19935
conducting the tests. 19936

(D) The ~~certified~~ community addiction services provider that 19937
conducts any alcohol or other drug tests ordered in accordance 19938
with divisions (B) and (C) of this section shall send the results 19939
of the tests, along with the provider's recommendations as to the 19940
benefits of continued treatment, to the court and to the public 19941
children services agency providing services to the involved 19942
family, according to federal regulations set forth in 42 C.F.R. 19943
Part 2, and division (B) of section 340.15 of the Revised Code. 19944
The court shall consider the results and the recommendations sent 19945
to it under this division in any adjudication or review by the 19946
court, according to section 2151.353, 2151.414, or 2151.419 of the 19947
Revised Code. 19948

Sec. 2151.421. (A)(1)(a) No person described in division 19949
(A)(1)(b) of this section who is acting in an official or 19950
professional capacity and knows, or has reasonable cause to 19951
suspect based on facts that would cause a reasonable person in a 19952
similar position to suspect, that a child under eighteen years of 19953
age or a mentally retarded, developmentally disabled, or 19954
physically impaired child under twenty-one years of age has 19955
suffered or faces a threat of suffering any physical or mental 19956
wound, injury, disability, or condition of a nature that 19957
reasonably indicates abuse or neglect of the child shall fail to 19958
immediately report that knowledge or reasonable cause to suspect 19959
to the entity or persons specified in this division. Except as 19960
provided in section 5120.173 of the Revised Code, the person 19961
making the report shall make it to the public children services 19962
agency or a municipal or county peace officer in the county in 19963
which the child resides or in which the abuse or neglect is 19964
occurring or has occurred. In the circumstances described in 19965

section 5120.173 of the Revised Code, the person making the report 19966
shall make it to the entity specified in that section. 19967

(b) Division (A)(1)(a) of this section applies to any person 19968
who is an attorney; physician, including a hospital intern or 19969
resident; dentist; podiatrist; practitioner of a limited branch of 19970
medicine as specified in section 4731.15 of the Revised Code; 19971
registered nurse; licensed practical nurse; visiting nurse; other 19972
health care professional; licensed psychologist; licensed school 19973
psychologist; independent marriage and family therapist or 19974
marriage and family therapist; speech pathologist or audiologist; 19975
coroner; administrator or employee of a child day-care center; 19976
administrator or employee of a residential camp ~~or~~ child day 19977
camp, or private, nonprofit therapeutic wilderness camp; 19978
administrator or employee of a certified child care agency or 19979
other public or private children services agency; school teacher; 19980
school employee; school authority; person engaged in social work 19981
or the practice of professional counseling; agent of a county 19982
humane society; person, other than a cleric, rendering spiritual 19983
treatment through prayer in accordance with the tenets of a 19984
well-recognized religion; employee of a county department of job 19985
and family services who is a professional and who works with 19986
children and families; superintendent or regional administrator 19987
employed by the department of youth services; superintendent, 19988
board member, or employee of a county board of developmental 19989
disabilities; investigative agent contracted with by a county 19990
board of developmental disabilities; employee of the department of 19991
developmental disabilities; employee of a facility or home that 19992
provides respite care in accordance with section 5123.171 of the 19993
Revised Code; employee of a home health agency; employee of an 19994
entity that provides homemaker services; a person performing the 19995
duties of an assessor pursuant to Chapter 3107. or 5103. of the 19996
Revised Code; third party employed by a public children services 19997
agency to assist in providing child or family related services; 19998

court appointed special advocate; or guardian ad litem. 19999

(2) Except as provided in division (A)(3) of this section, an attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding. 20000
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(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply: 20008
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(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age. 20017
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(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient. 20021
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(c) The abuse or neglect does not arise out of the client's 20029

or patient's attempt to have an abortion without the notification 20030
of her parents, guardian, or custodian in accordance with section 20031
2151.85 of the Revised Code. 20032

(4)(a) No cleric and no person, other than a volunteer, 20033
designated by any church, religious society, or faith acting as a 20034
leader, official, or delegate on behalf of the church, religious 20035
society, or faith who is acting in an official or professional 20036
capacity, who knows, or has reasonable cause to believe based on 20037
facts that would cause a reasonable person in a similar position 20038
to believe, that a child under eighteen years of age or a mentally 20039
retarded, developmentally disabled, or physically impaired child 20040
under twenty-one years of age has suffered or faces a threat of 20041
suffering any physical or mental wound, injury, disability, or 20042
condition of a nature that reasonably indicates abuse or neglect 20043
of the child, and who knows, or has reasonable cause to believe 20044
based on facts that would cause a reasonable person in a similar 20045
position to believe, that another cleric or another person, other 20046
than a volunteer, designated by a church, religious society, or 20047
faith acting as a leader, official, or delegate on behalf of the 20048
church, religious society, or faith caused, or poses the threat of 20049
causing, the wound, injury, disability, or condition that 20050
reasonably indicates abuse or neglect shall fail to immediately 20051
report that knowledge or reasonable cause to believe to the entity 20052
or persons specified in this division. Except as provided in 20053
section 5120.173 of the Revised Code, the person making the report 20054
shall make it to the public children services agency or a 20055
municipal or county peace officer in the county in which the child 20056
resides or in which the abuse or neglect is occurring or has 20057
occurred. In the circumstances described in section 5120.173 of 20058
the Revised Code, the person making the report shall make it to 20059
the entity specified in that section. 20060

(b) Except as provided in division (A)(4)(c) of this section, 20061

a cleric is not required to make a report pursuant to division 20062
(A)(4)(a) of this section concerning any communication the cleric 20063
receives from a penitent in a cleric-penitent relationship, if, in 20064
accordance with division (C) of section 2317.02 of the Revised 20065
Code, the cleric could not testify with respect to that 20066
communication in a civil or criminal proceeding. 20067

(c) The penitent in a cleric-penitent relationship described 20068
in division (A)(4)(b) of this section is deemed to have waived any 20069
testimonial privilege under division (C) of section 2317.02 of the 20070
Revised Code with respect to any communication the cleric receives 20071
from the penitent in that cleric-penitent relationship, and the 20072
cleric shall make a report pursuant to division (A)(4)(a) of this 20073
section with respect to that communication, if all of the 20074
following apply: 20075

(i) The penitent, at the time of the communication, is either 20076
a child under eighteen years of age or a mentally retarded, 20077
developmentally disabled, or physically impaired person under 20078
twenty-one years of age. 20079

(ii) The cleric knows, or has reasonable cause to believe 20080
based on facts that would cause a reasonable person in a similar 20081
position to believe, as a result of the communication or any 20082
observations made during that communication, the penitent has 20083
suffered or faces a threat of suffering any physical or mental 20084
wound, injury, disability, or condition of a nature that 20085
reasonably indicates abuse or neglect of the penitent. 20086

(iii) The abuse or neglect does not arise out of the 20087
penitent's attempt to have an abortion performed upon a child 20088
under eighteen years of age or upon a mentally retarded, 20089
developmentally disabled, or physically impaired person under 20090
twenty-one years of age without the notification of her parents, 20091
guardian, or custodian in accordance with section 2151.85 of the 20092
Revised Code. 20093

(d) Divisions (A)(4)(a) and (c) of this section do not apply 20094
in a cleric-penitent relationship when the disclosure of any 20095
communication the cleric receives from the penitent is in 20096
violation of the sacred trust. 20097

(e) As used in divisions (A)(1) and (4) of this section, 20098
"cleric" and "sacred trust" have the same meanings as in section 20099
2317.02 of the Revised Code. 20100

(B) Anyone who knows, or has reasonable cause to suspect 20101
based on facts that would cause a reasonable person in similar 20102
circumstances to suspect, that a child under eighteen years of age 20103
or a mentally retarded, developmentally disabled, or physically 20104
impaired person under twenty-one years of age has suffered or 20105
faces a threat of suffering any physical or mental wound, injury, 20106
disability, or other condition of a nature that reasonably 20107
indicates abuse or neglect of the child may report or cause 20108
reports to be made of that knowledge or reasonable cause to 20109
suspect to the entity or persons specified in this division. 20110
Except as provided in section 5120.173 of the Revised Code, a 20111
person making a report or causing a report to be made under this 20112
division shall make it or cause it to be made to the public 20113
children services agency or to a municipal or county peace 20114
officer. In the circumstances described in section 5120.173 of the 20115
Revised Code, a person making a report or causing a report to be 20116
made under this division shall make it or cause it to be made to 20117
the entity specified in that section. 20118

(C) Any report made pursuant to division (A) or (B) of this 20119
section shall be made forthwith either by telephone or in person 20120
and shall be followed by a written report, if requested by the 20121
receiving agency or officer. The written report shall contain: 20122

(1) The names and addresses of the child and the child's 20123
parents or the person or persons having custody of the child, if 20124
known; 20125

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(1) When a municipal or county peace officer receives a report concerning the possible abuse or neglect of a child or the possible threat of abuse or neglect of a child, upon receipt of the report, the municipal or county peace officer who receives the report shall refer the report to the appropriate public children services agency.

(2) When a public children services agency receives a report pursuant to this division or division (A) or (B) of this section, upon receipt of the report, the public children services agency shall do both of the following:

(a) Comply with section 2151.422 of the Revised Code; 20157

(b) If the county served by the agency is also served by a 20158
children's advocacy center and the report alleges sexual abuse of 20159
a child or another type of abuse of a child that is specified in 20160
the memorandum of understanding that creates the center as being 20161
within the center's jurisdiction, comply regarding the report with 20162
the protocol and procedures for referrals and investigations, with 20163
the coordinating activities, and with the authority or 20164
responsibility for performing or providing functions, activities, 20165
and services stipulated in the interagency agreement entered into 20166
under section 2151.428 of the Revised Code relative to that 20167
center. 20168

(E) No township, municipal, or county peace officer shall 20169
remove a child about whom a report is made pursuant to this 20170
section from the child's parents, stepparents, or guardian or any 20171
other persons having custody of the child without consultation 20172
with the public children services agency, unless, in the judgment 20173
of the officer, and, if the report was made by physician, the 20174
physician, immediate removal is considered essential to protect 20175
the child from further abuse or neglect. The agency that must be 20176
consulted shall be the agency conducting the investigation of the 20177
report as determined pursuant to section 2151.422 of the Revised 20178
Code. 20179

(F)(1) Except as provided in section 2151.422 of the Revised 20180
Code or in an interagency agreement entered into under section 20181
2151.428 of the Revised Code that applies to the particular 20182
report, the public children services agency shall investigate, 20183
within twenty-four hours, each report of child abuse or child 20184
neglect that is known or reasonably suspected or believed to have 20185
occurred and of a threat of child abuse or child neglect that is 20186
known or reasonably suspected or believed to exist that is 20187
referred to it under this section to determine the circumstances 20188

surrounding the injuries, abuse, or neglect or the threat of 20189
injury, abuse, or neglect, the cause of the injuries, abuse, 20190
neglect, or threat, and the person or persons responsible. The 20191
investigation shall be made in cooperation with the law 20192
enforcement agency and in accordance with the memorandum of 20193
understanding prepared under division (J) of this section. A 20194
representative of the public children services agency shall, at 20195
the time of initial contact with the person subject to the 20196
investigation, inform the person of the specific complaints or 20197
allegations made against the person. The information shall be 20198
given in a manner that is consistent with division (H)(1) of this 20199
section and protects the rights of the person making the report 20200
under this section. 20201

A failure to make the investigation in accordance with the 20202
memorandum is not grounds for, and shall not result in, the 20203
dismissal of any charges or complaint arising from the report or 20204
the suppression of any evidence obtained as a result of the report 20205
and does not give, and shall not be construed as giving, any 20206
rights or any grounds for appeal or post-conviction relief to any 20207
person. The public children services agency shall report each case 20208
to the uniform statewide automated child welfare information 20209
system that the department of job and family services shall 20210
maintain in accordance with section 5101.13 of the Revised Code. 20211
The public children services agency shall submit a report of its 20212
investigation, in writing, to the law enforcement agency. 20213

(2) The public children services agency shall make any 20214
recommendations to the county prosecuting attorney or city 20215
director of law that it considers necessary to protect any 20216
children that are brought to its attention. 20217

(G)(1)(a) Except as provided in division (H)(3) of this 20218
section, anyone or any hospital, institution, school, health 20219
department, or agency participating in the making of reports under 20220

division (A) of this section, anyone or any hospital, institution, 20221
school, health department, or agency participating in good faith 20222
in the making of reports under division (B) of this section, and 20223
anyone participating in good faith in a judicial proceeding 20224
resulting from the reports, shall be immune from any civil or 20225
criminal liability for injury, death, or loss to person or 20226
property that otherwise might be incurred or imposed as a result 20227
of the making of the reports or the participation in the judicial 20228
proceeding. 20229

(b) Notwithstanding section 4731.22 of the Revised Code, the 20230
physician-patient privilege shall not be a ground for excluding 20231
evidence regarding a child's injuries, abuse, or neglect, or the 20232
cause of the injuries, abuse, or neglect in any judicial 20233
proceeding resulting from a report submitted pursuant to this 20234
section. 20235

(2) In any civil or criminal action or proceeding in which it 20236
is alleged and proved that participation in the making of a report 20237
under this section was not in good faith or participation in a 20238
judicial proceeding resulting from a report made under this 20239
section was not in good faith, the court shall award the 20240
prevailing party reasonable attorney's fees and costs and, if a 20241
civil action or proceeding is voluntarily dismissed, may award 20242
reasonable attorney's fees and costs to the party against whom the 20243
civil action or proceeding is brought. 20244

(H)(1) Except as provided in divisions (H)(4) and (N) of this 20245
section, a report made under this section is confidential. The 20246
information provided in a report made pursuant to this section and 20247
the name of the person who made the report shall not be released 20248
for use, and shall not be used, as evidence in any civil action or 20249
proceeding brought against the person who made the report. Nothing 20250
in this division shall preclude the use of reports of other 20251
incidents of known or suspected abuse or neglect in a civil action 20252

or proceeding brought pursuant to division (M) of this section 20253
against a person who is alleged to have violated division (A)(1) 20254
of this section, provided that any information in a report that 20255
would identify the child who is the subject of the report or the 20256
maker of the report, if the maker of the report is not the 20257
defendant or an agent or employee of the defendant, has been 20258
redacted. In a criminal proceeding, the report is admissible in 20259
evidence in accordance with the Rules of Evidence and is subject 20260
to discovery in accordance with the Rules of Criminal Procedure. 20261

(2) No person shall permit or encourage the unauthorized 20262
dissemination of the contents of any report made under this 20263
section. 20264

(3) A person who knowingly makes or causes another person to 20265
make a false report under division (B) of this section that 20266
alleges that any person has committed an act or omission that 20267
resulted in a child being an abused child or a neglected child is 20268
guilty of a violation of section 2921.14 of the Revised Code. 20269

(4) If a report is made pursuant to division (A) or (B) of 20270
this section and the child who is the subject of the report dies 20271
for any reason at any time after the report is made, but before 20272
the child attains eighteen years of age, the public children 20273
services agency or municipal or county peace officer to which the 20274
report was made or referred, on the request of the child fatality 20275
review board or the director of health pursuant to guidelines 20276
established under section 3701.70 of the Revised Code, shall 20277
submit a summary sheet of information providing a summary of the 20278
report to the review board of the county in which the deceased 20279
child resided at the time of death or to the director. On the 20280
request of the review board or director, the agency or peace 20281
officer may, at its discretion, make the report available to the 20282
review board or director. If the county served by the public 20283
children services agency is also served by a children's advocacy 20284

center and the report of alleged sexual abuse of a child or 20285
another type of abuse of a child is specified in the memorandum of 20286
understanding that creates the center as being within the center's 20287
jurisdiction, the agency or center shall perform the duties and 20288
functions specified in this division in accordance with the 20289
interagency agreement entered into under section 2151.428 of the 20290
Revised Code relative to that advocacy center. 20291

(5) A public children services agency shall advise a person 20292
alleged to have inflicted abuse or neglect on a child who is the 20293
subject of a report made pursuant to this section, including a 20294
report alleging sexual abuse of a child or another type of abuse 20295
of a child referred to a children's advocacy center pursuant to an 20296
interagency agreement entered into under section 2151.428 of the 20297
Revised Code, in writing of the disposition of the investigation. 20298
The agency shall not provide to the person any information that 20299
identifies the person who made the report, statements of 20300
witnesses, or police or other investigative reports. 20301

(I) Any report that is required by this section, other than a 20302
report that is made to the state highway patrol as described in 20303
section 5120.173 of the Revised Code, shall result in protective 20304
services and emergency supportive services being made available by 20305
the public children services agency on behalf of the children 20306
about whom the report is made, in an effort to prevent further 20307
neglect or abuse, to enhance their welfare, and, whenever 20308
possible, to preserve the family unit intact. The agency required 20309
to provide the services shall be the agency conducting the 20310
investigation of the report pursuant to section 2151.422 of the 20311
Revised Code. 20312

(J)(1) Each public children services agency shall prepare a 20313
memorandum of understanding that is signed by all of the 20314
following: 20315

(a) If there is only one juvenile judge in the county, the 20316

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| juvenile judge of the county or the juvenile judge's representative; | 20317 20318 |
| (b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative; | 20319 20320 20321 20322 20323 |
| (c) The county peace officer; | 20324 |
| (d) All chief municipal peace officers within the county; | 20325 |
| (e) Other law enforcement officers handling child abuse and neglect cases in the county; | 20326 20327 |
| (f) The prosecuting attorney of the county; | 20328 |
| (g) If the public children services agency is not the county department of job and family services, the county department of job and family services; | 20329 20330 20331 |
| (h) The county humane society; | 20332 |
| (i) If the public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center established by the memorandum. | 20333 20334 20335 20336 20337 |
| (2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one | 20338 20339 20340 20341 20342 20343 20344 20345 20346 |

interview of a child who is the subject of any report made 20347
pursuant to division (A) or (B) of this section. A failure to 20348
follow the procedure set forth in the memorandum by the concerned 20349
officials is not grounds for, and shall not result in, the 20350
dismissal of any charges or complaint arising from any reported 20351
case of abuse or neglect or the suppression of any evidence 20352
obtained as a result of any reported child abuse or child neglect 20353
and does not give, and shall not be construed as giving, any 20354
rights or any grounds for appeal or post-conviction relief to any 20355
person. 20356

(3) A memorandum of understanding shall include all of the 20357
following: 20358

(a) The roles and responsibilities for handling emergency and 20359
nonemergency cases of abuse and neglect; 20360

(b) Standards and procedures to be used in handling and 20361
coordinating investigations of reported cases of child abuse and 20362
reported cases of child neglect, methods to be used in 20363
interviewing the child who is the subject of the report and who 20364
allegedly was abused or neglected, and standards and procedures 20365
addressing the categories of persons who may interview the child 20366
who is the subject of the report and who allegedly was abused or 20367
neglected. 20368

(4) If a public children services agency participated in the 20369
execution of a memorandum of understanding under section 2151.426 20370
of the Revised Code establishing a children's advocacy center, the 20371
agency shall incorporate the contents of that memorandum in the 20372
memorandum prepared pursuant to this section. 20373

(5) The clerk of the court of common pleas in the county may 20374
sign the memorandum of understanding prepared under division 20375
(J)(1) of this section. If the clerk signs the memorandum of 20376
understanding, the clerk shall execute all relevant 20377

responsibilities as required of officials specified in the 20378
memorandum. 20379

(K)(1) Except as provided in division (K)(4) of this section, 20380
a person who is required to make a report pursuant to division (A) 20381
of this section may make a reasonable number of requests of the 20382
public children services agency that receives or is referred the 20383
report, or of the children's advocacy center that is referred the 20384
report if the report is referred to a children's advocacy center 20385
pursuant to an interagency agreement entered into under section 20386
2151.428 of the Revised Code, to be provided with the following 20387
information: 20388

(a) Whether the agency or center has initiated an 20389
investigation of the report; 20390

(b) Whether the agency or center is continuing to investigate 20391
the report; 20392

(c) Whether the agency or center is otherwise involved with 20393
the child who is the subject of the report; 20394

(d) The general status of the health and safety of the child 20395
who is the subject of the report; 20396

(e) Whether the report has resulted in the filing of a 20397
complaint in juvenile court or of criminal charges in another 20398
court. 20399

(2) A person may request the information specified in 20400
division (K)(1) of this section only if, at the time the report is 20401
made, the person's name, address, and telephone number are 20402
provided to the person who receives the report. 20403

When a municipal or county peace officer or employee of a 20404
public children services agency receives a report pursuant to 20405
division (A) or (B) of this section the recipient of the report 20406
shall inform the person of the right to request the information 20407

described in division (K)(1) of this section. The recipient of the 20408
report shall include in the initial child abuse or child neglect 20409
report that the person making the report was so informed and, if 20410
provided at the time of the making of the report, shall include 20411
the person's name, address, and telephone number in the report. 20412

Each request is subject to verification of the identity of 20413
the person making the report. If that person's identity is 20414
verified, the agency shall provide the person with the information 20415
described in division (K)(1) of this section a reasonable number 20416
of times, except that the agency shall not disclose any 20417
confidential information regarding the child who is the subject of 20418
the report other than the information described in those 20419
divisions. 20420

(3) A request made pursuant to division (K)(1) of this 20421
section is not a substitute for any report required to be made 20422
pursuant to division (A) of this section. 20423

(4) If an agency other than the agency that received or was 20424
referred the report is conducting the investigation of the report 20425
pursuant to section 2151.422 of the Revised Code, the agency 20426
conducting the investigation shall comply with the requirements of 20427
division (K) of this section. 20428

(L) The director of job and family services shall adopt rules 20429
in accordance with Chapter 119. of the Revised Code to implement 20430
this section. The department of job and family services may enter 20431
into a plan of cooperation with any other governmental entity to 20432
aid in ensuring that children are protected from abuse and 20433
neglect. The department shall make recommendations to the attorney 20434
general that the department determines are necessary to protect 20435
children from child abuse and child neglect. 20436

(M) Whoever violates division (A) of this section is liable 20437
for compensatory and exemplary damages to the child who would have 20438

been the subject of the report that was not made. A person who 20439
brings a civil action or proceeding pursuant to this division 20440
against a person who is alleged to have violated division (A)(1) 20441
of this section may use in the action or proceeding reports of 20442
other incidents of known or suspected abuse or neglect, provided 20443
that any information in a report that would identify the child who 20444
is the subject of the report or the maker of the report, if the 20445
maker is not the defendant or an agent or employee of the 20446
defendant, has been redacted. 20447

(N)(1) As used in this division: 20448

(a) "Out-of-home care" includes a nonchartered nonpublic 20449
school if the alleged child abuse or child neglect, or alleged 20450
threat of child abuse or child neglect, described in a report 20451
received by a public children services agency allegedly occurred 20452
in or involved the nonchartered nonpublic school and the alleged 20453
perpetrator named in the report holds a certificate, permit, or 20454
license issued by the state board of education under section 20455
3301.071 or Chapter 3319. of the Revised Code. 20456

(b) "Administrator, director, or other chief administrative 20457
officer" means the superintendent of the school district if the 20458
out-of-home care entity subject to a report made pursuant to this 20459
section is a school operated by the district. 20460

(2) No later than the end of the day following the day on 20461
which a public children services agency receives a report of 20462
alleged child abuse or child neglect, or a report of an alleged 20463
threat of child abuse or child neglect, that allegedly occurred in 20464
or involved an out-of-home care entity, the agency shall provide 20465
written notice of the allegations contained in and the person 20466
named as the alleged perpetrator in the report to the 20467
administrator, director, or other chief administrative officer of 20468
the out-of-home care entity that is the subject of the report 20469
unless the administrator, director, or other chief administrative 20470

officer is named as an alleged perpetrator in the report. If the 20471
administrator, director, or other chief administrative officer of 20472
an out-of-home care entity is named as an alleged perpetrator in a 20473
report of alleged child abuse or child neglect, or a report of an 20474
alleged threat of child abuse or child neglect, that allegedly 20475
occurred in or involved the out-of-home care entity, the agency 20476
shall provide the written notice to the owner or governing board 20477
of the out-of-home care entity that is the subject of the report. 20478
The agency shall not provide witness statements or police or other 20479
investigative reports. 20480

(3) No later than three days after the day on which a public 20481
children services agency that conducted the investigation as 20482
determined pursuant to section 2151.422 of the Revised Code makes 20483
a disposition of an investigation involving a report of alleged 20484
child abuse or child neglect, or a report of an alleged threat of 20485
child abuse or child neglect, that allegedly occurred in or 20486
involved an out-of-home care entity, the agency shall send written 20487
notice of the disposition of the investigation to the 20488
administrator, director, or other chief administrative officer and 20489
the owner or governing board of the out-of-home care entity. The 20490
agency shall not provide witness statements or police or other 20491
investigative reports. 20492

(O) As used in this section, "investigation" means the public 20493
children services agency's response to an accepted report of child 20494
abuse or neglect through either an alternative response or a 20495
traditional response. 20496

Sec. 2301.03. (A) In Franklin county, the judges of the court 20497
of common pleas whose terms begin on January 1, 1953, January 2, 20498
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 20499
successors, shall have the same qualifications, exercise the same 20500
powers and jurisdiction, and receive the same compensation as 20501

other judges of the court of common pleas of Franklin county and 20502
shall be elected and designated as judges of the court of common 20503
pleas, division of domestic relations. They shall have all the 20504
powers relating to juvenile courts, and all cases under Chapters 20505
2151. and 2152. of the Revised Code, all parentage proceedings 20506
under Chapter 3111. of the Revised Code over which the juvenile 20507
court has jurisdiction, and all divorce, dissolution of marriage, 20508
legal separation, and annulment cases shall be assigned to them. 20509
In addition to the judge's regular duties, the judge who is senior 20510
in point of service shall serve on the children services board and 20511
the county advisory board and shall be the administrator of the 20512
domestic relations division and its subdivisions and departments. 20513
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(B) In Hamilton county: 20515

(1) The judge of the court of common pleas, whose term begins 20516
on January 1, 1957, and successors, and the judge of the court of 20517
common pleas, whose term begins on February 14, 1967, and 20518
successors, shall be the juvenile judges as provided in Chapters 20519
2151. and 2152. of the Revised Code, with the powers and 20520
jurisdiction conferred by those chapters. 20521

(2) The judges of the court of common pleas whose terms begin 20522
on January 5, 1957, January 16, 1981, and July 1, 1991, and 20523
successors, shall be elected and designated as judges of the court 20524
of common pleas, division of domestic relations, and shall have 20525
assigned to them all divorce, dissolution of marriage, legal 20526
separation, and annulment cases coming before the court. On or 20527
after the first day of July and before the first day of August of 20528
1991 and each year thereafter, a majority of the judges of the 20529
division of domestic relations shall elect one of the judges of 20530
the division as administrative judge of that division. If a 20531
majority of the judges of the division of domestic relations are 20532
unable for any reason to elect an administrative judge for the 20533

division before the first day of August, a majority of the judges 20534
of the Hamilton county court of common pleas, as soon as possible 20535
after that date, shall elect one of the judges of the division of 20536
domestic relations as administrative judge of that division. The 20537
term of the administrative judge shall begin on the earlier of the 20538
first day of August of the year in which the administrative judge 20539
is elected or the date on which the administrative judge is 20540
elected by a majority of the judges of the Hamilton county court 20541
of common pleas and shall terminate on the date on which the 20542
administrative judge's successor is elected in the following year. 20543

In addition to the judge's regular duties, the administrative 20544
judge of the division of domestic relations shall be the 20545
administrator of the domestic relations division and its 20546
subdivisions and departments and shall have charge of the 20547
employment, assignment, and supervision of the personnel of the 20548
division engaged in handling, servicing, or investigating divorce, 20549
dissolution of marriage, legal separation, and annulment cases, 20550
including any referees considered necessary by the judges in the 20551
discharge of their various duties. 20552

The administrative judge of the division of domestic 20553
relations also shall designate the title, compensation, expense 20554
allowances, hours, leaves of absence, and vacations of the 20555
personnel of the division, and shall fix the duties of its 20556
personnel. The duties of the personnel, in addition to those 20557
provided for in other sections of the Revised Code, shall include 20558
the handling, servicing, and investigation of divorce, dissolution 20559
of marriage, legal separation, and annulment cases and counseling 20560
and conciliation services that may be made available to persons 20561
requesting them, whether or not the persons are parties to an 20562
action pending in the division. 20563

The board of county commissioners shall appropriate the sum 20564
of money each year as will meet all the administrative expenses of 20565

the division of domestic relations, including reasonable expenses 20566
of the domestic relations judges and the division counselors and 20567
other employees designated to conduct the handling, servicing, and 20568
investigation of divorce, dissolution of marriage, legal 20569
separation, and annulment cases, conciliation and counseling, and 20570
all matters relating to those cases and counseling, and the 20571
expenses involved in the attendance of division personnel at 20572
domestic relations and welfare conferences designated by the 20573
division, and the further sum each year as will provide for the 20574
adequate operation of the division of domestic relations. 20575

The compensation and expenses of all employees and the salary 20576
and expenses of the judges shall be paid by the county treasurer 20577
from the money appropriated for the operation of the division, 20578
upon the warrant of the county auditor, certified to by the 20579
administrative judge of the division of domestic relations. 20580

The summonses, warrants, citations, subpoenas, and other 20581
writs of the division may issue to a bailiff, constable, or staff 20582
investigator of the division or to the sheriff of any county or 20583
any marshal, constable, or police officer, and the provisions of 20584
law relating to the subpoenaing of witnesses in other cases shall 20585
apply insofar as they are applicable. When a summons, warrant, 20586
citation, subpoena, or other writ is issued to an officer, other 20587
than a bailiff, constable, or staff investigator of the division, 20588
the expense of serving it shall be assessed as a part of the costs 20589
in the case involved. 20590

(3) The judge of the court of common pleas of Hamilton county 20591
whose term begins on January 3, 1997, and the successors to that 20592
judge shall each be elected and designated as the drug court judge 20593
of the court of common pleas of Hamilton county. The drug court 20594
judge may accept or reject any case referred to the drug court 20595
judge under division (B)(3) of this section. After the drug court 20596
judge accepts a referred case, the drug court judge has full 20597

authority over the case, including the authority to conduct 20598
arraignment, accept pleas, enter findings and dispositions, 20599
conduct trials, order treatment, and if treatment is not 20600
successfully completed pronounce and enter sentence. 20601

A judge of the general division of the court of common pleas 20602
of Hamilton county and a judge of the Hamilton county municipal 20603
court may refer to the drug court judge any case, and any 20604
companion cases, the judge determines meet the criteria described 20605
under divisions (B)(3)(a) and (b) of this section. If the drug 20606
court judge accepts referral of a referred case, the case, and any 20607
companion cases, shall be transferred to the drug court judge. A 20608
judge may refer a case meeting the criteria described in divisions 20609
(B)(3)(a) and (b) of this section that involves a violation of a 20610
condition of a community control sanction to the drug court judge, 20611
and, if the drug court judge accepts the referral, the referring 20612
judge and the drug court judge have concurrent jurisdiction over 20613
the case. 20614

A judge of the general division of the court of common pleas 20615
of Hamilton county and a judge of the Hamilton county municipal 20616
court may refer a case to the drug court judge under division 20617
(B)(3) of this section if the judge determines that both of the 20618
following apply: 20619

(a) One of the following applies: 20620

(i) The case involves a drug abuse offense, as defined in 20621
section 2925.01 of the Revised Code, that is a felony of the third 20622
or fourth degree if the offense is committed prior to July 1, 20623
1996, a felony of the third, fourth, or fifth degree if the 20624
offense is committed on or after July 1, 1996, or a misdemeanor. 20625

(ii) The case involves a theft offense, as defined in section 20626
2913.01 of the Revised Code, that is a felony of the third or 20627
fourth degree if the offense is committed prior to July 1, 1996, a 20628

felony of the third, fourth, or fifth degree if the offense is 20629
committed on or after July 1, 1996, or a misdemeanor, and the 20630
defendant is drug or alcohol dependent or in danger of becoming 20631
drug or alcohol dependent and would benefit from treatment. 20632

(b) All of the following apply: 20633

(i) The case involves an offense for which a community 20634
control sanction may be imposed or is a case in which a mandatory 20635
prison term or a mandatory jail term is not required to be 20636
imposed. 20637

(ii) The defendant has no history of violent behavior. 20638

(iii) The defendant has no history of mental illness. 20639

(iv) The defendant's current or past behavior, or both, is 20640
drug or alcohol driven. 20641

(v) The defendant demonstrates a sincere willingness to 20642
participate in a fifteen-month treatment process. 20643

(vi) The defendant has no acute health condition. 20644

(vii) If the defendant is incarcerated, the county prosecutor 20645
approves of the referral. 20646

(4) If the administrative judge of the court of common pleas 20647
of Hamilton county determines that the volume of cases pending 20648
before the drug court judge does not constitute a sufficient 20649
caseload for the drug court judge, the administrative judge, in 20650
accordance with the Rules of Superintendence for Courts of Common 20651
Pleas, shall assign individual cases to the drug court judge from 20652
the general docket of the court. If the assignments so occur, the 20653
administrative judge shall cease the assignments when the 20654
administrative judge determines that the volume of cases pending 20655
before the drug court judge constitutes a sufficient caseload for 20656
the drug court judge. 20657

(5) As used in division (B) of this section, "community 20658

control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code. 20659
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(C)(1) In Lorain county: 20662

(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas. From February 9, 2009, through September 28, 2009, the judge of the court of common pleas whose term begins on February 9, 2009, shall have all the powers relating to juvenile courts, and cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to that judge, except cases that for some special reason are assigned to some other judge of the court of common pleas. 20663
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(b) From January 1, 2006, through September 28, 2009, the judges of the court of common pleas, division of domestic relations, in addition to the powers and jurisdiction set forth in 20688
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division (C)(1)(a) of this section, shall have jurisdiction over 20691
matters that are within the jurisdiction of the probate court 20692
under Chapter 2101. and other provisions of the Revised Code. 20693

(c) The judge of the court of common pleas, division of 20694
domestic relations, whose term begins on February 9, 2009, is the 20695
successor to the probate judge who was elected in 2002 for a term 20696
that began on February 9, 2003. After September 28, 2009, the 20697
judge of the court of common pleas, division of domestic 20698
relations, whose term begins on February 9, 2009, shall be the 20699
probate judge. 20700

(2)(a) From February 9, 2009, through September 28, 2009, 20701
with respect to Lorain county, all references in law to the 20702
probate court shall be construed as references to the court of 20703
common pleas, division of domestic relations, and all references 20704
to the probate judge shall be construed as references to the 20705
judges of the court of common pleas, division of domestic 20706
relations. 20707

(b) From February 9, 2009, through September 28, 2009, with 20708
respect to Lorain county, all references in law to the clerk of 20709
the probate court shall be construed as references to the judge 20710
who is serving pursuant to Rule 4 of the Rules of Superintendence 20711
for the Courts of Ohio as the administrative judge of the court of 20712
common pleas, division of domestic relations. 20713

(D) In Lucas county: 20714

(1) The judges of the court of common pleas whose terms begin 20715
on January 1, 1955, and January 3, 1965, and successors, shall 20716
have the same qualifications, exercise the same powers and 20717
jurisdiction, and receive the same compensation as other judges of 20718
the court of common pleas of Lucas county and shall be elected and 20719
designated as judges of the court of common pleas, division of 20720
domestic relations. All divorce, dissolution of marriage, legal 20721

separation, and annulment cases shall be assigned to them. 20722

The judge of the division of domestic relations, senior in 20723
point of service, shall be considered as the presiding judge of 20724
the court of common pleas, division of domestic relations, and 20725
shall be charged exclusively with the assignment and division of 20726
the work of the division and the employment and supervision of all 20727
other personnel of the domestic relations division. 20728

(2) The judges of the court of common pleas whose terms begin 20729
on January 5, 1977, and January 2, 1991, and successors shall have 20730
the same qualifications, exercise the same powers and 20731
jurisdiction, and receive the same compensation as other judges of 20732
the court of common pleas of Lucas county, shall be elected and 20733
designated as judges of the court of common pleas, juvenile 20734
division, and shall be the juvenile judges as provided in Chapters 20735
2151. and 2152. of the Revised Code with the powers and 20736
jurisdictions conferred by those chapters. In addition to the 20737
judge's regular duties, the judge of the court of common pleas, 20738
juvenile division, senior in point of service, shall be the 20739
administrator of the juvenile division and its subdivisions and 20740
departments and shall have charge of the employment, assignment, 20741
and supervision of the personnel of the division engaged in 20742
handling, servicing, or investigating juvenile cases, including 20743
any referees considered necessary by the judges of the division in 20744
the discharge of their various duties. 20745

The judge of the court of common pleas, juvenile division, 20746
senior in point of service, also shall designate the title, 20747
compensation, expense allowance, hours, leaves of absence, and 20748
vacation of the personnel of the division and shall fix the duties 20749
of the personnel of the division. The duties of the personnel, in 20750
addition to other statutory duties include the handling, 20751
servicing, and investigation of juvenile cases and counseling and 20752
conciliation services that may be made available to persons 20753

requesting them, whether or not the persons are parties to an 20754
action pending in the division. 20755

(3) If one of the judges of the court of common pleas, 20756
division of domestic relations, or one of the judges of the 20757
juvenile division is sick, absent, or unable to perform that 20758
judge's judicial duties or the volume of cases pending in that 20759
judge's division necessitates it, the duties shall be performed by 20760
the judges of the other of those divisions. 20761

(E) In Mahoning county: 20762

(1) The judge of the court of common pleas whose term began 20763
on January 1, 1955, and successors, shall have the same 20764
qualifications, exercise the same powers and jurisdiction, and 20765
receive the same compensation as other judges of the court of 20766
common pleas of Mahoning county, shall be elected and designated 20767
as judge of the court of common pleas, division of domestic 20768
relations, and shall be assigned all the divorce, dissolution of 20769
marriage, legal separation, and annulment cases coming before the 20770
court. In addition to the judge's regular duties, the judge of the 20771
court of common pleas, division of domestic relations, shall be 20772
the administrator of the domestic relations division and its 20773
subdivisions and departments and shall have charge of the 20774
employment, assignment, and supervision of the personnel of the 20775
division engaged in handling, servicing, or investigating divorce, 20776
dissolution of marriage, legal separation, and annulment cases, 20777
including any referees considered necessary in the discharge of 20778
the various duties of the judge's office. 20779

The judge also shall designate the title, compensation, 20780
expense allowances, hours, leaves of absence, and vacations of the 20781
personnel of the division and shall fix the duties of the 20782
personnel of the division. The duties of the personnel, in 20783
addition to other statutory duties, include the handling, 20784
servicing, and investigation of divorce, dissolution of marriage, 20785

legal separation, and annulment cases and counseling and 20786
conciliation services that may be made available to persons 20787
requesting them, whether or not the persons are parties to an 20788
action pending in the division. 20789

(2) The judge of the court of common pleas whose term began 20790
on January 2, 1969, and successors, shall have the same 20791
qualifications, exercise the same powers and jurisdiction, and 20792
receive the same compensation as other judges of the court of 20793
common pleas of Mahoning county, shall be elected and designated 20794
as judge of the court of common pleas, juvenile division, and 20795
shall be the juvenile judge as provided in Chapters 2151. and 20796
2152. of the Revised Code, with the powers and jurisdictions 20797
conferred by those chapters. In addition to the judge's regular 20798
duties, the judge of the court of common pleas, juvenile division, 20799
shall be the administrator of the juvenile division and its 20800
subdivisions and departments and shall have charge of the 20801
employment, assignment, and supervision of the personnel of the 20802
division engaged in handling, servicing, or investigating juvenile 20803
cases, including any referees considered necessary by the judge in 20804
the discharge of the judge's various duties. 20805

The judge also shall designate the title, compensation, 20806
expense allowances, hours, leaves of absence, and vacation of the 20807
personnel of the division and shall fix the duties of the 20808
personnel of the division. The duties of the personnel, in 20809
addition to other statutory duties, include the handling, 20810
servicing, and investigation of juvenile cases and counseling and 20811
conciliation services that may be made available to persons 20812
requesting them, whether or not the persons are parties to an 20813
action pending in the division. 20814

(3) If a judge of the court of common pleas, division of 20815
domestic relations or juvenile division, is sick, absent, or 20816
unable to perform that judge's judicial duties, or the volume of 20817

cases pending in that judge's division necessitates it, that 20818
judge's duties shall be performed by another judge of the court of 20819
common pleas. 20820

(F) In Montgomery county: 20821

(1) The judges of the court of common pleas whose terms begin 20822
on January 2, 1953, and January 4, 1977, and successors, shall 20823
have the same qualifications, exercise the same powers and 20824
jurisdiction, and receive the same compensation as other judges of 20825
the court of common pleas of Montgomery county and shall be 20826
elected and designated as judges of the court of common pleas, 20827
division of domestic relations. These judges shall have assigned 20828
to them all divorce, dissolution of marriage, legal separation, 20829
and annulment cases. 20830

The judge of the division of domestic relations, senior in 20831
point of service, shall be charged exclusively with the assignment 20832
and division of the work of the division and shall have charge of 20833
the employment and supervision of the personnel of the division 20834
engaged in handling, servicing, or investigating divorce, 20835
dissolution of marriage, legal separation, and annulment cases, 20836
including any necessary referees, except those employees who may 20837
be appointed by the judge, junior in point of service, under this 20838
section and sections 2301.12 and 2301.18 of the Revised Code. The 20839
judge of the division of domestic relations, senior in point of 20840
service, also shall designate the title, compensation, expense 20841
allowances, hours, leaves of absence, and vacation of the 20842
personnel of the division and shall fix their duties. 20843

(2) The judges of the court of common pleas whose terms begin 20844
on January 1, 1953, and January 1, 1993, and successors, shall 20845
have the same qualifications, exercise the same powers and 20846
jurisdiction, and receive the same compensation as other judges of 20847
the court of common pleas of Montgomery county, shall be elected 20848
and designated as judges of the court of common pleas, juvenile 20849

division, and shall be, and have the powers and jurisdiction of, 20850
the juvenile judge as provided in Chapters 2151. and 2152. of the 20851
Revised Code. 20852

In addition to the judge's regular duties, the judge of the 20853
court of common pleas, juvenile division, senior in point of 20854
service, shall be the administrator of the juvenile division and 20855
its subdivisions and departments and shall have charge of the 20856
employment, assignment, and supervision of the personnel of the 20857
juvenile division, including any necessary referees, who are 20858
engaged in handling, servicing, or investigating juvenile cases. 20859
The judge, senior in point of service, also shall designate the 20860
title, compensation, expense allowances, hours, leaves of absence, 20861
and vacation of the personnel of the division and shall fix their 20862
duties. The duties of the personnel, in addition to other 20863
statutory duties, shall include the handling, servicing, and 20864
investigation of juvenile cases and of any counseling and 20865
conciliation services that are available upon request to persons, 20866
whether or not they are parties to an action pending in the 20867
division. 20868

If one of the judges of the court of common pleas, division 20869
of domestic relations, or one of the judges of the court of common 20870
pleas, juvenile division, is sick, absent, or unable to perform 20871
that judge's duties or the volume of cases pending in that judge's 20872
division necessitates it, the duties of that judge may be 20873
performed by the judge or judges of the other of those divisions. 20874

(G) In Richland county: 20875

(1) The judge of the court of common pleas whose term begins 20876
on January 1, 1957, and successors, shall have the same 20877
qualifications, exercise the same powers and jurisdiction, and 20878
receive the same compensation as the other judges of the court of 20879
common pleas of Richland county and shall be elected and 20880
designated as judge of the court of common pleas, division of 20881

domestic relations. That judge shall be assigned and hear all 20882
divorce, dissolution of marriage, legal separation, and annulment 20883
cases, all domestic violence cases arising under section 3113.31 20884
of the Revised Code, and all post-decree proceedings arising from 20885
any case pertaining to any of those matters. The division of 20886
domestic relations has concurrent jurisdiction with the juvenile 20887
division of the court of common pleas of Richland county to 20888
determine the care, custody, or control of any child not a ward of 20889
another court of this state, and to hear and determine a request 20890
for an order for the support of any child if the request is not 20891
ancillary to an action for divorce, dissolution of marriage, 20892
annulment, or legal separation, a criminal or civil action 20893
involving an allegation of domestic violence, or an action for 20894
support brought under Chapter 3115. of the Revised Code. Except in 20895
cases that are subject to the exclusive original jurisdiction of 20896
the juvenile court, the judge of the division of domestic 20897
relations shall be assigned and hear all cases pertaining to 20898
paternity or parentage, the care, custody, or control of children, 20899
parenting time or visitation, child support, or the allocation of 20900
parental rights and responsibilities for the care of children, all 20901
proceedings arising under Chapter 3111. of the Revised Code, all 20902
proceedings arising under the uniform interstate family support 20903
act contained in Chapter 3115. of the Revised Code, and all 20904
post-decree proceedings arising from any case pertaining to any of 20905
those matters. 20906

In addition to the judge's regular duties, the judge of the 20907
court of common pleas, division of domestic relations, shall be 20908
the administrator of the domestic relations division and its 20909
subdivisions and departments. The judge shall have charge of the 20910
employment, assignment, and supervision of the personnel of the 20911
domestic relations division, including any magistrates the judge 20912
considers necessary for the discharge of the judge's duties. The 20913
judge shall also designate the title, compensation, expense 20914

allowances, hours, leaves of absence, vacation, and other 20915
employment-related matters of the personnel of the division and 20916
shall fix their duties. 20917

(2) The judge of the court of common pleas whose term begins 20918
on January 3, 2005, and successors, shall have the same 20919
qualifications, exercise the same powers and jurisdiction, and 20920
receive the same compensation as other judges of the court of 20921
common pleas of Richland county, shall be elected and designated 20922
as judge of the court of common pleas, juvenile division, and 20923
shall be, and have the powers and jurisdiction of, the juvenile 20924
judge as provided in Chapters 2151. and 2152. of the Revised Code. 20925
Except in cases that are subject to the exclusive original 20926
jurisdiction of the juvenile court, the judge of the juvenile 20927
division shall not have jurisdiction or the power to hear, and 20928
shall not be assigned, any case pertaining to paternity or 20929
parentage, the care, custody, or control of children, parenting 20930
time or visitation, child support, or the allocation of parental 20931
rights and responsibilities for the care of children or any 20932
post-decree proceeding arising from any case pertaining to any of 20933
those matters. The judge of the juvenile division shall not have 20934
jurisdiction or the power to hear, and shall not be assigned, any 20935
proceeding under the uniform interstate family support act 20936
contained in Chapter 3115. of the Revised Code. 20937

In addition to the judge's regular duties, the judge of the 20938
juvenile division shall be the administrator of the juvenile 20939
division and its subdivisions and departments. The judge shall 20940
have charge of the employment, assignment, and supervision of the 20941
personnel of the juvenile division who are engaged in handling, 20942
servicing, or investigating juvenile cases, including any 20943
magistrates whom the judge considers necessary for the discharge 20944
of the judge's various duties. 20945

The judge of the juvenile division also shall designate the 20946

title, compensation, expense allowances, hours, leaves of absence, 20947
and vacation of the personnel of the division and shall fix their 20948
duties. The duties of the personnel, in addition to other 20949
statutory duties, include the handling, servicing, and 20950
investigation of juvenile cases and providing any counseling, 20951
conciliation, and mediation services that the court makes 20952
available to persons, whether or not the persons are parties to an 20953
action pending in the court, who request the services. 20954

(H)(1) In Stark county, the judges of the court of common 20955
pleas whose terms begin on January 1, 1953, January 2, 1959, and 20956
January 1, 1993, and successors, shall have the same 20957
qualifications, exercise the same powers and jurisdiction, and 20958
receive the same compensation as other judges of the court of 20959
common pleas of Stark county and shall be elected and designated 20960
as judges of the court of common pleas, family court division ~~of~~ 20961
~~domestic relations~~. They shall have all the powers relating to 20962
juvenile courts, and all cases under Chapters 2151. and 2152. of 20963
the Revised Code, all parentage proceedings over which the 20964
juvenile court has jurisdiction, and all divorce, dissolution of 20965
marriage, legal separation, and annulment cases, except cases that 20966
are assigned to some other judge of the court of common pleas for 20967
some special reason, shall be assigned to the judges. 20968

(2) The judge of the family court division ~~of domestic~~ 20969
~~relations~~, second most senior in point of service, shall have 20970
charge of the employment and supervision of the personnel of the 20971
division engaged in handling, servicing, or investigating divorce, 20972
dissolution of marriage, legal separation, and annulment cases, 20973
and necessary referees required for the judge's respective court. 20974

(3) The judge of the family court division ~~of domestic~~ 20975
~~relations~~, senior in point of service, shall be charged 20976
exclusively with the administration of sections 2151.13, 2151.16, 20977
2151.17, and 2152.71 of the Revised Code and with the assignment 20978

and division of the work of the division and the employment and 20979
supervision of all other personnel of the division, including, but 20980
not limited to, that judge's necessary referees, but excepting 20981
those employees who may be appointed by the judge second most 20982
senior in point of service. The senior judge further shall serve 20983
in every other position in which the statutes permit or require a 20984
juvenile judge to serve. 20985

(4) On and after the effective date of this amendment, all 20986
references in law to "the division of domestic relations," "the 20987
domestic relations division," "the domestic relations court," "the 20988
judge of the division of domestic relations," or "the judge of the 20989
domestic relations division" shall be construed, with respect to 20990
Stark county, as being references to "the family court division" 20991
or "the judge of the family court division." 20992

(I) In Summit county: 20993

(1) The judges of the court of common pleas whose terms begin 20994
on January 4, 1967, and January 6, 1993, and successors, shall 20995
have the same qualifications, exercise the same powers and 20996
jurisdiction, and receive the same compensation as other judges of 20997
the court of common pleas of Summit county and shall be elected 20998
and designated as judges of the court of common pleas, division of 20999
domestic relations. The judges of the division of domestic 21000
relations shall have assigned to them and hear all divorce, 21001
dissolution of marriage, legal separation, and annulment cases 21002
that come before the court. Except in cases that are subject to 21003
the exclusive original jurisdiction of the juvenile court, the 21004
judges of the division of domestic relations shall have assigned 21005
to them and hear all cases pertaining to paternity, custody, 21006
visitation, child support, or the allocation of parental rights 21007
and responsibilities for the care of children and all post-decree 21008
proceedings arising from any case pertaining to any of those 21009
matters. The judges of the division of domestic relations shall 21010

have assigned to them and hear all proceedings under the uniform 21011
interstate family support act contained in Chapter 3115. of the 21012
Revised Code. 21013

The judge of the division of domestic relations, senior in 21014
point of service, shall be the administrator of the domestic 21015
relations division and its subdivisions and departments and shall 21016
have charge of the employment, assignment, and supervision of the 21017
personnel of the division, including any necessary referees, who 21018
are engaged in handling, servicing, or investigating divorce, 21019
dissolution of marriage, legal separation, and annulment cases. 21020
That judge also shall designate the title, compensation, expense 21021
allowances, hours, leaves of absence, and vacations of the 21022
personnel of the division and shall fix their duties. The duties 21023
of the personnel, in addition to other statutory duties, shall 21024
include the handling, servicing, and investigation of divorce, 21025
dissolution of marriage, legal separation, and annulment cases and 21026
of any counseling and conciliation services that are available 21027
upon request to all persons, whether or not they are parties to an 21028
action pending in the division. 21029

(2) The judge of the court of common pleas whose term begins 21030
on January 1, 1955, and successors, shall have the same 21031
qualifications, exercise the same powers and jurisdiction, and 21032
receive the same compensation as other judges of the court of 21033
common pleas of Summit county, shall be elected and designated as 21034
judge of the court of common pleas, juvenile division, and shall 21035
be, and have the powers and jurisdiction of, the juvenile judge as 21036
provided in Chapters 2151. and 2152. of the Revised Code. Except 21037
in cases that are subject to the exclusive original jurisdiction 21038
of the juvenile court, the judge of the juvenile division shall 21039
not have jurisdiction or the power to hear, and shall not be 21040
assigned, any case pertaining to paternity, custody, visitation, 21041
child support, or the allocation of parental rights and 21042

responsibilities for the care of children or any post-decree 21043
proceeding arising from any case pertaining to any of those 21044
matters. The judge of the juvenile division shall not have 21045
jurisdiction or the power to hear, and shall not be assigned, any 21046
proceeding under the uniform interstate family support act 21047
contained in Chapter 3115. of the Revised Code. 21048

The juvenile judge shall be the administrator of the juvenile 21049
division and its subdivisions and departments and shall have 21050
charge of the employment, assignment, and supervision of the 21051
personnel of the juvenile division, including any necessary 21052
referees, who are engaged in handling, servicing, or investigating 21053
juvenile cases. The judge also shall designate the title, 21054
compensation, expense allowances, hours, leaves of absence, and 21055
vacation of the personnel of the division and shall fix their 21056
duties. The duties of the personnel, in addition to other 21057
statutory duties, shall include the handling, servicing, and 21058
investigation of juvenile cases and of any counseling and 21059
conciliation services that are available upon request to persons, 21060
whether or not they are parties to an action pending in the 21061
division. 21062

(J) In Trumbull county, the judges of the court of common 21063
pleas whose terms begin on January 1, 1953, and January 2, 1977, 21064
and successors, shall have the same qualifications, exercise the 21065
same powers and jurisdiction, and receive the same compensation as 21066
other judges of the court of common pleas of Trumbull county and 21067
shall be elected and designated as judges of the court of common 21068
pleas, division of domestic relations. They shall have all the 21069
powers relating to juvenile courts, and all cases under Chapters 21070
2151. and 2152. of the Revised Code, all parentage proceedings 21071
over which the juvenile court has jurisdiction, and all divorce, 21072
dissolution of marriage, legal separation, and annulment cases 21073
shall be assigned to them, except cases that for some special 21074

reason are assigned to some other judge of the court of common pleas. 21075
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(K) In Butler county: 21077

(1) The judges of the court of common pleas whose terms begin 21078
on January 1, 1957, and January 4, 1993, and successors, shall 21079
have the same qualifications, exercise the same powers and 21080
jurisdiction, and receive the same compensation as other judges of 21081
the court of common pleas of Butler county and shall be elected 21082
and designated as judges of the court of common pleas, division of 21083
domestic relations. The judges of the division of domestic 21084
relations shall have assigned to them all divorce, dissolution of 21085
marriage, legal separation, and annulment cases coming before the 21086
court, except in cases that for some special reason are assigned 21087
to some other judge of the court of common pleas. The judges of 21088
the division of domestic relations also have concurrent 21089
jurisdiction with judges of the juvenile division of the court of 21090
common pleas of Butler county with respect to and may hear cases 21091
to determine the custody, support, or custody and support of a 21092
child who is born of issue of a marriage and who is not the ward 21093
of another court of this state, cases commenced by a party of the 21094
marriage to obtain an order requiring support of any child when 21095
the request for that order is not ancillary to an action for 21096
divorce, dissolution of marriage, annulment, or legal separation, 21097
a criminal or civil action involving an allegation of domestic 21098
violence, an action for support under Chapter 3115. of the Revised 21099
Code, or an action that is within the exclusive original 21100
jurisdiction of the juvenile division of the court of common pleas 21101
of Butler county and that involves an allegation that the child is 21102
an abused, neglected, or dependent child, and post-decree 21103
proceedings and matters arising from those types of cases. The 21104
judge senior in point of service shall be charged with the 21105
assignment and division of the work of the division and with the 21106

employment and supervision of all other personnel of the domestic relations division. 21107
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The judge senior in point of service also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacations of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, shall include the handling, servicing, and investigation of divorce, dissolution of marriage, legal separation, and annulment cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services. 21109
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(2) The judges of the court of common pleas whose terms begin on January 3, 1987, and January 2, 2003, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Butler county, shall be elected and designated as judges of the court of common pleas, juvenile division, and shall be the juvenile judges as provided in Chapters 2151. and 2152. of the Revised Code, with the powers and jurisdictions conferred by those chapters. Except in cases that are subject to the exclusive original jurisdiction of the juvenile court, the judges of the juvenile division shall not have jurisdiction or the power to hear and shall not be assigned, but shall have the limited ability and authority to certify, any case commenced by a party of a marriage to determine the custody, support, or custody and support of a child who is born of issue of the marriage and who is not the ward of another court of this state when the request for the order in the case is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation. The judge of the court of common pleas, juvenile division, who is senior in point of service, shall be the 21119
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administrator of the juvenile division and its subdivisions and 21139
departments. The judge, senior in point of service, shall have 21140
charge of the employment, assignment, and supervision of the 21141
personnel of the juvenile division who are engaged in handling, 21142
servicing, or investigating juvenile cases, including any referees 21143
whom the judge considers necessary for the discharge of the 21144
judge's various duties. 21145

The judge, senior in point of service, also shall designate 21146
the title, compensation, expense allowances, hours, leaves of 21147
absence, and vacation of the personnel of the division and shall 21148
fix their duties. The duties of the personnel, in addition to 21149
other statutory duties, include the handling, servicing, and 21150
investigation of juvenile cases and providing any counseling and 21151
conciliation services that the division makes available to 21152
persons, whether or not the persons are parties to an action 21153
pending in the division, who request the services. 21154

(3) If a judge of the court of common pleas, division of 21155
domestic relations or juvenile division, is sick, absent, or 21156
unable to perform that judge's judicial duties or the volume of 21157
cases pending in the judge's division necessitates it, the duties 21158
of that judge shall be performed by the other judges of the 21159
domestic relations and juvenile divisions. 21160

(L)(1) In Cuyahoga county, the judges of the court of common 21161
pleas whose terms begin on January 8, 1961, January 9, 1961, 21162
January 18, 1975, January 19, 1975, and January 13, 1987, and 21163
successors, shall have the same qualifications, exercise the same 21164
powers and jurisdiction, and receive the same compensation as 21165
other judges of the court of common pleas of Cuyahoga county and 21166
shall be elected and designated as judges of the court of common 21167
pleas, division of domestic relations. They shall have all the 21168
powers relating to all divorce, dissolution of marriage, legal 21169
separation, and annulment cases, except in cases that are assigned 21170

to some other judge of the court of common pleas for some special 21171
reason. 21172

(2) The administrative judge is administrator of the domestic 21173
relations division and its subdivisions and departments and has 21174
the following powers concerning division personnel: 21175

(a) Full charge of the employment, assignment, and 21176
supervision; 21177

(b) Sole determination of compensation, duties, expenses, 21178
allowances, hours, leaves, and vacations. 21179

(3) "Division personnel" include persons employed or referees 21180
engaged in hearing, servicing, investigating, counseling, or 21181
conciliating divorce, dissolution of marriage, legal separation 21182
and annulment matters. 21183

(M) In Lake county: 21184

(1) The judge of the court of common pleas whose term begins 21185
on January 2, 1961, and successors, shall have the same 21186
qualifications, exercise the same powers and jurisdiction, and 21187
receive the same compensation as the other judges of the court of 21188
common pleas of Lake county and shall be elected and designated as 21189
judge of the court of common pleas, division of domestic 21190
relations. The judge shall be assigned all the divorce, 21191
dissolution of marriage, legal separation, and annulment cases 21192
coming before the court, except in cases that for some special 21193
reason are assigned to some other judge of the court of common 21194
pleas. The judge shall be charged with the assignment and division 21195
of the work of the division and with the employment and 21196
supervision of all other personnel of the domestic relations 21197
division. 21198

The judge also shall designate the title, compensation, 21199
expense allowances, hours, leaves of absence, and vacations of the 21200
personnel of the division and shall fix their duties. The duties 21201

of the personnel, in addition to other statutory duties, shall 21202
include the handling, servicing, and investigation of divorce, 21203
dissolution of marriage, legal separation, and annulment cases and 21204
providing any counseling and conciliation services that the 21205
division makes available to persons, whether or not the persons 21206
are parties to an action pending in the division, who request the 21207
services. 21208

(2) The judge of the court of common pleas whose term begins 21209
on January 4, 1979, and successors, shall have the same 21210
qualifications, exercise the same powers and jurisdiction, and 21211
receive the same compensation as other judges of the court of 21212
common pleas of Lake county, shall be elected and designated as 21213
judge of the court of common pleas, juvenile division, and shall 21214
be the juvenile judge as provided in Chapters 2151. and 2152. of 21215
the Revised Code, with the powers and jurisdictions conferred by 21216
those chapters. The judge of the court of common pleas, juvenile 21217
division, shall be the administrator of the juvenile division and 21218
its subdivisions and departments. The judge shall have charge of 21219
the employment, assignment, and supervision of the personnel of 21220
the juvenile division who are engaged in handling, servicing, or 21221
investigating juvenile cases, including any referees whom the 21222
judge considers necessary for the discharge of the judge's various 21223
duties. 21224

The judge also shall designate the title, compensation, 21225
expense allowances, hours, leaves of absence, and vacation of the 21226
personnel of the division and shall fix their duties. The duties 21227
of the personnel, in addition to other statutory duties, include 21228
the handling, servicing, and investigation of juvenile cases and 21229
providing any counseling and conciliation services that the 21230
division makes available to persons, whether or not the persons 21231
are parties to an action pending in the division, who request the 21232
services. 21233

(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions.

(N) In Erie county: 21240

(1) The judge of the court of common pleas whose term begins on January 2, 1971, and the successors to that judge whose terms begin before January 2, 2007, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Erie county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have all the powers relating to juvenile courts, and shall be assigned all cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases, except cases that for some special reason are assigned to some other judge.

On or after January 2, 2007, the judge of the court of common pleas who is elected in 2006 shall be the successor to the judge of the domestic relations division whose term expires on January 1, 2007, shall be designated as judge of the court of common pleas, juvenile division, and shall be the juvenile judge as provided in Chapters 2151. and 2152. of the Revised Code with the powers and jurisdictions conferred by those chapters.

(2) The judge of the court of common pleas, general division, whose term begins on January 1, 2005, and successors, the judge of the court of common pleas, general division whose term begins on January 2, 2005, and successors, and the judge of the court of common pleas, general division, whose term begins February 9,

2009, and successors, shall have assigned to them, in addition to 21266
all matters that are within the jurisdiction of the general 21267
division of the court of common pleas, all divorce, dissolution of 21268
marriage, legal separation, and annulment cases coming before the 21269
court, and all matters that are within the jurisdiction of the 21270
probate court under Chapter 2101., and other provisions, of the 21271
Revised Code. 21272

(0) In Greene county: 21273

(1) The judge of the court of common pleas whose term begins 21274
on January 1, 1961, and successors, shall have the same 21275
qualifications, exercise the same powers and jurisdiction, and 21276
receive the same compensation as the other judges of the court of 21277
common pleas of Greene county and shall be elected and designated 21278
as the judge of the court of common pleas, division of domestic 21279
relations. The judge shall be assigned all divorce, dissolution of 21280
marriage, legal separation, annulment, uniform reciprocal support 21281
enforcement, and domestic violence cases and all other cases 21282
related to domestic relations, except cases that for some special 21283
reason are assigned to some other judge of the court of common 21284
pleas. 21285

The judge shall be charged with the assignment and division 21286
of the work of the division and with the employment and 21287
supervision of all other personnel of the division. The judge also 21288
shall designate the title, compensation, hours, leaves of absence, 21289
and vacations of the personnel of the division and shall fix their 21290
duties. The duties of the personnel of the division, in addition 21291
to other statutory duties, shall include the handling, servicing, 21292
and investigation of divorce, dissolution of marriage, legal 21293
separation, and annulment cases and the provision of counseling 21294
and conciliation services that the division considers necessary 21295
and makes available to persons who request the services, whether 21296
or not the persons are parties in an action pending in the 21297

division. The compensation for the personnel shall be paid from 21298
the overall court budget and shall be included in the 21299
appropriations for the existing judges of the general division of 21300
the court of common pleas. 21301

(2) The judge of the court of common pleas whose term begins 21302
on January 1, 1995, and successors, shall have the same 21303
qualifications, exercise the same powers and jurisdiction, and 21304
receive the same compensation as the other judges of the court of 21305
common pleas of Greene county, shall be elected and designated as 21306
judge of the court of common pleas, juvenile division, and, on or 21307
after January 1, 1995, shall be the juvenile judge as provided in 21308
Chapters 2151. and 2152. of the Revised Code with the powers and 21309
jurisdiction conferred by those chapters. The judge of the court 21310
of common pleas, juvenile division, shall be the administrator of 21311
the juvenile division and its subdivisions and departments. The 21312
judge shall have charge of the employment, assignment, and 21313
supervision of the personnel of the juvenile division who are 21314
engaged in handling, servicing, or investigating juvenile cases, 21315
including any referees whom the judge considers necessary for the 21316
discharge of the judge's various duties. 21317

The judge also shall designate the title, compensation, 21318
expense allowances, hours, leaves of absence, and vacation of the 21319
personnel of the division and shall fix their duties. The duties 21320
of the personnel, in addition to other statutory duties, include 21321
the handling, servicing, and investigation of juvenile cases and 21322
providing any counseling and conciliation services that the court 21323
makes available to persons, whether or not the persons are parties 21324
to an action pending in the court, who request the services. 21325

(3) If one of the judges of the court of common pleas, 21326
general division, is sick, absent, or unable to perform that 21327
judge's judicial duties or the volume of cases pending in the 21328
general division necessitates it, the duties of that judge of the 21329

general division shall be performed by the judge of the division 21330
of domestic relations and the judge of the juvenile division. 21331

(P) In Portage county, the judge of the court of common 21332
pleas, whose term begins January 2, 1987, and successors, shall 21333
have the same qualifications, exercise the same powers and 21334
jurisdiction, and receive the same compensation as the other 21335
judges of the court of common pleas of Portage county and shall be 21336
elected and designated as judge of the court of common pleas, 21337
division of domestic relations. The judge shall be assigned all 21338
divorce, dissolution of marriage, legal separation, and annulment 21339
cases coming before the court, except in cases that for some 21340
special reason are assigned to some other judge of the court of 21341
common pleas. The judge shall be charged with the assignment and 21342
division of the work of the division and with the employment and 21343
supervision of all other personnel of the domestic relations 21344
division. 21345

The judge also shall designate the title, compensation, 21346
expense allowances, hours, leaves of absence, and vacations of the 21347
personnel of the division and shall fix their duties. The duties 21348
of the personnel, in addition to other statutory duties, shall 21349
include the handling, servicing, and investigation of divorce, 21350
dissolution of marriage, legal separation, and annulment cases and 21351
providing any counseling and conciliation services that the 21352
division makes available to persons, whether or not the persons 21353
are parties to an action pending in the division, who request the 21354
services. 21355

(Q) In Clermont county, the judge of the court of common 21356
pleas, whose term begins January 2, 1987, and successors, shall 21357
have the same qualifications, exercise the same powers and 21358
jurisdiction, and receive the same compensation as the other 21359
judges of the court of common pleas of Clermont county and shall 21360
be elected and designated as judge of the court of common pleas, 21361

division of domestic relations. The judge shall be assigned all 21362
divorce, dissolution of marriage, legal separation, and annulment 21363
cases coming before the court, except in cases that for some 21364
special reason are assigned to some other judge of the court of 21365
common pleas. The judge shall be charged with the assignment and 21366
division of the work of the division and with the employment and 21367
supervision of all other personnel of the domestic relations 21368
division. 21369

The judge also shall designate the title, compensation, 21370
expense allowances, hours, leaves of absence, and vacations of the 21371
personnel of the division and shall fix their duties. The duties 21372
of the personnel, in addition to other statutory duties, shall 21373
include the handling, servicing, and investigation of divorce, 21374
dissolution of marriage, legal separation, and annulment cases and 21375
providing any counseling and conciliation services that the 21376
division makes available to persons, whether or not the persons 21377
are parties to an action pending in the division, who request the 21378
services. 21379

(R) In Warren county, the judge of the court of common pleas, 21380
whose term begins January 1, 1987, and successors, shall have the 21381
same qualifications, exercise the same powers and jurisdiction, 21382
and receive the same compensation as the other judges of the court 21383
of common pleas of Warren county and shall be elected and 21384
designated as judge of the court of common pleas, division of 21385
domestic relations. The judge shall be assigned all divorce, 21386
dissolution of marriage, legal separation, and annulment cases 21387
coming before the court, except in cases that for some special 21388
reason are assigned to some other judge of the court of common 21389
pleas. The judge shall be charged with the assignment and division 21390
of the work of the division and with the employment and 21391
supervision of all other personnel of the domestic relations 21392
division. 21393

The judge also shall designate the title, compensation, 21394
expense allowances, hours, leaves of absence, and vacations of the 21395
personnel of the division and shall fix their duties. The duties 21396
of the personnel, in addition to other statutory duties, shall 21397
include the handling, servicing, and investigation of divorce, 21398
dissolution of marriage, legal separation, and annulment cases and 21399
providing any counseling and conciliation services that the 21400
division makes available to persons, whether or not the persons 21401
are parties to an action pending in the division, who request the 21402
services. 21403

(S) In Licking county, the judges of the court of common 21404
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 21405
and successors, shall have the same qualifications, exercise the 21406
same powers and jurisdiction, and receive the same compensation as 21407
the other judges of the court of common pleas of Licking county 21408
and shall be elected and designated as judges of the court of 21409
common pleas, division of domestic relations. The judges shall be 21410
assigned all divorce, dissolution of marriage, legal separation, 21411
and annulment cases, all cases arising under Chapter 3111. of the 21412
Revised Code, all proceedings involving child support, the 21413
allocation of parental rights and responsibilities for the care of 21414
children and the designation for the children of a place of 21415
residence and legal custodian, parenting time, and visitation, and 21416
all post-decree proceedings and matters arising from those cases 21417
and proceedings, except in cases that for some special reason are 21418
assigned to another judge of the court of common pleas. The 21419
administrative judge of the division of domestic relations shall 21420
be charged with the assignment and division of the work of the 21421
division and with the employment and supervision of the personnel 21422
of the division. 21423

The administrative judge of the division of domestic 21424
relations shall designate the title, compensation, expense 21425

allowances, hours, leaves of absence, and vacations of the 21426
personnel of the division and shall fix the duties of the 21427
personnel of the division. The duties of the personnel of the 21428
division, in addition to other statutory duties, shall include the 21429
handling, servicing, and investigation of divorce, dissolution of 21430
marriage, legal separation, and annulment cases, cases arising 21431
under Chapter 3111. of the Revised Code, and proceedings involving 21432
child support, the allocation of parental rights and 21433
responsibilities for the care of children and the designation for 21434
the children of a place of residence and legal custodian, 21435
parenting time, and visitation and providing any counseling and 21436
conciliation services that the division makes available to 21437
persons, whether or not the persons are parties to an action 21438
pending in the division, who request the services. 21439

(T) In Allen county, the judge of the court of common pleas, 21440
whose term begins January 1, 1993, and successors, shall have the 21441
same qualifications, exercise the same powers and jurisdiction, 21442
and receive the same compensation as the other judges of the court 21443
of common pleas of Allen county and shall be elected and 21444
designated as judge of the court of common pleas, division of 21445
domestic relations. The judge shall be assigned all divorce, 21446
dissolution of marriage, legal separation, and annulment cases, 21447
all cases arising under Chapter 3111. of the Revised Code, all 21448
proceedings involving child support, the allocation of parental 21449
rights and responsibilities for the care of children and the 21450
designation for the children of a place of residence and legal 21451
custodian, parenting time, and visitation, and all post-decree 21452
proceedings and matters arising from those cases and proceedings, 21453
except in cases that for some special reason are assigned to 21454
another judge of the court of common pleas. The judge shall be 21455
charged with the assignment and division of the work of the 21456
division and with the employment and supervision of the personnel 21457
of the division. 21458

The judge shall designate the title, compensation, expense 21459
allowances, hours, leaves of absence, and vacations of the 21460
personnel of the division and shall fix the duties of the 21461
personnel of the division. The duties of the personnel of the 21462
division, in addition to other statutory duties, shall include the 21463
handling, servicing, and investigation of divorce, dissolution of 21464
marriage, legal separation, and annulment cases, cases arising 21465
under Chapter 3111. of the Revised Code, and proceedings involving 21466
child support, the allocation of parental rights and 21467
responsibilities for the care of children and the designation for 21468
the children of a place of residence and legal custodian, 21469
parenting time, and visitation, and providing any counseling and 21470
conciliation services that the division makes available to 21471
persons, whether or not the persons are parties to an action 21472
pending in the division, who request the services. 21473

(U) In Medina county, the judge of the court of common pleas 21474
whose term begins January 1, 1995, and successors, shall have the 21475
same qualifications, exercise the same powers and jurisdiction, 21476
and receive the same compensation as other judges of the court of 21477
common pleas of Medina county and shall be elected and designated 21478
as judge of the court of common pleas, division of domestic 21479
relations. The judge shall be assigned all divorce, dissolution of 21480
marriage, legal separation, and annulment cases, all cases arising 21481
under Chapter 3111. of the Revised Code, all proceedings involving 21482
child support, the allocation of parental rights and 21483
responsibilities for the care of children and the designation for 21484
the children of a place of residence and legal custodian, 21485
parenting time, and visitation, and all post-decree proceedings 21486
and matters arising from those cases and proceedings, except in 21487
cases that for some special reason are assigned to another judge 21488
of the court of common pleas. The judge shall be charged with the 21489
assignment and division of the work of the division and with the 21490
employment and supervision of the personnel of the division. 21491

The judge shall designate the title, compensation, expense 21492
allowances, hours, leaves of absence, and vacations of the 21493
personnel of the division and shall fix the duties of the 21494
personnel of the division. The duties of the personnel, in 21495
addition to other statutory duties, include the handling, 21496
servicing, and investigation of divorce, dissolution of marriage, 21497
legal separation, and annulment cases, cases arising under Chapter 21498
3111. of the Revised Code, and proceedings involving child 21499
support, the allocation of parental rights and responsibilities 21500
for the care of children and the designation for the children of a 21501
place of residence and legal custodian, parenting time, and 21502
visitation, and providing counseling and conciliation services 21503
that the division makes available to persons, whether or not the 21504
persons are parties to an action pending in the division, who 21505
request the services. 21506

(V) In Fairfield county, the judge of the court of common 21507
pleas whose term begins January 2, 1995, and successors, shall 21508
have the same qualifications, exercise the same powers and 21509
jurisdiction, and receive the same compensation as the other 21510
judges of the court of common pleas of Fairfield county and shall 21511
be elected and designated as judge of the court of common pleas, 21512
division of domestic relations. The judge shall be assigned all 21513
divorce, dissolution of marriage, legal separation, and annulment 21514
cases, all cases arising under Chapter 3111. of the Revised Code, 21515
all proceedings involving child support, the allocation of 21516
parental rights and responsibilities for the care of children and 21517
the designation for the children of a place of residence and legal 21518
custodian, parenting time, and visitation, and all post-decree 21519
proceedings and matters arising from those cases and proceedings, 21520
except in cases that for some special reason are assigned to 21521
another judge of the court of common pleas. The judge also has 21522
concurrent jurisdiction with the probate-juvenile division of the 21523
court of common pleas of Fairfield county with respect to and may 21524

hear cases to determine the custody of a child, as defined in 21525
section 2151.011 of the Revised Code, who is not the ward of 21526
another court of this state, cases that are commenced by a parent, 21527
guardian, or custodian of a child, as defined in section 2151.011 21528
of the Revised Code, to obtain an order requiring a parent of the 21529
child to pay child support for that child when the request for 21530
that order is not ancillary to an action for divorce, dissolution 21531
of marriage, annulment, or legal separation, a criminal or civil 21532
action involving an allegation of domestic violence, an action for 21533
support under Chapter 3115. of the Revised Code, or an action that 21534
is within the exclusive original jurisdiction of the 21535
probate-juvenile division of the court of commonpleas of 21536
Fairfield county and that involves an allegation that the child is 21537
an abused, neglected, or dependent child, and post-decree 21538
proceedings and matters arising from those types of cases. 21539

The judge of the domestic relations division shall be charged 21540
with the assignment and division of the work of the division and 21541
with the employment and supervision of the personnel of the 21542
division. 21543

The judge shall designate the title, compensation, expense 21544
allowances, hours, leaves of absence, and vacations of the 21545
personnel of the division and shall fix the duties of the 21546
personnel of the division. The duties of the personnel of the 21547
division, in addition to other statutory duties, shall include the 21548
handling, servicing, and investigation of divorce, dissolution of 21549
marriage, legal separation, and annulment cases, cases arising 21550
under Chapter 3111. of the Revised Code, and proceedings involving 21551
child support, the allocation of parental rights and 21552
responsibilities for the care of children and the designation for 21553
the children of a place of residence and legal custodian, 21554
parenting time, and visitation, and providing any counseling and 21555
conciliation services that the division makes available to 21556

persons, regardless of whether the persons are parties to an 21557
action pending in the division, who request the services. When the 21558
judge hears a case to determine the custody of a child, as defined 21559
in section 2151.011 of the Revised Code, who is not the ward of 21560
another court of this state or a case that is commenced by a 21561
parent, guardian, or custodian of a child, as defined in section 21562
2151.011 of the Revised Code, to obtain an order requiring a 21563
parent of the child to pay child support for that child when the 21564
request for that order is not ancillary to an action for divorce, 21565
dissolution of marriage, annulment, or legal separation, a 21566
criminal or civil action involving an allegation of domestic 21567
violence, an action for support under Chapter 3115. of the Revised 21568
Code, or an action that is within the exclusive original 21569
jurisdiction of the probate-juvenile division of the court of 21570
common pleas of Fairfield county and that involves an allegation 21571
that the child is an abused, neglected, or dependent child, the 21572
duties of the personnel of the domestic relations division also 21573
include the handling, servicing, and investigation of those types 21574
of cases. 21575

(W)(1) In Clark county, the judge of the court of common 21576
pleas whose term begins on January 2, 1995, and successors, shall 21577
have the same qualifications, exercise the same powers and 21578
jurisdiction, and receive the same compensation as other judges of 21579
the court of common pleas of Clark county and shall be elected and 21580
designated as judge of the court of common pleas, domestic 21581
relations division. The judge shall have all the powers relating 21582
to juvenile courts, and all cases under Chapters 2151. and 2152. 21583
of the Revised Code and all parentage proceedings under Chapter 21584
3111. of the Revised Code over which the juvenile court has 21585
jurisdiction shall be assigned to the judge of the division of 21586
domestic relations. All divorce, dissolution of marriage, legal 21587
separation, annulment, uniform reciprocal support enforcement, and 21588
other cases related to domestic relations shall be assigned to the 21589

domestic relations division, and the presiding judge of the court 21590
of common pleas shall assign the cases to the judge of the 21591
domestic relations division and the judges of the general 21592
division. 21593

(2) In addition to the judge's regular duties, the judge of 21594
the division of domestic relations shall serve on the children 21595
services board and the county advisory board. 21596

(3) If the judge of the court of common pleas of Clark 21597
county, division of domestic relations, is sick, absent, or unable 21598
to perform that judge's judicial duties or if the presiding judge 21599
of the court of common pleas of Clark county determines that the 21600
volume of cases pending in the division of domestic relations 21601
necessitates it, the duties of the judge of the division of 21602
domestic relations shall be performed by the judges of the general 21603
division or probate division of the court of common pleas of Clark 21604
county, as assigned for that purpose by the presiding judge of 21605
that court, and the judges so assigned shall act in conjunction 21606
with the judge of the division of domestic relations of that 21607
court. 21608

(X) In Scioto county, the judge of the court of common pleas 21609
whose term begins January 2, 1995, and successors, shall have the 21610
same qualifications, exercise the same powers and jurisdiction, 21611
and receive the same compensation as other judges of the court of 21612
common pleas of Scioto county and shall be elected and designated 21613
as judge of the court of common pleas, division of domestic 21614
relations. The judge shall be assigned all divorce, dissolution of 21615
marriage, legal separation, and annulment cases, all cases arising 21616
under Chapter 3111. of the Revised Code, all proceedings involving 21617
child support, the allocation of parental rights and 21618
responsibilities for the care of children and the designation for 21619
the children of a place of residence and legal custodian, 21620
parenting time, visitation, and all post-decree proceedings and 21621

matters arising from those cases and proceedings, except in cases 21622
that for some special reason are assigned to another judge of the 21623
court of common pleas. The judge shall be charged with the 21624
assignment and division of the work of the division and with the 21625
employment and supervision of the personnel of the division. 21626

The judge shall designate the title, compensation, expense 21627
allowances, hours, leaves of absence, and vacations of the 21628
personnel of the division and shall fix the duties of the 21629
personnel of the division. The duties of the personnel, in 21630
addition to other statutory duties, include the handling, 21631
servicing, and investigation of divorce, dissolution of marriage, 21632
legal separation, and annulment cases, cases arising under Chapter 21633
3111. of the Revised Code, and proceedings involving child 21634
support, the allocation of parental rights and responsibilities 21635
for the care of children and the designation for the children of a 21636
place of residence and legal custodian, parenting time, and 21637
visitation, and providing counseling and conciliation services 21638
that the division makes available to persons, whether or not the 21639
persons are parties to an action pending in the division, who 21640
request the services. 21641

(Y) In Auglaize county, the judge of the probate and juvenile 21642
divisions of the Auglaize county court of common pleas also shall 21643
be the administrative judge of the domestic relations division of 21644
the court and shall be assigned all divorce, dissolution of 21645
marriage, legal separation, and annulment cases coming before the 21646
court. The judge shall have all powers as administrator of the 21647
domestic relations division and shall have charge of the personnel 21648
engaged in handling, servicing, or investigating divorce, 21649
dissolution of marriage, legal separation, and annulment cases, 21650
including any referees considered necessary for the discharge of 21651
the judge's various duties. 21652

(Z)(1) In Marion county, the judge of the court of common 21653

pleas whose term begins on February 9, 1999, and the successors to 21654
that judge, shall have the same qualifications, exercise the same 21655
powers and jurisdiction, and receive the same compensation as the 21656
other judges of the court of common pleas of Marion county and 21657
shall be elected and designated as judge of the court of common 21658
pleas, domestic relations-juvenile-probate division. Except as 21659
otherwise specified in this division, that judge, and the 21660
successors to that judge, shall have all the powers relating to 21661
juvenile courts, and all cases under Chapters 2151. and 2152. of 21662
the Revised Code, all cases arising under Chapter 3111. of the 21663
Revised Code, all divorce, dissolution of marriage, legal 21664
separation, and annulment cases, all proceedings involving child 21665
support, the allocation of parental rights and responsibilities 21666
for the care of children and the designation for the children of a 21667
place of residence and legal custodian, parenting time, and 21668
visitation, and all post-decree proceedings and matters arising 21669
from those cases and proceedings shall be assigned to that judge 21670
and the successors to that judge. Except as provided in division 21671
(Z)(2) of this section and notwithstanding any other provision of 21672
any section of the Revised Code, on and after February 9, 2003, 21673
the judge of the court of common pleas of Marion county whose term 21674
begins on February 9, 1999, and the successors to that judge, 21675
shall have all the powers relating to the probate division of the 21676
court of common pleas of Marion county in addition to the powers 21677
previously specified in this division, and shall exercise 21678
concurrent jurisdiction with the judge of the probate division of 21679
that court over all matters that are within the jurisdiction of 21680
the probate division of that court under Chapter 2101., and other 21681
provisions, of the Revised Code in addition to the jurisdiction of 21682
the domestic relations-juvenile-probate division of that court 21683
otherwise specified in division (Z)(1) of this section. 21684

(2) The judge of the domestic relations-juvenile-probate 21685
division of the court of common pleas of Marion county or the 21686

judge of the probate division of the court of common pleas of 21687
Marion county, whichever of those judges is senior in total length 21688
of service on the court of common pleas of Marion county, 21689
regardless of the division or divisions of service, shall serve as 21690
the clerk of the probate division of the court of common pleas of 21691
Marion county. 21692

(3) On and after February 9, 2003, all references in law to 21693
"the probate court," "the probate judge," "the juvenile court," or 21694
"the judge of the juvenile court" shall be construed, with respect 21695
to Marion county, as being references to both "the probate 21696
division" and "the domestic relations-juvenile-probate division" 21697
and as being references to both "the judge of the probate 21698
division" and "the judge of the domestic relations- 21699
juvenile-probate division." On and after February 9, 2003, all 21700
references in law to "the clerk of the probate court" shall be 21701
construed, with respect to Marion county, as being references to 21702
the judge who is serving pursuant to division (Z)(2) of this 21703
section as the clerk of the probate division of the court of 21704
common pleas of Marion county. 21705

(AA) In Muskingum county, the judge of the court of common 21706
pleas whose term begins on January 2, 2003, and successors, shall 21707
have the same qualifications, exercise the same powers and 21708
jurisdiction, and receive the same compensation as the other 21709
judges of the court of common pleas of Muskingum county and shall 21710
be elected and designated as the judge of the court of common 21711
pleas, division of domestic relations. The judge shall be assigned 21712
all divorce, dissolution of marriage, legal separation, and 21713
annulment cases, all cases arising under Chapter 3111. of the 21714
Revised Code, all proceedings involving child support, the 21715
allocation of parental rights and responsibilities for the care of 21716
children and the designation for the children of a place of 21717
residence and legal custodian, parenting time, and visitation, and 21718

all post-decree proceedings and matters arising from those cases 21719
and proceedings, except in cases that for some special reason are 21720
assigned to another judge of the court of common pleas. The judge 21721
shall be charged with the assignment and division of the work of 21722
the division and with the employment and supervision of the 21723
personnel of the division. 21724

The judge shall designate the title, compensation, expense 21725
allowances, hours, leaves of absence, and vacations of the 21726
personnel of the division and shall fix the duties of the 21727
personnel of the division. The duties of the personnel of the 21728
division, in addition to other statutory duties, shall include the 21729
handling, servicing, and investigation of divorce, dissolution of 21730
marriage, legal separation, and annulment cases, cases arising 21731
under Chapter 3111. of the Revised Code, and proceedings involving 21732
child support, the allocation of parental rights and 21733
responsibilities for the care of children and the designation for 21734
the children of a place of residence and legal custodian, 21735
parenting time, and visitation and providing any counseling and 21736
conciliation services that the division makes available to 21737
persons, whether or not the persons are parties to an action 21738
pending in the division, who request the services. 21739

(BB) In Henry county, the judge of the court of common pleas 21740
whose term begins on January 1, 2005, and successors, shall have 21741
the same qualifications, exercise the same powers and 21742
jurisdiction, and receive the same compensation as the other judge 21743
of the court of common pleas of Henry county and shall be elected 21744
and designated as the judge of the court of common pleas, division 21745
of domestic relations. The judge shall have all of the powers 21746
relating to juvenile courts, and all cases under Chapter 2151. or 21747
2152. of the Revised Code, all parentage proceedings arising under 21748
Chapter 3111. of the Revised Code over which the juvenile court 21749
has jurisdiction, all divorce, dissolution of marriage, legal 21750

separation, and annulment cases, all proceedings involving child 21751
support, the allocation of parental rights and responsibilities 21752
for the care of children and the designation for the children of a 21753
place of residence and legal custodian, parenting time, and 21754
visitation, and all post-decree proceedings and matters arising 21755
from those cases and proceedings shall be assigned to that judge, 21756
except in cases that for some special reason are assigned to the 21757
other judge of the court of common pleas. 21758

(CC)(1) In Logan county, the judge of the court of common 21759
pleas whose term begins January 2, 2005, and the successors to 21760
that judge, shall have the same qualifications, exercise the same 21761
powers and jurisdiction, and receive the same compensation as the 21762
other judges of the court of common pleas of Logan county and 21763
shall be elected and designated as judge of the court of common 21764
pleas, domestic relations-juvenile-probate division. Except as 21765
otherwise specified in this division, that judge, and the 21766
successors to that judge, shall have all the powers relating to 21767
juvenile courts, and all cases under Chapters 2151. and 2152. of 21768
the Revised Code, all cases arising under Chapter 3111. of the 21769
Revised Code, all divorce, dissolution of marriage, legal 21770
separation, and annulment cases, all proceedings involving child 21771
support, the allocation of parental rights and responsibilities 21772
for the care of children and designation for the children of a 21773
place of residence and legal custodian, parenting time, and 21774
visitation, and all post-decree proceedings and matters arising 21775
from those cases and proceedings shall be assigned to that judge 21776
and the successors to that judge. Notwithstanding any other 21777
provision of any section of the Revised Code, on and after January 21778
2, 2005, the judge of the court of common pleas of Logan county 21779
whose term begins on January 2, 2005, and the successors to that 21780
judge, shall have all the powers relating to the probate division 21781
of the court of common pleas of Logan county in addition to the 21782
powers previously specified in this division and shall exercise 21783

concurrent jurisdiction with the judge of the probate division of 21784
that court over all matters that are within the jurisdiction of 21785
the probate division of that court under Chapter 2101., and other 21786
provisions, of the Revised Code in addition to the jurisdiction of 21787
the domestic relations-juvenile-probate division of that court 21788
otherwise specified in division (CC)(1) of this section. 21789

(2) The judge of the domestic relations-juvenile-probate 21790
division of the court of common pleas of Logan county or the 21791
probate judge of the court of common pleas of Logan county who is 21792
elected as the administrative judge of the probate division of the 21793
court of common pleas of Logan county pursuant to Rule 4 of the 21794
Rules of Superintendence shall be the clerk of the probate 21795
division and juvenile division of the court of common pleas of 21796
Logan county. The clerk of the court of common pleas who is 21797
elected pursuant to section 2303.01 of the Revised Code shall keep 21798
all of the journals, records, books, papers, and files pertaining 21799
to the domestic relations cases. 21800

(3) On and after January 2, 2005, all references in law to 21801
"the probate court," "the probate judge," "the juvenile court," or 21802
"the judge of the juvenile court" shall be construed, with respect 21803
to Logan county, as being references to both "the probate 21804
division" and the "domestic relations-juvenile-probate division" 21805
and as being references to both "the judge of the probate 21806
division" and the "judge of the domestic 21807
relations-juvenile-probate division." On and after January 2, 21808
2005, all references in law to "the clerk of the probate court" 21809
shall be construed, with respect to Logan county, as being 21810
references to the judge who is serving pursuant to division 21811
(CC)(2) of this section as the clerk of the probate division of 21812
the court of common pleas of Logan county. 21813

(DD)(1) In Champaign county, the judge of the court of common 21814
pleas whose term begins February 9, 2003, and the judge of the 21815

court of common pleas whose term begins February 10, 2009, and the successors to those judges, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Champaign county and shall be elected and designated as judges of the court of common pleas, domestic relations-juvenile-probate division. Except as otherwise specified in this division, those judges, and the successors to those judges, shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all cases arising under Chapter 3111. of the Revised Code, all divorce, dissolution of marriage, legal separation, and annulment cases, all proceedings involving child support, the allocation of parental rights and responsibilities for the care of children and the designation for the children of a place of residence and legal custodian, parenting time, and visitation, and all post-decree proceedings and matters arising from those cases and proceedings shall be assigned to those judges and the successors to those judges. Notwithstanding any other provision of any section of the Revised Code, on and after February 9, 2009, the judges designated by this division as judges of the court of common pleas of Champaign county, domestic relations-juvenile-probate division, and the successors to those judges, shall have all the powers relating to probate courts in addition to the powers previously specified in this division and shall exercise jurisdiction over all matters that are within the jurisdiction of probate courts under Chapter 2101., and other provisions, of the Revised Code in addition to the jurisdiction of the domestic relations-juvenile-probate division otherwise specified in division (DD)(1) of this section.

(2) On and after February 9, 2009, all references in law to "the probate court," "the probate judge," "the juvenile court," or "the judge of the juvenile court" shall be construed with respect to Champaign county as being references to the "domestic

relations-juvenile-probate division" and as being references to 21849
the "judge of the domestic relations-juvenile-probate division." 21850
On and after February 9, 2009, all references in law to "the clerk 21851
of the probate court" shall be construed with respect to Champaign 21852
county as being references to the judge who is serving pursuant to 21853
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 21854
the administrative judge of the court of common pleas, domestic 21855
relations-juvenile-probate division. 21856

(EE) If a judge of the court of common pleas, division of 21857
domestic relations, or juvenile judge, of any of the counties 21858
mentioned in this section is sick, absent, or unable to perform 21859
that judge's judicial duties or the volume of cases pending in the 21860
judge's division necessitates it, the duties of that judge shall 21861
be performed by another judge of the court of common pleas of that 21862
county, assigned for that purpose by the presiding judge of the 21863
court of common pleas of that county to act in place of or in 21864
conjunction with that judge, as the case may require. 21865

Sec. 2305.231. (A) As used in this section: 21866

(1) "Dentist" means a person who is licensed under Chapter 21867
4715. of the Revised Code to practice dentistry. 21868

(2) "Physician" means a person who holds a certificate issued 21869
by the state medical board to practice medicine and surgery, 21870
osteopathic medicine and surgery, or podiatric medicine and 21871
surgery. 21872

(3) "Registered nurse" means a nurse who is licensed as a 21873
registered nurse under Chapter 4723. of the Revised Code. 21874

(4) "Therapeutic recreation" means adoptive recreation 21875
services to persons with illnesses or disabling conditions in 21876
order to do any of the following: 21877

(a) Restore, remediate, or rehabilitate; 21878

| | |
|---|-------|
| <u>(b) Improve functioning and independence;</u> | 21879 |
| <u>(c) Reduce or eliminate the effects of illness or disability.</u> | 21880 |
| (B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, | 21881 |
| no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a school's athletics program is liable in damages in a civil action for administering emergency medical care, emergency dental care, other emergency professional care, or first aid treatment to a participant in an athletic event involving the school, at the scene of the event or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility, or for acts performed in administering the care or treatment, unless the acts of the physician, dentist, or registered nurse constitute willful or wanton misconduct. | 21882 |
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| <u>(C)(1) No physician who volunteers the physician's services as a camp physician at a camp that specializes in therapeutic recreation, and no registered nurse who volunteers the registered nurse's services at such a camp, is liable in damages in a civil action for either of the following:</u> | 21895 |
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| <u>(a) Administering medical care, or emergency professional care, or first aid treatment to a participant in the camp or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility;</u> | 21900 |
| | 21901 |
| | 21902 |
| | 21903 |
| <u>(b) Acts performed in administering that care or treatment.</u> | 21904 |
| <u>(2) Division (C)(1) of this section does not apply if the acts of the physician or registered nurse constitute willful or wanton misconduct.</u> | 21905 |
| | 21906 |
| | 21907 |
| <u>(D) This section does not apply if the administration of emergency medical care, emergency dental care, other emergency</u> | 21908 |
| | 21909 |

professional care, or first aid treatment is rendered for 21910
remuneration, or with the expectation of remuneration, from the 21911
recipient of the care or treatment or from someone on the 21912
recipient's behalf. 21913

Sec. 2925.03. (A) No person shall knowingly do any of the 21914
following: 21915

(1) Sell or offer to sell a controlled substance or a 21916
controlled substance analog; 21917

(2) Prepare for shipment, ship, transport, deliver, prepare 21918
for distribution, or distribute a controlled substance or a 21919
controlled substance analog, when the offender knows or has 21920
reasonable cause to believe that the controlled substance or a 21921
controlled substance analog is intended for sale or resale by the 21922
offender or another person. 21923

(B) This section does not apply to any of the following: 21924

(1) Manufacturers, licensed health professionals authorized 21925
to prescribe drugs, pharmacists, owners of pharmacies, and other 21926
persons whose conduct is in accordance with Chapters 3719., 4715., 21927
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 21928

(2) If the offense involves an anabolic steroid, any person 21929
who is conducting or participating in a research project involving 21930
the use of an anabolic steroid if the project has been approved by 21931
the United States food and drug administration; 21932

(3) Any person who sells, offers for sale, prescribes, 21933
dispenses, or administers for livestock or other nonhuman species 21934
an anabolic steroid that is expressly intended for administration 21935
through implants to livestock or other nonhuman species and 21936
approved for that purpose under the "Federal Food, Drug, and 21937
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 21938
and is sold, offered for sale, prescribed, dispensed, or 21939

administered for that purpose in accordance with that act. 21940

(C) Whoever violates division (A) of this section is guilty 21941
of one of the following: 21942

(1) If the drug involved in the violation is any compound, 21943
mixture, preparation, or substance included in schedule I or 21944
schedule II, with the exception of marihuana, cocaine, L.S.D., 21945
heroin, hashish, and controlled substance analogs, whoever 21946
violates division (A) of this section is guilty of aggravated 21947
trafficking in drugs. The penalty for the offense shall be 21948
determined as follows: 21949

(a) Except as otherwise provided in division (C)(1)(b), (c), 21950
(d), (e), or (f) of this section, aggravated trafficking in drugs 21951
is a felony of the fourth degree, and division (C) of section 21952
2929.13 of the Revised Code applies in determining whether to 21953
impose a prison term on the offender. 21954

(b) Except as otherwise provided in division (C)(1)(c), (d), 21955
(e), or (f) of this section, if the offense was committed in the 21956
vicinity of a school or in the vicinity of a juvenile, aggravated 21957
trafficking in drugs is a felony of the third degree, and division 21958
(C) of section 2929.13 of the Revised Code applies in determining 21959
whether to impose a prison term on the offender. 21960

(c) Except as otherwise provided in this division, if the 21961
amount of the drug involved equals or exceeds the bulk amount but 21962
is less than five times the bulk amount, aggravated trafficking in 21963
drugs is a felony of the third degree, and, except as otherwise 21964
provided in this division, there is a presumption for a prison 21965
term for the offense. If aggravated trafficking in drugs is a 21966
felony of the third degree under this division and if the offender 21967
two or more times previously has been convicted of or pleaded 21968
guilty to a felony drug abuse offense, the court shall impose as a 21969
mandatory prison term one of the prison terms prescribed for a 21970

felony of the third degree. If the amount of the drug involved is 21971
within that range and if the offense was committed in the vicinity 21972
of a school or in the vicinity of a juvenile, aggravated 21973
trafficking in drugs is a felony of the second degree, and the 21974
court shall impose as a mandatory prison term one of the prison 21975
terms prescribed for a felony of the second degree. 21976

(d) Except as otherwise provided in this division, if the 21977
amount of the drug involved equals or exceeds five times the bulk 21978
amount but is less than fifty times the bulk amount, aggravated 21979
trafficking in drugs is a felony of the second degree, and the 21980
court shall impose as a mandatory prison term one of the prison 21981
terms prescribed for a felony of the second degree. If the amount 21982
of the drug involved is within that range and if the offense was 21983
committed in the vicinity of a school or in the vicinity of a 21984
juvenile, aggravated trafficking in drugs is a felony of the first 21985
degree, and the court shall impose as a mandatory prison term one 21986
of the prison terms prescribed for a felony of the first degree. 21987

(e) If the amount of the drug involved equals or exceeds 21988
fifty times the bulk amount but is less than one hundred times the 21989
bulk amount and regardless of whether the offense was committed in 21990
the vicinity of a school or in the vicinity of a juvenile, 21991
aggravated trafficking in drugs is a felony of the first degree, 21992
and the court shall impose as a mandatory prison term one of the 21993
prison terms prescribed for a felony of the first degree. 21994

(f) If the amount of the drug involved equals or exceeds one 21995
hundred times the bulk amount and regardless of whether the 21996
offense was committed in the vicinity of a school or in the 21997
vicinity of a juvenile, aggravated trafficking in drugs is a 21998
felony of the first degree, the offender is a major drug offender, 21999
and the court shall impose as a mandatory prison term the maximum 22000
prison term prescribed for a felony of the first degree. 22001

(2) If the drug involved in the violation is any compound, 22002

mixture, preparation, or substance included in schedule III, IV, 22003
or V, whoever violates division (A) of this section is guilty of 22004
trafficking in drugs. The penalty for the offense shall be 22005
determined as follows: 22006

(a) Except as otherwise provided in division (C)(2)(b), (c), 22007
(d), or (e) of this section, trafficking in drugs is a felony of 22008
the fifth degree, and division (B) of section 2929.13 of the 22009
Revised Code applies in determining whether to impose a prison 22010
term on the offender. 22011

(b) Except as otherwise provided in division (C)(2)(c), (d), 22012
or (e) of this section, if the offense was committed in the 22013
vicinity of a school or in the vicinity of a juvenile, trafficking 22014
in drugs is a felony of the fourth degree, and division (C) of 22015
section 2929.13 of the Revised Code applies in determining whether 22016
to impose a prison term on the offender. 22017

(c) Except as otherwise provided in this division, if the 22018
amount of the drug involved equals or exceeds the bulk amount but 22019
is less than five times the bulk amount, trafficking in drugs is a 22020
felony of the fourth degree, and division (B) of section 2929.13 22021
of the Revised Code applies in determining whether to impose a 22022
prison term for the offense. If the amount of the drug involved is 22023
within that range and if the offense was committed in the vicinity 22024
of a school or in the vicinity of a juvenile, trafficking in drugs 22025
is a felony of the third degree, and there is a presumption for a 22026
prison term for the offense. 22027

(d) Except as otherwise provided in this division, if the 22028
amount of the drug involved equals or exceeds five times the bulk 22029
amount but is less than fifty times the bulk amount, trafficking 22030
in drugs is a felony of the third degree, and there is a 22031
presumption for a prison term for the offense. If the amount of 22032
the drug involved is within that range and if the offense was 22033
committed in the vicinity of a school or in the vicinity of a 22034

juvenile, trafficking in drugs is a felony of the second degree, 22035
and there is a presumption for a prison term for the offense. 22036

(e) Except as otherwise provided in this division, if the 22037
amount of the drug involved equals or exceeds fifty times the bulk 22038
amount, trafficking in drugs is a felony of the second degree, and 22039
the court shall impose as a mandatory prison term one of the 22040
prison terms prescribed for a felony of the second degree. If the 22041
amount of the drug involved equals or exceeds fifty times the bulk 22042
amount and if the offense was committed in the vicinity of a 22043
school or in the vicinity of a juvenile, trafficking in drugs is a 22044
felony of the first degree, and the court shall impose as a 22045
mandatory prison term one of the prison terms prescribed for a 22046
felony of the first degree. 22047

(3) If the drug involved in the violation is marihuana or a 22048
compound, mixture, preparation, or substance containing marihuana 22049
other than hashish, whoever violates division (A) of this section 22050
is guilty of trafficking in marihuana. The penalty for the offense 22051
shall be determined as follows: 22052

(a) Except as otherwise provided in division (C)(3)(b), (c), 22053
(d), (e), (f), (g), or (h) of this section, trafficking in 22054
marihuana is a felony of the fifth degree, and division (B) of 22055
section 2929.13 of the Revised Code applies in determining whether 22056
to impose a prison term on the offender. 22057

(b) Except as otherwise provided in division (C)(3)(c), (d), 22058
(e), (f), (g), or (h) of this section, if the offense was 22059
committed in the vicinity of a school or in the vicinity of a 22060
juvenile, trafficking in marihuana is a felony of the fourth 22061
degree, and division (B) of section 2929.13 of the Revised Code 22062
applies in determining whether to impose a prison term on the 22063
offender. 22064

(c) Except as otherwise provided in this division, if the 22065

amount of the drug involved equals or exceeds two hundred grams 22066
but is less than one thousand grams, trafficking in marihuana is a 22067
felony of the fourth degree, and division (B) of section 2929.13 22068
of the Revised Code applies in determining whether to impose a 22069
prison term on the offender. If the amount of the drug involved is 22070
within that range and if the offense was committed in the vicinity 22071
of a school or in the vicinity of a juvenile, trafficking in 22072
marihuana is a felony of the third degree, and division (C) of 22073
section 2929.13 of the Revised Code applies in determining whether 22074
to impose a prison term on the offender. 22075

(d) Except as otherwise provided in this division, if the 22076
amount of the drug involved equals or exceeds one thousand grams 22077
but is less than five thousand grams, trafficking in marihuana is 22078
a felony of the third degree, and division (C) of section 2929.13 22079
of the Revised Code applies in determining whether to impose a 22080
prison term on the offender. If the amount of the drug involved is 22081
within that range and if the offense was committed in the vicinity 22082
of a school or in the vicinity of a juvenile, trafficking in 22083
marihuana is a felony of the second degree, and there is a 22084
presumption that a prison term shall be imposed for the offense. 22085

(e) Except as otherwise provided in this division, if the 22086
amount of the drug involved equals or exceeds five thousand grams 22087
but is less than twenty thousand grams, trafficking in marihuana 22088
is a felony of the third degree, and there is a presumption that a 22089
prison term shall be imposed for the offense. If the amount of the 22090
drug involved is within that range and if the offense was 22091
committed in the vicinity of a school or in the vicinity of a 22092
juvenile, trafficking in marihuana is a felony of the second 22093
degree, and there is a presumption that a prison term shall be 22094
imposed for the offense. 22095

(f) Except as otherwise provided in this division, if the 22096
amount of the drug involved equals or exceeds twenty thousand 22097

grams but is less than forty thousand grams, trafficking in 22098
marihuana is a felony of the second degree, and the court shall 22099
impose a mandatory prison term of five, six, seven, or eight 22100
years. If the amount of the drug involved is within that range and 22101
if the offense was committed in the vicinity of a school or in the 22102
vicinity of a juvenile, trafficking in marihuana is a felony of 22103
the first degree, and the court shall impose as a mandatory prison 22104
term the maximum prison term prescribed for a felony of the first 22105
degree. 22106

(g) Except as otherwise provided in this division, if the 22107
amount of the drug involved equals or exceeds forty thousand 22108
grams, trafficking in marihuana is a felony of the second degree, 22109
and the court shall impose as a mandatory prison term the maximum 22110
prison term prescribed for a felony of the second degree. If the 22111
amount of the drug involved equals or exceeds forty thousand grams 22112
and if the offense was committed in the vicinity of a school or in 22113
the vicinity of a juvenile, trafficking in marihuana is a felony 22114
of the first degree, and the court shall impose as a mandatory 22115
prison term the maximum prison term prescribed for a felony of the 22116
first degree. 22117

(h) Except as otherwise provided in this division, if the 22118
offense involves a gift of twenty grams or less of marihuana, 22119
trafficking in marihuana is a minor misdemeanor upon a first 22120
offense and a misdemeanor of the third degree upon a subsequent 22121
offense. If the offense involves a gift of twenty grams or less of 22122
marihuana and if the offense was committed in the vicinity of a 22123
school or in the vicinity of a juvenile, trafficking in marihuana 22124
is a misdemeanor of the third degree. 22125

(4) If the drug involved in the violation is cocaine or a 22126
compound, mixture, preparation, or substance containing cocaine, 22127
whoever violates division (A) of this section is guilty of 22128
trafficking in cocaine. The penalty for the offense shall be 22129

determined as follows: 22130

(a) Except as otherwise provided in division (C)(4)(b), (c), 22131
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 22132
felony of the fifth degree, and division (B) of section 2929.13 of 22133
the Revised Code applies in determining whether to impose a prison 22134
term on the offender. 22135

(b) Except as otherwise provided in division (C)(4)(c), (d), 22136
(e), (f), or (g) of this section, if the offense was committed in 22137
the vicinity of a school or in the vicinity of a juvenile, 22138
trafficking in cocaine is a felony of the fourth degree, and 22139
division (C) of section 2929.13 of the Revised Code applies in 22140
determining whether to impose a prison term on the offender. 22141

(c) Except as otherwise provided in this division, if the 22142
amount of the drug involved equals or exceeds five grams but is 22143
less than ten grams of cocaine, trafficking in cocaine is a felony 22144
of the fourth degree, and division (B) of section 2929.13 of the 22145
Revised Code applies in determining whether to impose a prison 22146
term for the offense. If the amount of the drug involved is within 22147
that range and if the offense was committed in the vicinity of a 22148
school or in the vicinity of a juvenile, trafficking in cocaine is 22149
a felony of the third degree, and there is a presumption for a 22150
prison term for the offense. 22151

(d) Except as otherwise provided in this division, if the 22152
amount of the drug involved equals or exceeds ten grams but is 22153
less than twenty grams of cocaine, trafficking in cocaine is a 22154
felony of the third degree, and, except as otherwise provided in 22155
this division, there is a presumption for a prison term for the 22156
offense. If trafficking in cocaine is a felony of the third degree 22157
under this division and if the offender two or more times 22158
previously has been convicted of or pleaded guilty to a felony 22159
drug abuse offense, the court shall impose as a mandatory prison 22160
term one of the prison terms prescribed for a felony of the third 22161

degree. If the amount of the drug involved is within that range 22162
and if the offense was committed in the vicinity of a school or in 22163
the vicinity of a juvenile, trafficking in cocaine is a felony of 22164
the second degree, and the court shall impose as a mandatory 22165
prison term one of the prison terms prescribed for a felony of the 22166
second degree. 22167

(e) Except as otherwise provided in this division, if the 22168
amount of the drug involved equals or exceeds twenty grams but is 22169
less than twenty-seven grams of cocaine, trafficking in cocaine is 22170
a felony of the second degree, and the court shall impose as a 22171
mandatory prison term one of the prison terms prescribed for a 22172
felony of the second degree. If the amount of the drug involved is 22173
within that range and if the offense was committed in the vicinity 22174
of a school or in the vicinity of a juvenile, trafficking in 22175
cocaine is a felony of the first degree, and the court shall 22176
impose as a mandatory prison term one of the prison terms 22177
prescribed for a felony of the first degree. 22178

(f) If the amount of the drug involved equals or exceeds 22179
twenty-seven grams but is less than one hundred grams of cocaine 22180
and regardless of whether the offense was committed in the 22181
vicinity of a school or in the vicinity of a juvenile, trafficking 22182
in cocaine is a felony of the first degree, and the court shall 22183
impose as a mandatory prison term one of the prison terms 22184
prescribed for a felony of the first degree. 22185

(g) If the amount of the drug involved equals or exceeds one 22186
hundred grams of cocaine and regardless of whether the offense was 22187
committed in the vicinity of a school or in the vicinity of a 22188
juvenile, trafficking in cocaine is a felony of the first degree, 22189
the offender is a major drug offender, and the court shall impose 22190
as a mandatory prison term the maximum prison term prescribed for 22191
a felony of the first degree. 22192

(5) If the drug involved in the violation is L.S.D. or a 22193

compound, mixture, preparation, or substance containing L.S.D., 22194
whoever violates division (A) of this section is guilty of 22195
trafficking in L.S.D. The penalty for the offense shall be 22196
determined as follows: 22197

(a) Except as otherwise provided in division (C)(5)(b), (c), 22198
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 22199
felony of the fifth degree, and division (B) of section 2929.13 of 22200
the Revised Code applies in determining whether to impose a prison 22201
term on the offender. 22202

(b) Except as otherwise provided in division (C)(5)(c), (d), 22203
(e), (f), or (g) of this section, if the offense was committed in 22204
the vicinity of a school or in the vicinity of a juvenile, 22205
trafficking in L.S.D. is a felony of the fourth degree, and 22206
division (C) of section 2929.13 of the Revised Code applies in 22207
determining whether to impose a prison term on the offender. 22208

(c) Except as otherwise provided in this division, if the 22209
amount of the drug involved equals or exceeds ten unit doses but 22210
is less than fifty unit doses of L.S.D. in a solid form or equals 22211
or exceeds one gram but is less than five grams of L.S.D. in a 22212
liquid concentrate, liquid extract, or liquid distillate form, 22213
trafficking in L.S.D. is a felony of the fourth degree, and 22214
division (B) of section 2929.13 of the Revised Code applies in 22215
determining whether to impose a prison term for the offense. If 22216
the amount of the drug involved is within that range and if the 22217
offense was committed in the vicinity of a school or in the 22218
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 22219
third degree, and there is a presumption for a prison term for the 22220
offense. 22221

(d) Except as otherwise provided in this division, if the 22222
amount of the drug involved equals or exceeds fifty unit doses but 22223
is less than two hundred fifty unit doses of L.S.D. in a solid 22224
form or equals or exceeds five grams but is less than twenty-five 22225

grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 22226
distillate form, trafficking in L.S.D. is a felony of the third 22227
degree, and, except as otherwise provided in this division, there 22228
is a presumption for a prison term for the offense. If trafficking 22229
in L.S.D. is a felony of the third degree under this division and 22230
if the offender two or more times previously has been convicted of 22231
or pleaded guilty to a felony drug abuse offense, the court shall 22232
impose as a mandatory prison term one of the prison terms 22233
prescribed for a felony of the third degree. If the amount of the 22234
drug involved is within that range and if the offense was 22235
committed in the vicinity of a school or in the vicinity of a 22236
juvenile, trafficking in L.S.D. is a felony of the second degree, 22237
and the court shall impose as a mandatory prison term one of the 22238
prison terms prescribed for a felony of the second degree. 22239

(e) Except as otherwise provided in this division, if the 22240
amount of the drug involved equals or exceeds two hundred fifty 22241
unit doses but is less than one thousand unit doses of L.S.D. in a 22242
solid form or equals or exceeds twenty-five grams but is less than 22243
one hundred grams of L.S.D. in a liquid concentrate, liquid 22244
extract, or liquid distillate form, trafficking in L.S.D. is a 22245
felony of the second degree, and the court shall impose as a 22246
mandatory prison term one of the prison terms prescribed for a 22247
felony of the second degree. If the amount of the drug involved is 22248
within that range and if the offense was committed in the vicinity 22249
of a school or in the vicinity of a juvenile, trafficking in 22250
L.S.D. is a felony of the first degree, and the court shall impose 22251
as a mandatory prison term one of the prison terms prescribed for 22252
a felony of the first degree. 22253

(f) If the amount of the drug involved equals or exceeds one 22254
thousand unit doses but is less than five thousand unit doses of 22255
L.S.D. in a solid form or equals or exceeds one hundred grams but 22256
is less than five hundred grams of L.S.D. in a liquid concentrate, 22257

liquid extract, or liquid distillate form and regardless of 22258
whether the offense was committed in the vicinity of a school or 22259
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 22260
of the first degree, and the court shall impose as a mandatory 22261
prison term one of the prison terms prescribed for a felony of the 22262
first degree. 22263

(g) If the amount of the drug involved equals or exceeds five 22264
thousand unit doses of L.S.D. in a solid form or equals or exceeds 22265
five hundred grams of L.S.D. in a liquid concentrate, liquid 22266
extract, or liquid distillate form and regardless of whether the 22267
offense was committed in the vicinity of a school or in the 22268
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 22269
first degree, the offender is a major drug offender, and the court 22270
shall impose as a mandatory prison term the maximum prison term 22271
prescribed for a felony of the first degree. 22272

(6) If the drug involved in the violation is heroin or a 22273
compound, mixture, preparation, or substance containing heroin, 22274
whoever violates division (A) of this section is guilty of 22275
trafficking in heroin. The penalty for the offense shall be 22276
determined as follows: 22277

(a) Except as otherwise provided in division (C)(6)(b), (c), 22278
(d), (e), (f), or (g) of this section, trafficking in heroin is a 22279
felony of the fifth degree, and division (B) of section 2929.13 of 22280
the Revised Code applies in determining whether to impose a prison 22281
term on the offender. 22282

(b) Except as otherwise provided in division (C)(6)(c), (d), 22283
(e), (f), or (g) of this section, if the offense was committed in 22284
the vicinity of a school or in the vicinity of a juvenile, 22285
trafficking in heroin is a felony of the fourth degree, and 22286
division (C) of section 2929.13 of the Revised Code applies in 22287
determining whether to impose a prison term on the offender. 22288

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the

prison terms prescribed for a felony of the first degree. 22321

(f) If the amount of the drug involved equals or exceeds five 22322
hundred unit doses but is less than two thousand five hundred unit 22323
doses or equals or exceeds fifty grams but is less than two 22324
hundred fifty grams and regardless of whether the offense was 22325
committed in the vicinity of a school or in the vicinity of a 22326
juvenile, trafficking in heroin is a felony of the first degree, 22327
and the court shall impose as a mandatory prison term one of the 22328
prison terms prescribed for a felony of the first degree. 22329

(g) If the amount of the drug involved equals or exceeds two 22330
thousand five hundred unit doses or equals or exceeds two hundred 22331
fifty grams and regardless of whether the offense was committed in 22332
the vicinity of a school or in the vicinity of a juvenile, 22333
trafficking in heroin is a felony of the first degree, the 22334
offender is a major drug offender, and the court shall impose as a 22335
mandatory prison term the maximum prison term prescribed for a 22336
felony of the first degree. 22337

(7) If the drug involved in the violation is hashish or a 22338
compound, mixture, preparation, or substance containing hashish, 22339
whoever violates division (A) of this section is guilty of 22340
trafficking in hashish. The penalty for the offense shall be 22341
determined as follows: 22342

(a) Except as otherwise provided in division (C)(7)(b), (c), 22343
(d), (e), (f), or (g) of this section, trafficking in hashish is a 22344
felony of the fifth degree, and division (B) of section 2929.13 of 22345
the Revised Code applies in determining whether to impose a prison 22346
term on the offender. 22347

(b) Except as otherwise provided in division (C)(7)(c), (d), 22348
(e), (f), or (g) of this section, if the offense was committed in 22349
the vicinity of a school or in the vicinity of a juvenile, 22350
trafficking in hashish is a felony of the fourth degree, and 22351

division (B) of section 2929.13 of the Revised Code applies in 22352
determining whether to impose a prison term on the offender. 22353

(c) Except as otherwise provided in this division, if the 22354
amount of the drug involved equals or exceeds ten grams but is 22355
less than fifty grams of hashish in a solid form or equals or 22356
exceeds two grams but is less than ten grams of hashish in a 22357
liquid concentrate, liquid extract, or liquid distillate form, 22358
trafficking in hashish is a felony of the fourth degree, and 22359
division (B) of section 2929.13 of the Revised Code applies in 22360
determining whether to impose a prison term on the offender. If 22361
the amount of the drug involved is within that range and if the 22362
offense was committed in the vicinity of a school or in the 22363
vicinity of a juvenile, trafficking in hashish is a felony of the 22364
third degree, and division (C) of section 2929.13 of the Revised 22365
Code applies in determining whether to impose a prison term on the 22366
offender. 22367

(d) Except as otherwise provided in this division, if the 22368
amount of the drug involved equals or exceeds fifty grams but is 22369
less than two hundred fifty grams of hashish in a solid form or 22370
equals or exceeds ten grams but is less than fifty grams of 22371
hashish in a liquid concentrate, liquid extract, or liquid 22372
distillate form, trafficking in hashish is a felony of the third 22373
degree, and division (C) of section 2929.13 of the Revised Code 22374
applies in determining whether to impose a prison term on the 22375
offender. If the amount of the drug involved is within that range 22376
and if the offense was committed in the vicinity of a school or in 22377
the vicinity of a juvenile, trafficking in hashish is a felony of 22378
the second degree, and there is a presumption that a prison term 22379
shall be imposed for the offense. 22380

(e) Except as otherwise provided in this division, if the 22381
amount of the drug involved equals or exceeds two hundred fifty 22382
grams but is less than one thousand grams of hashish in a solid 22383

form or equals or exceeds fifty grams but is less than two hundred 22384
grams of hashish in a liquid concentrate, liquid extract, or 22385
liquid distillate form, trafficking in hashish is a felony of the 22386
third degree, and there is a presumption that a prison term shall 22387
be imposed for the offense. If the amount of the drug involved is 22388
within that range and if the offense was committed in the vicinity 22389
of a school or in the vicinity of a juvenile, trafficking in 22390
hashish is a felony of the second degree, and there is a 22391
presumption that a prison term shall be imposed for the offense. 22392

(f) Except as otherwise provided in this division, if the 22393
amount of the drug involved equals or exceeds one thousand grams 22394
but is less than two thousand grams of hashish in a solid form or 22395
equals or exceeds two hundred grams but is less than four hundred 22396
grams of hashish in a liquid concentrate, liquid extract, or 22397
liquid distillate form, trafficking in hashish is a felony of the 22398
second degree, and the court shall impose a mandatory prison term 22399
of five, six, seven, or eight years. If the amount of the drug 22400
involved is within that range and if the offense was committed in 22401
the vicinity of a school or in the vicinity of a juvenile, 22402
trafficking in hashish is a felony of the first degree, and the 22403
court shall impose as a mandatory prison term the maximum prison 22404
term prescribed for a felony of the first degree. 22405

(g) Except as otherwise provided in this division, if the 22406
amount of the drug involved equals or exceeds two thousand grams 22407
of hashish in a solid form or equals or exceeds four hundred grams 22408
of hashish in a liquid concentrate, liquid extract, or liquid 22409
distillate form, trafficking in hashish is a felony of the second 22410
degree, and the court shall impose as a mandatory prison term the 22411
maximum prison term prescribed for a felony of the second degree. 22412
If the amount of the drug involved equals or exceeds two thousand 22413
grams of hashish in a solid form or equals or exceeds four hundred 22414
grams of hashish in a liquid concentrate, liquid extract, or 22415

liquid distillate form and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(8) If the drug involved in the violation is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of trafficking in a controlled substance analog. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(8)(b), (c), (d), (e), (f), or (g) of this section, trafficking in a controlled substance analog is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(8)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the

third degree, and there is a presumption for a prison term for the offense. 22448
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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense. 22450
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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 22460
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(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 22472
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(g) If the amount of the drug involved equals or exceeds 22479

fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining

amount was a fine imposed under division (H)(1) of this section. 22512

(2) The court shall suspend the driver's or commercial 22513
driver's license or permit of the offender in accordance with 22514
division (G) of this section. 22515

(3) If the offender is a professionally licensed person, the 22516
court immediately shall comply with section 2925.38 of the Revised 22517
Code. 22518

(E) When a person is charged with the sale of or offer to 22519
sell a bulk amount or a multiple of a bulk amount of a controlled 22520
substance, the jury, or the court trying the accused, shall 22521
determine the amount of the controlled substance involved at the 22522
time of the offense and, if a guilty verdict is returned, shall 22523
return the findings as part of the verdict. In any such case, it 22524
is unnecessary to find and return the exact amount of the 22525
controlled substance involved, and it is sufficient if the finding 22526
and return is to the effect that the amount of the controlled 22527
substance involved is the requisite amount, or that the amount of 22528
the controlled substance involved is less than the requisite 22529
amount. 22530

(F)(1) Notwithstanding any contrary provision of section 22531
3719.21 of the Revised Code and except as provided in division (H) 22532
of this section, the clerk of the court shall pay any mandatory 22533
fine imposed pursuant to division (D)(1) of this section and any 22534
fine other than a mandatory fine that is imposed for a violation 22535
of this section pursuant to division (A) or (B)(5) of section 22536
2929.18 of the Revised Code to the county, township, municipal 22537
corporation, park district, as created pursuant to section 511.18 22538
or 1545.04 of the Revised Code, or state law enforcement agencies 22539
in this state that primarily were responsible for or involved in 22540
making the arrest of, and in prosecuting, the offender. However, 22541
the clerk shall not pay a mandatory fine so imposed to a law 22542
enforcement agency unless the agency has adopted a written 22543

internal control policy under division (F)(2) of this section that 22544
addresses the use of the fine moneys that it receives. Each agency 22545
shall use the mandatory fines so paid to subsidize the agency's 22546
law enforcement efforts that pertain to drug offenses, in 22547
accordance with the written internal control policy adopted by the 22548
recipient agency under division (F)(2) of this section. 22549

(2) Prior to receiving any fine moneys under division (F)(1) 22550
of this section or division (B) of section 2925.42 of the Revised 22551
Code, a law enforcement agency shall adopt a written internal 22552
control policy that addresses the agency's use and disposition of 22553
all fine moneys so received and that provides for the keeping of 22554
detailed financial records of the receipts of those fine moneys, 22555
the general types of expenditures made out of those fine moneys, 22556
and the specific amount of each general type of expenditure. The 22557
policy shall not provide for or permit the identification of any 22558
specific expenditure that is made in an ongoing investigation. All 22559
financial records of the receipts of those fine moneys, the 22560
general types of expenditures made out of those fine moneys, and 22561
the specific amount of each general type of expenditure by an 22562
agency are public records open for inspection under section 149.43 22563
of the Revised Code. Additionally, a written internal control 22564
policy adopted under this division is such a public record, and 22565
the agency that adopted it shall comply with it. 22566

(3) As used in division (F) of this section: 22567

(a) "Law enforcement agencies" includes, but is not limited 22568
to, the state board of pharmacy and the office of a prosecutor. 22569

(b) "Prosecutor" has the same meaning as in section 2935.01 22570
of the Revised Code. 22571

(G) When required under division (D)(2) of this section or 22572
any other provision of this chapter, the court shall suspend for 22573
not less than six months or more than five years the driver's or 22574

commercial driver's license or permit of any person who is 22575
convicted of or pleads guilty to any violation of this section or 22576
any other specified provision of this chapter. If an offender's 22577
driver's or commercial driver's license or permit is suspended 22578
pursuant to this division, the offender, at any time after the 22579
expiration of two years from the day on which the offender's 22580
sentence was imposed or from the day on which the offender finally 22581
was released from a prison term under the sentence, whichever is 22582
later, may file a motion with the sentencing court requesting 22583
termination of the suspension; upon the filing of such a motion 22584
and the court's finding of good cause for the termination, the 22585
court may terminate the suspension. 22586

(H)(1) In addition to any prison term authorized or required 22587
by division (C) of this section and sections 2929.13 and 2929.14 22588
of the Revised Code, in addition to any other penalty or sanction 22589
imposed for the offense under this section or sections 2929.11 to 22590
2929.18 of the Revised Code, and in addition to the forfeiture of 22591
property in connection with the offense as prescribed in Chapter 22592
2981. of the Revised Code, the court that sentences an offender 22593
who is convicted of or pleads guilty to a violation of division 22594
(A) of this section may impose upon the offender an additional 22595
fine specified for the offense in division (B)(4) of section 22596
2929.18 of the Revised Code. A fine imposed under division (H)(1) 22597
of this section is not subject to division (F) of this section and 22598
shall be used solely for the support of one or more eligible 22599
community addiction services ~~provider~~ providers in accordance with 22600
divisions (H)(2) and (3) of this section. 22601

(2) The court that imposes a fine under division (H)(1) of 22602
this section shall specify in the judgment that imposes the fine 22603
one or more eligible community addiction services ~~provider~~ 22604
providers for the support of which the fine money is to be used. 22605
No community addiction services provider shall receive or use 22606

money paid or collected in satisfaction of a fine imposed under 22607
division (H)(1) of this section unless the services provider is 22608
specified in the judgment that imposes the fine. No community 22609
addiction services provider shall be specified in the judgment 22610
unless the services provider is an eligible community addiction 22611
services provider and, except as otherwise provided in division 22612
(H)(2) of this section, unless the services provider is located in 22613
the county in which the court that imposes the fine is located or 22614
in a county that is immediately contiguous to the county in which 22615
that court is located. If no eligible community addiction services 22616
provider is located in any of those counties, the judgment may 22617
specify an eligible community addiction services provider that is 22618
located anywhere within this state. 22619

(3) Notwithstanding any contrary provision of section 3719.21 22620
of the Revised Code, the clerk of the court shall pay any fine 22621
imposed under division (H)(1) of this section to the eligible 22622
community addiction services provider specified pursuant to 22623
division (H)(2) of this section in the judgment. The eligible 22624
community addiction services provider that receives the fine 22625
moneys shall use the moneys only for the alcohol and drug 22626
addiction services identified in the application for certification 22627
of services under section 5119.36 of the Revised Code or in the 22628
application for a license under section 5119.391 of the Revised 22629
Code filed with the department of mental health and addiction 22630
services by the community addiction services provider specified in 22631
the judgment. 22632

(4) Each community addiction services provider that receives 22633
in a calendar year any fine moneys under division (H)(3) of this 22634
section shall file an annual report covering that calendar year 22635
with the court of common pleas and the board of county 22636
commissioners of the county in which the services provider is 22637
located, with the court of common pleas and the board of county 22638

commissioners of each county from which the services provider 22639
received the moneys if that county is different from the county in 22640
which the services provider is located, and with the attorney 22641
general. The community addiction services provider shall file the 22642
report no later than the first day of March in the calendar year 22643
following the calendar year in which the services provider 22644
received the fine moneys. The report shall include statistics on 22645
the number of persons served by the community addiction services 22646
provider, identify the types of alcohol and drug addiction 22647
services provided to those persons, and include a specific 22648
accounting of the purposes for which the fine moneys received were 22649
used. No information contained in the report shall identify, or 22650
enable a person to determine the identity of, any person served by 22651
the community addiction services provider. Each report received by 22652
a court of common pleas, a board of county commissioners, or the 22653
attorney general is a public record open for inspection under 22654
section 149.43 of the Revised Code. 22655

(5) As used in divisions (H)(1) to (5) of this section: 22656

(a) "Community addiction services provider" and "alcohol and 22657
drug addiction services" have the same meanings as in section 22658
5119.01 of the Revised Code. 22659

(b) "Eligible community addiction services provider" means a 22660
community addiction services provider ~~that is certified under~~ 22661
~~section 5119.36, as defined in section 5119.01~~ of the Revised 22662
Code, or a community addiction services provider that maintains a 22663
methadone treatment program licensed under section 5119.391 of the 22664
Revised Code ~~by the department of mental health and addiction~~ 22665
~~services.~~ 22666

(I) As used in this section, "drug" includes any substance 22667
that is represented to be a drug. 22668

(J) It is an affirmative defense to a charge of trafficking 22669

in a controlled substance analog under division (C)(8) of this 22670
section that the person charged with violating that offense sold 22671
or offered to sell, or prepared for shipment, shipped, 22672
transported, delivered, prepared for distribution, or distributed 22673
an item described in division (HH)(2)(a), (b), or (c) of section 22674
3719.01 of the Revised Code. 22675

Sec. 2929.13. (A) Except as provided in division (E), (F), or 22676
(G) of this section and unless a specific sanction is required to 22677
be imposed or is precluded from being imposed pursuant to law, a 22678
court that imposes a sentence upon an offender for a felony may 22679
impose any sanction or combination of sanctions on the offender 22680
that are provided in sections 2929.14 to 2929.18 of the Revised 22681
Code. 22682

If the offender is eligible to be sentenced to community 22683
control sanctions, the court shall consider the appropriateness of 22684
imposing a financial sanction pursuant to section 2929.18 of the 22685
Revised Code or a sanction of community service pursuant to 22686
section 2929.17 of the Revised Code as the sole sanction for the 22687
offense. Except as otherwise provided in this division, if the 22688
court is required to impose a mandatory prison term for the 22689
offense for which sentence is being imposed, the court also shall 22690
impose any financial sanction pursuant to section 2929.18 of the 22691
Revised Code that is required for the offense and may impose any 22692
other financial sanction pursuant to that section but may not 22693
impose any additional sanction or combination of sanctions under 22694
section 2929.16 or 2929.17 of the Revised Code. 22695

If the offender is being sentenced for a fourth degree felony 22696
OVI offense or for a third degree felony OVI offense, in addition 22697
to the mandatory term of local incarceration or the mandatory 22698
prison term required for the offense by division (G)(1) or (2) of 22699
this section, the court shall impose upon the offender a mandatory 22700

fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense, the court shall sentence the offender to a community control sanction of at least one year's duration if all of the following apply:

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.

(iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, the department, within the forty-five-day period

specified in that division, provided the court with the names of, 22732
contact information for, and program details of one or more 22733
community control sanctions of at least one year's duration that 22734
are available for persons sentenced by the court. 22735

(iv) The offender previously has not been convicted of or 22736
pleaded guilty to a misdemeanor offense of violence that the 22737
offender committed within two years prior to the offense for which 22738
sentence is being imposed. 22739

(b) The court has discretion to impose a prison term upon an 22740
offender who is convicted of or pleads guilty to a felony of the 22741
fourth or fifth degree that is not an offense of violence or that 22742
is a qualifying assault offense if any of the following apply: 22743

(i) The offender committed the offense while having a firearm 22744
on or about the offender's person or under the offender's control. 22745

(ii) If the offense is a qualifying assault offense, the 22746
offender caused serious physical harm to another person while 22747
committing the offense, and, if the offense is not a qualifying 22748
assault offense, the offender caused physical harm to another 22749
person while committing the offense. 22750

(iii) The offender violated a term of the conditions of bond 22751
as set by the court. 22752

(iv) The court made a request of the department of 22753
rehabilitation and correction pursuant to division (B)(1)(c) of 22754
this section, and the department, within the forty-five-day period 22755
specified in that division, did not provide the court with the 22756
name of, contact information for, and program details of any 22757
community control sanction of at least one year's duration that is 22758
available for persons sentenced by the court. 22759

(v) The offense is a sex offense that is a fourth or fifth 22760
degree felony violation of any provision of Chapter 2907. of the 22761
Revised Code. 22762

(vi) In committing the offense, the offender attempted to 22763
cause or made an actual threat of physical harm to a person with a 22764
deadly weapon. 22765

(vii) In committing the offense, the offender attempted to 22766
cause or made an actual threat of physical harm to a person, and 22767
the offender previously was convicted of an offense that caused 22768
physical harm to a person. 22769

(viii) The offender held a public office or position of 22770
trust, and the offense related to that office or position; the 22771
offender's position obliged the offender to prevent the offense or 22772
to bring those committing it to justice; or the offender's 22773
professional reputation or position facilitated the offense or was 22774
likely to influence the future conduct of others. 22775

(ix) The offender committed the offense for hire or as part 22776
of an organized criminal activity. 22777

(x) The offender at the time of the offense was serving, or 22778
the offender previously had served, a prison term. 22779

(xi) The offender committed the offense while under a 22780
community control sanction, while on probation, or while released 22781
from custody on a bond or personal recognizance. 22782

(c) If a court that is sentencing an offender who is 22783
convicted of or pleads guilty to a felony of the fourth or fifth 22784
degree that is not an offense of violence or that is a qualifying 22785
assault offense believes that no community control sanctions are 22786
available for its use that, if imposed on the offender, will 22787
adequately fulfill the overriding principles and purposes of 22788
sentencing, the court shall contact the department of 22789
rehabilitation and correction and ask the department to provide 22790
the court with the names of, contact information for, and program 22791
details of one or more community control sanctions of at least one 22792
year's duration that are available for persons sentenced by the 22793

court. Not later than forty-five days after receipt of a request 22794
from a court under this division, the department shall provide the 22795
court with the names of, contact information for, and program 22796
details of one or more community control sanctions of at least one 22797
year's duration that are available for persons sentenced by the 22798
court, if any. Upon making a request under this division that 22799
relates to a particular offender, a court shall defer sentencing 22800
of that offender until it receives from the department the names 22801
of, contact information for, and program details of one or more 22802
community control sanctions of at least one year's duration that 22803
are available for persons sentenced by the court or for forty-five 22804
days, whichever is the earlier. 22805

If the department provides the court with the names of, 22806
contact information for, and program details of one or more 22807
community control sanctions of at least one year's duration that 22808
are available for persons sentenced by the court within the 22809
forty-five-day period specified in this division, the court shall 22810
impose upon the offender a community control sanction under 22811
division (B)(1)(a) of this section, except that the court may 22812
impose a prison term under division (B)(1)(b) of this section if a 22813
factor described in division (B)(1)(b)(i) or (ii) of this section 22814
applies. If the department does not provide the court with the 22815
names of, contact information for, and program details of one or 22816
more community control sanctions of at least one year's duration 22817
that are available for persons sentenced by the court within the 22818
forty-five-day period specified in this division, the court may 22819
impose upon the offender a prison term under division 22820
(B)(1)(b)(iv) of this section. 22821

(d) A sentencing court may impose an additional penalty under 22822
division (B) of section 2929.15 of the Revised Code upon an 22823
offender sentenced to a community control sanction under division 22824
(B)(1)(a) of this section if the offender violates the conditions 22825

of the community control sanction, violates a law, or leaves the 22826
state without the permission of the court or the offender's 22827
probation officer. 22828

(2) If division (B)(1) of this section does not apply, except 22829
as provided in division (E), (F), or (G) of this section, in 22830
determining whether to impose a prison term as a sanction for a 22831
felony of the fourth or fifth degree, the sentencing court shall 22832
comply with the purposes and principles of sentencing under 22833
section 2929.11 of the Revised Code and with section 2929.12 of 22834
the Revised Code. 22835

(C) Except as provided in division (D), (E), (F), or (G) of 22836
this section, in determining whether to impose a prison term as a 22837
sanction for a felony of the third degree or a felony drug offense 22838
that is a violation of a provision of Chapter 2925. of the Revised 22839
Code and that is specified as being subject to this division for 22840
purposes of sentencing, the sentencing court shall comply with the 22841
purposes and principles of sentencing under section 2929.11 of the 22842
Revised Code and with section 2929.12 of the Revised Code. 22843

(D)(1) Except as provided in division (E) or (F) of this 22844
section, for a felony of the first or second degree, for a felony 22845
drug offense that is a violation of any provision of Chapter 22846
2925., 3719., or 4729. of the Revised Code for which a presumption 22847
in favor of a prison term is specified as being applicable, and 22848
for a violation of division (A)(4) or (B) of section 2907.05 of 22849
the Revised Code for which a presumption in favor of a prison term 22850
is specified as being applicable, it is presumed that a prison 22851
term is necessary in order to comply with the purposes and 22852
principles of sentencing under section 2929.11 of the Revised 22853
Code. Division (D)(2) of this section does not apply to a 22854
presumption established under this division for a violation of 22855
division (A)(4) of section 2907.05 of the Revised Code. 22856

(2) Notwithstanding the presumption established under 22857

division (D)(1) of this section for the offenses listed in that 22858
division other than a violation of division (A)(4) or (B) of 22859
section 2907.05 of the Revised Code, the sentencing court may 22860
impose a community control sanction or a combination of community 22861
control sanctions instead of a prison term on an offender for a 22862
felony of the first or second degree or for a felony drug offense 22863
that is a violation of any provision of Chapter 2925., 3719., or 22864
4729. of the Revised Code for which a presumption in favor of a 22865
prison term is specified as being applicable if it makes both of 22866
the following findings: 22867

(a) A community control sanction or a combination of 22868
community control sanctions would adequately punish the offender 22869
and protect the public from future crime, because the applicable 22870
factors under section 2929.12 of the Revised Code indicating a 22871
lesser likelihood of recidivism outweigh the applicable factors 22872
under that section indicating a greater likelihood of recidivism. 22873

(b) A community control sanction or a combination of 22874
community control sanctions would not demean the seriousness of 22875
the offense, because one or more factors under section 2929.12 of 22876
the Revised Code that indicate that the offender's conduct was 22877
less serious than conduct normally constituting the offense are 22878
applicable, and they outweigh the applicable factors under that 22879
section that indicate that the offender's conduct was more serious 22880
than conduct normally constituting the offense. 22881

(E)(1) Except as provided in division (F) of this section, 22882
for any drug offense that is a violation of any provision of 22883
Chapter 2925. of the Revised Code and that is a felony of the 22884
third, fourth, or fifth degree, the applicability of a presumption 22885
under division (D) of this section in favor of a prison term or of 22886
division (B) or (C) of this section in determining whether to 22887
impose a prison term for the offense shall be determined as 22888
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 22889

2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code, whichever is applicable regarding the violation.

(2) If an offender who was convicted of or pleaded guilty to a felony violates the conditions of a community control sanction imposed for the offense solely by reason of producing positive results on a drug test, the court, as punishment for the violation of the sanction, shall not order that the offender be imprisoned unless the court determines on the record either of the following:

(a) The offender had been ordered as a sanction for the felony to participate in a drug treatment program, in a drug education program, or in narcotics anonymous or a similar program, and the offender continued to use illegal drugs after a reasonable period of participation in the program.

(b) The imprisonment of the offender for the violation is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes treatment and recovery support services authorized by division (A)(11) of section 3793.02 340.03 of the Revised Code. If the court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after considering the assessment and recommendation of ~~treatment and recovery support services~~ community addiction services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following

applies: 22952

(i) The offense was committed prior to August 3, 2006, the 22953
offender previously was convicted of or pleaded guilty to rape, 22954
the former offense of felonious sexual penetration, or sexual 22955
battery, and the victim of the previous offense was less than 22956
thirteen years of age. 22957

(ii) The offense was committed on or after August 3, 2006. 22958

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 22959
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 22960
if the section requires the imposition of a prison term; 22961

(5) A first, second, or third degree felony drug offense for 22962
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 22963
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 22964
4729.99 of the Revised Code, whichever is applicable regarding the 22965
violation, requires the imposition of a mandatory prison term; 22966

(6) Any offense that is a first or second degree felony and 22967
that is not set forth in division (F)(1), (2), (3), or (4) of this 22968
section, if the offender previously was convicted of or pleaded 22969
guilty to aggravated murder, murder, any first or second degree 22970
felony, or an offense under an existing or former law of this 22971
state, another state, or the United States that is or was 22972
substantially equivalent to one of those offenses; 22973

(7) Any offense that is a third degree felony and either is a 22974
violation of section 2903.04 of the Revised Code or an attempt to 22975
commit a felony of the second degree that is an offense of 22976
violence and involved an attempt to cause serious physical harm to 22977
a person or that resulted in serious physical harm to a person if 22978
the offender previously was convicted of or pleaded guilty to any 22979
of the following offenses: 22980

(a) Aggravated murder, murder, involuntary manslaughter, 22981
rape, felonious sexual penetration as it existed under section 22982

2907.12 of the Revised Code prior to September 3, 1996, a felony 22983
of the first or second degree that resulted in the death of a 22984
person or in physical harm to a person, or complicity in or an 22985
attempt to commit any of those offenses; 22986

(b) An offense under an existing or former law of this state, 22987
another state, or the United States that is or was substantially 22988
equivalent to an offense listed in division (F)(7)(a) of this 22989
section that resulted in the death of a person or in physical harm 22990
to a person. 22991

(8) Any offense, other than a violation of section 2923.12 of 22992
the Revised Code, that is a felony, if the offender had a firearm 22993
on or about the offender's person or under the offender's control 22994
while committing the felony, with respect to a portion of the 22995
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 22996
of the Revised Code for having the firearm; 22997

(9) Any offense of violence that is a felony, if the offender 22998
wore or carried body armor while committing the felony offense of 22999
violence, with respect to the portion of the sentence imposed 23000
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 23001
Code for wearing or carrying the body armor; 23002

(10) Corrupt activity in violation of section 2923.32 of the 23003
Revised Code when the most serious offense in the pattern of 23004
corrupt activity that is the basis of the offense is a felony of 23005
the first degree; 23006

(11) Any violent sex offense or designated homicide, assault, 23007
or kidnapping offense if, in relation to that offense, the 23008
offender is adjudicated a sexually violent predator; 23009

(12) A violation of division (A)(1) or (2) of section 2921.36 23010
of the Revised Code, or a violation of division (C) of that 23011
section involving an item listed in division (A)(1) or (2) of that 23012
section, if the offender is an officer or employee of the 23013

department of rehabilitation and correction; 23014

(13) A violation of division (A)(1) or (2) of section 2903.06 23015
of the Revised Code if the victim of the offense is a peace 23016
officer, as defined in section 2935.01 of the Revised Code, or an 23017
investigator of the bureau of criminal identification and 23018
investigation, as defined in section 2903.11 of the Revised Code, 23019
with respect to the portion of the sentence imposed pursuant to 23020
division (B)(5) of section 2929.14 of the Revised Code; 23021

(14) A violation of division (A)(1) or (2) of section 2903.06 23022
of the Revised Code if the offender has been convicted of or 23023
pleaded guilty to three or more violations of division (A) or (B) 23024
of section 4511.19 of the Revised Code or an equivalent offense, 23025
as defined in section 2941.1415 of the Revised Code, or three or 23026
more violations of any combination of those divisions and 23027
offenses, with respect to the portion of the sentence imposed 23028
pursuant to division (B)(6) of section 2929.14 of the Revised 23029
Code; 23030

(15) Kidnapping, in the circumstances specified in section 23031
2971.03 of the Revised Code and when no other provision of 23032
division (F) of this section applies; 23033

(16) Kidnapping, abduction, compelling prostitution, 23034
promoting prostitution, engaging in a pattern of corrupt activity, 23035
illegal use of a minor in a nudity-oriented material or 23036
performance in violation of division (A)(1) or (2) of section 23037
2907.323 of the Revised Code, or endangering children in violation 23038
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 23039
the Revised Code, if the offender is convicted of or pleads guilty 23040
to a specification as described in section 2941.1422 of the 23041
Revised Code that was included in the indictment, count in the 23042
indictment, or information charging the offense; 23043

(17) A felony violation of division (A) or (B) of section 23044

2919.25 of the Revised Code if division (D)(3), (4), or (5) of 23045
that section, and division (D)(6) of that section, require the 23046
imposition of a prison term; 23047

(18) A felony violation of section 2903.11, 2903.12, or 23048
2903.13 of the Revised Code, if the victim of the offense was a 23049
woman that the offender knew was pregnant at the time of the 23050
violation, with respect to a portion of the sentence imposed 23051
pursuant to division (B)(8) of section 2929.14 of the Revised 23052
Code. 23053

(G) Notwithstanding divisions (A) to (E) of this section, if 23054
an offender is being sentenced for a fourth degree felony OVI 23055
offense or for a third degree felony OVI offense, the court shall 23056
impose upon the offender a mandatory term of local incarceration 23057
or a mandatory prison term in accordance with the following: 23058

(1) If the offender is being sentenced for a fourth degree 23059
felony OVI offense and if the offender has not been convicted of 23060
and has not pleaded guilty to a specification of the type 23061
described in section 2941.1413 of the Revised Code, the court may 23062
impose upon the offender a mandatory term of local incarceration 23063
of sixty days or one hundred twenty days as specified in division 23064
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 23065
not reduce the term pursuant to section 2929.20, 2967.193, or any 23066
other provision of the Revised Code. The court that imposes a 23067
mandatory term of local incarceration under this division shall 23068
specify whether the term is to be served in a jail, a 23069
community-based correctional facility, a halfway house, or an 23070
alternative residential facility, and the offender shall serve the 23071
term in the type of facility specified by the court. A mandatory 23072
term of local incarceration imposed under division (G)(1) of this 23073
section is not subject to any other Revised Code provision that 23074
pertains to a prison term except as provided in division (A)(1) of 23075
this section. 23076

(2) If the offender is being sentenced for a third degree 23077
felony OVI offense, or if the offender is being sentenced for a 23078
fourth degree felony OVI offense and the court does not impose a 23079
mandatory term of local incarceration under division (G)(1) of 23080
this section, the court shall impose upon the offender a mandatory 23081
prison term of one, two, three, four, or five years if the 23082
offender also is convicted of or also pleads guilty to a 23083
specification of the type described in section 2941.1413 of the 23084
Revised Code or shall impose upon the offender a mandatory prison 23085
term of sixty days or one hundred twenty days as specified in 23086
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 23087
if the offender has not been convicted of and has not pleaded 23088
guilty to a specification of that type. Subject to divisions (C) 23089
to (I) of section 2967.19 of the Revised Code, the court shall not 23090
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 23091
any other provision of the Revised Code. The offender shall serve 23092
the one-, two-, three-, four-, or five-year mandatory prison term 23093
consecutively to and prior to the prison term imposed for the 23094
underlying offense and consecutively to any other mandatory prison 23095
term imposed in relation to the offense. In no case shall an 23096
offender who once has been sentenced to a mandatory term of local 23097
incarceration pursuant to division (G)(1) of this section for a 23098
fourth degree felony OVI offense be sentenced to another mandatory 23099
term of local incarceration under that division for any violation 23100
of division (A) of section 4511.19 of the Revised Code. In 23101
addition to the mandatory prison term described in division (G)(2) 23102
of this section, the court may sentence the offender to a 23103
community control sanction under section 2929.16 or 2929.17 of the 23104
Revised Code, but the offender shall serve the prison term prior 23105
to serving the community control sanction. The department of 23106
rehabilitation and correction may place an offender sentenced to a 23107
mandatory prison term under this division in an intensive program 23108
prison established pursuant to section 5120.033 of the Revised 23109

Code if the department gave the sentencing judge prior notice of 23110
its intent to place the offender in an intensive program prison 23111
established under that section and if the judge did not notify the 23112
department that the judge disapproved the placement. Upon the 23113
establishment of the initial intensive program prison pursuant to 23114
section 5120.033 of the Revised Code that is privately operated 23115
and managed by a contractor pursuant to a contract entered into 23116
under section 9.06 of the Revised Code, both of the following 23117
apply: 23118

(a) The department of rehabilitation and correction shall 23119
make a reasonable effort to ensure that a sufficient number of 23120
offenders sentenced to a mandatory prison term under this division 23121
are placed in the privately operated and managed prison so that 23122
the privately operated and managed prison has full occupancy. 23123

(b) Unless the privately operated and managed prison has full 23124
occupancy, the department of rehabilitation and correction shall 23125
not place any offender sentenced to a mandatory prison term under 23126
this division in any intensive program prison established pursuant 23127
to section 5120.033 of the Revised Code other than the privately 23128
operated and managed prison. 23129

(H) If an offender is being sentenced for a sexually oriented 23130
offense or child-victim oriented offense that is a felony 23131
committed on or after January 1, 1997, the judge shall require the 23132
offender to submit to a DNA specimen collection procedure pursuant 23133
to section 2901.07 of the Revised Code. 23134

(I) If an offender is being sentenced for a sexually oriented 23135
offense or a child-victim oriented offense committed on or after 23136
January 1, 1997, the judge shall include in the sentence a summary 23137
of the offender's duties imposed under sections 2950.04, 2950.041, 23138
2950.05, and 2950.06 of the Revised Code and the duration of the 23139
duties. The judge shall inform the offender, at the time of 23140
sentencing, of those duties and of their duration. If required 23141

under division (A)(2) of section 2950.03 of the Revised Code, the 23142
judge shall perform the duties specified in that section, or, if 23143
required under division (A)(6) of section 2950.03 of the Revised 23144
Code, the judge shall perform the duties specified in that 23145
division. 23146

(J)(1) Except as provided in division (J)(2) of this section, 23147
when considering sentencing factors under this section in relation 23148
to an offender who is convicted of or pleads guilty to an attempt 23149
to commit an offense in violation of section 2923.02 of the 23150
Revised Code, the sentencing court shall consider the factors 23151
applicable to the felony category of the violation of section 23152
2923.02 of the Revised Code instead of the factors applicable to 23153
the felony category of the offense attempted. 23154

(2) When considering sentencing factors under this section in 23155
relation to an offender who is convicted of or pleads guilty to an 23156
attempt to commit a drug abuse offense for which the penalty is 23157
determined by the amount or number of unit doses of the controlled 23158
substance involved in the drug abuse offense, the sentencing court 23159
shall consider the factors applicable to the felony category that 23160
the drug abuse offense attempted would be if that drug abuse 23161
offense had been committed and had involved an amount or number of 23162
unit doses of the controlled substance that is within the next 23163
lower range of controlled substance amounts than was involved in 23164
the attempt. 23165

(K) As used in this section: 23166

(1) "Community addiction services provider" has the same 23167
meaning as in section 5119.01 of the Revised Code. 23168

(2) "Drug abuse offense" has the same meaning as in section 23169
2925.01 of the Revised Code. 23170

~~(2)~~(3) "Qualifying assault offense" means a violation of 23171
section 2903.13 of the Revised Code for which the penalty 23172

provision in division (C)(8)(b) or (C)(9)(b) of that section 23173
applies. 23174

(L) At the time of sentencing an offender for any sexually 23175
oriented offense, if the offender is a tier III sex 23176
offender/child-victim offender relative to that offense and the 23177
offender does not serve a prison term or jail term, the court may 23178
require that the offender be monitored by means of a global 23179
positioning device. If the court requires such monitoring, the 23180
cost of monitoring shall be borne by the offender. If the offender 23181
is indigent, the cost of compliance shall be paid by the crime 23182
victims reparations fund. 23183

Sec. 2929.18. (A) Except as otherwise provided in this 23184
division and in addition to imposing court costs pursuant to 23185
section 2947.23 of the Revised Code, the court imposing a sentence 23186
upon an offender for a felony may sentence the offender to any 23187
financial sanction or combination of financial sanctions 23188
authorized under this section or, in the circumstances specified 23189
in section 2929.32 of the Revised Code, may impose upon the 23190
offender a fine in accordance with that section. Financial 23191
sanctions that may be imposed pursuant to this section include, 23192
but are not limited to, the following: 23193

(1) Restitution by the offender to the victim of the 23194
offender's crime or any survivor of the victim, in an amount based 23195
on the victim's economic loss. If the court imposes restitution, 23196
the court shall order that the restitution be made to the victim 23197
in open court, to the adult probation department that serves the 23198
county on behalf of the victim, to the clerk of courts, or to 23199
another agency designated by the court. If the court imposes 23200
restitution, at sentencing, the court shall determine the amount 23201
of restitution to be made by the offender. If the court imposes 23202
restitution, the court may base the amount of restitution it 23203

orders on an amount recommended by the victim, the offender, a 23204
presentence investigation report, estimates or receipts indicating 23205
the cost of repairing or replacing property, and other 23206
information, provided that the amount the court orders as 23207
restitution shall not exceed the amount of the economic loss 23208
suffered by the victim as a direct and proximate result of the 23209
commission of the offense. If the court decides to impose 23210
restitution, the court shall hold a hearing on restitution if the 23211
offender, victim, or survivor disputes the amount. All restitution 23212
payments shall be credited against any recovery of economic loss 23213
in a civil action brought by the victim or any survivor of the 23214
victim against the offender. 23215

If the court imposes restitution, the court may order that 23216
the offender pay a surcharge of not more than five per cent of the 23217
amount of the restitution otherwise ordered to the entity 23218
responsible for collecting and processing restitution payments. 23219

The victim or survivor may request that the prosecutor in the 23220
case file a motion, or the offender may file a motion, for 23221
modification of the payment terms of any restitution ordered. If 23222
the court grants the motion, it may modify the payment terms as it 23223
determines appropriate. 23224

(2) Except as provided in division (B)(1), (3), or (4) of 23225
this section, a fine payable by the offender to the state, to a 23226
political subdivision, or as described in division (B)(2) of this 23227
section to one or more law enforcement agencies, with the amount 23228
of the fine based on a standard percentage of the offender's daily 23229
income over a period of time determined by the court and based 23230
upon the seriousness of the offense. A fine ordered under this 23231
division shall not exceed the maximum conventional fine amount 23232
authorized for the level of the offense under division (A)(3) of 23233
this section. 23234

(3) Except as provided in division (B)(1), (3), or (4) of 23235

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| this section, a fine payable by the offender to the state, to a | 23236 |
| political subdivision when appropriate for a felony, or as | 23237 |
| described in division (B)(2) of this section to one or more law | 23238 |
| enforcement agencies, in the following amount: | 23239 |
| (a) For a felony of the first degree, not more than twenty | 23240 |
| thousand dollars; | 23241 |
| (b) For a felony of the second degree, not more than fifteen | 23242 |
| thousand dollars; | 23243 |
| (c) For a felony of the third degree, not more than ten | 23244 |
| thousand dollars; | 23245 |
| (d) For a felony of the fourth degree, not more than five | 23246 |
| thousand dollars; | 23247 |
| (e) For a felony of the fifth degree, not more than two | 23248 |
| thousand five hundred dollars. | 23249 |
| (4) A state fine or costs as defined in section 2949.111 of | 23250 |
| the Revised Code. | 23251 |
| (5)(a) Reimbursement by the offender of any or all of the | 23252 |
| costs of sanctions incurred by the government, including the | 23253 |
| following: | 23254 |
| (i) All or part of the costs of implementing any community | 23255 |
| control sanction, including a supervision fee under section | 23256 |
| 2951.021 of the Revised Code; | 23257 |
| (ii) All or part of the costs of confinement under a sanction | 23258 |
| imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the | 23259 |
| Revised Code, provided that the amount of reimbursement ordered | 23260 |
| under this division shall not exceed the total amount of | 23261 |
| reimbursement the offender is able to pay as determined at a | 23262 |
| hearing and shall not exceed the actual cost of the confinement; | 23263 |
| (iii) All or part of the cost of purchasing and using an | 23264 |
| immobilizing or disabling device, including a certified ignition | 23265 |

interlock device, or a remote alcohol monitoring device that a 23266
court orders an offender to use under section 4510.13 of the 23267
Revised Code. 23268

(b) If the offender is sentenced to a sanction of confinement 23269
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 23270
to be served in a facility operated by a board of county 23271
commissioners, a legislative authority of a municipal corporation, 23272
or another local governmental entity, if, pursuant to section 23273
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 23274
or 2947.19 of the Revised Code and section 2929.37 of the Revised 23275
Code, the board, legislative authority, or other local 23276
governmental entity requires prisoners to reimburse the county, 23277
municipal corporation, or other entity for its expenses incurred 23278
by reason of the prisoner's confinement, and if the court does not 23279
impose a financial sanction under division (A)(5)(a)(ii) of this 23280
section, confinement costs may be assessed pursuant to section 23281
2929.37 of the Revised Code. In addition, the offender may be 23282
required to pay the fees specified in section 2929.38 of the 23283
Revised Code in accordance with that section. 23284

(c) Reimbursement by the offender for costs pursuant to 23285
section 2929.71 of the Revised Code. 23286

(B)(1) For a first, second, or third degree felony violation 23287
of any provision of Chapter 2925., 3719., or 4729. of the Revised 23288
Code, the sentencing court shall impose upon the offender a 23289
mandatory fine of at least one-half of, but not more than, the 23290
maximum statutory fine amount authorized for the level of the 23291
offense pursuant to division (A)(3) of this section. If an 23292
offender alleges in an affidavit filed with the court prior to 23293
sentencing that the offender is indigent and unable to pay the 23294
mandatory fine and if the court determines the offender is an 23295
indigent person and is unable to pay the mandatory fine described 23296
in this division, the court shall not impose the mandatory fine 23297

upon the offender. 23298

(2) Any mandatory fine imposed upon an offender under 23299
division (B)(1) of this section and any fine imposed upon an 23300
offender under division (A)(2) or (3) of this section for any 23301
fourth or fifth degree felony violation of any provision of 23302
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 23303
to law enforcement agencies pursuant to division (F) of section 23304
2925.03 of the Revised Code. 23305

(3) For a fourth degree felony OVI offense and for a third 23306
degree felony OVI offense, the sentencing court shall impose upon 23307
the offender a mandatory fine in the amount specified in division 23308
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 23309
is applicable. The mandatory fine so imposed shall be disbursed as 23310
provided in the division pursuant to which it is imposed. 23311

(4) Notwithstanding any fine otherwise authorized or required 23312
to be imposed under division (A)(2) or (3) or (B)(1) of this 23313
section or section 2929.31 of the Revised Code for a violation of 23314
section 2925.03 of the Revised Code, in addition to any penalty or 23315
sanction imposed for that offense under section 2925.03 or 23316
sections 2929.11 to 2929.18 of the Revised Code and in addition to 23317
the forfeiture of property in connection with the offense as 23318
prescribed in Chapter 2981. of the Revised Code, the court that 23319
sentences an offender for a violation of section 2925.03 of the 23320
Revised Code may impose upon the offender a fine in addition to 23321
any fine imposed under division (A)(2) or (3) of this section and 23322
in addition to any mandatory fine imposed under division (B)(1) of 23323
this section. The fine imposed under division (B)(4) of this 23324
section shall be used as provided in division (H) of section 23325
2925.03 of the Revised Code. A fine imposed under division (B)(4) 23326
of this section shall not exceed whichever of the following is 23327
applicable: 23328

(a) The total value of any personal or real property in which 23329

the offender has an interest and that was used in the course of, 23330
intended for use in the course of, derived from, or realized 23331
through conduct in violation of section 2925.03 of the Revised 23332
Code, including any property that constitutes proceeds derived 23333
from that offense; 23334

(b) If the offender has no interest in any property of the 23335
type described in division (B)(4)(a) of this section or if it is 23336
not possible to ascertain whether the offender has an interest in 23337
any property of that type in which the offender may have an 23338
interest, the amount of the mandatory fine for the offense imposed 23339
under division (B)(1) of this section or, if no mandatory fine is 23340
imposed under division (B)(1) of this section, the amount of the 23341
fine authorized for the level of the offense imposed under 23342
division (A)(3) of this section. 23343

(5) Prior to imposing a fine under division (B)(4) of this 23344
section, the court shall determine whether the offender has an 23345
interest in any property of the type described in division 23346
(B)(4)(a) of this section. Except as provided in division (B)(6) 23347
or (7) of this section, a fine that is authorized and imposed 23348
under division (B)(4) of this section does not limit or affect the 23349
imposition of the penalties and sanctions for a violation of 23350
section 2925.03 of the Revised Code prescribed under those 23351
sections or sections 2929.11 to 2929.18 of the Revised Code and 23352
does not limit or affect a forfeiture of property in connection 23353
with the offense as prescribed in Chapter 2981. of the Revised 23354
Code. 23355

(6) If the sum total of a mandatory fine amount imposed for a 23356
first, second, or third degree felony violation of section 2925.03 23357
of the Revised Code under division (B)(1) of this section plus the 23358
amount of any fine imposed under division (B)(4) of this section 23359
does not exceed the maximum statutory fine amount authorized for 23360
the level of the offense under division (A)(3) of this section or 23361

section 2929.31 of the Revised Code, the court may impose a fine 23362
for the offense in addition to the mandatory fine and the fine 23363
imposed under division (B)(4) of this section. The sum total of 23364
the amounts of the mandatory fine, the fine imposed under division 23365
(B)(4) of this section, and the additional fine imposed under 23366
division (B)(6) of this section shall not exceed the maximum 23367
statutory fine amount authorized for the level of the offense 23368
under division (A)(3) of this section or section 2929.31 of the 23369
Revised Code. The clerk of the court shall pay any fine that is 23370
imposed under division (B)(6) of this section to the county, 23371
township, municipal corporation, park district as created pursuant 23372
to section 511.18 or 1545.04 of the Revised Code, or state law 23373
enforcement agencies in this state that primarily were responsible 23374
for or involved in making the arrest of, and in prosecuting, the 23375
offender pursuant to division (F) of section 2925.03 of the 23376
Revised Code. 23377

(7) If the sum total of the amount of a mandatory fine 23378
imposed for a first, second, or third degree felony violation of 23379
section 2925.03 of the Revised Code plus the amount of any fine 23380
imposed under division (B)(4) of this section exceeds the maximum 23381
statutory fine amount authorized for the level of the offense 23382
under division (A)(3) of this section or section 2929.31 of the 23383
Revised Code, the court shall not impose a fine under division 23384
(B)(6) of this section. 23385

(8)(a) If an offender who is convicted of or pleads guilty to 23386
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 23387
2923.32, division (A)(1) or (2) of section 2907.323, or division 23388
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 23389
Code also is convicted of or pleads guilty to a specification of 23390
the type described in section 2941.1422 of the Revised Code that 23391
charges that the offender knowingly committed the offense in 23392
furtherance of human trafficking, the sentencing court shall 23393

sentence the offender to a financial sanction of restitution by 23394
the offender to the victim or any survivor of the victim, with the 23395
restitution including the costs of housing, counseling, and 23396
medical and legal assistance incurred by the victim as a direct 23397
result of the offense and the greater of the following: 23398

(i) The gross income or value to the offender of the victim's 23399
labor or services; 23400

(ii) The value of the victim's labor as guaranteed under the 23401
minimum wage and overtime provisions of the "Federal Fair Labor 23402
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 23403
labor laws. 23404

(b) If a court imposing sentence upon an offender for a 23405
felony is required to impose upon the offender a financial 23406
sanction of restitution under division (B)(8)(a) of this section, 23407
in addition to that financial sanction of restitution, the court 23408
may sentence the offender to any other financial sanction or 23409
combination of financial sanctions authorized under this section, 23410
including a restitution sanction under division (A)(1) of this 23411
section. 23412

(9) In addition to any other fine that is or may be imposed 23413
under this section, the court imposing sentence upon an offender 23414
for a felony that is a sexually oriented offense or a child-victim 23415
oriented offense, as those terms are defined in section 2950.01 of 23416
the Revised Code, may impose a fine of not less than fifty nor 23417
more than five hundred dollars. 23418

~~(C)(1) The offender shall pay reimbursements imposed upon the 23419
offender pursuant to division (A)(5)(a) of this section to pay the 23420
costs incurred by the department of rehabilitation and correction 23421
in operating a prison or other facility used to confine offenders 23422
pursuant to sanctions imposed under section 2929.14, 2929.142, or 23423
2929.16 of the Revised Code to the treasurer of state. The 23424~~

~~treasurer of state shall deposit the reimbursements in the 23425
confinement cost reimbursement fund that is hereby created in the 23426
state treasury. The department of rehabilitation and correction 23427
shall use the amounts deposited in the fund to fund the operation 23428
of facilities used to confine offenders pursuant to sections 23429
2929.14, 2929.142, and 2929.16 of the Revised Code. 23430~~

~~(2)~~ Except as provided in section 2951.021 of the Revised 23431
Code, the offender shall pay reimbursements imposed upon the 23432
offender pursuant to division (A)(5)(a) of this section to pay the 23433
costs incurred by a county pursuant to any sanction imposed under 23434
this section or section 2929.16 or 2929.17 of the Revised Code or 23435
in operating a facility used to confine offenders pursuant to a 23436
sanction imposed under section 2929.16 of the Revised Code to the 23437
county treasurer. The county treasurer shall deposit the 23438
reimbursements in the sanction cost reimbursement fund that each 23439
board of county commissioners shall create in its county treasury. 23440
The county shall use the amounts deposited in the fund to pay the 23441
costs incurred by the county pursuant to any sanction imposed 23442
under this section or section 2929.16 or 2929.17 of the Revised 23443
Code or in operating a facility used to confine offenders pursuant 23444
to a sanction imposed under section 2929.16 of the Revised Code. 23445

~~(3)~~(2) Except as provided in section 2951.021 of the Revised 23446
Code, the offender shall pay reimbursements imposed upon the 23447
offender pursuant to division (A)(5)(a) of this section to pay the 23448
costs incurred by a municipal corporation pursuant to any sanction 23449
imposed under this section or section 2929.16 or 2929.17 of the 23450
Revised Code or in operating a facility used to confine offenders 23451
pursuant to a sanction imposed under section 2929.16 of the 23452
Revised Code to the treasurer of the municipal corporation. The 23453
treasurer shall deposit the reimbursements in a special fund that 23454
shall be established in the treasury of each municipal 23455
corporation. The municipal corporation shall use the amounts 23456

deposited in the fund to pay the costs incurred by the municipal 23457
corporation pursuant to any sanction imposed under this section or 23458
section 2929.16 or 2929.17 of the Revised Code or in operating a 23459
facility used to confine offenders pursuant to a sanction imposed 23460
under section 2929.16 of the Revised Code. 23461

~~(4)~~(3) Except as provided in section 2951.021 of the Revised 23462
Code, the offender shall pay reimbursements imposed pursuant to 23463
division (A)(5)(a) of this section for the costs incurred by a 23464
private provider pursuant to a sanction imposed under this section 23465
or section 2929.16 or 2929.17 of the Revised Code to the provider. 23466

(D) Except as otherwise provided in this division, a 23467
financial sanction imposed pursuant to division (A) or (B) of this 23468
section is a judgment in favor of the state or a political 23469
subdivision in which the court that imposed the financial sanction 23470
is located, and the offender subject to the financial sanction is 23471
the judgment debtor. A financial sanction of reimbursement imposed 23472
pursuant to division (A)(5)(a)(ii) of this section upon an 23473
offender who is incarcerated in a state facility or a municipal 23474
jail is a judgment in favor of the state or the municipal 23475
corporation, and the offender subject to the financial sanction is 23476
the judgment debtor. A financial sanction of reimbursement imposed 23477
upon an offender pursuant to this section for costs incurred by a 23478
private provider of sanctions is a judgment in favor of the 23479
private provider, and the offender subject to the financial 23480
sanction is the judgment debtor. A financial sanction of 23481
restitution imposed pursuant to division (A)(1) or (B)(8) of this 23482
section is an order in favor of the victim of the offender's 23483
criminal act that can be collected through a certificate of 23484
judgment as described in division (D)(1) of this section, through 23485
execution as described in division (D)(2) of this section, or 23486
through an order as described in division (D)(3) of this section, 23487
and the offender shall be considered for purposes of the 23488

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| collection as the judgment debtor. Imposition of a financial | 23489 |
| sanction and execution on the judgment does not preclude any other | 23490 |
| power of the court to impose or enforce sanctions on the offender. | 23491 |
| Once the financial sanction is imposed as a judgment or order | 23492 |
| under this division, the victim, private provider, state, or | 23493 |
| political subdivision may do any of the following: | 23494 |
| (1) Obtain from the clerk of the court in which the judgment | 23495 |
| was entered a certificate of judgment that shall be in the same | 23496 |
| manner and form as a certificate of judgment issued in a civil | 23497 |
| action; | 23498 |
| (2) Obtain execution of the judgment or order through any | 23499 |
| available procedure, including: | 23500 |
| (a) An execution against the property of the judgment debtor | 23501 |
| under Chapter 2329. of the Revised Code; | 23502 |
| (b) An execution against the person of the judgment debtor | 23503 |
| under Chapter 2331. of the Revised Code; | 23504 |
| (c) A proceeding in aid of execution under Chapter 2333. of | 23505 |
| the Revised Code, including: | 23506 |
| (i) A proceeding for the examination of the judgment debtor | 23507 |
| under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 | 23508 |
| of the Revised Code; | 23509 |
| (ii) A proceeding for attachment of the person of the | 23510 |
| judgment debtor under section 2333.28 of the Revised Code; | 23511 |
| (iii) A creditor's suit under section 2333.01 of the Revised | 23512 |
| Code. | 23513 |
| (d) The attachment of the property of the judgment debtor | 23514 |
| under Chapter 2715. of the Revised Code; | 23515 |
| (e) The garnishment of the property of the judgment debtor | 23516 |
| under Chapter 2716. of the Revised Code. | 23517 |
| (3) Obtain an order for the assignment of wages of the | 23518 |

judgment debtor under section 1321.33 of the Revised Code. 23519

(E) A court that imposes a financial sanction upon an 23520
offender may hold a hearing if necessary to determine whether the 23521
offender is able to pay the sanction or is likely in the future to 23522
be able to pay it. 23523

(F) Each court imposing a financial sanction upon an offender 23524
under this section or under section 2929.32 of the Revised Code 23525
may designate the clerk of the court or another person to collect 23526
the financial sanction. The clerk or other person authorized by 23527
law or the court to collect the financial sanction may enter into 23528
contracts with one or more public agencies or private vendors for 23529
the collection of, amounts due under the financial sanction 23530
imposed pursuant to this section or section 2929.32 of the Revised 23531
Code. Before entering into a contract for the collection of 23532
amounts due from an offender pursuant to any financial sanction 23533
imposed pursuant to this section or section 2929.32 of the Revised 23534
Code, a court shall comply with sections 307.86 to 307.92 of the 23535
Revised Code. 23536

(G) If a court that imposes a financial sanction under 23537
division (A) or (B) of this section finds that an offender 23538
satisfactorily has completed all other sanctions imposed upon the 23539
offender and that all restitution that has been ordered has been 23540
paid as ordered, the court may suspend any financial sanctions 23541
imposed pursuant to this section or section 2929.32 of the Revised 23542
Code that have not been paid. 23543

(H) No financial sanction imposed under this section or 23544
section 2929.32 of the Revised Code shall preclude a victim from 23545
bringing a civil action against the offender. 23546

Sec. 2929.20. (A) As used in this section: 23547

(1)(a) Except as provided in division (A)(1)(b) of this 23548

section, "eligible offender" means any person who, on or after 23549
April 7, 2009, is serving a stated prison term that includes one 23550
or more nonmandatory prison terms. 23551

(b) "Eligible offender" does not include any person who, on 23552
or after April 7, 2009, is serving a stated prison term for any of 23553
the following criminal offenses that was a felony and was 23554
committed while the person held a public office in this state: 23555

(i) A violation of section 2921.02, 2921.03, 2921.05, 23556
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 23557
Code; 23558

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 23559
2921.12 of the Revised Code, when the conduct constituting the 23560
violation was related to the duties of the offender's public 23561
office or to the offender's actions as a public official holding 23562
that public office; 23563

(iii) A violation of an existing or former municipal 23564
ordinance or law of this or any other state or the United States 23565
that is substantially equivalent to any violation listed in 23566
division (A)(1)(b)(i) of this section; 23567

(iv) A violation of an existing or former municipal ordinance 23568
or law of this or any other state or the United States that is 23569
substantially equivalent to any violation listed in division 23570
(A)(1)(b)(ii) of this section, when the conduct constituting the 23571
violation was related to the duties of the offender's public 23572
office or to the offender's actions as a public official holding 23573
that public office; 23574

(v) A conspiracy to commit, attempt to commit, or complicity 23575
in committing any offense listed in division (A)(1)(b)(i) or 23576
described in division (A)(1)(b)(iii) of this section; 23577

(vi) A conspiracy to commit, attempt to commit, or complicity 23578
in committing any offense listed in division (A)(1)(b)(ii) or 23579

described in division (A)(1)(b)(iv) of this section, if the 23580
conduct constituting the offense that was the subject of the 23581
conspiracy, that would have constituted the offense attempted, or 23582
constituting the offense in which the offender was complicit was 23583
or would have been related to the duties of the offender's public 23584
office or to the offender's actions as a public official holding 23585
that public office. 23586

(2) "Nonmandatory prison term" means a prison term that is 23587
not a mandatory prison term. 23588

(3) "Public office" means any elected federal, state, or 23589
local government office in this state. 23590

(4) "Victim's representative" has the same meaning as in 23591
section 2930.01 of the Revised Code. 23592

(5) "Imminent danger of death," "medically incapacitated," 23593
and "terminal illness" have the same meanings as in section 23594
2967.05 of the Revised Code. 23595

(B) On the motion of an eligible offender or upon its own 23596
motion, the sentencing court may reduce the eligible offender's 23597
aggregated nonmandatory prison term or terms through a judicial 23598
release under this section. 23599

(C) An eligible offender may file a motion for judicial 23600
release with the sentencing court within the following applicable 23601
periods: 23602

(1) If the aggregated nonmandatory prison term or terms is 23603
less than two years, the eligible offender may file the motion not 23604
earlier than thirty days after the offender is delivered to a 23605
state correctional institution or, if the prison term includes a 23606
mandatory prison term or terms, not earlier than thirty days after 23607
the expiration of all mandatory prison terms. 23608

(2) If the aggregated nonmandatory prison term or terms is at 23609

least two years but less than five years, the eligible offender 23610
may file the motion not earlier than one hundred eighty days after 23611
the offender is delivered to a state correctional institution or, 23612
if the prison term includes a mandatory prison term or terms, not 23613
earlier than one hundred eighty days after the expiration of all 23614
mandatory prison terms. 23615

(3) If the aggregated nonmandatory prison term or terms is 23616
five years, the eligible offender may file the motion not earlier 23617
than four years after the eligible offender is delivered to a 23618
state correctional institution or, if the prison term includes a 23619
mandatory prison term or terms, not earlier than four years after 23620
the expiration of all mandatory prison terms. 23621

(4) If the aggregated nonmandatory prison term or terms is 23622
more than five years but not more than ten years, the eligible 23623
offender may file the motion not earlier than five years after the 23624
eligible offender is delivered to a state correctional institution 23625
or, if the prison term includes a mandatory prison term or terms, 23626
not earlier than five years after the expiration of all mandatory 23627
prison terms. 23628

(5) If the aggregated nonmandatory prison term or terms is 23629
more than ten years, the eligible offender may file the motion not 23630
earlier than the later of the date on which the offender has 23631
served one-half of the offender's stated prison term or the date 23632
specified in division (C)(4) of this section. 23633

(D) Upon receipt of a timely motion for judicial release 23634
filed by an eligible offender under division (C) of this section 23635
or upon the sentencing court's own motion made within the 23636
appropriate time specified in that division, the court may deny 23637
the motion without a hearing or schedule a hearing on the motion. 23638
The court shall not grant the motion without a hearing. If a court 23639
denies a motion without a hearing, the court later may consider 23640
judicial release for that eligible offender on a subsequent motion 23641

filed by that eligible offender unless the court denies the motion 23642
with prejudice. If a court denies a motion with prejudice, the 23643
court may later consider judicial release on its own motion. If a 23644
court denies a motion after a hearing, the court shall not 23645
consider a subsequent motion for that eligible offender. The court 23646
shall hold only one hearing for any eligible offender. 23647

A hearing under this section shall be conducted in open court 23648
not less than thirty or more than sixty days after the motion is 23649
filed, provided that the court may delay the hearing for one 23650
hundred eighty additional days. If the court holds a hearing, the 23651
court shall enter a ruling on the motion within ten days after the 23652
hearing. If the court denies the motion without a hearing, the 23653
court shall enter its ruling on the motion within sixty days after 23654
the motion is filed. 23655

(E) If a court schedules a hearing under division (D) of this 23656
section, the court shall notify the eligible offender and the head 23657
of the state correctional institution in which the eligible 23658
offender is confined prior to the hearing. The head of the state 23659
correctional institution immediately shall notify the appropriate 23660
person at the department of rehabilitation and correction of the 23661
hearing, and the department within twenty-four hours after receipt 23662
of the notice, shall post on the database it maintains pursuant to 23663
section 5120.66 of the Revised Code the offender's name and all of 23664
the information specified in division (A)(1)(c)(i) of that 23665
section. If the court schedules a hearing for judicial release, 23666
the court promptly shall give notice of the hearing to the 23667
prosecuting attorney of the county in which the eligible offender 23668
was indicted. Upon receipt of the notice from the court, the 23669
prosecuting attorney shall do whichever of the following is 23670
applicable: 23671

(1) Subject to division (E)(2) of this section, notify the 23672
victim of the offense or the victim's representative pursuant to 23673

division (B) of section 2930.16 of the Revised Code; 23674

(2) If the offense was an offense of violence that is a 23675
felony of the first, second, or third degree, except as otherwise 23676
provided in this division, notify the victim or the victim's 23677
representative of the hearing regardless of whether the victim or 23678
victim's representative has requested the notification. The notice 23679
of the hearing shall not be given under this division to a victim 23680
or victim's representative if the victim or victim's 23681
representative has requested pursuant to division (B)(2) of 23682
section 2930.03 of the Revised Code that the victim or the 23683
victim's representative not be provided the notice. If notice is 23684
to be provided to a victim or victim's representative under this 23685
division, the prosecuting attorney may give the notice by any 23686
reasonable means, including regular mail, telephone, and 23687
electronic mail, in accordance with division (D)(1) of section 23688
2930.16 of the Revised Code. If the notice is based on an offense 23689
committed prior to March 22, 2013, the notice also shall include 23690
the opt-out information described in division (D)(1) of section 23691
2930.16 of the Revised Code. The prosecuting attorney, in 23692
accordance with division (D)(2) of section 2930.16 of the Revised 23693
Code, shall keep a record of all attempts to provide the notice, 23694
and of all notices provided, under this division. Division (E)(2) 23695
of this section, and the notice-related provisions of division (K) 23696
of this section, division (D)(1) of section 2930.16, division (H) 23697
of section 2967.12, division (E)(1)(b) of section 2967.19, 23698
division (A)(3)(b) of section 2967.26, division (D)(1) of section 23699
2967.28, and division (A)(2) of section 5149.101 of the Revised 23700
Code enacted in the act in which division (E)(2) of this section 23701
was enacted, shall be known as "Roberta's Law." 23702

(F) Upon an offender's successful completion of 23703
rehabilitative activities, the head of the state correctional 23704
institution may notify the sentencing court of the successful 23705

completion of the activities. 23706

(G) Prior to the date of the hearing on a motion for judicial 23707
release under this section, the head of the state correctional 23708
institution in which the eligible offender is confined shall send 23709
to the court an institutional summary report on the eligible 23710
offender's conduct in the institution and in any institution from 23711
which the eligible offender may have been transferred. Upon the 23712
request of the prosecuting attorney of the county in which the 23713
eligible offender was indicted or of any law enforcement agency, 23714
the head of the state correctional institution, at the same time 23715
the person sends the institutional summary report to the court, 23716
also shall send a copy of the report to the requesting prosecuting 23717
attorney and law enforcement agencies. The institutional summary 23718
report shall cover the eligible offender's participation in 23719
school, vocational training, work, treatment, and other 23720
rehabilitative activities and any disciplinary action taken 23721
against the eligible offender. The report shall be made part of 23722
the record of the hearing. A presentence investigation report is 23723
not required for judicial release. 23724

(H) If the court grants a hearing on a motion for judicial 23725
release under this section, the eligible offender shall attend the 23726
hearing if ordered to do so by the court. Upon receipt of a copy 23727
of the journal entry containing the order, the head of the state 23728
correctional institution in which the eligible offender is 23729
incarcerated shall deliver the eligible offender to the sheriff of 23730
the county in which the hearing is to be held. The sheriff shall 23731
convey the eligible offender to and from the hearing. 23732

(I) At the hearing on a motion for judicial release under 23733
this section, the court shall afford the eligible offender and the 23734
eligible offender's attorney an opportunity to present written 23735
and, if present, oral information relevant to the motion. The 23736
court shall afford a similar opportunity to the prosecuting 23737

attorney, the victim or the victim's representative, and any other 23738
person the court determines is likely to present additional 23739
relevant information. The court shall consider any statement of a 23740
victim made pursuant to section 2930.14 or 2930.17 of the Revised 23741
Code, any victim impact statement prepared pursuant to section 23742
2947.051 of the Revised Code, and any report made under division 23743
(G) of this section. The court may consider any written statement 23744
of any person submitted to the court pursuant to division (L) of 23745
this section. After ruling on the motion, the court shall notify 23746
the victim of the ruling in accordance with sections 2930.03 and 23747
2930.16 of the Revised Code. 23748

(J)(1) A court shall not grant a judicial release under this 23749
section to an eligible offender who is imprisoned for a felony of 23750
the first or second degree, or to an eligible offender who 23751
committed an offense under Chapter 2925. or 3719. of the Revised 23752
Code and for whom there was a presumption under section 2929.13 of 23753
the Revised Code in favor of a prison term, unless the court, with 23754
reference to factors under section 2929.12 of the Revised Code, 23755
finds both of the following: 23756

(a) That a sanction other than a prison term would adequately 23757
punish the offender and protect the public from future criminal 23758
violations by the eligible offender because the applicable factors 23759
indicating a lesser likelihood of recidivism outweigh the 23760
applicable factors indicating a greater likelihood of recidivism; 23761

(b) That a sanction other than a prison term would not demean 23762
the seriousness of the offense because factors indicating that the 23763
eligible offender's conduct in committing the offense was less 23764
serious than conduct normally constituting the offense outweigh 23765
factors indicating that the eligible offender's conduct was more 23766
serious than conduct normally constituting the offense. 23767

(2) A court that grants a judicial release to an eligible 23768
offender under division (J)(1) of this section shall specify on 23769

the record both findings required in that division and also shall 23770
list all the factors described in that division that were 23771
presented at the hearing. 23772

(K) If the court grants a motion for judicial release under 23773
this section, the court shall order the release of the eligible 23774
offender, shall place the eligible offender under an appropriate 23775
community control sanction, under appropriate conditions, and 23776
under the supervision of the department of probation serving the 23777
court and shall reserve the right to reimpose the sentence that it 23778
reduced if the offender violates the sanction. If the court 23779
reimposes the reduced sentence, it may do so either concurrently 23780
with, or consecutive to, any new sentence imposed upon the 23781
eligible offender as a result of the violation that is a new 23782
offense. ~~The~~ Except as provided in division (R)(2) of this 23783
section, the period of community control shall be no longer than 23784
five years. The court, in its discretion, may reduce the period of 23785
community control by the amount of time the eligible offender 23786
spent in jail or prison for the offense and in prison. If the 23787
court made any findings pursuant to division (J)(1) of this 23788
section, the court shall serve a copy of the findings upon counsel 23789
for the parties within fifteen days after the date on which the 23790
court grants the motion for judicial release. 23791

If the court grants a motion for judicial release, the court 23792
shall notify the appropriate person at the department of 23793
rehabilitation and correction, and the department shall post 23794
notice of the release on the database it maintains pursuant to 23795
section 5120.66 of the Revised Code. The court also shall notify 23796
the prosecuting attorney of the county in which the eligible 23797
offender was indicted that the motion has been granted. Unless the 23798
victim or the victim's representative has requested pursuant to 23799
division (B)(2) of section 2930.03 of the Revised Code that the 23800
victim or victim's representative not be provided the notice, the 23801

prosecuting attorney shall notify the victim or the victim's 23802
representative of the judicial release in any manner, and in 23803
accordance with the same procedures, pursuant to which the 23804
prosecuting attorney is authorized to provide notice of the 23805
hearing pursuant to division (E)(2) of this section. If the notice 23806
is based on an offense committed prior to March 22, 2013, the 23807
notice to the victim or victim's representative also shall include 23808
the opt-out information described in division (D)(1) of section 23809
2930.16 of the Revised Code. 23810

(L) In addition to and independent of the right of a victim 23811
to make a statement pursuant to section 2930.14, 2930.17, or 23812
2946.051 of the Revised Code and any right of a person to present 23813
written information or make a statement pursuant to division (I) 23814
of this section, any person may submit to the court, at any time 23815
prior to the hearing on the offender's motion for judicial 23816
release, a written statement concerning the effects of the 23817
offender's crime or crimes, the circumstances surrounding the 23818
crime or crimes, the manner in which the crime or crimes were 23819
perpetrated, and the person's opinion as to whether the offender 23820
should be released. 23821

(M) The changes to this section that are made on September 23822
30, 2011, apply to any judicial release decision made on or after 23823
September 30, 2011, for any eligible offender. 23824

(N) Notwithstanding the eligibility requirements specified in 23825
division (A) of this section and the filing time frames specified 23826
in division (C) of this section and notwithstanding the findings 23827
required under division (J) of this section, the sentencing court, 23828
upon the court's own motion and after considering whether the 23829
release of the offender into society would create undue risk to 23830
public safety, may grant a judicial release to an offender who is 23831
not serving a life sentence at any time during the offender's 23832
imposed sentence when the director of rehabilitation and 23833

correction certifies to the sentencing court through the chief 23834
medical officer for the department of rehabilitation and 23835
correction that the offender is in imminent danger of death, is 23836
medically incapacitated, or is suffering from a terminal illness. 23837

(O) The director of rehabilitation and correction shall not 23838
certify any offender under division (N) of this section who is 23839
serving a death sentence. 23840

(P) A motion made by the court under division (N) of this 23841
section is subject to the notice, hearing, and other procedural 23842
requirements specified in divisions (D), (E), (G), (H), (I), (K), 23843
and (L) of this section, except for the following: 23844

(1) The court may waive the offender's appearance at any 23845
hearing scheduled by the court if the offender's condition makes 23846
it impossible for the offender to participate meaningfully in the 23847
proceeding. 23848

(2) The court may grant the motion without a hearing, 23849
provided that the prosecuting attorney and victim or victim's 23850
representative to whom notice of the hearing was provided under 23851
division (E) of this section indicate that they do not wish to 23852
participate in the hearing or present information relevant to the 23853
motion. 23854

(Q) The court may request health care records from the 23855
department of rehabilitation and correction to verify the 23856
certification made under division (N) of this section. 23857

(R)(1) If the court grants judicial release under division 23858
(N) of this section, the court shall do all of the following: 23859

(a) Order the release of the offender; 23860

(b) Place the offender under an appropriate community control 23861
sanction, under appropriate conditions; 23862

(c) Place the offender under the supervision of the 23863

department of probation serving the court or under the supervision 23864
of the adult parole authority. 23865

(2) The court, in its discretion, may revoke the judicial 23866
release if the offender violates the community control sanction 23867
described in division (R)(1) of this section. The period of that 23868
community control is not subject to the five-year limitation 23869
described in division (K) of this section and shall not expire 23870
earlier than the date on which all of the offender's mandatory 23871
prison terms expire. 23872

(S) If the health of an offender who is released under 23873
division (N) of this section improves so that the offender is no 23874
longer terminally ill, medically incapacitated, or in imminent 23875
danger of death, the court shall, upon the court's own motion, 23876
revoke the judicial release. The court shall not grant the motion 23877
without a hearing unless the offender waives a hearing. If a 23878
hearing is held, the court shall afford the offender and the 23879
offender's attorney an opportunity to present written and, if the 23880
offender or the offender's attorney is present, oral information 23881
relevant to the motion. The court shall afford a similar 23882
opportunity to the prosecuting attorney, the victim or the 23883
victim's representative, and any other person the court determines 23884
is likely to present additional relevant information. A court that 23885
grants a motion under this division shall specify its findings on 23886
the record. 23887

Sec. 2935.33. (A) If a person charged with a misdemeanor is 23888
taken before a judge of a court of record and if it appears to the 23889
judge that the person is an alcoholic or is suffering from acute 23890
alcohol intoxication and that the person would benefit from 23891
services provided by a community addiction services provider 23892
~~certified under Chapter 5119. of the Revised Code~~, the judge may 23893
place the person temporarily ~~in~~ with a community addiction 23894

services provider ~~certified under that chapter~~ in the area in 23895
which the court has jurisdiction for inpatient care and treatment 23896
for an indefinite period not exceeding five days. The commitment 23897
does not limit the right to release on bail. The judge may dismiss 23898
a charge of a violation of division (B) of section 2917.11 of the 23899
Revised Code or of a municipal ordinance substantially equivalent 23900
to that division if the defendant complies with all the conditions 23901
of treatment ordered by the court. 23902

The court may order that any fines or court costs collected 23903
by the court from defendants who have received inpatient care from 23904
a community addiction services provider be paid, for the benefit 23905
of the program, to the board of alcohol, drug addiction, and 23906
mental health services of the alcohol, drug addiction, and mental 23907
health service district in which the community addiction services 23908
provider is located or to the director of mental health and 23909
addiction services. 23910

(B) If a person is being sentenced for a violation of 23911
division (B) of section 2917.11 or section 4511.19 of the Revised 23912
Code, a misdemeanor violation of section 2919.25 of the Revised 23913
Code, a misdemeanor violation of section 2919.27 of the Revised 23914
Code involving a protection order issued or consent agreement 23915
approved pursuant to section 2919.26 or 3113.31 of the Revised 23916
Code, or a violation of a municipal ordinance substantially 23917
equivalent to that division or any of those sections and if it 23918
appears to the judge at the time of sentencing that the person is 23919
an alcoholic or is suffering from acute alcohol intoxication and 23920
that, in lieu of imprisonment, the person would benefit from 23921
services provided by a community addiction services provider 23922
~~certified under Chapter 5119. of the Revised Code~~, the court may 23923
commit the person to close supervision in any facility in the area 23924
in which the court has jurisdiction that is, or is operated by, 23925
such a services provider. Such close supervision may include 23926

outpatient services and part-time release, except that a person 23927
convicted of a violation of division (A) of section 4511.19 of the 23928
Revised Code shall be confined to the facility for at least three 23929
days and except that a person convicted of a misdemeanor violation 23930
of section 2919.25 of the Revised Code, a misdemeanor violation of 23931
section 2919.27 of the Revised Code involving a protection order 23932
issued or consent agreement approved pursuant to section 2919.26 23933
or 3113.31 of the Revised Code, or a violation of a substantially 23934
equivalent municipal ordinance shall be confined to the facility 23935
in accordance with the order of commitment. A commitment of a 23936
person to a facility for purposes of close supervision shall not 23937
exceed the maximum term for which the person could be imprisoned. 23938

(C) A law enforcement officer who finds a person subject to 23939
prosecution for violation of division (B) of section 2917.11 of 23940
the Revised Code or a municipal ordinance substantially equivalent 23941
to that division and who has reasonable cause to believe that the 23942
person is an alcoholic or is suffering from acute alcohol 23943
intoxication and would benefit from immediate treatment 23944
immediately may place the person ~~in~~ with a community addiction 23945
services provider ~~certified under Chapter 5119. of the Revised~~ 23946
~~Code~~ in the area in which the person is found, for emergency 23947
treatment, in lieu of other arrest procedures, for a maximum 23948
period of forty-eight hours. During that time, if the person 23949
desires to leave such custody, the person shall be released 23950
forthwith. 23951

(D) As used in this section: 23952

(1) "Alcoholic" ~~has~~ and "community addiction services 23953
provider" have the same ~~meaning~~ meanings as in section 5119.01 of 23954
the Revised Code; 23955

(2) "Acute alcohol intoxication" means a heavy consumption of 23956
alcohol over a relatively short period of time, resulting in 23957
dysfunction of the brain centers controlling behavior, speech, and 23958

memory and causing characteristic withdrawal symptoms. 23959

Sec. 2951.041. (A)(1) If an offender is charged with a 23960
criminal offense, including but not limited to a violation of 23961
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 23962
the Revised Code, and the court has reason to believe that drug or 23963
alcohol usage by the offender was a factor leading to the criminal 23964
offense with which the offender is charged or that, at the time of 23965
committing that offense, the offender had a mental illness, was a 23966
person with intellectual disability, or was a victim of a 23967
violation of section 2905.32 of the Revised Code and that the 23968
mental illness, status as a person with intellectual disability, 23969
or fact that the offender was a victim of a violation of section 23970
2905.32 of the Revised Code was a factor leading to the offender's 23971
criminal behavior, the court may accept, prior to the entry of a 23972
guilty plea, the offender's request for intervention in lieu of 23973
conviction. The request shall include a statement from the 23974
offender as to whether the offender is alleging that drug or 23975
alcohol usage by the offender was a factor leading to the criminal 23976
offense with which the offender is charged or is alleging that, at 23977
the time of committing that offense, the offender had a mental 23978
illness, was a person with intellectual disability, or was a 23979
victim of a violation of section 2905.32 of the Revised Code and 23980
that the mental illness, status as a person with intellectual 23981
disability, or fact that the offender was a victim of a violation 23982
of section 2905.32 of the Revised Code was a factor leading to the 23983
criminal offense with which the offender is charged. The request 23984
also shall include a waiver of the defendant's right to a speedy 23985
trial, the preliminary hearing, the time period within which the 23986
grand jury may consider an indictment against the offender, and 23987
arraignment, unless the hearing, indictment, or arraignment has 23988
already occurred. The court may reject an offender's request 23989
without a hearing. If the court elects to consider an offender's 23990

request, the court shall conduct a hearing to determine whether 23991
the offender is eligible under this section for intervention in 23992
lieu of conviction and shall stay all criminal proceedings pending 23993
the outcome of the hearing. If the court schedules a hearing, the 23994
court shall order an assessment of the offender for the purpose of 23995
determining the offender's eligibility for intervention in lieu of 23996
conviction and recommending an appropriate intervention plan. 23997

If the offender alleges that drug or alcohol usage by the 23998
offender was a factor leading to the criminal offense with which 23999
the offender is charged, the court may order that the offender be 24000
assessed by ~~an~~ a community addiction services provider ~~certified~~ 24001
~~pursuant to section 5119.36 of the Revised Code~~ or a properly 24002
credentialed professional for the purpose of determining the 24003
offender's eligibility for intervention in lieu of conviction and 24004
recommending an appropriate intervention plan. The community 24005
addiction services provider or the properly credentialed 24006
professional shall provide a written assessment of the offender to 24007
the court. 24008

(2) The victim notification provisions of division (C) of 24009
section 2930.08 of the Revised Code apply in relation to any 24010
hearing held under division (A)(1) of this section. 24011

(B) An offender is eligible for intervention in lieu of 24012
conviction if the court finds all of the following: 24013

(1) The offender previously has not been convicted of or 24014
pleaded guilty to a felony offense of violence or previously has 24015
been convicted of or pleaded guilty to any felony that is not an 24016
offense of violence and the prosecuting attorney recommends that 24017
the offender be found eligible for participation in intervention 24018
in lieu of treatment under this section, previously has not been 24019
through intervention in lieu of conviction under this section or 24020
any similar regimen, and is charged with a felony for which the 24021
court, upon conviction, would impose a community control sanction 24022

on the offender under division (B)(2) of section 2929.13 of the Revised Code or with a misdemeanor.

(2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code, is not a violation of division (A)(1) of section 2903.08 of the Revised Code, is not a violation of division (A) of section 4511.19 of the Revised Code or a municipal ordinance that is substantially similar to that division, and is not an offense for which a sentencing court is required to impose a mandatory prison term, a mandatory term of local incarceration, or a mandatory term of imprisonment in a jail.

(3) The offender is not charged with a violation of section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged with a violation of section 2925.03 of the Revised Code that is a felony of the first, second, third, or fourth degree, and is not charged with a violation of section 2925.11 of the Revised Code that is a felony of the first, second, or third degree.

(4) If an offender alleges that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged, the court has ordered that the offender be assessed by ~~an~~ a community addiction services provider ~~certified pursuant to section 5119.36 of the Revised Code~~ or a properly credentialed professional for the purpose of determining the offender's eligibility for intervention in lieu of conviction and recommending an appropriate intervention plan, the offender has been assessed by ~~an~~ a community addiction services provider of that nature or a properly credentialed professional in accordance with the court's order, and the community addiction services provider or properly credentialed professional has filed the written assessment of the offender with the court.

(5) If an offender alleges that, at the time of committing

the criminal offense with which the offender is charged, the 24055
offender had a mental illness, was a person with intellectual 24056
disability, or was a victim of a violation of section 2905.32 of 24057
the Revised Code and that the mental illness, status as a person 24058
with intellectual disability, or fact that the offender was a 24059
victim of a violation of section 2905.32 of the Revised Code was a 24060
factor leading to that offense, the offender has been assessed by 24061
a psychiatrist, psychologist, independent social worker, licensed 24062
professional clinical counselor, or independent marriage and 24063
family therapist for the purpose of determining the offender's 24064
eligibility for intervention in lieu of conviction and 24065
recommending an appropriate intervention plan. 24066

(6) The offender's drug usage, alcohol usage, mental illness, 24067
or intellectual disability, or the fact that the offender was a 24068
victim of a violation of section 2905.32 of the Revised Code, 24069
whichever is applicable, was a factor leading to the criminal 24070
offense with which the offender is charged, intervention in lieu 24071
of conviction would not demean the seriousness of the offense, and 24072
intervention would substantially reduce the likelihood of any 24073
future criminal activity. 24074

(7) The alleged victim of the offense was not sixty-five 24075
years of age or older, permanently and totally disabled, under 24076
thirteen years of age, or a peace officer engaged in the officer's 24077
official duties at the time of the alleged offense. 24078

(8) If the offender is charged with a violation of section 24079
2925.24 of the Revised Code, the alleged violation did not result 24080
in physical harm to any person, and the offender previously has 24081
not been treated for drug abuse. 24082

(9) The offender is willing to comply with all terms and 24083
conditions imposed by the court pursuant to division (D) of this 24084
section. 24085

(10) The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter.

(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall enter its determination as to whether the offender is eligible for intervention in lieu of conviction and as to whether to grant the offender's request. If the court finds under division (B) of this section that the offender is eligible for intervention in lieu of conviction and grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made.

(D) If the court grants an offender's request for intervention in lieu of conviction, the court shall place the offender under the general control and supervision of the county probation department, the adult parole authority, or another appropriate local probation or court services agency, if one exists, as if the offender was subject to a community control sanction imposed under section 2929.15, 2929.18, or 2929.25 of the Revised Code. The court shall establish an intervention plan for

the offender. The terms and conditions of the intervention plan 24118
shall require the offender, for at least one year from the date on 24119
which the court grants the order of intervention in lieu of 24120
conviction, to abstain from the use of illegal drugs and alcohol, 24121
to participate in treatment and recovery support services, and to 24122
submit to regular random testing for drug and alcohol use and may 24123
include any other treatment terms and conditions, or terms and 24124
conditions similar to community control sanctions, which may 24125
include community service or restitution, that are ordered by the 24126
court. 24127

(E) If the court grants an offender's request for 24128
intervention in lieu of conviction and the court finds that the 24129
offender has successfully completed the intervention plan for the 24130
offender, including the requirement that the offender abstain from 24131
using illegal drugs and alcohol for a period of at least one year 24132
from the date on which the court granted the order of intervention 24133
in lieu of conviction, the requirement that the offender 24134
participate in treatment and recovery support services, and all 24135
other terms and conditions ordered by the court, the court shall 24136
dismiss the proceedings against the offender. Successful 24137
completion of the intervention plan and period of abstinence under 24138
this section shall be without adjudication of guilt and is not a 24139
criminal conviction for purposes of any disqualification or 24140
disability imposed by law and upon conviction of a crime, and the 24141
court may order the sealing of records related to the offense in 24142
question in the manner provided in sections 2953.31 to 2953.36 of 24143
the Revised Code. 24144

(F) If the court grants an offender's request for 24145
intervention in lieu of conviction and the offender fails to 24146
comply with any term or condition imposed as part of the 24147
intervention plan for the offender, the supervising authority for 24148
the offender promptly shall advise the court of this failure, and 24149

the court shall hold a hearing to determine whether the offender 24150
failed to comply with any term or condition imposed as part of the 24151
plan. If the court determines that the offender has failed to 24152
comply with any of those terms and conditions, it shall enter a 24153
finding of guilty and shall impose an appropriate sanction under 24154
Chapter 2929. of the Revised Code. If the court sentences the 24155
offender to a prison term, the court, after consulting with the 24156
department of rehabilitation and correction regarding the 24157
availability of services, may order continued court-supervised 24158
activity and treatment of the offender during the prison term and, 24159
upon consideration of reports received from the department 24160
concerning the offender's progress in the program of activity and 24161
treatment, may consider judicial release under section 2929.20 of 24162
the Revised Code. 24163

(G) As used in this section: 24164

(1) "Community addiction services provider" has the same 24165
meaning as in section 5119.01 of the Revised Code. 24166

(2) "Community control sanction" has the same meaning as in 24167
section 2929.01 of the Revised Code. 24168

~~(2)~~(3) "Intervention in lieu of conviction" means any 24169
court-supervised activity that complies with this section. 24170

~~(3)~~(4) "Peace officer" has the same meaning as in section 24171
2935.01 of the Revised Code. 24172

~~(4)~~(5) "Mental illness" and "psychiatrist" have the same 24173
meanings as in section 5122.01 of the Revised Code. 24174

~~(5)~~(6) "Person with intellectual disability" means a person 24175
having significantly subaverage general intellectual functioning 24176
existing concurrently with deficiencies in adaptive behavior, 24177
manifested during the developmental period. 24178

~~(6)~~(7) "Psychologist" has the same meaning as in section 24179

4732.01 of the Revised Code. 24180

(H) Whenever the term "mentally retarded person" is used in 24181
any statute, rule, contract, grant, or other document, the 24182
reference shall be deemed to include a "person with intellectual 24183
disability," as defined in this section. 24184

Sec. 2967.14. (A) The department of rehabilitation and 24185
correction or the adult parole authority may require or allow a 24186
parolee, a releasee, or a prisoner otherwise released from a state 24187
correctional institution to reside in a halfway house or other 24188
suitable community residential center that has been licensed by 24189
the division of parole and community services pursuant to division 24190
(C) of this section during a part or for the entire period of the 24191
offender's or parolee's conditional release or of the releasee's 24192
term of post-release control. The court of common pleas that 24193
placed an offender under a sanction consisting of a term in a 24194
halfway house or in an alternative residential sanction may 24195
require the offender to reside in a halfway house or other 24196
suitable community residential center that is designated by the 24197
court and that has been licensed by the division pursuant to 24198
division (C) of this section during a part or for the entire 24199
period of the offender's residential sanction. 24200

(B) The division of parole and community services may 24201
negotiate and enter into agreements with any public or private 24202
agency or a department or political subdivision of the state that 24203
operates a halfway house, reentry center, or community residential 24204
center that has been licensed by the division pursuant to division 24205
(C) of this section. An agreement under this division shall 24206
provide for the purchase of beds, shall set limits of supervision 24207
and levels of occupancy, and shall determine the scope of services 24208
for all eligible offenders, including those subject to a 24209
residential sanction, as defined in rules adopted by the director 24210

of rehabilitation and correction in accordance with Chapter 119. 24211
of the Revised Code, or those released from prison without 24212
supervision. The payments for beds and services shall not exceed 24213
the total operating costs of the halfway house, reentry center, or 24214
community residential center during the term of an agreement. The 24215
director of rehabilitation and correction shall adopt rules in 24216
accordance with Chapter 119. of the Revised Code for determining 24217
includable and excludable costs and income to be used in computing 24218
the agency's average daily per capita costs with its facility at 24219
full occupancy. 24220

The director of rehabilitation and correction shall adopt 24221
rules providing for the use of no more than fifteen per cent of 24222
the amount appropriated to the department each fiscal year for the 24223
halfway house, reentry center, and community residential center 24224
program to pay for contracts with licensed halfway houses for 24225
nonresidential services for offenders under the supervision of the 24226
adult parole authority, including but not limited to, offenders 24227
supervised pursuant to an agreement entered into by the adult 24228
parole authority and a court of common pleas under section 2301.32 24229
of the Revised Code. The nonresidential services may include, but 24230
are not limited to, treatment for substance abuse, mental health 24231
counseling, counseling for sex offenders, electronic monitoring 24232
services, aftercare, and other nonresidential services that the 24233
director identifies by rule. 24234

(C) The division of parole and community services may license 24235
a halfway house, reentry center, or community residential center 24236
as a suitable facility for the care and treatment of adult 24237
offenders, including offenders sentenced under section 2929.16 or 24238
2929.26 of the Revised Code, only if the halfway house, reentry 24239
center, or community residential center complies with the 24240
standards that the division adopts in accordance with Chapter 119. 24241
of the Revised Code for the licensure of halfway houses, reentry 24242

centers, and community residential centers. The division shall 24243
annually inspect each licensed halfway house, licensed reentry 24244
center, and licensed community residential center to determine if 24245
it is in compliance with the licensure standards. 24246

(D) The division of parole and community services may expend 24247
up to one-half per cent of the annual appropriation made for 24248
halfway house programs, for goods or services that benefit those 24249
programs. 24250

Sec. 2969.14. (A) If a separate account has been maintained 24251
in the name of an offender in the crime victims recovery fund and 24252
if there is no further requirement to pay into the fund money, or 24253
the monetary value of property, pursuant to section 2929.32 of the 24254
Revised Code, unless otherwise ordered by a court of record in 24255
which a judgment has been rendered against the offender or the 24256
representatives of the offender, the clerk of the court of claims 24257
shall pay the money remaining in the separate account in 24258
accordance with division (B) of this section, if all of the 24259
following apply: 24260

(1) The applicable period of time that governs the making of 24261
payments from the separate account, as set forth in division 24262
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 24263

(2) None of the civil actions against the offender or the 24264
representatives of the offender of which the clerk of the court of 24265
claims has been notified pursuant to division (B)(1) of section 24266
2969.12 of the Revised Code is pending. 24267

(3) All judgments for which payment was requested pursuant to 24268
division (B)(3) of section 2969.12 of the Revised Code have been 24269
paid. 24270

(B) If the clerk of the court of claims is required by 24271
division (A) of this section to pay the money remaining in the 24272

separate account established in the name of an offender in 24273
accordance with this division, the clerk shall pay the money as 24274
follows: 24275

~~(1) If the offender was confined for a felony in a prison or 24276
other facility operated by the department of rehabilitation and 24277
correction under a sanction imposed pursuant to section 2929.14 or 24278
2929.16 of the Revised Code, the clerk shall pay the money to the 24279
treasurer of state, in accordance with division (C)(1) of section 24280
2929.18 of the Revised Code, to cover the costs of the 24281
confinement. If any money remains in the separate account after 24282
the payment of the costs of the confinement pursuant to this 24283
division, the clerk shall pay the remaining money in accordance 24284
with divisions (B)(2), (3), and (5) of this section. 24285~~

~~(2) If the offender was confined for a felony in a facility 24286
operated by a county or a municipal corporation, after payment of 24287
any costs required to be paid under division (B)(1) of this 24288
section, the clerk shall pay the money to the treasurer of the 24289
county or of the municipal corporation that operated the facility, 24290
in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of section 2929.18 24291
of the Revised Code, to cover the costs of the confinement. If 24292
more than one county or municipal corporation operated a facility 24293
in which the offender was confined, the clerk shall equitably 24294
apportion the money among each of those counties and municipal 24295
corporations. If any money remains in the separate account after 24296
the payment of the costs of the confinement pursuant to this 24297
division, the clerk shall pay the remaining money in accordance 24298
with divisions (B)~~(3)~~(2) and ~~(5)~~(4) of this section. 24299~~

~~(3)~~(2) If the offender was sentenced for a felony to any 24300
community control sanction other than a sanction described in 24301
division (B)~~(2)~~(1) of this section, after payment of any costs 24302
required to be paid under division (B)(1) ~~or (2)~~ of this section, 24303
the clerk shall pay the money to the treasurer of the county or of 24304

the municipal corporation that incurred costs pursuant to the 24305
sanction, in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of 24306
section 2929.18 of the Revised Code, to cover the costs so 24307
incurred. If more than one county or municipal corporation 24308
incurred costs pursuant to the sanction, the clerk shall equitably 24309
apportion the money among each of those counties and municipal 24310
corporations. If any money remains in the separate account after 24311
the payment of the costs of the sanction pursuant to this 24312
division, the clerk shall pay the remaining money in accordance 24313
with division (B)~~(5)~~(4) of this section. 24314

~~(4)~~(3) If the offender was imprisoned or incarcerated for a 24315
misdemeanor, to the treasurer of the political subdivision that 24316
operates the facility in which the offender was imprisoned or 24317
incarcerated, to cover the costs of the imprisonment or 24318
incarceration. If more than one political subdivision operated a 24319
facility in which the offender was confined, the clerk shall 24320
equitably apportion the money among each of those political 24321
subdivisions. If any money remains in the separate account after 24322
the payment of the costs of the imprisonment or incarceration 24323
under this division, the clerk shall pay the remaining money in 24324
accordance with division (B)~~(5)~~(4) of this section. 24325

~~(5)~~(4) If any money remains in the separate account after 24326
payment of any costs required to be paid under division (B)(1), 24327
(2), or (3), ~~or~~ ~~(4)~~ of this section, or if no provision of 24328
division (B)(1), (2), or (3), ~~or~~ ~~(4)~~ of this section applies, the 24329
clerk shall distribute the amount of the money remaining in the 24330
separate account as otherwise provided by law for the distribution 24331
of money paid in satisfaction of a fine, as if that amount was a 24332
fine paid by the offender. 24333

Sec. 2981.12. (A) Unclaimed or forfeited property in the 24334
custody of a law enforcement agency, other than property described 24335

in division (A)(2) of section 2981.11 of the Revised Code, shall 24336
be disposed of by order of any court of record that has 24337
territorial jurisdiction over the political subdivision that 24338
employs the law enforcement agency, as follows: 24339

(1) Drugs shall be disposed of pursuant to section 3719.11 of 24340
the Revised Code or placed in the custody of the secretary of the 24341
treasury of the United States for disposal or use for medical or 24342
scientific purposes under applicable federal law. 24343

(2) Firearms and dangerous ordnance suitable for police work 24344
may be given to a law enforcement agency for that purpose. 24345
Firearms suitable for sporting use or as museum pieces or 24346
collectors' items may be sold at public auction pursuant to 24347
division (B) of this section. The agency may sell other firearms 24348
and dangerous ordnance to a federally licensed firearms dealer in 24349
a manner that the court considers proper. The agency shall destroy 24350
any firearms or dangerous ordnance not given to a law enforcement 24351
agency or sold or shall send them to the bureau of criminal 24352
identification and investigation for destruction by the bureau. 24353

(3) Obscene materials shall be destroyed. 24354

(4) Beer, intoxicating liquor, or alcohol seized from a 24355
person who does not hold a permit issued under Chapters 4301. and 24356
4303. of the Revised Code or otherwise forfeited to the state for 24357
an offense under section 4301.45 or 4301.53 of the Revised Code 24358
shall be sold by the division of liquor control if the division 24359
determines that it is fit for sale or shall be placed in the 24360
custody of the investigations unit in the department of public 24361
safety and be used for training relating to law enforcement 24362
activities. The department, with the assistance of the division of 24363
liquor control, shall adopt rules in accordance with Chapter 119. 24364
of the Revised Code to provide for the distribution to state or 24365
local law enforcement agencies upon their request. If any tax 24366
imposed under Title XLIII of the Revised Code has not been paid in 24367

relation to the beer, intoxicating liquor, or alcohol, any moneys 24368
acquired from the sale shall first be used to pay the tax. All 24369
other money collected under this division shall be paid into the 24370
state treasury. Any beer, intoxicating liquor, or alcohol that the 24371
division determines to be unfit for sale shall be destroyed. 24372

(5) Money received by an inmate of a correctional institution 24373
from an unauthorized source or in an unauthorized manner shall be 24374
returned to the sender, if known, or deposited in the inmates' 24375
industrial and entertainment fund of the institution if the sender 24376
is not known. 24377

(6)(a) Any mobile instrumentality forfeited under this 24378
chapter may be given to the law enforcement agency that initially 24379
seized the mobile instrumentality for use in performing its 24380
duties, if the agency wants the mobile instrumentality. The agency 24381
shall take the mobile instrumentality subject to any security 24382
interest or lien on the mobile instrumentality. 24383

(b) Vehicles and vehicle parts forfeited under sections 24384
4549.61 to 4549.63 of the Revised Code may be given to a law 24385
enforcement agency for use in performing its duties. Those parts 24386
may be incorporated into any other official vehicle. Parts that do 24387
not bear vehicle identification numbers or derivatives of them may 24388
be sold or disposed of as provided by rules of the director of 24389
public safety. Parts from which a vehicle identification number or 24390
derivative of it has been removed, defaced, covered, altered, or 24391
destroyed and that are not suitable for police work or 24392
incorporation into an official vehicle shall be destroyed and sold 24393
as junk or scrap. 24394

(7) Computers, computer networks, computer systems, and 24395
computer software suitable for police work may be given to a law 24396
enforcement agency for that purpose or disposed of under division 24397
(B) of this section. 24398

(8) Money seized in connection with a violation of section 24399
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 24400
deposited in the victims of human trafficking fund created by 24401
section 5101.87 of the Revised Code. 24402

(B) Unclaimed or forfeited property that is not described in 24403
division (A) of this section or division (A)(2) of section 2981.11 24404
of the Revised Code, with court approval, may be used by the law 24405
enforcement agency in possession of it. If it is not used by the 24406
agency, it may be sold without appraisal at a public auction to 24407
the highest bidder for cash or disposed of in another manner that 24408
the court considers proper. 24409

(C) Except as provided in divisions (A) and (F) of this 24410
section and after compliance with division (D) of this section 24411
when applicable, any moneys acquired from the sale of property 24412
disposed of pursuant to this section shall be placed in the 24413
general revenue fund of the state, or the general fund of the 24414
county, the township, or the municipal corporation of which the 24415
law enforcement agency involved is an agency. 24416

(D) If the property was in the possession of the law 24417
enforcement agency in relation to a delinquent child proceeding in 24418
a juvenile court, ten per cent of any moneys acquired from the 24419
sale of property disposed of under this section shall be applied 24420
to one or more community addiction ~~treatment~~ services providers 24421
~~that are certified by the department of mental health and~~ 24422
~~addiction services under section 5119.36, as defined in section~~ 24423
5119.01 of the Revised Code. A juvenile court shall not specify a 24424
services provider, except as provided in this division, unless the 24425
services provider is in the same county as the court or in a 24426
contiguous county. If no ~~certified~~ services provider is located in 24427
any of those counties, the juvenile court may specify a ~~certified~~ 24428
services provider anywhere in Ohio. The remaining ninety per cent 24429
of the proceeds or cash shall be applied as provided in division 24430

(C) of this section. 24431

Each services provider that receives in any calendar year 24432
forfeited money under this division shall file an annual report 24433
for that year with the attorney general and with the court of 24434
common pleas and board of county commissioners of the county in 24435
which the services provider is located and of any other county 24436
from which the services provider received forfeited money. The 24437
services provider shall file the report on or before the first day 24438
of March in the calendar year following the calendar year in which 24439
the services provider received the money. The report shall include 24440
statistics on the number of persons the services provider served, 24441
identify the types of treatment services it provided to them, and 24442
include a specific accounting of the purposes for which it used 24443
the money so received. No information contained in the report 24444
shall identify, or enable a person to determine the identity of, 24445
any person served by the services provider. 24446

(E) Each ~~certified~~ community addiction services provider that 24447
receives in any calendar year money under this section or under 24448
section 2981.13 of the Revised Code as the result of a juvenile 24449
forfeiture order shall file an annual report for that calendar 24450
year with the attorney general and with the court of common pleas 24451
and board of county commissioners of the county in which the 24452
services provider is located and of any other county from which 24453
the services provider received the money. The services provider 24454
shall file the report on or before the first day of March in the 24455
calendar year following the year in which the services provider 24456
received the money. The report shall include statistics on the 24457
number of persons served with the money, identify the types of 24458
treatment services provided, and specifically account for how the 24459
money was used. No information in the report shall identify or 24460
enable a person to determine the identity of anyone served by the 24461
services provider. 24462

As used in this division, "juvenile-related forfeiture order" 24463
means any forfeiture order issued by a juvenile court under 24464
section 2981.04 or 2981.05 of the Revised Code and any disposal of 24465
property ordered by a court under section 2981.11 of the Revised 24466
Code regarding property that was in the possession of a law 24467
enforcement agency in relation to a delinquent child proceeding in 24468
a juvenile court. 24469

(F) Each board of county commissioners that recognizes a 24470
citizens' reward program under section 9.92 of the Revised Code 24471
shall notify each law enforcement agency of that county and of a 24472
township or municipal corporation wholly located in that county of 24473
the recognition by filing a copy of its resolution conferring that 24474
recognition with each of those agencies. When the board recognizes 24475
a citizens' reward program and the county includes a part, but not 24476
all, of the territory of a municipal corporation, the board shall 24477
so notify the law enforcement agency of that municipal corporation 24478
of the recognition of the citizens' reward program only if the 24479
county contains the highest percentage of the municipal 24480
corporation's population. 24481

Upon being so notified, each law enforcement agency shall pay 24482
twenty-five per cent of any forfeited proceeds or cash derived 24483
from each sale of property disposed of pursuant to this section to 24484
the citizens' reward program for use exclusively to pay rewards. 24485
No part of the funds may be used to pay expenses associated with 24486
the program. If a citizens' reward program that operates in more 24487
than one county or in another state in addition to this state 24488
receives funds under this section, the funds shall be used to pay 24489
rewards only for tips and information to law enforcement agencies 24490
concerning offenses committed in the county from which the funds 24491
were received. 24492

Receiving funds under this section or section 2981.11 of the 24493
Revised Code does not make the citizens' reward program a 24494

governmental unit or public office for purposes of section 149.43 24495
of the Revised Code. 24496

(G) Any property forfeited under this chapter shall not be 24497
used to pay any fine imposed upon a person who is convicted of or 24498
pleads guilty to an underlying criminal offense or a different 24499
offense arising out of the same facts and circumstances. 24500

(H) Any moneys acquired from the sale of personal effects, 24501
tools, or other property seized because the personal effects, 24502
tools, or other property were used in the commission of a 24503
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 24504
Code or derived from the proceeds of the commission of a violation 24505
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 24506
disposed of pursuant to this section shall be placed in the 24507
victims of human trafficking fund created by section 5101.87 of 24508
the Revised Code. 24509

Sec. 2981.13. (A) Except as otherwise provided in this 24510
section, property ordered forfeited as contraband, proceeds, or an 24511
instrumentality pursuant to this chapter shall be disposed of, 24512
used, or sold pursuant to section 2981.12 of the Revised Code. If 24513
the property is to be sold under that section, the prosecutor 24514
shall cause notice of the proposed sale to be given in accordance 24515
with law. 24516

(B) If the contraband or instrumentality forfeited under this 24517
chapter is sold, any moneys acquired from a sale and any proceeds 24518
forfeited under this chapter shall be applied in the following 24519
order: 24520

(1) First, to pay costs incurred in the seizure, storage, 24521
maintenance, security, and sale of the property and in the 24522
forfeiture proceeding; 24523

(2) Second, in a criminal forfeiture case, to satisfy any 24524

restitution ordered to the victim of the offense or, in a civil 24525
forfeiture case, to satisfy any recovery ordered for the person 24526
harmed, unless paid from other assets; 24527

(3) Third, to pay the balance due on any security interest 24528
preserved under this chapter; 24529

(4) Fourth, apply the remaining amounts as follows: 24530

(a) If the forfeiture was ordered by a juvenile court, ten 24531
per cent to one or more ~~certified alcohol and drug~~ community 24532
~~addiction treatment programs~~ services providers as ~~provided~~ 24533
specified in division (D) of section 2981.12 of the Revised Code; 24534

(b) If the forfeiture was ordered in a juvenile court, ninety 24535
per cent, and if the forfeiture was ordered in a court other than 24536
a juvenile court, one hundred per cent to the law enforcement 24537
trust fund of the prosecutor and to the following fund supporting 24538
the law enforcement agency that substantially conducted the 24539
investigation: the law enforcement trust fund of the county 24540
sheriff, municipal corporation, township, or park district created 24541
under section 511.18 or 1545.01 of the Revised Code; the state 24542
highway patrol contraband, forfeiture, and other fund; the 24543
department of public safety investigative unit contraband, 24544
forfeiture, and other fund; the department of taxation enforcement 24545
fund; the board of pharmacy drug law enforcement fund created by 24546
division (B)(1) of section 4729.65 of the Revised Code; the 24547
medicaid fraud investigation and prosecution fund; the casino 24548
control commission enforcement fund created by section 3772.36 of 24549
the Revised Code; or the treasurer of state for deposit into the 24550
peace officer training commission fund if any other state law 24551
enforcement agency substantially conducted the investigation. In 24552
the case of property forfeited for medicaid fraud, any remaining 24553
amount shall be used by the attorney general to investigate and 24554
prosecute medicaid fraud offenses. 24555

If the prosecutor declines to accept any of the remaining 24556
amounts, the amounts shall be applied to the fund of the agency 24557
that substantially conducted the investigation. 24558

(c) If more than one law enforcement agency is substantially 24559
involved in the seizure of property forfeited under this chapter, 24560
the court ordering the forfeiture shall equitably divide the 24561
amounts, after calculating any distribution to the law enforcement 24562
trust fund of the prosecutor pursuant to division (B)(4) of this 24563
section, among the entities that the court determines were 24564
substantially involved in the seizure. 24565

(C)(1) A law enforcement trust fund shall be established by 24566
the prosecutor of each county who intends to receive any remaining 24567
amounts pursuant to this section, by the sheriff of each county, 24568
by the legislative authority of each municipal corporation, by the 24569
board of township trustees of each township that has a township 24570
police department, township or joint police district police force, 24571
or office of the constable, and by the board of park commissioners 24572
of each park district created pursuant to section 511.18 or 24573
1545.01 of the Revised Code that has a park district police force 24574
or law enforcement department, for the purposes of this section. 24575

There is hereby created in the state treasury the state 24576
highway patrol contraband, forfeiture, and other fund, the 24577
department of public safety investigative unit contraband, 24578
forfeiture, and other fund, the medicaid fraud investigation and 24579
prosecution fund, the department of taxation enforcement fund, and 24580
the peace officer training commission fund, for the purposes of 24581
this section. 24582

Amounts distributed to any municipal corporation, township, 24583
or park district law enforcement trust fund shall be allocated 24584
from the fund by the legislative authority only to the police 24585
department of the municipal corporation, by the board of township 24586
trustees only to the township police department, township police 24587

district police force, or office of the constable, by the joint 24588
police district board only to the joint police district, and by 24589
the board of park commissioners only to the park district police 24590
force or law enforcement department. 24591

(2)(a) No amounts shall be allocated to a fund created under 24592
this section or used by an agency unless the agency has adopted a 24593
written internal control policy that addresses the use of moneys 24594
received from the appropriate fund. The appropriate fund shall be 24595
expended only in accordance with that policy and, subject to the 24596
requirements specified in this section, only for the following 24597
purposes: 24598

(i) To pay the costs of protracted or complex investigations 24599
or prosecutions; 24600

(ii) To provide reasonable technical training or expertise; 24601

(iii) To provide matching funds to obtain federal grants to 24602
aid law enforcement, in the support of DARE programs or other 24603
programs designed to educate adults or children with respect to 24604
the dangers associated with the use of drugs of abuse; 24605

(iv) To pay the costs of emergency action taken under section 24606
3745.13 of the Revised Code relative to the operation of an 24607
illegal methamphetamine laboratory if the forfeited property or 24608
money involved was that of a person responsible for the operation 24609
of the laboratory; 24610

(v) For other law enforcement purposes that the 24611
superintendent of the state highway patrol, department of public 24612
safety, prosecutor, county sheriff, legislative authority, 24613
department of taxation, Ohio casino control commission, board of 24614
township trustees, or board of park commissioners determines to be 24615
appropriate. 24616

(b) The board of pharmacy drug law enforcement fund shall be 24617
expended only in accordance with the written internal control 24618

policy so adopted by the board and only in accordance with section 24619
4729.65 of the Revised Code, except that it also may be expended 24620
to pay the costs of emergency action taken under section 3745.13 24621
of the Revised Code relative to the operation of an illegal 24622
methamphetamine laboratory if the forfeited property or money 24623
involved was that of a person responsible for the operation of the 24624
laboratory. 24625

(c) The state highway patrol contraband, forfeiture, and 24626
other fund, the department of public safety investigative unit 24627
contraband, forfeiture, and other fund, the department of taxation 24628
enforcement fund, the board of pharmacy drug law enforcement fund, 24629
the casino control commission enforcement fund, and a law 24630
enforcement trust fund shall not be used to meet the operating 24631
costs of the state highway patrol, of the investigative unit of 24632
the department of public safety, of the state board of pharmacy, 24633
of any political subdivision, of the Ohio casino control 24634
commission, or of any office of a prosecutor or county sheriff 24635
that are unrelated to law enforcement. 24636

(d) Forfeited moneys that are paid into the state treasury to 24637
be deposited into the peace officer training commission fund shall 24638
be used by the commission only to pay the costs of peace officer 24639
training. 24640

(3) Any of the following offices or agencies that receive 24641
amounts under this section during any calendar year shall file a 24642
report with the specified entity, not later than the thirty-first 24643
day of January of the next calendar year, verifying that the 24644
moneys were expended only for the purposes authorized by this 24645
section or other relevant statute and specifying the amounts 24646
expended for each authorized purpose: 24647

(a) Any sheriff or prosecutor shall file the report with the 24648
county auditor. 24649

(b) Any municipal corporation police department shall file 24650
the report with the legislative authority of the municipal 24651
corporation. 24652

(c) Any township police department, township or joint police 24653
district police force, or office of the constable shall file the 24654
report with the board of township trustees of the township. 24655

(d) Any park district police force or law enforcement 24656
department shall file the report with the board of park 24657
commissioners of the park district. 24658

(e) The superintendent of the state highway patrol and the 24659
tax commissioner shall file the report with the attorney general. 24660

(f) The executive director of the state board of pharmacy 24661
shall file the report with the attorney general, verifying that 24662
cash and forfeited proceeds paid into the board of pharmacy drug 24663
law enforcement fund were used only in accordance with section 24664
4729.65 of the Revised Code. 24665

(g) The peace officer training commission shall file a report 24666
with the attorney general, verifying that cash and forfeited 24667
proceeds paid into the peace officer training commission fund 24668
pursuant to this section during the prior calendar year were used 24669
by the commission during the prior calendar year only to pay the 24670
costs of peace officer training. 24671

(h) The executive director of the Ohio casino control 24672
commission shall file the report with the attorney general, 24673
verifying that cash and forfeited proceeds paid into the casino 24674
control commission enforcement fund were used only in accordance 24675
with section 3772.36 of the Revised Code. 24676

(D) The written internal control policy of a county sheriff, 24677
prosecutor, municipal corporation police department, township 24678
police department, township or joint police district police force, 24679
office of the constable, or park district police force or law 24680

enforcement department shall provide that at least ten per cent of 24681
the first one hundred thousand dollars of amounts deposited during 24682
each calendar year in the agency's law enforcement trust fund 24683
under this section, and at least twenty per cent of the amounts 24684
exceeding one hundred thousand dollars that are so deposited, 24685
shall be used in connection with community preventive education 24686
programs. The manner of use shall be determined by the sheriff, 24687
prosecutor, department, police force, or office of the constable 24688
after receiving and considering advice on appropriate community 24689
preventive education programs from the county's board of alcohol, 24690
drug addiction, and mental health services, from the county's 24691
alcohol and drug addiction services board, or through appropriate 24692
community dialogue. 24693

The financial records kept under the internal control policy 24694
shall specify the amount deposited during each calendar year in 24695
the portion of that amount that was used pursuant to this 24696
division, and the programs in connection with which the portion of 24697
that amount was so used. 24698

As used in this division, "community preventive education 24699
programs" include, but are not limited to, DARE programs and other 24700
programs designed to educate adults or children with respect to 24701
the dangers associated with using drugs of abuse. 24702

(E) Upon the sale, under this section or section 2981.12 of 24703
the Revised Code, of any property that is required by law to be 24704
titled or registered, the state shall issue an appropriate 24705
certificate of title or registration to the purchaser. If the 24706
state is vested with title and elects to retain property that is 24707
required to be titled or registered under law, the state shall 24708
issue an appropriate certificate of title or registration. 24709

(F) Any failure of a law enforcement officer or agency, 24710
prosecutor, court, or the attorney general to comply with this 24711
section in relation to any property seized does not affect the 24712

validity of the seizure and shall not be considered to be the 24713
basis for suppressing any evidence resulting from the seizure, 24714
provided the seizure itself was lawful. 24715

Sec. 3105.171. (A) As used in this section: 24716

(1) "Distributive award" means any payment or payments, in 24717
real or personal property, that are payable in a lump sum or over 24718
time, in fixed amounts, that are made from separate property or 24719
income, and that are not made from marital property and do not 24720
constitute payments of spousal support, as defined in section 24721
3105.18 of the Revised Code. 24722

(2) "During the marriage" means whichever of the following is 24723
applicable: 24724

(a) Except as provided in division (A)(2)(b) of this section, 24725
the period of time from the date of the marriage through the date 24726
of the final hearing in an action for divorce or in an action for 24727
legal separation; 24728

(b) If the court determines that the use of either or both of 24729
the dates specified in division (A)(2)(a) of this section would be 24730
inequitable, the court may select dates that it considers 24731
equitable in determining marital property. If the court selects 24732
dates that it considers equitable in determining marital property, 24733
"during the marriage" means the period of time between those dates 24734
selected and specified by the court. 24735

(3)(a) "Marital property" means, subject to division 24736
(A)(3)(b) of this section, all of the following: 24737

(i) All real and personal property that currently is owned by 24738
either or both of the spouses, including, but not limited to, the 24739
retirement benefits of the spouses, and that was acquired by 24740
either or both of the spouses during the marriage; 24741

(ii) All interest that either or both of the spouses 24742

currently has in any real or personal property, including, but not 24743
limited to, the retirement benefits of the spouses, and that was 24744
acquired by either or both of the spouses during the marriage; 24745

(iii) Except as otherwise provided in this section, all 24746
income and appreciation on separate property, due to the labor, 24747
monetary, or in-kind contribution of either or both of the spouses 24748
that occurred during the marriage; 24749

(iv) A participant account, as defined in section 148.01 of 24750
the Revised Code, of either of the spouses, to the extent of the 24751
following: the moneys that have been deferred by a continuing 24752
member or participating employee, as defined in that section, and 24753
that have been transmitted to the Ohio public employees deferred 24754
compensation board during the marriage and any income that is 24755
derived from the investment of those moneys during the marriage; 24756
the moneys that have been deferred by an officer or employee of a 24757
municipal corporation and that have been transmitted to the 24758
governing board, administrator, depository, or trustee of the 24759
deferred compensation program of the municipal corporation during 24760
the marriage and any income that is derived from the investment of 24761
those moneys during the marriage; or the moneys that have been 24762
deferred by an officer or employee of a government unit, as 24763
defined in section 148.06 of the Revised Code, and that have been 24764
transmitted to the governing board, as defined in that section, 24765
during the marriage and any income that is derived from the 24766
investment of those moneys during the marriage. 24767

(b) "Marital property" does not include any separate 24768
property. 24769

(4) "Passive income" means income acquired other than as a 24770
result of the labor, monetary, or in-kind contribution of either 24771
spouse. 24772

(5) "Personal property" includes both tangible and intangible 24773

| | |
|---|----------------------------------|
| personal property. | 24774 |
| (6)(a) "Separate property" means all real and personal property and any interest in real or personal property that is found by the court to be any of the following: | 24775 24776 24777 |
| (i) An inheritance by one spouse by bequest, devise, or descent during the course of the marriage; | 24778 24779 |
| (ii) Any real or personal property or interest in real or personal property that was acquired by one spouse prior to the date of the marriage; | 24780 24781 24782 |
| (iii) Passive income and appreciation acquired from separate property by one spouse during the marriage; | 24783 24784 |
| (iv) Any real or personal property or interest in real or personal property acquired by one spouse after a decree of legal separation issued under section 3105.17 of the Revised Code; | 24785 24786 24787 |
| (v) Any real or personal property or interest in real or personal property that is excluded by a valid antenuptial agreement; | 24788 24789 24790 |
| (vi) Compensation to a spouse for the spouse's personal injury, except for loss of marital earnings and compensation for expenses paid from marital assets; | 24791 24792 24793 |
| (vii) Any gift of any real or personal property or of an interest in real or personal property that is made after the date of the marriage and that is proven by clear and convincing evidence to have been given to only one spouse. | 24794 24795 24796 24797 |
| (b) The commingling of separate property with other property of any type does not destroy the identity of the separate property as separate property, except when the separate property is not traceable. | 24798 24799 24800 24801 |
| (B) In divorce proceedings, the court shall, and in legal separation proceedings upon the request of either spouse, the | 24802 24803 |

court may, determine what constitutes marital property and what 24804
constitutes separate property. In either case, upon making such a 24805
determination, the court shall divide the marital and separate 24806
property equitably between the spouses, in accordance with this 24807
section. For purposes of this section, the court has jurisdiction 24808
over all property, excluding the social security benefits of a 24809
spouse other than as set forth in division (F)(9) of this section, 24810
in which one or both spouses have an interest. 24811

(C)(1) Except as provided in this division or division (E) of 24812
this section, the division of marital property shall be equal. If 24813
an equal division of marital property would be inequitable, the 24814
court shall not divide the marital property equally but instead 24815
shall divide it between the spouses in the manner the court 24816
determines equitable. In making a division of marital property, 24817
the court shall consider all relevant factors, including those set 24818
forth in division (F) of this section. 24819

(2) Each spouse shall be considered to have contributed 24820
equally to the production and acquisition of marital property. 24821

(3) The court shall provide for an equitable division of 24822
marital property under this section prior to making any award of 24823
spousal support to either spouse under section 3105.18 of the 24824
Revised Code and without regard to any spousal support so awarded. 24825

(4) If the marital property includes a participant account, 24826
as defined in section 148.01 of the Revised Code, the court shall 24827
not order the division or disbursement of the moneys and income 24828
described in division (A)(3)(a)(iv) of this section to occur in a 24829
manner that is inconsistent with the law, rules, or plan governing 24830
the deferred compensation program involved or prior to the time 24831
that the spouse in whose name the participant account is 24832
maintained commences receipt of the moneys and income credited to 24833
the account in accordance with that law, rules, and plan. 24834

(D) Except as otherwise provided in division (E) of this section or by another provision of this section, the court shall disburse a spouse's separate property to that spouse. If a court does not disburse a spouse's separate property to that spouse, the court shall make written findings of fact that explain the factors that it considered in making its determination that the spouse's separate property should not be disbursed to that spouse.

(E)(1) The court may make a distributive award to facilitate, effectuate, or supplement a division of marital property. The court may require any distributive award to be secured by a lien on the payor's specific marital property or separate property.

(2) The court may make a distributive award in lieu of a division of marital property in order to achieve equity between the spouses, if the court determines that a division of the marital property in kind or in money would be impractical or burdensome.

(3) The court shall require each spouse to disclose in a full and complete manner all marital property, separate property, and other assets, debts, income, and expenses of the spouse.

(4) If a spouse has engaged in financial misconduct, including, but not limited to, the dissipation, destruction, concealment, nondisclosure, or fraudulent disposition of assets, the court may compensate the offended spouse with a distributive award or with a greater award of marital property.

(5) If a spouse has substantially and willfully failed to ~~12~~ disclose marital property, separate property, or other assets, ~~13~~ debts, income, or expenses as required under division (E)(3) of ~~14~~ this section, the court may compensate the offended spouse with ~~15~~ a distributive award or with a greater award of marital property ~~16~~ not to exceed three times the value of the marital property, ~~17~~ separate property, or other assets, debts, income, or expenses ~~18~~

that are not disclosed by the other spouse. 24866

(F) In making a division of marital property and in 24867
determining whether to make and the amount of any distributive 24868
award under this section, the court shall consider all of the 24869
following factors: 24870

(1) The duration of the marriage; 24871

(2) The assets and liabilities of the spouses; 24872

(3) The desirability of awarding the family home, or the 24873
right to reside in the family home for reasonable periods of time, 24874
to the spouse with custody of the children of the marriage; 24875

(4) The liquidity of the property to be distributed; 24876

(5) The economic desirability of retaining intact an asset or 24877
an interest in an asset; 24878

(6) The tax consequences of the property division upon the 24879
respective awards to be made to each spouse; 24880

(7) The costs of sale, if it is necessary that an asset be 24881
sold to effectuate an equitable distribution of property; 24882

(8) Any division or disbursement of property made in a 24883
separation agreement that was voluntarily entered into by the 24884
spouses; 24885

(9) Any retirement benefits of the spouses, excluding the 24886
social security benefits of a spouse except as may be relevant for 24887
purposes of dividing a public pension; 24888

(10) Any other factor that the court expressly finds to be 24889
relevant and equitable. 24890

(G) In any order for the division or disbursement of property 24891
or a distributive award made pursuant to this section, the court 24892
shall make written findings of fact that support the determination 24893
that the marital property has been equitably divided and shall 24894

specify the dates it used in determining the meaning of "during
the marriage." 24895
24896

(H) Except as otherwise provided in this section, the holding 24897
of title to property by one spouse individually or by both spouses 24898
in a form of co-ownership does not determine whether the property 24899
is marital property or separate property. 24900

(I) A division or disbursement of property or a distributive 24901
award made under this section is not subject to future 24902
modification by the court except upon the express written consent 24903
or agreement to the modification by both spouses. 24904

(J) The court may issue any orders under this section that it 24905
determines equitable, including, but not limited to, either of the 24906
following types of orders: 24907

(1) An order granting a spouse the right to use the marital 24908
dwelling or any other marital property or separate property for 24909
any reasonable period of time; 24910

(2) An order requiring the sale or encumbrancing of any real 24911
or personal property, with the proceeds from the sale and the 24912
funds from any loan secured by the encumbrance to be applied as 24913
determined by the court. 24914

Sec. 3107.0611. Notice served under section 3107.067 of the 24915
Revised Code shall be provided to the putative father of the child 24916
in substantially the following form: 24917

"..... (putative father's name), who has 24918
been named as the father of the unborn child of 24919
..... (birth mother's name), or who claims to 24920
be the father of the unborn child, is notified that 24921
..... (birth mother's name) has expressed an 24922
intention to place the child for adoption. 24923

~~On receipt of this notice, If~~ 24924

(putative father's name) ~~may~~ seeks to preserve his right to 24925
consent to the adoption of the unborn child, he must file an 24926
action under section 3111.04 of the Revised Code. 24927

Under Ohio law, a putative father means a man, including one 24928
under age eighteen, who may be a child's father and to whom all of 24929
the following apply: 24930

(1) He is not married to the child's mother at the time of 24931
the child's conception or birth. 24932

(2) He has not adopted the child. 24933

(3) He has not been determined, prior to the date a petition 24934
to adopt the child is filed, to have a parent and child 24935
relationship with the child by a court proceeding pursuant to 24936
sections 3111.01 to 3111.18 of the Revised Code, a court 24937
proceeding in another state, an administrative agency proceeding 24938
pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an 24939
administrative agency proceeding in another state. 24940

(4) He has not acknowledged paternity of the child pursuant 24941
to sections 3111.20 to 3111.35 of the Revised Code. 24942

For purposes of this notice, 24943
(putative father's name) is a putative father under the laws in 24944
Ohio regarding adoption. 24945

Sec. 3107.0612. A putative father who receives a notice as 24946
provided in section 3107.067 of the Revised Code ~~may~~ and who 24947
wishes to preserve his right to consent to the placement for 24948
adoption of the child who is the subject of the notice shall file 24949
an action under section 3111.04 of the Revised Code. 24950

Sec. 3119.27. (A) A court that issues or modifies a court 24951
support order, or an administrative agency that issues or modifies 24952
an administrative child support order, shall impose on the obligor 24953

under the support order a processing charge ~~that is the greater in~~ 24954
the amount of two per cent of the support payment to be collected 24955
under a support order ~~or one dollar per month~~. No court or agency 24956
may call the charge a poundage fee. 24957

(B) In each child support case that is a Title IV-D case, the 24958
department of job and family services shall annually claim 24959
twenty-five dollars from the processing charge described in 24960
division (A) of this section for federal reporting purposes if the 24961
obligee has never received assistance under Title IV-A and the 24962
department has collected at least five hundred dollars of child 24963
support for the obligee. The director of job and family services 24964
shall adopt rules under Chapter 119. of the Revised Code to 24965
implement this division, and the department shall implement this 24966
division not later than March 31, 2008. 24967

(C) As used in this section: 24968

(1) "Annual" means the period as defined in regulations 24969
issued by the United States secretary of health and human services 24970
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 24971

(2) "Title IV-A" has the same meaning as in section 5107.02 24972
of the Revised Code. 24973

(3) "Title IV-D case" has the same meaning as in section 24974
3125.01 of the Revised Code. 24975

Sec. 3121.03. If a court or child support enforcement agency 24976
that issued or modified a support order, or the agency 24977
administering the support order, is required by the Revised Code 24978
to issue one or more withholding or deduction notices described in 24979
this section or other orders described in this section, the court 24980
or agency shall issue one or more of the following types of 24981
notices or orders, as appropriate, for payment of the support and 24982
also, if required by the Revised Code or the court, to pay any 24983

arrearages: 24984

(A)(1) If the court or the child support enforcement agency 24985
determines that the obligor is receiving income from a payor, the 24986
court or agency shall require the payor to do all of the 24987
following: 24988

(a) Withhold from the obligor's income a specified amount for 24989
support in satisfaction of the support order and begin the 24990
withholding no later than fourteen business days following the 24991
date the notice is mailed or transmitted to the payor under 24992
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 24993
division (A)(2) of this section or, if the payor is an employer, 24994
no later than the first pay period that occurs after fourteen 24995
business days following the date the notice is mailed or 24996
transmitted; 24997

(b) Send the amount withheld to the office of child support 24998
in the department of job and family services pursuant to section 24999
3121.43 of the Revised Code immediately but not later than seven 25000
business days after the date the obligor is paid; 25001

(c) Continue the withholding at intervals specified in the 25002
notice until further notice from the court or child support 25003
enforcement agency. 25004

To the extent possible, the amount specified to be withheld 25005
shall satisfy the amount ordered for support in the support order 25006
plus any arrearages owed by the obligor under any prior support 25007
order that pertained to the same child or spouse, notwithstanding 25008
any applicable limitations of sections 2329.66, 2329.70, 2716.02, 25009
2716.041, and 2716.05 of the Revised Code. However, in no case 25010
shall the sum of the amount to be withheld and any fee withheld by 25011
the payor as a charge for its services exceed the maximum amount 25012
permitted under section 303(b) of the "Consumer Credit Protection 25013
Act," 15 U.S.C. 1673(b). 25014

(2) A court or agency that imposes an income withholding requirement shall, within the applicable time specified in section 3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised Code, send to the obligor's payor by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to withholding notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court.

(B)(1) If the court or child support enforcement agency determines that the obligor has funds that are not exempt under the laws of this state or the United States from execution, attachment, or other legal process and are on deposit in an account in a financial institution under the jurisdiction of the court that issued the court support order, or in the case of an administrative child support order, under the jurisdiction of the common pleas court of the county in which the agency that issued or is administering the order is located, the court or agency may require any financial institution in which the obligor's funds are on deposit to do all of the following:

(a) Deduct from the obligor's account a specified amount for support in satisfaction of the support order and begin the deduction no later than fourteen business days following the date the notice was mailed or transmitted to the financial institution under section 3121.035 or 3123.06 of the Revised Code and division

(B)(2) of this section;

(b) Send the amount deducted to the office of child support in the department of job and family services pursuant to section 3121.43 of the Revised Code immediately but not later than seven business days after the date the latest deduction was made;

(c) Provide the date on which the amount was deducted;

(d) Continue the deduction at intervals specified in the

notice until further notice from the court or child support enforcement agency. 25046
25047

To the extent possible, the amount to be deducted shall 25048
satisfy the amount ordered for support in the support order plus 25049
any arrearages that may be owed by the obligor under any prior 25050
support order that pertained to the same child or spouse, 25051
notwithstanding the limitations of sections 2329.66, 2329.70, and 25052
2716.13 of the Revised Code. 25053

(2) A court or agency that imposes a deduction requirement 25054
shall, within the applicable period of time specified in section 25055
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 25056
to the financial institution by regular mail or via secure 25057
federally managed data transmission interface a notice that 25058
contains all of the information applicable to deduction notices 25059
set forth in section 3121.037 of the Revised Code. The notice is 25060
final and is enforceable by the court. 25061

(C) With respect to any court support order it issues, a 25062
court may issue an order requiring the obligor to enter into a 25063
cash bond with the court. The court shall issue the order as part 25064
of the court support order or, if the court support order has 25065
previously been issued, as a separate order. The cash bond shall 25066
be in a sum fixed by the court at not less than five hundred nor 25067
more than ten thousand dollars, conditioned that the obligor will 25068
make payment as previously ordered and will pay any arrearages 25069
under any prior court support order that pertained to the same 25070
child or spouse. 25071

The order, along with an additional order requiring the 25072
obligor to immediately notify the child support enforcement 25073
agency, in writing, if the obligor begins to receive income from a 25074
payor, shall be attached to and served on the obligor at the same 25075
time as service of the court support order or, if the court 25076
support order has previously been issued, as soon as possible 25077

after the issuance of the order under this section. The additional 25078
order requiring notice by the obligor shall state all of the 25079
following: 25080

(1) That when the obligor begins to receive income from a 25081
payor the obligor may request that the court cancel its bond order 25082
and instead issue a notice requiring the withholding of an amount 25083
from income for support in accordance with this section; 25084

(2) That when the obligor begins to receive income from a 25085
payor the court will proceed to collect on the bond if the court 25086
determines that payments due under the court support order have 25087
not been made and that the amount that has not been paid is at 25088
least equal to the support owed for one month under the court 25089
support order and will issue a notice requiring the withholding of 25090
an amount from income for support in accordance with this section. 25091
The notice required of the obligor shall include a description of 25092
the nature of any new employment, the name and business address of 25093
any new employer, and any other information reasonably required by 25094
the court. 25095

The court shall not order an obligor to post a cash bond 25096
under this section unless the court determines that the obligor 25097
has the ability to do so. 25098

A child support enforcement agency may not issue a cash bond 25099
order. If a child support enforcement agency is required to issue 25100
a withholding or deduction notice under this section with respect 25101
to a court support order but the agency determines that no 25102
withholding or deduction notice would be appropriate, the agency 25103
may request that the court issue a cash bond order under this 25104
section, and upon the request, the court may issue the order. 25105

(D)(1) If the obligor under a court support order is 25106
unemployed, has no income, and does not have an account at any 25107
financial institution, or on request of a child support 25108

enforcement agency under division (D)(1) or (2) of this section, 25109
the court shall issue an order requiring the obligor, if able to 25110
engage in employment, to seek employment or participate in a work 25111
activity to which a recipient of assistance under Title IV-A of 25112
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 25113
as amended, may be assigned as specified in section 407(d) of the 25114
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 25115
shall include in the order ~~a requirement~~ requirements that the 25116
obligor register with OhioMeansJobs and to notify the child 25117
support enforcement agency on obtaining employment, obtaining any 25118
income, or obtaining ownership of any asset with a value of five 25119
hundred dollars or more. The court may issue the order regardless 25120
of whether the obligee to whom the obligor owes support is a 25121
recipient of assistance under Title IV-A of the "Social Security 25122
Act." The court shall issue the order as part of a court support 25123
order or, if a court support order has previously been issued, as 25124
a separate order. If a child support enforcement agency is 25125
required to issue a withholding or deduction notice under this 25126
section with respect to a court support order but determines that 25127
no withholding or deduction notice would be appropriate, the 25128
agency may request that the court issue a court order under 25129
division (D)(1) of this section, and, on the request, the court 25130
may issue the order. 25131

(2) If the obligor under an administrative child support 25132
order is unemployed, has no income, and does not have an account 25133
at any financial institution, the agency shall issue an 25134
administrative order requiring the obligor, if able to engage in 25135
employment, to seek employment or participate in a work activity 25136
to which a recipient of assistance under Title IV-A of the "Social 25137
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 25138
may be assigned as specified in section 407(d) of the "Social 25139
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 25140
include in the order ~~a requirement~~ requirements that the obligor 25141

register with OhioMeansJobs and to notify the agency on obtaining 25142
employment or income, or ownership of any asset with a value of 25143
five hundred dollars or more. The agency may issue the order 25144
regardless of whether the obligee to whom the obligor owes support 25145
is a recipient of assistance under Title IV-A of the "Social 25146
Security Act." If an obligor fails to comply with an 25147
administrative order issued pursuant to division (D)(2) of this 25148
section, the agency shall submit a request to a court for the 25149
court to issue an order under division (D)(1) of this section. 25150

Sec. 3301.078. (A) No official or board of this state, 25151
whether appointed or elected, shall enter into any agreement or 25152
memorandum of understanding with any federal or private entity 25153
that would require the state to cede any measure of control over 25154
the development, adoption, or revision of academic content 25155
standards. 25156

(B) No funds appropriated from the general revenue fund shall 25157
be used to purchase an assessment developed by the partnership for 25158
assessment of readiness for college and careers for use as the 25159
assessments prescribed under sections 3301.0710 and 3301.0712 of 25160
the Revised Code. 25161

Sec. 3302.02. Not later than one year after the adoption of 25162
rules under division (D) of section 3301.0712 of the Revised Code 25163
and at least every sixth year thereafter, upon recommendations of 25164
the superintendent of public instruction, the state board of 25165
education shall establish a set of performance indicators that 25166
considered as a unit will be used as one of the performance 25167
categories for the report cards required by section 3302.03 of the 25168
Revised Code. In establishing these indicators, the superintendent 25169
shall consider inclusion of student performance on assessments 25170
prescribed under section 3301.0710 or 3301.0712 of the Revised 25171
Code, rates of student improvement on such assessments, the 25172

breadth of coursework available within the district, and other 25173
indicators of student success. 25174

Beginning with the report card for the 2014-2015 school year, 25175
the performance indicators shall include an indicator that 25176
reflects the level of services provided to, and the performance 25177
of, students identified as gifted under Chapter 3324. of the 25178
Revised Code. The indicator shall include the performance of 25179
students identified as gifted on state assessments and value-added 25180
growth measure disaggregated for students identified as gifted. 25181

For the 2013-2014 school year, except as otherwise provided 25182
in this section, for any indicator based on the percentage of 25183
students attaining a proficient score on the assessments 25184
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 25185
Revised Code, a school district or building shall be considered to 25186
have met the indicator if at least eighty per cent of the tested 25187
students attain a score of proficient or higher on the assessment. 25188
A school district or building shall be considered to have met the 25189
indicator for the assessments prescribed by division (B)(1) of 25190
section 3301.0710 of the Revised Code and only as administered to 25191
eleventh grade students, if at least eighty-five per cent of the 25192
tested students attain a score of proficient or higher on the 25193
assessment. ~~Not later than July 1, 2014, the~~ 25194

The state board may shall adopt rules, under Chapter 119. of 25195
the Revised Code, to establish ~~different~~ proficiency percentages 25196
to meet each indicator that is based on a state assessment, 25197
prescribed under section 3301.0710 or 3301.0712 of the Revised 25198
Code, for the 2014-2015 school year and thereafter by the 25199
following dates: 25200

(A) Not later than December 31, 2015, for the 2014-2015 25201
school year; 25202

(B) Not later than July 1, 2016, for the 2015-2016 school 25203

year i 25204

(C) Not later than July 1, 2017, for the 2016-2017 school 25205
year, and for each school year thereafter. 25206

~~The superintendent shall not establish any performance~~ 25207
~~indicator for passage of the third or fourth grade English~~ 25208
~~language arts assessment that is solely based on the assessment~~ 25209
~~given in the fall for the purpose of determining whether students~~ 25210
~~have met the reading guarantee provisions of section 3313.608 of~~ 25211
~~the Revised Code.~~ 25212

Sec. 3302.03. Annually, not later than the fifteenth day of 25213
September or the preceding Friday when that day falls on a 25214
Saturday or Sunday, the department of education shall assign a 25215
letter grade for overall academic performance and for each 25216
separate performance measure for each school district, and each 25217
school building in a district, in accordance with this section. 25218
The state board shall adopt rules pursuant to Chapter 119. of the 25219
Revised Code to establish performance criteria for each letter 25220
grade and prescribe a method by which the department assigns each 25221
letter grade. For a school building to which any of the 25222
performance measures do not apply, due to grade levels served by 25223
the building, the state board shall designate the performance 25224
measures that are applicable to the building and that must be 25225
calculated separately and used to calculate the building's overall 25226
grade. The department shall issue annual report cards reflecting 25227
the performance of each school district, each building within each 25228
district, and for the state as a whole using the performance 25229
measures and letter grade system described in this section. The 25230
department shall include on the report card for each district and 25231
each building within each district the most recent two-year trend 25232
data in student achievement for each subject and each grade. 25233

(A)(1) For the 2012-2013 school year, the department shall 25234

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| issue grades as described in division (E) of this section for each | 25235 |
| of the following performance measures: | 25236 |
| (a) Annual measurable objectives; | 25237 |
| (b) Performance index score for a school district or | 25238 |
| building. Grades shall be awarded as a percentage of the total | 25239 |
| possible points on the performance index system as adopted by the | 25240 |
| state board. In adopting benchmarks for assigning letter grades | 25241 |
| under division (A)(1)(b) of this section, the state board of | 25242 |
| education shall designate ninety per cent or higher for an "A," at | 25243 |
| least seventy per cent but not more than eighty per cent for a | 25244 |
| "C," and less than fifty per cent for an "F." | 25245 |
| (c) The extent to which the school district or building meets | 25246 |
| each of the applicable performance indicators established by the | 25247 |
| state board under section 3302.02 of the Revised Code and the | 25248 |
| percentage of applicable performance indicators that have been | 25249 |
| achieved. In adopting benchmarks for assigning letter grades under | 25250 |
| division (A)(1)(c) of this section, the state board shall | 25251 |
| designate ninety per cent or higher for an "A." | 25252 |
| (d) The four- and five-year adjusted cohort graduation rates. | 25253 |
| In adopting benchmarks for assigning letter grades under | 25254 |
| division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the | 25255 |
| department shall designate a four-year adjusted cohort graduation | 25256 |
| rate of ninety-three per cent or higher for an "A" and a five-year | 25257 |
| cohort graduation rate of ninety-five per cent or higher for an | 25258 |
| "A." | 25259 |
| (e) The overall score under the value-added progress | 25260 |
| dimension of a school district or building, for which the | 25261 |
| department shall use up to three years of value-added data as | 25262 |
| available. The letter grade assigned for this growth measure shall | 25263 |
| be as follows: | 25264 |
| (i) A score that is at least two standard errors of measure | 25265 |

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| above the mean score shall be designated as an "A." | 25266 |
| (ii) A score that is at least one standard error of measure | 25267 |
| but less than two standard errors of measure above the mean score | 25268 |
| shall be designated as a "B." | 25269 |
| (iii) A score that is less than one standard error of measure | 25270 |
| above the mean score but greater than or equal to one standard | 25271 |
| error of measure below the mean score shall be designated as a | 25272 |
| "C." | 25273 |
| (iv) A score that is not greater than one standard error of | 25274 |
| measure below the mean score but is greater than or equal to two | 25275 |
| standard errors of measure below the mean score shall be | 25276 |
| designated as a "D." | 25277 |
| (v) A score that is not greater than two standard errors of | 25278 |
| measure below the mean score shall be designated as an "F." | 25279 |
| Whenever the value-added progress dimension is used as a | 25280 |
| graded performance measure, whether as an overall measure or as a | 25281 |
| measure of separate subgroups, the grades for the measure shall be | 25282 |
| calculated in the same manner as prescribed in division (A)(1)(e) | 25283 |
| of this section. | 25284 |
| (f) The value-added progress dimension score for a school | 25285 |
| district or building disaggregated for each of the following | 25286 |
| subgroups: students identified as gifted, students with | 25287 |
| disabilities, and students whose performance places them in the | 25288 |
| lowest quintile for achievement on a statewide basis. Each | 25289 |
| subgroup shall be a separate graded measure. | 25290 |
| (2) Not later than April 30, 2013, the state board of | 25291 |
| education shall adopt a resolution describing the performance | 25292 |
| measures, benchmarks, and grading system for the 2012-2013 school | 25293 |
| year and, not later than June 30, 2013, shall adopt rules in | 25294 |
| accordance with Chapter 119. of the Revised Code that prescribe | 25295 |
| the methods by which the performance measures under division | 25296 |

(A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade. 25297
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At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks. 25299
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(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year. 25306
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(B)(1) For the 2013-2014 and 2014-2015 school ~~year~~ years, the department shall issue grades as described in division (E) of this section for each of the following performance measures: 25308
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(a) Annual measurable objectives; 25311

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F." 25312
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(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A." 25320
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(d) The four- and five-year adjusted cohort graduation rates; 25327

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. 25328
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure. 25332
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(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B)(1)(g) of this section. In adopting benchmarks for assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of this section, the state board shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B)(1)(g) and (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B)(1) of section 3313.608 of the 25340
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Revised Code. 25360

(h) For a high mobility school district or building, an 25361
additional value-added progress dimension score. For this measure, 25362
the department shall use value-added data from the most recent 25363
school year available and shall use assessment scores for only 25364
those students to whom the district or building has administered 25365
the assessments prescribed by section 3301.0710 of the Revised 25366
Code for each of the two most recent consecutive school years. 25367

As used in this division, "high mobility school district or 25368
building" means a school district or building where at least 25369
twenty-five per cent of its total enrollment is made up of 25370
students who have attended that school district or building for 25371
less than one year. 25372

(2) In addition to the graded measures in division (B)(1) of 25373
this section, the department shall include on a school district's 25374
or building's report card all of the following without an assigned 25375
letter grade: 25376

(a) The percentage of students enrolled in a district or 25377
building participating in advanced placement classes and the 25378
percentage of those students who received a score of three or 25379
better on advanced placement examinations; 25380

(b) The number of a district's or building's students who 25381
have earned at least three college credits through dual enrollment 25382
or advanced standing programs, such as the post-secondary 25383
enrollment options program under Chapter 3365. of the Revised Code 25384
and state-approved career-technical courses offered through dual 25385
enrollment or statewide articulation, that appear on a student's 25386
transcript or other official document, either of which is issued 25387
by the institution of higher education from which the student 25388
earned the college credit. The credits earned that are reported 25389
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 25390

include any that are remedial or developmental and shall include 25391
those that count toward the curriculum requirements established 25392
for completion of a degree. 25393

(c) The percentage of students enrolled in a district or 25394
building who have taken a national standardized test used for 25395
college admission determinations and the percentage of those 25396
students who are determined to be remediation-free in accordance 25397
with standards adopted under division (F) of section 3345.061 of 25398
the Revised Code; 25399

(d) The percentage of the district's or the building's 25400
students who receive industry-recognized credentials. The state 25401
board shall adopt criteria for acceptable industry-recognized 25402
credentials. 25403

(e) The percentage of students enrolled in a district or 25404
building who are participating in an international baccalaureate 25405
program and the percentage of those students who receive a score 25406
of four or better on the international baccalaureate examinations. 25407

(f) The percentage of the district's or building's students 25408
who receive an honors diploma under division (B) of section 25409
3313.61 of the Revised Code. 25410

(3) Not later than December 31, 2013, the state board shall 25411
adopt rules in accordance with Chapter 119. of the Revised Code 25412
that prescribe the methods by which the performance measures under 25413
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 25414
and assigned a letter grade, including performance benchmarks for 25415
each grade. 25416

At least forty-five days prior to the state board's adoption 25417
of rules to prescribe the methods by which the performance 25418
measures under division (B)(1) of this section shall be assessed 25419
and assigned a letter grade, the department shall conduct a public 25420
presentation before the standing committees of the house of 25421

representatives and the senate that consider education legislation 25422
describing such methods, including performance benchmarks. 25423

(4) There shall not be an overall letter grade for a school 25424
district or building for the 2013-2014, 2014-2015, and 2015-2016 25425
school ~~year~~ years. 25426

(C)(1) For the ~~2014-2015~~ 2016-2017 school year and each 25427
school year thereafter, the department shall issue grades as 25428
described in division (E) of this section for each of the 25429
performance measures prescribed in division (C)(1) of this section 25430
and an overall letter grade based on an aggregate of those 25431
measures, except for the performance measure set forth in division 25432
(C)(1)(h) of this section. The graded measures are as follows: 25433

(a) Annual measurable objectives; 25434

(b) Performance index score for a school district or 25435
building. Grades shall be awarded as a percentage of the total 25436
possible points on the performance index system as created by the 25437
department. In adopting benchmarks for assigning letter grades 25438
under division (C)(1)(b) of this section, the state board shall 25439
designate ninety per cent or higher for an "A," at least seventy 25440
per cent but not more than eighty per cent for a "C," and less 25441
than fifty per cent for an "F." 25442

(c) The extent to which the school district or building meets 25443
each of the applicable performance indicators established by the 25444
state board under section 3302.03 of the Revised Code and the 25445
percentage of applicable performance indicators that have been 25446
achieved. In adopting benchmarks for assigning letter grades under 25447
division (C)(1)(c) of this section, the state board shall 25448
designate ninety per cent or higher for an "A." 25449

(d) The four- and five-year adjusted cohort graduation rates; 25450

(e) The overall score under the value-added progress 25451
dimension, or another measure of student academic progress if 25452

adopted by the state board, of a school district or building, for 25453
which the department shall use up to three years of value-added 25454
data as available. 25455

In adopting benchmarks for assigning letter grades for 25456
overall score on value-added progress dimension under division 25457
(C)(1)(e) of this section, the state board shall prohibit the 25458
assigning of a grade of "A" for that measure unless the district's 25459
or building's grade assigned for value-added progress dimension 25460
for all subgroups under division (C)(1)(f) of this section is a 25461
"B" or higher. 25462

For the metric prescribed by division (C)(1)(e) of this 25463
section, the state board may adopt a student academic progress 25464
measure to be used instead of the value-added progress dimension. 25465
If the state board adopts such a measure, it also shall prescribe 25466
a method for assigning letter grades for the new measure that is 25467
comparable to the method prescribed in division (A)(1)(e) of this 25468
section. 25469

(f) The value-added progress dimension score of a school 25470
district or building disaggregated for each of the following 25471
subgroups: students identified as gifted in superior cognitive 25472
ability and specific academic ability fields under Chapter 3324. 25473
of the Revised Code, students with disabilities, and students 25474
whose performance places them in the lowest quintile for 25475
achievement on a statewide basis, as determined by a method 25476
prescribed by the state board. Each subgroup shall be a separate 25477
graded measure. 25478

The state board may adopt student academic progress measures 25479
to be used instead of the value-added progress dimension. If the 25480
state board adopts such measures, it also shall prescribe a method 25481
for assigning letter grades for the new measures that is 25482
comparable to the method prescribed in division (A)(1)(e) of this 25483
section. 25484

(g) Whether a school district or building is making progress 25485
in improving literacy in grades kindergarten through three, as 25486
determined using a method prescribed by the state board. The state 25487
board shall adopt rules to prescribe benchmarks and standards for 25488
assigning grades to a district or building for purposes of 25489
division (C)(1)(g) of this section. The state board shall 25490
designate for a "C" grade a value that is not lower than the 25491
statewide average value for this measure. No grade shall be issued 25492
under division (C)(1)(g) of this section for a district or 25493
building in which less than five per cent of students have scored 25494
below grade level on the kindergarten diagnostic assessment under 25495
division (B)(1) of section 3313.608 of the Revised Code. 25496

(h) For a high mobility school district or building, an 25497
additional value-added progress dimension score. For this measure, 25498
the department shall use value-added data from the most recent 25499
school year available and shall use assessment scores for only 25500
those students to whom the district or building has administered 25501
the assessments prescribed by section 3301.0710 of the Revised 25502
Code for each of the two most recent consecutive school years. 25503

As used in this division, "high mobility school district or 25504
building" means a school district or building where at least 25505
twenty-five per cent of its total enrollment is made up of 25506
students who have attended that school district or building for 25507
less than one year. 25508

(2) In addition to the graded measures in division (C)(1) of 25509
this section, the department shall include on a school district's 25510
or building's report card all of the following without an assigned 25511
letter grade: 25512

(a) The percentage of students enrolled in a district or 25513
building who have taken a national standardized test used for 25514
college admission determinations and the percentage of those 25515
students who are determined to be remediation-free in accordance 25516

with the standards adopted under division (F) of section 3345.061 25517
of the Revised Code; 25518

(b) The percentage of students enrolled in a district or 25519
building participating in advanced placement classes and the 25520
percentage of those students who received a score of three or 25521
better on advanced placement examinations; 25522

(c) The percentage of a district's or building's students who 25523
have earned at least three college credits through advanced 25524
standing programs, such as the college credit plus program under 25525
Chapter 3365. of the Revised Code and state-approved 25526
career-technical courses offered through dual enrollment or 25527
statewide articulation, that appear on a student's college 25528
transcript issued by the institution of higher education from 25529
which the student earned the college credit. The credits earned 25530
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 25531
section shall not include any that are remedial or developmental 25532
and shall include those that count toward the curriculum 25533
requirements established for completion of a degree. 25534

(d) The percentage of the district's or building's students 25535
who receive an honor's diploma under division (B) of section 25536
3313.61 of the Revised Code; 25537

(e) The percentage of the district's or building's students 25538
who receive industry-recognized credentials; 25539

(f) The percentage of students enrolled in a district or 25540
building who are participating in an international baccalaureate 25541
program and the percentage of those students who receive a score 25542
of four or better on the international baccalaureate examinations; 25543

(g) The results of the college and career-ready assessments 25544
administered under division (B)(1) of section 3301.0712 of the 25545
Revised Code. 25546

(3) The state board shall adopt rules pursuant to Chapter 25547

119. of the Revised Code that establish a method to assign an 25548
overall grade for a school district or school building for the 25549
2014-2015 school year and each school year thereafter. The rules 25550
shall group the performance measures in divisions (C)(1) and (2) 25551
of this section into the following components: 25552

(a) Gap closing, which shall include the performance measure 25553
in division (C)(1)(a) of this section; 25554

(b) Achievement, which shall include the performance measures 25555
in divisions (C)(1)(b) and (c) of this section; 25556

(c) Progress, which shall include the performance measures in 25557
divisions (C)(1)(e) and (f) of this section; 25558

(d) Graduation, which shall include the performance measure 25559
in division (C)(1)(d) of this section; 25560

(e) Kindergarten through third-grade literacy, which shall 25561
include the performance measure in division (C)(1)(g) of this 25562
section; 25563

(f) Prepared for success, which shall include the performance 25564
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 25565
this section. The state board shall develop a method to determine 25566
a grade for the component in division (C)(3)(f) of this section 25567
using the performance measures in divisions (C)(2)(a), (b), (c), 25568
(d), (e), and (f) of this section. When available, the state board 25569
may incorporate the performance measure under division (C)(2)(g) 25570
of this section into the component under division (C)(3)(f) of 25571
this section. When determining the overall grade for the prepared 25572
for success component prescribed by division (C)(3)(f) of this 25573
section, no individual student shall be counted in more than one 25574
performance measure. However, if a student qualifies for more than 25575
one performance measure in the component, the state board may, in 25576
its method to determine a grade for the component, specify an 25577
additional weight for such a student that is not greater than or 25578

equal to 1.0. In determining the overall score under division 25579
(C)(3)(f) of this section, the state board shall ensure that the 25580
pool of students included in the performance measures aggregated 25581
under that division are all of the students included in the four- 25582
and five-year adjusted graduation cohort. 25583

In the rules adopted under division (C)(3) of this section, 25584
the state board shall adopt a method for determining a grade for 25585
each component in divisions (C)(3)(a) to (f) of this section. The 25586
state board also shall establish a method to assign an overall 25587
grade of "A," "B," "C," "D," or "F" using the grades assigned for 25588
each component. The method the state board adopts for assigning an 25589
overall grade shall give equal weight to the components in 25590
divisions (C)(3)(b) and (c) of this section. 25591

At least forty-five days prior to the state board's adoption 25592
of rules to prescribe the methods for calculating the overall 25593
grade for the report card, as required by this division, the 25594
department shall conduct a public presentation before the standing 25595
committees of the house of representatives and the senate that 25596
consider education legislation describing the format for the 25597
report card, weights that will be assigned to the components of 25598
the overall grade, and the method for calculating the overall 25599
grade. 25600

(D) ~~Not later~~ On or after than July 1, 2015, the state board 25601
~~shall~~ may develop a measure of student academic progress for high 25602
school students using only data from assessments in English 25603
language arts and mathematics. ~~For the 2014-2015 school year, the~~ 25604
~~department shall include this measure on a school district or~~ 25605
~~building's report card, as applicable, without an assigned letter~~ 25606
~~grade. Beginning with the report card for the 2015-2016 school~~ 25607
~~year~~ If the state board develops this measure, each school 25608
district and applicable school building shall be assigned a 25609
separate letter grade for ~~this measure and the~~ if not sooner than 25610

the 2017-2018 school year. The district's or building's grade for 25611
that measure shall not be included in determining the district's 25612
or building's overall letter grade. ~~This measure shall be included~~ 25613
~~within the measure prescribed in division (C)(3)(c) of this~~ 25614
~~section in the calculation for the overall letter grade.~~ 25615

(E) The letter grades assigned to a school district or 25616
building under this section shall be as follows: 25617

(1) "A" for a district or school making excellent progress; 25618

(2) "B" for a district or school making above average 25619
progress; 25620

(3) "C" for a district or school making average progress; 25621

(4) "D" for a district or school making below average 25622
progress; 25623

(5) "F" for a district or school failing to meet minimum 25624
progress. 25625

(F) When reporting data on student achievement and progress, 25626
the department shall disaggregate that data according to the 25627
following categories: 25628

(1) Performance of students by grade-level; 25629

(2) Performance of students by race and ethnic group; 25630

(3) Performance of students by gender; 25631

(4) Performance of students grouped by those who have been 25632
enrolled in a district or school for three or more years; 25633

(5) Performance of students grouped by those who have been 25634
enrolled in a district or school for more than one year and less 25635
than three years; 25636

(6) Performance of students grouped by those who have been 25637
enrolled in a district or school for one year or less; 25638

(7) Performance of students grouped by those who are 25639

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| economically disadvantaged; | 25640 |
| (8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code; | 25641 25642 25643 |
| (9) Performance of students grouped by those who are classified as limited English proficient; | 25644 25645 |
| (10) Performance of students grouped by those who have disabilities; | 25646 25647 |
| (11) Performance of students grouped by those who are classified as migrants; | 25648 25649 |
| (12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well. | 25650 25651 25652 25653 25654 25655 25656 25657 25658 |
| (13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. | 25659 25660 25661 |
| The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant. | 25662 25663 25664 25665 25666 25667 |
| In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data | 25668 25669 |

statistical in nature that is statistically unreliable or that 25670
could result in the identification of individual students. For 25671
this purpose, the department shall not report student performance 25672
data for any group identified in division (F) of this section that 25673
contains less than ten students. If the department does not report 25674
student performance data for a group because it contains less than 25675
ten students, the department shall indicate on the report card 25676
that is why data was not reported. 25677

(G) The department may include with the report cards any 25678
additional education and fiscal performance data it deems 25679
valuable. 25680

(H) The department shall include on each report card a list 25681
of additional information collected by the department that is 25682
available regarding the district or building for which the report 25683
card is issued. When available, such additional information shall 25684
include student mobility data disaggregated by race and 25685
socioeconomic status, college enrollment data, and the reports 25686
prepared under section 3302.031 of the Revised Code. 25687

The department shall maintain a site on the world wide web. 25688
The report card shall include the address of the site and shall 25689
specify that such additional information is available to the 25690
public at that site. The department shall also provide a copy of 25691
each item on the list to the superintendent of each school 25692
district. The district superintendent shall provide a copy of any 25693
item on the list to anyone who requests it. 25694

(I) Division (I) of this section does not apply to conversion 25695
community schools that primarily enroll students between sixteen 25696
and twenty-two years of age who dropped out of high school or are 25697
at risk of dropping out of high school due to poor attendance, 25698
disciplinary problems, or suspensions. 25699

(1) For any district that sponsors a conversion community 25700

school under Chapter 3314. of the Revised Code, the department 25701
shall combine data regarding the academic performance of students 25702
enrolled in the community school with comparable data from the 25703
schools of the district for the purpose of determining the 25704
performance of the district as a whole on the report card issued 25705
for the district under this section or section 3302.033 of the 25706
Revised Code. 25707

(2) Any district that leases a building to a community school 25708
located in the district or that enters into an agreement with a 25709
community school located in the district whereby the district and 25710
the school endorse each other's programs may elect to have data 25711
regarding the academic performance of students enrolled in the 25712
community school combined with comparable data from the schools of 25713
the district for the purpose of determining the performance of the 25714
district as a whole on the district report card. Any district that 25715
so elects shall annually file a copy of the lease or agreement 25716
with the department. 25717

(3) Any municipal school district, as defined in section 25718
3311.71 of the Revised Code, that sponsors a community school 25719
located within the district's territory, or that enters into an 25720
agreement with a community school located within the district's 25721
territory whereby the district and the community school endorse 25722
each other's programs, may exercise either or both of the 25723
following elections: 25724

(a) To have data regarding the academic performance of 25725
students enrolled in that community school combined with 25726
comparable data from the schools of the district for the purpose 25727
of determining the performance of the district as a whole on the 25728
district's report card; 25729

(b) To have the number of students attending that community 25730
school noted separately on the district's report card. 25731

The election authorized under division (I)(3)(a) of this section is subject to approval by the governing authority of the community school.

Any municipal school district that exercises an election to combine or include data under division (I)(3) of this section, by the first day of October of each year, shall file with the department documentation indicating eligibility for that election, as required by the department.

(J) The department shall include on each report card the percentage of teachers in the district or building who are highly qualified, as defined by the No Child Left Behind Act of 2001, and a comparison of that percentage with the percentages of such teachers in similar districts and buildings.

(K)(1) In calculating English language arts, mathematics, social studies, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section

3301.0710 or division (B) of section 3301.0712 of the Revised Code 25763
that is administered to the student's grade level; 25764

(b) Include cumulative totals from both the fall and spring 25765
administrations of the third grade English language arts 25766
achievement assessment; 25767

(c) Except as required by the No Child Left Behind Act of 25768
2001, exclude for each district or building any limited English 25769
proficient student who has been enrolled in United States schools 25770
for less than one full school year. 25771

(L) Beginning with the 2015-2016 school year and at least 25772
once every three years thereafter, the state board of education 25773
shall review and may adjust the benchmarks for assigning letter 25774
grades to the performance measures and components prescribed under 25775
divisions (C)(3) and (D) of this section. 25776

Sec. 3302.05. The state board of education shall adopt rules 25777
freeing school districts from specified state mandates if one of 25778
the following applies: 25779

(A) For the 2011-2012 school year, the school district was 25780
declared to be excellent under section 3302.03 of the Revised 25781
Code, as that section existed prior to ~~the effective date of this~~ 25782
~~section~~ March 22, 2013, and had above expected growth in the 25783
overall value-added measure. 25784

(B) For the 2012-2013 school year, the school district 25785
received a grade of "A" for the number of performance indicators 25786
met under division (A)(1)(c) of section 3302.03 of the Revised 25787
Code and for the value-added dimension under division (A)(1)(e) of 25788
section 3302.03 of the Revised Code. 25789

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 25790
the school district received a grade of "A" for the number of 25791
performance indicators met under division (B)(1)(c) of section 25792

3302.03 of the Revised Code and for the value-added dimension 25793
under division (B)(1)(e) of section 3302.03 of the Revised Code. 25794

(D) For the ~~2014-2015~~ 2016-2017 school year and for each 25795
school year thereafter, the school district received an overall 25796
grade of "A" under division (C)(3) of section 3302.03 of the 25797
Revised Code. 25798

Any mandates included in the rules shall be only those 25799
statutes or rules pertaining to state education requirements. The 25800
rules shall not exempt districts from any operating standard 25801
adopted under division (D)(3) of section 3301.07 of the Revised 25802
Code. 25803

Sec. 3302.15. (A) Notwithstanding anything to the contrary in 25804
Chapter 3301. or 3302. of the Revised Code, the board of education 25805
of a school district, governing authority of a community school 25806
established under Chapter 3314. of the Revised Code, or governing 25807
body of a STEM school established under Chapter 3326. of the 25808
Revised Code may submit to the superintendent of public 25809
instruction, during the 2015-2016 school year, a request for a 25810
waiver for up to five school years from administering the state 25811
achievement assessments required under sections 3301.0710 and 25812
3301.0712 of the Revised Code and related requirements specified 25813
under division ~~(C)~~(B)(2) of this section. A district or school 25814
that obtains a waiver under this section shall use the alternative 25815
assessment system, as proposed by the district or school and as 25816
approved by the state superintendent, in place of the assessments 25817
required under sections 3301.0710 and 3301.0712 of the Revised 25818
Code. 25819

~~(B) To be eligible to submit a request for a waiver under 25820
this section, a school district shall be a member of the Ohio 25821
innovation lab network. 25822~~

~~(C)~~(1) A request for a waiver under this section shall 25823

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| contain the following: | 25824 |
| (a) A timeline to develop and implement an alternative assessment system for the school district <u>or school</u> ; | 25825 25826 |
| (b) An overview of the proposed <u>innovative</u> educational programs or strategies to be offered by the school district <u>or school</u> ; | 25827 25828 25829 |
| (c) An overview of the proposed alternative assessment system, including links to state accepted and nationally accepted metrics, assessments, and evaluations; | 25830 25831 25832 |
| (d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners; | 25833 25834 25835 25836 25837 25838 |
| (e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices; | 25839 25840 25841 25842 25843 25844 25845 25846 |
| (f) An acknowledgement by the school district <u>or school</u> of federal funding that may be impacted by obtaining a waiver. | 25847 25848 |
| (2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a school district or school may be exempt are as follows: | 25849 25850 25851 25852 25853 25854 |

(a) The required administration of state assessments under sections 3301.0710 and 3301.0712 of the Revised Code; 25855
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(b) The evaluation of teachers and administrators under sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 of the Revised Code; 25857
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(c) The reporting of student achievement data for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code. 25860
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~~(D)~~(C) Each request for a waiver shall include the signature of all of the following: 25863
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(1) The superintendent of the school district or the equivalent for a community school or STEM school; 25865
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(2) The president of the district board or the equivalent for a community school or STEM school; 25867
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(3) The presiding officer of the labor organization representing the district's or school's teachers, if any; 25869
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(4) If the district's or school's teachers are not represented by a labor organization, the principal and a majority of the administrators and teachers of the district or school. 25871
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~~(E)~~ ~~Not later than thirty days after receiving~~ (D) Upon receipt of a request for a waiver, the state superintendent shall approve or deny the waiver or may request additional information from the district or school. The state superintendent shall not grant waivers to more than a total of ten school districts, community schools, or STEM schools, based on requests for a waiver received during the 2015-2016 school year. A waiver granted to a ~~school~~ district or school shall be contingent on an ongoing review and evaluation by the state superintendent of the program for which the waiver was granted. 25874
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~~(F)~~(E)(1) For the purpose of this section, the department of 25884

education shall seek a waiver from the testing requirements 25885
prescribed under the "No Child Left Behind Act of 2001," if 25886
necessary to implement this section. 25887

(2) The department shall create a mechanism for the 25888
comparison of the alternative assessments prescribed under 25889
division ~~(C)~~(B) of this section and the assessments required under 25890
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 25891
to the evaluation of teachers and student achievement data for the 25892
purpose of state report card ratings. 25893

(F) For purposes of this section, "innovative educational 25894
program or strategy" means a program or strategy using a new idea 25895
or method aimed at increasing student engagement and preparing 25896
students to be college or career ready. 25897

Sec. 3302.16. (A) As used in this section, "high-performing 25898
school district" means a city, local, or exempted village school 25899
district, including a municipal school district as defined in 25900
section 3311.71 of the Revised Code, or a joint vocational school 25901
district that meets all of the following performance criteria for 25902
the two most recent school years for which data is available: 25903

(1) The district received a grade of "A" for the overall 25904
value-added progress dimension under division (C)(1)(a) of section 25905
3302.03 of the Revised Code. 25906

(2) Not less than ninety-five per cent of third grade 25907
students enrolled in the district scored proficient or higher on 25908
the third grade English language arts assessment prescribed by 25909
division (A)(1)(a) of section 3301.0710 of the Revised Code. 25910

(3) The district had a four-year cohort graduation rate of 25911
ninety-three per cent or higher. 25912

For the purpose of determining whether a joint vocational 25913
school district is considered a high-performing school district 25914

under this division, the department of education shall develop performance criteria that are equivalent to those described in divisions (A)(1) to (3) of this section for joint vocational school districts, based on report cards issued under section 3302.033 of Revised Code. 25915
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(B) Beginning with the 2017-2018 school year, in addition to the conditions prescribed in division (A) of this section, to be qualified as a "high-performing school district," for purposes of this section, not less than seventy-five per cent of students enrolled in the district included in the four-year adjusted cohort graduation rate shall be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code on the nationally standardized assessments prescribed by division (B)(1) of section 3301.0712 of the Revised Code. 25920
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(C) A school district that meets the requirements prescribed by division (A), and division (B) when applicable, of this section shall be considered high-performing for three years unless the district fails to meet the requirement in division (A)(2) of this section. Failure to meet that measure shall result in an immediate loss of high-performing status for the district. 25929
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(D) Notwithstanding anything to the contrary in the Revised Code, beginning in the 2016-2017 school year, the board of education of a high-performing school district shall be exempt from both of the following: 25935
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(1) The teacher credential qualification requirements under the third-grade reading guarantee, as prescribed under divisions (B)(3)(c) and (H) of section 3313.608 of the Revised Code. This exemption does not relieve a teacher from holding a valid Ohio license, as defined in section 3319.31 of the Revised Code, in a subject area and grade level determined appropriate by the board of education of that district. 25939
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(2) Any provision of the Revised Code or rule or standard of the state board of education prescribing a minimum or maximum class size. 25946
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(E) A high-performing school district may permit qualified individuals who do not have a valid Ohio license, as defined in section 3319.31 of the Revised Code, to teach classes for not more than a total of forty hours a week in accordance with section 3319.301 of the Revised Code. 25949
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In order to qualify for an exemption from the provisions listed in divisions (D) and (E) of this section, the board of education of a high-performing school district must elect to do so by resolution. 25954
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(F) Beginning in the 2016-2017 school year, a high-performing school district may apply for, and the superintendent of public instruction may issue, a waiver that exempts a high-performing school district from provisions of the Revised Code or rules or standards of the state board not specified in this section. The state superintendent shall consider every application for a waiver and determine whether to grant or deny a waiver on a case-by-case basis. 25958
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(G) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (D) and (E) of this section shall not disqualify a high-performing school district from receiving funds under Chapter 3317. of the Revised Code. 25966
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Sec. 3304.171. (A) As used in this section, "OhioMeansJobs" has the same meaning as in section 6301.01 of the Revised Code. 25971
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(B) Beginning January 1, 2016, each recipient of vocational rehabilitation services provided under section 3304.17 of the Revised Code shall create an account with OhioMeansJobs upon 25973
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initiation of a job search as a part of receiving those services. 25976

(C) Division (B) of this section does not apply to any 25977
individual who is legally prohibited from using a computer, has a 25978
physical or visual impairment that makes the individual unable to 25979
use a computer, or has a limited ability to read, write, speak, or 25980
understand a language in which OhioMeansJobs is available. 25981

Sec. 3307.01. As used in this chapter: 25982

(A) "Employer" means the board of education, school district, 25983
governing authority of any community school established under 25984
Chapter 3314. of the Revised Code, a science, technology, 25985
engineering, and mathematics school established under Chapter 25986
3326. of the Revised Code, college, university, institution, or 25987
other agency within the state by which a teacher is employed and 25988
paid. 25989

(B)(1) "Teacher" means all of the following: 25990

(a) Any person paid from public funds and employed in the 25991
public schools of the state under any type of contract described 25992
in section 3311.77 or 3319.08 of the Revised Code in a position 25993
for which the person is required to have a license issued pursuant 25994
to sections 3319.22 to 3319.31 of the Revised Code; 25995

(b) ~~Any~~ Except as provided in division (B)(2)(b) of this 25996
section, any person employed as a teacher by a community school or 25997
a science, technology, engineering, and mathematics school 25998
pursuant to Chapter 3314. or 3326. of the Revised Code; 25999

(c) Any person having a license issued pursuant to sections 26000
3319.22 to 3319.31 of the Revised Code and employed in a public 26001
school in this state in an educational position, as determined by 26002
the state board of education, under programs provided for by 26003
federal acts or regulations and financed in whole or in part from 26004
federal funds, but for which no licensure requirements for the 26005

position can be made under the provisions of such federal acts or regulations; 26006
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(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo; 26008
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(e) The educational employees of the department of education, as determined by the state superintendent of public instruction. 26014
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In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final. 26016
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(2) "Teacher" does not include ~~any~~ either of the following: 26019

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code; 26020
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(b) Any person employed as a teacher by a community school pursuant to Chapter 3314. of the Revised Code, if the teachers of the community school elect to organize under a federal agency's jurisdiction and the community school is subject to that agency's jurisdiction. 26024
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(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members: 26029
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(1) A student, intern, or resident who is not a member while 26035

employed part-time by a school, college, or university at which 26036
the student, intern, or resident is regularly attending classes; 26037

(2) A person denied membership pursuant to section 3307.24 of 26038
the Revised Code; 26039

(3) An other system retirant, as defined in section 3307.35 26040
of the Revised Code, or a superannuate; 26041

(4) An individual employed in a program established pursuant 26042
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 26043
U.S.C.A. 1501; 26044

(5) The surviving spouse of a member or retirant if the 26045
surviving spouse's only connection to the retirement system is an 26046
account in an STRS defined contribution plan. 26047

(D) "Contributor" means any person who has an account in the 26048
teachers' savings fund or defined contribution fund, except that 26049
"contributor" does not mean a member or retirant's surviving 26050
spouse with an account in an STRS defined contribution plan. 26051

(E) "Beneficiary" means any person eligible to receive, or in 26052
receipt of, a retirement allowance or other benefit provided by 26053
this chapter. 26054

(F) "Year" means the year beginning the first day of July and 26055
ending with the thirtieth day of June next following, except that 26056
for the purpose of determining final average salary under the plan 26057
described in sections 3307.50 to 3307.79 of the Revised Code, 26058
"year" may mean the contract year. 26059

(G) "Local district pension system" means any school teachers 26060
pension fund created in any school district of the state in 26061
accordance with the laws of the state prior to September 1, 1920. 26062

(H) "Employer contribution" means the amount paid by an 26063
employer, as determined by the employer rate, including the normal 26064
and deficiency rates, contributions, and funds wherever used in 26065

this chapter. 26066

(I) "Five years of service credit" means employment covered 26067
under this chapter and employment covered under a former 26068
retirement plan operated, recognized, or endorsed by a college, 26069
institute, university, or political subdivision of this state 26070
prior to coverage under this chapter. 26071

(J) "Actuary" means an actuarial professional contracted with 26072
or employed by the state teachers retirement board, who shall be 26073
either of the following: 26074

(1) A member of the American academy of actuaries; 26075

(2) A firm, partnership, or corporation of which at least one 26076
person is a member of the American academy of actuaries. 26077

(K) "Fiduciary" means a person who does any of the following: 26078

(1) Exercises any discretionary authority or control with 26079
respect to the management of the system, or with respect to the 26080
management or disposition of its assets; 26081

(2) Renders investment advice for a fee, direct or indirect, 26082
with respect to money or property of the system; 26083

(3) Has any discretionary authority or responsibility in the 26084
administration of the system. 26085

(L)(1) Except as provided in this division, "compensation" 26086
means all salary, wages, and other earnings paid to a teacher by 26087
reason of the teacher's employment, including compensation paid 26088
pursuant to a supplemental contract. The salary, wages, and other 26089
earnings shall be determined prior to determination of the amount 26090
required to be contributed to the teachers' savings fund or 26091
defined contribution fund under section 3307.26 of the Revised 26092
Code and without regard to whether any of the salary, wages, or 26093
other earnings are treated as deferred income for federal income 26094
tax purposes. 26095

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| (2) Compensation does not include any of the following: | 26096 |
| (a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer; | 26097 26098 26099 26100 |
| (b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer; | 26101 26102 26103 |
| (c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter or Chapter 145. or 3309. of the Revised Code are paid; | 26104 26105 26106 26107 |
| (d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance; | 26108 26109 26110 26111 26112 |
| (e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development; | 26113 26114 26115 26116 26117 26118 |
| (f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section; | 26119 26120 26121 |
| (g) Payments by the employer for services not actually rendered; | 26122 26123 |
| (h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of | 26124 26125 |

the following: 26126

(i) A retroactive increase paid to a member employed by a 26127
school district board of education in a position that requires a 26128
license designated for teaching and not designated for being an 26129
administrator issued under section 3319.22 of the Revised Code 26130
that is paid in accordance with uniform criteria applicable to all 26131
members employed by the board in positions requiring the licenses; 26132

(ii) A retroactive increase paid to a member employed by a 26133
school district board of education in a position that requires a 26134
license designated for being an administrator issued under section 26135
3319.22 of the Revised Code that is paid in accordance with 26136
uniform criteria applicable to all members employed by the board 26137
in positions requiring the licenses; 26138

(iii) A retroactive increase paid to a member employed by a 26139
school district board of education as a superintendent that is 26140
also paid as described in division (L)(2)(h)(i) of this section; 26141

(iv) A retroactive increase paid to a member employed by an 26142
employer other than a school district board of education in 26143
accordance with uniform criteria applicable to all members 26144
employed by the employer. 26145

(i) Payments made to or on behalf of a teacher that are in 26146
excess of the annual compensation that may be taken into account 26147
by the retirement system under division (a)(17) of section 401 of 26148
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 26149
401(a)(17), as amended. For a teacher who first establishes 26150
membership before July 1, 1996, the annual compensation that may 26151
be taken into account by the retirement system shall be determined 26152
under division (d)(3) of section 13212 of the "Omnibus Budget 26153
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 26154

(j) Payments made under division (B), (C), or (E) of section 26155
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 26156

No. 3 of the 119th general assembly, Section 3 of Amended 26157
Substitute Senate Bill No. 164 of the 124th general assembly, or 26158
Amended Substitute House Bill No. 405 of the 124th general 26159
assembly; 26160

(k) Anything of value received by the teacher that is based 26161
on or attributable to retirement or an agreement to retire; 26162

(l) Any amount paid by the employer as a retroactive payment 26163
of earnings, damages, or back pay pursuant to a court order, 26164
court-adopted settlement agreement, or other settlement agreement, 26165
unless the retirement system receives both of the following: 26166

(i) Teacher and employer contributions under sections 3307.26 26167
and 3307.28 of the Revised Code, plus interest compounded annually 26168
at a rate determined by the board, for each year or portion of a 26169
year for which amounts are paid under the order or agreement; 26170

(ii) Teacher and employer contributions under sections 26171
3307.26 and 3307.28 of the Revised Code, plus interest compounded 26172
annually at a rate determined by the board, for each year or 26173
portion of a year not subject to division (L)(2)(1)(i) of this 26174
section for which the board determines the teacher was improperly 26175
paid, regardless of the teacher's ability to recover on such 26176
amounts improperly paid. 26177

(3) The retirement board shall determine both of the 26178
following: 26179

(a) Whether particular forms of earnings are included in any 26180
of the categories enumerated in this division; 26181

(b) Whether any form of earnings not enumerated in this 26182
division is to be included in compensation. 26183

Decisions of the board made under this division shall be 26184
final. 26185

(M) "Superannuate" means both of the following: 26186

(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code; 26187
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(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code. 26189
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For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit. 26194
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(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code. 26199
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(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section. 26201
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Sec. 3307.12. The treasurer of state shall be the custodian of the funds of the state teachers retirement system, and all disbursements therefrom shall be paid by ~~him~~ the treasurer of state only upon instruments duly authorized by the state teachers retirement board and bearing the signatures of the ~~chairman~~ chairperson and secretary of the board. Such signatures may be affixed through the use of a mechanical check signing device. 26204
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The treasurer of state shall give a separate and additional bond in such amount as is fixed by the governor and with sureties selected by the board and approved by the governor, conditioned for the faithful performance of the duties of the treasurer of state as custodian of the funds of the system. Such bond shall be deposited with the secretary of state and kept in ~~his~~ the 26211
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secretary of state's office. The governor may require the 26217
treasurer of state to give additional bonds, as the funds of the 26218
system increase, in such amounts and at such times as are fixed by 26219
the governor, which additional bonds shall be conditioned, filed, 26220
and obtained as is provided for the original bond of the treasurer 26221
of state covering the funds of the system. The premium on all 26222
bonds shall be paid by the board. 26223

The treasurer of state shall deposit any portion of the funds 26224
of the system not needed for immediate use in the ~~same manner as~~ 26225
~~state funds are deposited, and subject to all law with respect to~~ 26226
~~the deposit of state funds, by the treasurer of state~~ financial 26227
institution or institutions selected to serve as a depository for 26228
the retirement system under section 171.08 of the Revised Code, 26229
and all interest earned by such portion of the retirement funds as 26230
is deposited by the treasurer of state shall be collected by ~~him~~ 26231
the treasurer of state and placed to the credit of the board. 26232

Sec. 3307.15. (A) The members of the state teachers 26233
retirement board shall be the trustees of the funds created by 26234
section 3307.14 of the Revised Code. The board shall have full 26235
power to invest the funds. The board and other fiduciaries shall 26236
discharge their duties with respect to the funds solely in the 26237
interest of the participants and beneficiaries; for the exclusive 26238
purpose of providing benefits to participants and their 26239
beneficiaries and defraying reasonable expenses of administering 26240
the system; with care, skill, prudence, and diligence under the 26241
circumstances then prevailing that a prudent person acting in a 26242
like capacity and familiar with these matters would use in the 26243
conduct of an enterprise of a like character and with like aims; 26244
and by diversifying the investments of the system so as to 26245
minimize the risk of large losses, unless under the circumstances 26246
it is clearly prudent not to do so. 26247

To facilitate investment of the funds, the board may 26248
establish a partnership, trust, limited liability company, 26249
corporation, including a corporation exempt from taxation under 26250
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 26251
amended, or any other legal entity authorized to transact business 26252
in this state. 26253

(B) In exercising its fiduciary responsibility with respect 26254
to the investment of the funds, it shall be the intent of the 26255
board to give consideration to investments that enhance the 26256
general welfare of the state and its citizens where the 26257
investments offer quality, return, and safety comparable to other 26258
investments currently available to the board. In fulfilling this 26259
intent, equal consideration shall also be given to investments 26260
otherwise qualifying under this section that involve minority 26261
owned and controlled firms and firms owned and controlled by 26262
women, either alone or in joint venture with other firms. 26263

The board shall adopt, in regular meeting, policies, 26264
objectives, or criteria for the operation of the investment 26265
program that include asset allocation targets and ranges, risk 26266
factors, asset class benchmarks, time horizons, total return 26267
objectives, and performance evaluation guidelines. In adopting 26268
policies and criteria for the selection of agents with whom the 26269
board may contract for the administration of the funds, the board 26270
shall comply with sections 3307.152 and 3307.154 of the Revised 26271
Code and shall also give equal consideration to minority owned and 26272
controlled firms, firms owned and controlled by women, and 26273
ventures involving minority owned and controlled firms and firms 26274
owned and controlled by women that otherwise meet the policies and 26275
criteria established by the board. Amendments and additions to the 26276
policies and criteria shall be adopted in regular meeting. The 26277
board shall publish its policies, objectives, and criteria under 26278
this provision no less often than annually and shall make copies 26279

available to interested parties. 26280

When reporting on the performance of investments, the board 26281
shall comply with the performance presentation standards 26282
established by the association for investment management and 26283
research. 26284

(C) All bonds, notes, certificates, stocks, or other 26285
evidences of investments purchased by the board shall be delivered 26286
to the treasurer of state, who is hereby designated as custodian 26287
thereof, or to the treasurer of state's authorized agent, and the 26288
treasurer of state or the agent shall collect the principal, 26289
interest, dividends, and distributions that become due and payable 26290
and place them when so collected into the custodial funds. 26291
Evidences of title of the investments may be deposited by the 26292
treasurer of state for safekeeping with an authorized agent, 26293
selected by the ~~treasurer of state, who is a qualified trustee~~ 26294
under custodial bank selection committee in accordance with 26295
section ~~135.18~~ 171.08 of the Revised Code. The treasurer of state 26296
shall pay for the investments purchased by the board on receipt of 26297
written or electronic instructions from the board or the board's 26298
designated agent authorizing the purchase and pending receipt of 26299
the evidence of title of the investment by the treasurer of state 26300
or the treasurer of state's authorized agent. The board may sell 26301
investments held by the board, and the treasurer of state or the 26302
treasurer of state's authorized agent shall accept payment from 26303
the purchaser and deliver evidence of title of the investment to 26304
the purchaser on receipt of written or electronic instructions 26305
from the board or the board's designated agent authorizing the 26306
sale, and pending receipt of the moneys for the investments. The 26307
amount received shall be placed into the custodial funds. The 26308
board and the treasurer of state may enter into agreements to 26309
establish procedures for the purchase and sale of investments 26310
under this division and the custody of the investments. 26311

(D) No purchase or sale of any investment shall be made under 26312
this section except as authorized by the board. 26313

(E) Any statement of financial position distributed by the 26314
board shall include the fair value, as of the statement date, of 26315
all investments held by the board under this section. 26316

Sec. 3309.01. As used in this chapter: 26317

(A) "Employer" or "public employer" means boards of 26318
education, school districts, joint vocational districts, governing 26319
authorities of community schools established under Chapter 3314. 26320
of the Revised Code, a science, technology, engineering, and 26321
mathematics school established under Chapter 3326. of the Revised 26322
Code, educational institutions, technical colleges, state, 26323
municipal, and community colleges, community college branches, 26324
universities, university branches, other educational institutions, 26325
or other agencies within the state by which an employee is 26326
employed and paid, including any organization using federal funds, 26327
provided the federal funds are disbursed by an employer as 26328
determined by the above. In all cases of doubt, the school 26329
employees retirement board shall determine whether any employer is 26330
an employer as defined in this chapter, and its decision shall be 26331
final. 26332

(B) "Employee" means all of the following: 26333

(1) Any Except as provided in division (E) of section 26334
3309.011 of the Revised Code, any person employed by a public 26335
employer in a position for which the person is not required to 26336
have a certificate or license issued pursuant to sections 3319.22 26337
to 3319.31 of the Revised Code; 26338

(2) Any person who performs a service common to the normal 26339
daily operation of an educational unit even though the person is 26340
employed and paid by one who has contracted with an employer to 26341

perform the service, and the contracting board or educational unit 26342
shall be the employer for the purposes of administering the 26343
provisions of this chapter; 26344

(3) Any person, not a faculty member, employed in any school 26345
or college or other institution wholly controlled and managed, and 26346
wholly or partly supported by the state or any political 26347
subdivision thereof, the board of trustees, or other managing body 26348
of which shall accept the requirements and obligations of this 26349
chapter. 26350

In all cases of doubt, the school employees retirement board 26351
shall determine whether any person is an employee, as defined in 26352
this division, and its decision is final. 26353

(C) "Prior service" means all service rendered prior to 26354
September 1, 1937: 26355

(1) As an employee as defined in division (B) of this 26356
section; 26357

(2) As an employee in a capacity covered by the public 26358
employees retirement system or the state teachers retirement 26359
system; 26360

(3) As an employee of an institution in another state, 26361
service credit for which was procured by a member under the 26362
provisions of section 3309.31 of the Revised Code. 26363

Prior service, for service as an employee in a capacity 26364
covered by the public employees retirement system or the state 26365
teachers retirement system, shall be granted a member under 26366
qualifications identical to the laws and rules applicable to 26367
service credit in those systems. 26368

Prior service shall not be granted any member for service 26369
rendered in a capacity covered by the public employees retirement 26370
system, the state teachers retirement system, and this system in 26371

the event the service credit has, in the respective systems, been 26372
received, waived by exemption, or forfeited by withdrawal of 26373
contributions, except as provided in this chapter. 26374

If a member who has been granted prior service should, 26375
subsequent to September 16, 1957, and before retirement, establish 26376
three years of contributing service in the public employees 26377
retirement system, or one year in the state teachers retirement 26378
system, then the prior service granted shall become, at 26379
retirement, the liability of the other system, if the prior 26380
service or employment was in a capacity that is covered by that 26381
system. 26382

The provisions of this division shall not cancel any prior 26383
service granted a member by the school employees retirement board 26384
prior to August 1, 1959. 26385

(D) "Total service," "total service credit," or "Ohio service 26386
credit" means all contributing service of a member of the school 26387
employees retirement system, and all prior service, computed as 26388
provided in this chapter, and all service established pursuant to 26389
sections 3309.31, 3309.311, and 3309.33 of the Revised Code. In 26390
addition, "total service" includes any period, not in excess of 26391
three years, during which a member was out of service and 26392
receiving benefits from the state insurance fund, provided the 26393
injury or incapacitation was the direct result of school 26394
employment. 26395

(E) "Member" means any employee, except an SERS retirant or 26396
other system retirant as defined in section 3309.341 of the 26397
Revised Code, who has established membership in the school 26398
employees retirement system. "Member" includes a disability 26399
benefit recipient. 26400

(F) "Contributor" means any person who has an account in the 26401
employees' savings fund. When used in the sections listed in 26402

division (B) of section 3309.82 of the Revised Code, "contributor" 26403
includes any person participating in a plan established under 26404
section 3309.81 of the Revised Code. 26405

(G) "Retirant" means any former member who retired and is 26406
receiving a service retirement allowance or commuted service 26407
retirement allowance as provided in this chapter. 26408

(H) "Beneficiary" or "beneficiaries" means the estate or a 26409
person or persons who, as the result of the death of a contributor 26410
or retirant, qualifies for or is receiving some right or benefit 26411
under this chapter. 26412

(I) "Interest," as specified in division (E) of section 26413
3309.60 of the Revised Code, means interest at the rates for the 26414
respective funds and accounts as the school employees retirement 26415
board may determine from time to time, except as follows: 26416

(1) The rate of interest credited on employee contributions 26417
at retirement shall be four per cent per annum, compounded 26418
annually, to and including June 30, 1955; three per cent per 26419
annum, compounded annually, from July 1, 1955, to and including 26420
June 30, 1963; three and one-quarter per cent per annum, 26421
compounded annually, from July 1, 1963, through June 30, 1966; and 26422
thereafter, four per cent per annum compounded annually until a 26423
change in the amount is recommended by the system's actuary and 26424
approved by the retirement board. Subsequent to June 30, 1959, the 26425
retirement board shall discontinue the annual crediting of current 26426
interest on a contributor's accumulated contributions. 26427
Noncrediting of current interest shall not affect the rate of 26428
interest at retirement guaranteed under this division. 26429

(2) In determining the reserve value for purposes of 26430
computing the amount of the contributor's annuity, the rate of 26431
interest used in the annuity values shall be four per cent per 26432
annum through September 30, 1956; three per cent per annum 26433

compounded annually from October 1, 1956, through June 30, 1963; 26434
three and one-quarter per cent per annum compounded annually from 26435
July 1, 1963, through June 30, 1966; and, thereafter, four per 26436
cent per annum compounded annually until a change in the amount is 26437
recommended by the system's actuary and approved by the retirement 26438
board. In the purchase of out-of-state service credit as provided 26439
in section 3309.31 of the Revised Code, and in the purchase of an 26440
additional annuity, as provided in section 3309.47 of the Revised 26441
Code, interest shall be computed and credited to reserves therefor 26442
at the rate the school employees retirement board shall fix as 26443
regular interest thereon. 26444

(J) "Accumulated contributions" means the sum of all amounts 26445
credited to a contributor's account in the employees' savings fund 26446
together with any regular interest credited thereon at the rates 26447
approved by the retirement board prior to retirement. 26448

(K) "Final average salary" means the sum of the annual 26449
compensation for the three highest years of compensation for which 26450
contributions were made by the member, divided by three. If the 26451
member has a partial year of contributing service in the year in 26452
which the member terminates employment and the partial year is at 26453
a rate of compensation that is higher than the rate of 26454
compensation for any one of the highest three years of annual 26455
earnings, the board shall substitute the compensation earned for 26456
the partial year for the compensation earned for a similar 26457
fractional portion in the lowest of the three high years of annual 26458
compensation before dividing by three. If a member has less than 26459
three years of contributing membership, the final average salary 26460
shall be the total compensation divided by the total number of 26461
years, including any fraction of a year, of contributing service. 26462

(L) "Annuity" means payments for life derived from 26463
contributions made by a contributor and paid from the annuity and 26464
pension reserve fund as provided in this chapter. All annuities 26465

shall be paid in twelve equal monthly installments. 26466

(M)(1) "Pension" means annual payments for life derived from 26467
appropriations made by an employer and paid from the employers' 26468
trust fund or the annuity and pension reserve fund. All pensions 26469
shall be paid in twelve equal monthly installments. 26470

(2) "Disability retirement" means retirement as provided in 26471
section 3309.40 of the Revised Code. 26472

(N) "Retirement allowance" means the pension plus the 26473
annuity. 26474

(O)(1) "Benefit" means a payment, other than a retirement 26475
allowance or the annuity paid under section 3309.344 of the 26476
Revised Code, payable from the accumulated contributions of the 26477
member or the employer, or both, under this chapter and includes a 26478
disability allowance or disability benefit. 26479

(2) "Disability allowance" means an allowance paid on account 26480
of disability under section 3309.401 of the Revised Code. 26481

(3) "Disability benefit" means a benefit paid as disability 26482
retirement under section 3309.40 of the Revised Code, as a 26483
disability allowance under section 3309.401 of the Revised Code, 26484
or as a disability benefit under section 3309.35 of the Revised 26485
Code. 26486

(P) "Annuity reserve" means the present value, computed upon 26487
the basis of mortality tables adopted by the school employees 26488
retirement board, of all payments to be made on account of any 26489
annuity, or benefit in lieu of any annuity, granted to a retirant. 26490

(Q) "Pension reserve" means the present value, computed upon 26491
the basis of mortality tables adopted by the school employees 26492
retirement board, of all payments to be made on account of any 26493
pension, or benefit in lieu of any pension, granted to a retirant 26494
or a beneficiary. 26495

| | |
|--|--|
| (R) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following. | 26496 26497 |
| (S) "Local district pension system" means any school employees' pension fund created in any school district of the state prior to September 1, 1937. | 26498 26499 26500 |
| (T) "Employer contribution" means the amount paid by an employer as determined under section 3309.49 of the Revised Code. | 26501 26502 |
| (U) "Fiduciary" means a person who does any of the following: | 26503 |
| (1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets; | 26504 26505 26506 |
| (2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system; | 26507 26508 |
| (3) Has any discretionary authority or responsibility in the administration of the system. | 26509 26510 |
| (V)(1) Except as otherwise provided in this division, "compensation" means all salary, wages, and other earnings paid to a contributor by reason of employment. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 3309.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. | 26511 26512 26513 26514 26515 26516 26517 26518 |
| (2) Compensation does not include any of the following: | 26519 |
| (a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer; | 26520 26521 26522 26523 |
| (b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised | 26524 26525 |

| | |
|--|--|
| Code or a plan established by the employer; | 26526 |
| (c) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid or during which benefits are paid under this chapter; | 26527 26528 26529 |
| (d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance; | 26530 26531 26532 26533 26534 |
| (e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development; | 26535 26536 26537 26538 26539 26540 |
| (f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended. For a contributor who first establishes membership before July 1, 1996, the annual compensation that may be taken into account by the retirement system shall be determined under division (d)(3) of section 13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472; | 26541 26542 26543 26544 26545 26546 26547 26548 26549 26550 |
| (g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly; | 26551 26552 26553 26554 26555 26556 |

(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in compensation if both of the following apply:

(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986.

(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability from the payments.

(3) The retirement board shall determine by rule whether any form of earnings not enumerated in this division is to be included in compensation, and its decision shall be final.

(W) "Disability benefit recipient" means a member who is receiving a disability benefit.

(X) "Actuary" means an individual who satisfies all of the following requirements:

(1) Is a member of the American academy of actuaries;

(2) Is an associate or fellow of the society of actuaries;

(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.

Sec. 3309.011. "Employee" as defined in division (B) of section 3309.01 of the Revised Code, does not include ~~either~~ any of the following:

(A) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from

federal funds, but for which no licensure requirements for the 26586
position can be made under the provisions of such federal acts or 26587
regulations; 26588

(B) Any person who participates in an alternative retirement 26589
plan established under Chapter 3305. of the Revised Code; 26590

(C) Any person who elects to transfer from the school 26591
employees retirement system to the public employees retirement 26592
system under section 3309.312 of the Revised Code; 26593

(D) Any person whose full-time employment by the university 26594
of Akron as a state university law enforcement officer pursuant to 26595
section 3345.04 of the Revised Code commences on or after ~~the~~ 26596
~~effective date of this amendment~~ September 16, 1998; 26597

(E) Any person employed by a community school pursuant to 26598
Chapter 3314. of the Revised Code in a position for which the 26599
person is not required to have a certificate or license issued 26600
pursuant to sections 3319.22 to 3319.31 of the Revised Code, if 26601
the employees of the community school elect to organize under a 26602
federal agency's jurisdiction and the community school is subject 26603
to that agency's jurisdiction. 26604

Sec. 3309.12. The treasurer of state shall be the custodian 26605
of the funds of the school employees retirement system, and all 26606
disbursements therefrom shall be paid by the treasurer of state 26607
only upon instruments duly authorized by the school employees 26608
retirement board and bearing the signatures of the board; 26609
provided, that such instruments may bear the names of the board 26610
members printed thereon and the signatures of the president and 26611
secretary of the board. The signatures of the president and 26612
secretary may be affixed through the use of a mechanical check 26613
signing device. 26614

The treasurer of state shall give a separate and additional 26615

bond in such amount as is fixed by the governor and with sureties 26616
selected by the board and approved by the governor, conditioned 26617
for the faithful performance of the duties of the treasurer of 26618
state as custodian of the funds of the system. Such bonds shall be 26619
deposited with the secretary of state and kept in the ~~treasurer~~ 26620
secretary of state's office. The governor may require the 26621
treasurer of state to give other and additional bonds, as the 26622
funds of the system increase, in such amounts and at such times as 26623
are fixed by the governor, which additional bonds shall be 26624
conditioned, filed, and obtained as is provided for the original 26625
bond of the treasurer of state covering the funds of the system. 26626
The premium on all bonds shall be paid by the board. 26627

The treasurer of state shall deposit any portion of the funds 26628
of the system not needed for immediate use in the ~~same manner as~~ 26629
~~state funds are deposited, and subject to all provisions of law~~ 26630
~~with respect to the deposit of state funds, by the treasurer of~~ 26631
~~state~~ financial institution or institutions selected to serve as a 26632
depository for the retirement system under section 171.08 of the 26633
Revised Code, and all interest earned by such portion of the 26634
retirement funds as may be deposited by the treasurer of state 26635
shall be collected by him and placed to the credit of the board. 26636

The treasurer of ~~the~~ state shall furnish annually to the 26637
school employees retirement system a sworn statement of the amount 26638
of the funds in the ~~treasurers'~~ treasurer of state's custody 26639
belonging to the school employees retirement system. 26640

Sec. 3309.15. (A) The members of the school employees 26641
retirement board shall be the trustees of the funds created by 26642
section 3309.60 of the Revised Code. The board shall have full 26643
power to invest the funds. The board and other fiduciaries shall 26644
discharge their duties with respect to the funds solely in the 26645
interest of the participants and beneficiaries; for the exclusive 26646

purpose of providing benefits to participants and their 26647
beneficiaries and defraying reasonable expenses of administering 26648
the school employees retirement system; with care, skill, 26649
prudence, and diligence under the circumstances then prevailing 26650
that a prudent person acting in a like capacity and familiar with 26651
such matters would use in the conduct of an enterprise of a like 26652
character and with like aims; and by diversifying the investments 26653
of the system so as to minimize the risk of large losses, unless 26654
under the circumstances it is clearly prudent not to do so. 26655

The board may establish a partnership, trust, limited 26656
liability company, corporation, including a corporation exempt 26657
from taxation under the Internal Revenue Code, 100 Stat. 2085, 26 26658
U.S.C.A. 1, as amended, or any other legal entity authorized to 26659
transact business in this state. 26660

(B) In exercising its fiduciary responsibility with respect 26661
to the investment of the funds, it shall be the intent of the 26662
board to give consideration to investments that enhance the 26663
general welfare of the state and its citizens where the 26664
investments offer quality, return, and safety comparable to other 26665
investments currently available to the board. In fulfilling this 26666
intent, equal consideration shall also be given to investments 26667
otherwise qualifying under this section that involve minority 26668
owned and controlled firms and firms owned and controlled by 26669
women, either alone or in joint venture with other firms. 26670

The board shall adopt, in regular meeting, policies, 26671
objectives, or criteria for the operation of the investment 26672
program that include asset allocation targets and ranges, risk 26673
factors, asset class benchmarks, time horizons, total return 26674
objectives, and performance evaluation guidelines. In adopting 26675
policies and criteria for the selection of agents with whom the 26676
board may contract for the administration of the funds, the board 26677
shall comply with sections 3309.157 and 3309.159 of the Revised 26678

Code and shall also give equal consideration to minority owned and 26679
controlled firms, firms owned and controlled by women, and 26680
ventures involving minority owned and controlled firms and firms 26681
owned and controlled by women that otherwise meet the policies and 26682
criteria established by the board. Amendments and additions to the 26683
policies and criteria shall be adopted in regular meeting. The 26684
board shall publish its policies, objectives, and criteria under 26685
this provision no less often than annually and shall make copies 26686
available to interested parties. 26687

If the board contracts with a person, including an agent or 26688
investment manager, for the management or investment of the funds, 26689
the board shall require the person to comply with the global 26690
investment performance standards established by the chartered 26691
financial analyst institute, or a successor organization, when 26692
reporting on the performance of investments. 26693

(C) All evidences of title of investments purchased by the 26694
board under this section shall be delivered to the treasurer of 26695
state, who is hereby designated as custodian thereof, or to the 26696
treasurer of state's authorized agent, and the treasurer of state 26697
or the agent shall collect principal, interest, dividends, and 26698
distributions that become due and payable and place the same when 26699
so collected into the custodial funds. Evidences of title of the 26700
investments may be deposited by the treasurer of state for 26701
safekeeping with an authorized agent, selected by the ~~treasurer of~~ 26702
~~state, who is a qualified trustee under~~ custodial bank selection 26703
committee in accordance with section 135.18 171.08 of the Revised 26704
Code. The treasurer of state shall pay for the investments 26705
purchased by the board pending receipt of the evidence of title of 26706
the investments by the treasurer of state or to the treasurer of 26707
state's authorized agent, and on receipt of written or electronic 26708
instructions from the board or the board's designated agent 26709
authorizing the purchase. The board may sell any investments held 26710

by the board, and the treasurer of state or the treasurer of 26711
state's authorized agent shall accept payment from the purchaser 26712
and deliver evidence of title of the investment to the purchaser 26713
on receipt of written or electronic instructions from the board or 26714
the board's designated agent authorizing the sale, and pending 26715
receipt of the moneys for the investments. The amount received 26716
shall be placed into the custodial funds. The board and the 26717
treasurer of state may enter into agreements to establish 26718
procedures for the purchase and sale of investments under this 26719
division and the custody of the investment. 26720

(D) No purchase or sale of any investment shall be made under 26721
this section except as authorized by the school employees 26722
retirement board. 26723

(E) Any statement of financial position distributed by the 26724
board shall include the fair value, as of the statement date, of 26725
all investments held by the board under this section. 26726

Sec. 3310.03. A student is an "eligible student" for purposes 26727
of the educational choice scholarship pilot program if the 26728
student's resident district is not a school district in which the 26729
pilot project scholarship program is operating under sections 26730
3313.974 to 3313.979 of the Revised Code and the student satisfies 26731
one of the conditions in division (A), (B), (C), or (D) of this 26732
section: 26733

(A)(1) The student is enrolled in a school building operated 26734
by the student's resident district that, on the report card issued 26735
under section 3302.03 of the Revised Code published prior to the 26736
first day of July of the school year for which a scholarship is 26737
sought, did not receive a rating as described in division (H) of 26738
this section, and to which any or a combination of any of the 26739
following apply for two of the three most recent report cards 26740
published prior to the first day of July of the school year for 26741

which a scholarship is sought: 26742

(a) The building was declared to be in a state of academic 26743
emergency or academic watch under section 3302.03 of the Revised 26744
Code as that section existed prior to March 22, 2013. 26745

(b) The building received a grade of "D" or "F" for the 26746
performance index score under division (A)(1)(b) or (B)(1)(b) of 26747
section 3302.03 of the Revised Code and for the value-added 26748
progress dimension under division (A)(1)(e) or (B)(1)(e) of 26749
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~ 26750
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~; or if the 26751
building serves only grades ten through twelve, the building 26752
received a grade of "D" or "F" for the performance index score 26753
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 26754
Revised Code and had a four-year adjusted cohort graduation rate 26755
of less than seventy-five per cent. 26756

(c) The building received an overall grade of "D" or "F" 26757
under division (C)(3) of section 3302.03 of the Revised Code or a 26758
grade of "F" for the value-added progress dimension under division 26759
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 26760
2016-2017 school year or any school year thereafter. 26761

(2) The student will be enrolling in any of grades 26762
kindergarten through twelve in this state for the first time in 26763
the school year for which a scholarship is sought, will be at 26764
least five years of age by the first day of January of the school 26765
year for which a scholarship is sought, and otherwise would be 26766
assigned under section 3319.01 of the Revised Code in the school 26767
year for which a scholarship is sought, to a school building 26768
described in division (A)(1) of this section. 26769

(3) The student is enrolled in a community school established 26770
under Chapter 3314. of the Revised Code but otherwise would be 26771
assigned under section 3319.01 of the Revised Code to a building 26772

described in division (A)(1) of this section. 26773

(4) The student is enrolled in a school building operated by 26774
the student's resident district or in a community school 26775
established under Chapter 3314. of the Revised Code and otherwise 26776
would be assigned under section 3319.01 of the Revised Code to a 26777
school building described in division (A)(1) of this section in 26778
the school year for which the scholarship is sought. 26779

(5) The student will be both enrolling in any of grades 26780
kindergarten through twelve in this state for the first time and 26781
at least five years of age by the first day of January of the 26782
school year for which a scholarship is sought, or is enrolled in a 26783
community school established under Chapter 3314. of the Revised 26784
Code, and all of the following apply to the student's resident 26785
district: 26786

(a) The district has in force an intradistrict open 26787
enrollment policy under which no student in the student's grade 26788
level is automatically assigned to a particular school building; 26789

(b) In the most recent rating published prior to the first 26790
day of July of the school year for which scholarship is sought, 26791
the district did not receive a rating described in division (H) of 26792
this section, and in at least two of the three most recent report 26793
cards published prior to the first day of July of that school 26794
year, any or a combination of the following apply to the district: 26795

(i) The district was declared to be in a state of academic 26796
emergency under section 3302.03 of the Revised Code as it existed 26797
prior to March 22, 2013. 26798

(ii) The district received a grade of "D" or "F" for the 26799
performance index score under division (A)(1)(b) or (B)(1)(b) of 26800
section 3302.03 of the Revised Code and for the value-added 26801
progress dimension under division (A)(1)(e) or (B)(1)(e) of 26802
section 3302.03 of the Revised Code for the 2012-2013 ~~year~~ 26803

2013-2014, 2014-2015, or 2015-2016 school year, ~~or both.~~ 26804

(c) The district received an overall grade of "D" or "F" 26805
under division (C)(3) of section 3302.03 of the Revised Code or a 26806
grade of "F" for the value-added progress dimension under division 26807
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 26808
2016-2017 school year or any school year thereafter. 26809

(6) Beginning in the 2016-2017 school year, the student is 26810
enrolled in or will be enrolling in a building in the school year 26811
for which the scholarship is sought that serves any of grades nine 26812
through twelve and that received a grade of "D" or "F" for the 26813
four-year adjusted cohort graduation rate under division 26814
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 26815
Revised Code in two of the three most recent report cards 26816
published prior to the first day of July of the school year for 26817
which a scholarship is sought. 26818

(B)(1) The student is enrolled in a school building operated 26819
by the student's resident district and to which both of the 26820
following apply: 26821

(a) The building was ranked, for at least two of the three 26822
most recent rankings ~~published under section 3302.21 of the~~ 26823
~~Revised Code~~ prior to the first day of July of the school year for 26824
which a scholarship is sought, in the lowest ten per cent of all 26825
~~public school~~ buildings operated by city, local, and exempted 26826
village school districts according to performance index score 26827
~~under section 3302.21 of the Revised Code~~ as determined by the 26828
department of education. 26829

(b) The building was not declared to be excellent or 26830
effective, or the equivalent of such ratings as determined by the 26831
department ~~of education~~, under section 3302.03 of the Revised Code 26832
in the most recent rating published prior to the first day of July 26833
of the school year for which a scholarship is sought. 26834

(2) The student will be enrolling in any of grades 26835
kindergarten through twelve in this state for the first time in 26836
the school year for which a scholarship is sought, will be at 26837
least five years of age, as defined in section 3321.01 of the 26838
Revised Code, by the first day of January of the school year for 26839
which a scholarship is sought, and otherwise would be assigned 26840
under section 3319.01 of the Revised Code in the school year for 26841
which a scholarship is sought, to a school building described in 26842
division (B)(1) of this section. 26843

(3) The student is enrolled in a community school established 26844
under Chapter 3314. of the Revised Code but otherwise would be 26845
assigned under section 3319.01 of the Revised Code to a building 26846
described in division (B)(1) of this section. 26847

(4) The student is enrolled in a school building operated by 26848
the student's resident district or in a community school 26849
established under Chapter 3314. of the Revised Code and otherwise 26850
would be assigned under section 3319.01 of the Revised Code to a 26851
school building described in division (B)(1) of this section in 26852
the school year for which the scholarship is sought. 26853

(C) The student is enrolled in a nonpublic school at the time 26854
the school is granted a charter by the state board of education 26855
under section 3301.16 of the Revised Code and the student meets 26856
the standards of division (B) of section 3310.031 of the Revised 26857
Code. 26858

(D) For the 2016-2017 school year and each school year 26859
thereafter, the student is in any of grades kindergarten through 26860
three, is enrolled in a school building that is operated by the 26861
student's resident district or will be enrolling in any of grades 26862
kindergarten through twelve in this state for the first time in 26863
the school year for which a scholarship is sought, and to which 26864
both of the following apply: 26865

(1) The building, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought, received a grade of "D" or "F" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;

(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(E) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1), (B)(1), or (D) of this section;

(2) The student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(F)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings

of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section.

(4) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (E) of this section.

(G) The state board of education shall adopt rules defining excused absences for purposes of division (E)(3) of this section.

(H)(1) A student who satisfies only the conditions prescribed in divisions (A)(1) to (4) of this section shall not be eligible for a scholarship if the student's resident building meets any of the following in the most recent rating under section 3302.03 of the Revised Code published prior to the first day of July of the

school year for which a scholarship is sought: 26928

(a) The building has an overall designation of excellent or 26929
effective under section 3302.03 of the Revised Code as it existed 26930
prior to March 22, 2013. 26931

(b) For the 2012-2013 ~~or~~, 2013-2014, 2014-2015, or 2015-2016 26932
school year ~~or both~~, the building has a grade of "A" or "B" for 26933
the performance index score under division (A)(1)(b) or (B)(1)(b) 26934
of section 3302.03 of the Revised Code and for the value-added 26935
progress dimension under division (A)(1)(e) or (B)(1)(e) of 26936
section 3302.03 of the Revised Code; or if the building serves 26937
only grades ten through twelve, the building received a grade of 26938
"A" or "B" for the performance index score under division 26939
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 26940
had a four-year adjusted cohort graduation rate of greater than or 26941
equal to seventy-five per cent. 26942

(c) For the ~~2014-2015~~ 2016-2017 school year or any school 26943
year thereafter, the building has a grade of "A" or "B" under 26944
division (C)(3) of section 3302.03 of the Revised Code and a grade 26945
of "A" for the value-added progress dimension under division 26946
(C)(1)(e) of section 3302.03 of the Revised Code; or if the 26947
building serves only grades ten through twelve, the building 26948
received a grade of "A" or "B" for the performance index score 26949
under division (C)(1)(b) of section 3302.03 of the Revised Code 26950
and had a four-year adjusted cohort graduation rate of greater 26951
than or equal to seventy-five per cent. 26952

(2) A student who satisfies only the conditions prescribed in 26953
division (A)(5) of this section shall not be eligible for a 26954
scholarship if the student's resident district meets any of the 26955
following in the most recent rating under section 3302.03 of the 26956
Revised Code published prior to the first day of July of the 26957
school year for which a scholarship is sought: 26958

(a) The district has an overall designation of excellent or effective under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(b) The district has a grade of "A" or "B" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 ~~and~~, 2013-2014, 2014-2015, and 2015-2016 school years.

(c) The district has an overall grade of "A" or "B" under division (C)(3) of section 3302.03 of the Revised Code and a grade of "A" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 2016-2017 school year or any school year thereafter.

Sec. 3310.09. The maximum amount awarded to an eligible student under the educational choice scholarship pilot program shall be as follows:

(A) For grades kindergarten through eight, four thousand two hundred fifty dollars;

(B) For grades nine through twelve, five thousand seven hundred dollars.

Sec. 3311.06. (A) As used in this section:

(1) "Annexation" and "annexed" mean annexation for municipal purposes under sections 709.02 to 709.37 of the Revised Code.

(2) "Annexed territory" means territory that has been annexed for municipal purposes to a city served by an urban school district, but on September 24, 1986, has not been transferred to the urban school district.

(3) "Urban school district" means a city school district with

an average daily membership for the 1985-1986 school year in 26988
excess of twenty thousand that is the school district of a city 26989
that contains annexed territory. 26990

(4) "Annexation agreement" means an agreement entered into 26991
under division (F) of this section that has been approved by the 26992
state board of education or an agreement entered into prior to 26993
September 24, 1986, that meets the requirements of division (F) of 26994
this section and has been filed with the state board. 26995

(B) The territory included within the boundaries of a city, 26996
local, exempted village, or joint vocational school district shall 26997
be contiguous except where a natural island forms an integral part 26998
of the district, where the state board of education authorizes a 26999
noncontiguous school district, as provided in division (E)(1) of 27000
this section, or where a local school district is created pursuant 27001
to section 3311.26 of the Revised Code from one or more local 27002
school districts, one of which has entered into an agreement under 27003
section 3313.42 of the Revised Code. 27004

(C)(1) When all of the territory of a school district is 27005
annexed to a city or village, such territory thereby becomes a 27006
part of the city school district or the school district of which 27007
the village is a part, and the legal title to school property in 27008
such territory for school purposes shall be vested in the board of 27009
education of the city school district or the school district of 27010
which the village is a part. 27011

(2) When the territory so annexed to a city or village 27012
comprises part but not all of the territory of a school district, 27013
the said territory becomes part of the city school district or the 27014
school district of which the village is a part only ~~upon approval~~ 27015
~~by the state board of education~~ if the board of education of both 27016
of the districts affected adopts a resolution approving the 27017
change, unless the district in which the territory is located is a 27018
party to an annexation agreement with the city school district. 27019

Any urban school district that has not entered into an 27020
annexation agreement with any other school district whose 27021
territory would be affected by any transfer under this division 27022
and that desires to negotiate the terms of transfer with any such 27023
district shall conduct any negotiations under division (F) of this 27024
section as part of entering into an annexation agreement with such 27025
a district. 27026

Any school district, except an urban school district, 27027
desiring state board approval of a transfer under this division 27028
shall make a good faith effort to negotiate the terms of transfer 27029
with any other school district whose territory would be affected 27030
by the transfer. Before the state board may approve any transfer 27031
of territory to a school district, except an urban school 27032
district, under this section, it must receive the following: 27033

(a) A resolution requesting approval of the transfer, passed 27034
by at least one of the school districts whose territory would be 27035
affected by the transfer; 27036

(b) Evidence determined to be sufficient by the state board 27037
to show that good faith negotiations have taken place or that the 27038
district requesting the transfer has made a good faith effort to 27039
hold such negotiations; 27040

(c) If any negotiations took place, a statement signed by all 27041
boards that participated in the negotiations, listing the terms 27042
agreed on and the points on which no agreement could be reached. 27043

(D) The state board of education shall adopt rules governing 27044
negotiations held by any school district except an urban school 27045
district pursuant to division (C)(2) of this section. The rules 27046
shall encourage the realization of the following goals: 27047

(1) A discussion by the negotiating districts of the present 27048
and future educational needs of the pupils in each district; 27049

(2) The educational, financial, and territorial stability of 27050

each district affected by the transfer; 27051

(3) The assurance of appropriate educational programs, 27052
services, and opportunities for all the pupils in each 27053
participating district, and adequate planning for the facilities 27054
needed to provide these programs, services, and opportunities. 27055

Districts involved in negotiations under such rules may agree 27056
to share revenues from the property included in the territory to 27057
be transferred, establish cooperative programs between the 27058
participating districts, and establish mechanisms for the 27059
settlement of any future boundary disputes. 27060

(E)(1) If territory annexed after September 24, 1986, is part 27061
of a school district that is a party to an annexation agreement 27062
with the urban school district serving the annexing city, the 27063
transfer of such territory shall be governed by the agreement. If 27064
the agreement does not specify how the territory is to be dealt 27065
with, the boards of education of the district in which the 27066
territory is located and the urban school district shall negotiate 27067
with regard to the transfer of the territory which shall be 27068
transferred to the urban school district unless, not later than 27069
ninety days after the effective date of municipal annexation, the 27070
boards of education of both districts, by resolution adopted by a 27071
majority of the members of each board, agree that the territory 27072
will not be transferred and so inform the state board of 27073
education. 27074

If territory is transferred under this division the transfer 27075
shall take effect on the first day of July occurring not sooner 27076
than ninety-one days after the effective date of the municipal 27077
annexation. Territory transferred under this division need not be 27078
contiguous to the district to which it is transferred. 27079

(2) Territory annexed prior to September 24, 1986, by a city 27080
served by an urban school district shall not be subject to 27081

transfer under this section if the district in which the territory 27082
is located is a party to an annexation agreement or becomes a 27083
party to such an agreement not later than ninety days after 27084
September 24, 1986. If the district does not become a party to an 27085
annexation agreement within the ninety-day period, transfer of 27086
territory shall be governed by division (C)(2) of this section. If 27087
the district subsequently becomes a party to an agreement, 27088
territory annexed prior to September 24, 1986, other than 27089
territory annexed under division (C)(2) of this section prior to 27090
the effective date of the agreement, shall not be subject to 27091
transfer under this section. 27092

(F) An urban school district may enter into a comprehensive 27093
agreement with one or more school districts under which transfers 27094
of territory annexed by the city served by the urban school 27095
district after September 24, 1986, shall be governed by the 27096
agreement. Such agreement must provide for the establishment of a 27097
cooperative education program under section 3313.842 of the 27098
Revised Code in which all the parties to the agreement are 27099
participants and must be approved by resolution of the majority of 27100
the members of each of the boards of education of the school 27101
districts that are parties to it. An agreement may provide for 27102
interdistrict payments based on local revenue growth resulting 27103
from development in any territory annexed by the city served by 27104
the urban school district. 27105

An agreement entered into under this division may be altered, 27106
modified, or terminated only by agreement, by resolution approved 27107
by the majority of the members of each board of education, of all 27108
school districts that are parties to the agreement, except that 27109
with regard to any provision that affects only the urban school 27110
district and one of the other districts that is a party, that 27111
district and the urban district may modify or alter the agreement 27112
by resolution approved by the majority of the members of the board 27113

of that district and the urban district. Alterations, 27114
modifications, terminations, and extensions of an agreement 27115
entered into under this division do not require approval of the 27116
state board of education, but shall be filed with the board after 27117
approval and execution by the parties. 27118

If an agreement provides for interdistrict payments, each 27119
party to the agreement, except any school district specifically 27120
exempted by the agreement, shall agree to make an annual payment 27121
to the urban school district with respect to any of its territory 27122
that is annexed territory in an amount not to exceed the amount 27123
certified for that year under former section 3317.029 of the 27124
Revised Code as that section existed prior to July 1, 1998; except 27125
that such limitation of annual payments to amounts certified under 27126
former section 3317.029 of the Revised Code does not apply to 27127
agreements or extensions of agreements entered into on or after 27128
June 1, 1992, unless such limitation is expressly agreed to by the 27129
parties. The agreement may provide that all or any part of the 27130
payment shall be waived if the urban school district receives its 27131
payment with respect to such annexed territory under former 27132
section 3317.029 of the Revised Code and that all or any part of 27133
such payment may be waived if the urban school district does not 27134
receive its payment with respect to such annexed territory under 27135
such section. 27136

With respect to territory that is transferred to the urban 27137
school district after September 24, 1986, the agreement may 27138
provide for annual payments by the urban school district to the 27139
school district whose territory is transferred to the urban school 27140
district subsequent to annexation by the city served by the urban 27141
school district. 27142

(G) In the event territory is transferred from one school 27143
district to another under this section, an equitable division of 27144
the funds and indebtedness between the districts involved shall be 27145

made under the supervision of the state board of education and 27146
that board's decision shall be final. Such division shall not 27147
include funds payable to or received by a school district under 27148
Chapter 3317. of the Revised Code or payable to or received by a 27149
school district from the United States or any department or agency 27150
thereof. In the event such transferred territory includes real 27151
property owned by a school district, the state board of education, 27152
as part of such division of funds and indebtedness, shall 27153
determine the true value in money of such real property and all 27154
buildings or other improvements thereon. The board of education of 27155
the school district receiving such territory shall forthwith pay 27156
to the board of education of the school district losing such 27157
territory such true value in money of such real property, 27158
buildings, and improvements less such percentage of the true value 27159
in money of each school building located on such real property as 27160
is represented by the ratio of the total enrollment in day classes 27161
of the pupils residing in the territory transferred enrolled at 27162
such school building in the school year in which such annexation 27163
proceedings were commenced to the total enrollment in day classes 27164
of all pupils residing in the school district losing such 27165
territory enrolled at such school building in such school year. 27166
The school district receiving such payment shall place the 27167
proceeds thereof in its sinking fund or bond retirement fund. 27168

(H) The state board of education, before approving such 27169
transfer of territory, shall determine that such payment has been 27170
made and shall apportion to the acquiring school district such 27171
percentage of the indebtedness of the school district losing the 27172
territory as is represented by the ratio that the assessed 27173
valuation of the territory transferred bears to the total assessed 27174
valuation of the entire school district losing the territory as of 27175
the effective date of the transfer, provided that in ascertaining 27176
the indebtedness of the school district losing the territory the 27177
state board of education shall disregard such percentage of the 27178

par value of the outstanding and unpaid bonds and notes of said 27179
school district issued for construction or improvement of the 27180
school building or buildings for which payment was made by the 27181
acquiring district as is equal to the percentage by which the true 27182
value in money of such building or buildings was reduced in fixing 27183
the amount of said payment. 27184

(I) No transfer of school district territory or division of 27185
funds and indebtedness incident thereto, pursuant to the 27186
annexation of territory to a city or village shall be completed in 27187
any other manner than that prescribed by this section regardless 27188
of the date of the commencement of such annexation proceedings, 27189
and this section applies to all proceedings for such transfers and 27190
divisions of funds and indebtedness pending or commenced on or 27191
after October 2, 1959. 27192

Sec. 3311.063. If an annexation agreement is entered into or 27193
renewed under section 3311.06 of the Revised Code on or after the 27194
effective date of this section, it shall include a stipulation 27195
that any change to the boundaries of a school district that is a 27196
party to the annexation agreement that affects the boundaries of 27197
one or more other school districts that are parties to the 27198
annexation agreement shall not be effective unless the board of 27199
education of each of the districts affected by the change adopts a 27200
resolution approving the change. 27201

Sec. 3311.19. (A) The management and control of a joint 27202
vocational school district shall be vested in the joint vocational 27203
school district board of education which, beginning on ~~the~~ 27204
~~effective date of this amendment~~ September 29, 2013, shall be 27205
appointed under division (C) of this section. 27206

All members of a joint vocational school district board 27207
serving unexpired terms on ~~the effective date of this amendment~~ 27208

September 29, 2013, may continue in office until the expiration of 27209
their terms. If a member leaves office for any reason prior to the 27210
expiration of that member's term, the vacancy shall be filled only 27211
in the manner provided in division (C) of this section. 27212

(B) ~~Members~~ Except as provided in section 3311.191 of the 27213
Revised Code, members of the joint vocational school district 27214
board appointed on or after ~~the effective date of this amendment~~ 27215
September 29, 2013, shall serve for three-year terms of office. No 27216
member shall hold office for a period of longer than two 27217
consecutive terms. Terms shall be considered consecutive unless 27218
separated by three or more years. 27219

Members of the board shall be selected based on the diversity 27220
of the employers from the geographical region of the state in 27221
which the territory of the joint vocational school district is 27222
located represented by the members. Not less than three-fifths of 27223
the members of the board shall reside in or be employed within the 27224
territory of the joint vocational school district board upon which 27225
the member serves. 27226

(C) The manner of appointment and the total number of members 27227
appointed to the joint vocational school district board shall be 27228
in accordance with the most recent plan for the joint vocational 27229
school district on file with the department of education. An 27230
individual shall not be a member of an appointing board, unless 27231
the individual meets the criteria in division (C)(2) of this 27232
section. 27233

(1) Appointments under this section shall be made as the 27234
terms of members of each joint vocational school district board 27235
who are serving unexpired terms on ~~the effective date of this~~ 27236
~~amendment~~ September 29, 2013, expire or as those offices are 27237
otherwise vacated prior to the expiration date. 27238

(2) Members of the joint vocational board shall have 27239

experience as chief financial officers, chief executive officers, 27240
human resources managers, or other business, industry, or career 27241
counseling professionals who are qualified to discuss the labor 27242
needs of the region with respect to the regional economy. The 27243
appointing board shall appoint individuals who represent employers 27244
in the region served by the joint vocational school district who 27245
are qualified to consider the state's workforce needs with an 27246
understanding of the skills, training, and education needed for 27247
current and future employment opportunities in the state. The 27248
appointing board may give preference to individuals who have 27249
served as members on a joint vocational school business advisory 27250
committee who meet the qualifications in division (C)(2) of this 27251
section. 27252

(D) The vocational schools in the joint vocational school 27253
district shall be available to all youth of school age within the 27254
joint vocational school district subject to the rules adopted by 27255
the joint vocational school district board of education in regard 27256
to the standards requisite to admission. A joint vocational school 27257
district board of education shall have the same powers, duties, 27258
and authority for the management and operation of such joint 27259
vocational school district as is granted by law, except by this 27260
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 27261
Code, to a board of education of a city school district, and shall 27262
be subject to all the provisions of law that apply to a city 27263
school district, except such provisions in this chapter and 27264
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 27265

(E) The superintendent of schools of a joint vocational 27266
school district shall exercise the duties and authority vested by 27267
law in a superintendent of schools pertaining to the operation of 27268
a school district and the employment and supervision of its 27269
personnel. The joint vocational school district board of education 27270
shall appoint a treasurer of the joint vocational school district 27271

who shall be the fiscal officer for such district and who shall 27272
have all the powers, duties, and authority vested by law in a 27273
treasurer of a board of education. 27274

(F) Each member of a joint vocational school district board 27275
of education may be paid such compensation as the board provides 27276
by resolution, but it shall not exceed one hundred twenty-five 27277
dollars per member for each meeting attended plus mileage, at the 27278
rate per mile provided by resolution of the board, to and from 27279
meetings of the board. 27280

The board may provide by resolution for the deduction of 27281
amounts payable for benefits under section 3313.202 of the Revised 27282
Code. 27283

Each member of a joint vocational school district board may 27284
be paid such compensation as the board provides by resolution for 27285
attendance at an approved training program, provided that such 27286
compensation shall not exceed sixty dollars per day for attendance 27287
at a training program three hours or fewer in length and one 27288
hundred twenty-five dollars a day for attendance at a training 27289
program longer than three hours in length. However, no board 27290
member shall be compensated for the same training program under 27291
this section and section 3313.12 of the Revised Code. 27292

Sec. 3311.191. (A) Subject to division (B) of this section, 27293
if a joint vocational school district has an even number of member 27294
districts each appointing a member to the joint vocational school 27295
district board of education and the joint vocational school 27296
district's plan on file with the department of education provides 27297
for one additional board member to be appointed on a rotating 27298
basis by one of the appointing boards, the term of that additional 27299
member shall be for one year. The additional member shall 27300
otherwise meet the requirements for joint vocational school board 27301
members prescribed by section 3311.19 of the Revised Code. 27302

(B) If an additional member of a joint vocational school district board appointed on a rotating basis, as described in division (A) of this section, was appointed on or after September 29, 2013, but prior to the effective date of this section, that member may continue in office until the expiration of the member's current term of office. If such member vacates that office for any reason prior to the expiration of that member's term, a new additional member shall be appointed according to the rotational basis prescribed by the district's plan, and that member shall serve for the remainder of the vacating member's term. Thereafter, the term of office of the additional member shall be as prescribed by division (A) of this section.

Sec. 3313.411. (A) As used in this section:

(1) "College-preparatory boarding school" means a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(3) "Unused school facilities" means any real property that has been used by a school district for school operations, including, but not limited to, academic instruction or administration, since July 1, 1998, but has not been used in that capacity for two years.

(B)(1) Except as provided in section 3313.412 of the Revised Code, on and after June 30, 2011, any school district board of education shall offer any unused school facilities it owns in its corporate capacity for lease or sale to the governing authorities of community schools, and the board of trustees of any college-preparatory boarding school, that are located within the territory of the district.

(2) At the same time that a district board makes the offer 27333
required under division (B)(1) of this section, the board also 27334
may, but shall not be required to, offer that property for sale or 27335
lease to the governing authorities of community schools with 27336
plans, stipulated in their contracts entered into under section 27337
3314.03 of the Revised Code, either to relocate their operations 27338
to the territory of the district or to add facilities, as 27339
authorized by division (B)(3) or (4) of section 3314.05 of the 27340
Revised Code, to be located within the territory of the district. 27341

(C)(1) If, not later than sixty days after the district board 27342
makes the offer, only one qualified party offered the property 27343
under division (B) of this section notifies the district treasurer 27344
in writing of the intention to purchase the property, the district 27345
board shall sell the property to that party for the appraised fair 27346
market value of the property as determined in an appraisal of the 27347
property that is not more than one year old. 27348

(2) If, not later than sixty days after the district board 27349
makes the offer, more than one qualified party offered the 27350
property under division (B) of this section notifies the district 27351
treasurer in writing of the intention to purchase the property, 27352
the board shall conduct a public auction in the manner required 27353
for auctions of district property under division (A) of section 27354
3313.41 of the Revised Code. Only the parties offered the property 27355
under division (B) of this section that notify the district 27356
treasurer of the intention to purchase the property are eligible 27357
to bid at the auction. The district board is not obligated to 27358
accept any bid for the property that is lower than the appraised 27359
fair market value of the property as determined in an appraisal 27360
that is not more than one year old. 27361

(3) If more than one qualified party offered the property 27362
under division (B) of this section notifies the district treasurer 27363
in writing of the intention to lease the property, the district 27364

board shall conduct a lottery to select from among those parties 27365
the one qualified party to which the district board shall lease 27366
the property. 27367

(4) The lease price offered by a district board to a 27368
community school or college-preparatory boarding school under this 27369
section shall not be higher than the fair market value for such a 27370
leasehold as determined in an appraisal that is not more than one 27371
year old. 27372

(5) If no qualified party offered the property under division 27373
(B) of this section accepts the offer to lease or buy the property 27374
within sixty days after the offer is made, the district board may 27375
offer the property to any other entity in accordance with 27376
divisions (A) to (F) of section 3313.41 of the Revised Code. 27377

(D) Notwithstanding division (B) of this section, a school 27378
district board may renew any agreement it originally entered into 27379
prior to June 30, 2011, to lease real property to an entity other 27380
than a community school or college-preparatory boarding school. 27381
Nothing in this section shall affect the leasehold arrangements 27382
between the district board and that other entity. 27383

(E)(1) Except as provided in division (E)(2) of this section, 27384
the governing authority of a community school or the board of 27385
trustees of a college-preparatory boarding school shall not sell 27386
any property purchased under division (B) of this section within 27387
five years of purchasing that property. 27388

(2) The governing authority or board of trustees may sell a 27389
property purchased under division (B) of this section within five 27390
years of the purchase, only if the governing authority or board of 27391
trustees sells or transfers that property to another entity 27392
described in that division. 27393

Sec. 3313.46. (A) In addition to any other law governing the 27394

bidding for contracts by the board of education of any school 27395
district, when any such board determines to build, repair, 27396
enlarge, improve, or demolish any school building, the cost of 27397
which will exceed ~~twenty-five~~ fifty thousand dollars, except in 27398
cases of urgent necessity, or for the security and protection of 27399
school property, and except as otherwise provided in division (D) 27400
of section 713.23 and in section 125.04 of the Revised Code, all 27401
of the following shall apply: 27402

(1) The board shall cause to be prepared the plans, 27403
specifications, and related information as required in divisions 27404
(A)(1), (2), and (3) of section 153.01 of the Revised Code unless 27405
the board determines that other information is sufficient to 27406
inform any bidders of the board's requirements. However, if the 27407
board determines that such other information is sufficient for 27408
bidding a project, the board shall not engage in the construction 27409
of any such project involving the practice of professional 27410
engineering, professional surveying, or architecture, for which 27411
plans, specifications, and estimates have not been made by, and 27412
the construction thereof inspected by, a licensed professional 27413
engineer, licensed professional surveyor, or registered architect. 27414

(2) The board shall advertise for bids once each week for a 27415
period of not less than two consecutive weeks, or as provided in 27416
section 7.16 of the Revised Code, in a newspaper of general 27417
circulation in the district before the date specified by the board 27418
for receiving bids. The board may also cause notice to be inserted 27419
in trade papers or other publications designated by it or to be 27420
distributed by electronic means, including posting the notice on 27421
the board's internet web site. If the board posts the notice on 27422
its web site, it may eliminate the second notice otherwise 27423
required to be published in a newspaper of general circulation 27424
within the school district, provided that the first notice 27425
published in such newspaper meets all of the following 27426

| | |
|---|---|
| requirements: | 27427 |
| (a) It is published at least two weeks before the opening of bids. | 27428 27429 |
| (b) It includes a statement that the notice is posted on the board of education's internet web site. | 27430 27431 |
| (c) It includes the internet address of the board's internet web site. | 27432 27433 |
| (d) It includes instructions describing how the notice may be accessed on the board's internet web site. | 27434 27435 |
| (3) Unless the board extends the time for the opening of bids they shall be opened at the time and place specified by the board in the advertisement for the bids. | 27436 27437 27438 |
| (4) Each bid shall contain the name of every person interested therein. Each bid shall meet the requirements of section 153.54 of the Revised Code. | 27439 27440 27441 |
| (5) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the bid, with the price thereof, or may require that bids be submitted without such separation. | 27442 27443 27444 27445 |
| (6) None but the lowest responsible bid shall be accepted. The board may reject all the bids, or accept any bid for both labor and material for such improvement or repair, which is the lowest in the aggregate. In all other respects, the award of contracts for improvement or repair, but not for purchases made under section 3327.08 of the Revised Code, shall be pursuant to section 153.12 of the Revised Code. | 27446 27447 27448 27449 27450 27451 27452 |
| (7) The contract shall be between the board and the bidders. The board shall pay the contract price for the work pursuant to sections 153.13 and 153.14 of the Revised Code. The board shall approve and retain the estimates referred to in section 153.13 of | 27453 27454 27455 27456 |

the Revised Code and make them available to the auditor of state 27457
upon request. 27458

(8) When two or more bids are equal, in the whole, or in any 27459
part thereof, and are lower than any others, either may be 27460
accepted, but in no case shall the work be divided between such 27461
bidders. 27462

(9) When there is reason to believe there is collusion or 27463
combination among the bidders, or any number of them, the bids of 27464
those concerned therein shall be rejected. 27465

(B) Division (A) of this section does not apply to the board 27466
of education of any school district in any of the following 27467
situations: 27468

(1) The acquisition of educational materials used in 27469
teaching. 27470

(2) If the board determines and declares by resolution 27471
adopted by two-thirds of all its members that any item is 27472
available and can be acquired only from a single source. 27473

(3) If the board declares by resolution adopted by two-thirds 27474
of all its members that division (A) of this section does not 27475
apply to any installation, modification, or remodeling involved in 27476
any energy conservation measure undertaken through an installment 27477
payment contract under section 3313.372 of the Revised Code or 27478
undertaken pursuant to division (G) of section 133.06 of the 27479
Revised Code. 27480

(4) The acquisition of computer software for instructional 27481
purposes and computer hardware for instructional purposes pursuant 27482
to division (B)(4) of section 3313.37 of the Revised Code. 27483

(C) No resolution adopted pursuant to division (B)(2) or (3) 27484
of this section shall have any effect on whether sections 153.12 27485
to 153.14 and 153.54 of the Revised Code apply to the board of 27486

education of any school district with regard to any item. 27487

Sec. 3313.473. (A) This section does not apply to any school 27488
district to which one of the following applies: 27489

(1) For the 2011-2012 school year, the school district was 27490
declared to be excellent or effective under section 3302.03 of the 27491
Revised Code, as that section existed prior to ~~the effective date~~ 27492
~~of this section~~ March 22, 2013. 27493

(2) For the 2012-2013 school year, the school district 27494
received a grade of "A" or "B" for the performance index score 27495
under division (A)(1)(b) and for the value-added dimension under 27496
division (A)(1)(e) of section 3302.03 of the Revised Code. 27497

(3) For the 2013-2014, 2014-2015, or 2015-2016 school year, 27498
the school district received a grade of "A" or "B" for the 27499
performance index score under division (B)(1)(b) and for the 27500
value-added dimension under division (B)(1)(e) of section 3302.03 27501
of the Revised Code. 27502

(4) For the ~~2014-2015~~ 2016-2017 school year and for any 27503
school year thereafter, the school district received an overall 27504
grade of "A" or "B" under division (C)(3) of section 3302.03 of 27505
the Revised Code. 27506

(B) The state board of education shall adopt rules requiring 27507
school districts with a total student count of over five thousand, 27508
as determined pursuant to section 3317.03 of the Revised Code, to 27509
designate one school building to be operated by a site-based 27510
management council. The rules shall specify the composition of the 27511
council and the manner in which members of the council are to be 27512
selected and removed. 27513

(C) The rules adopted under division (B) of this section 27514
shall specify those powers, duties, functions, and 27515
responsibilities that shall be vested in the management council 27516

and that would otherwise be exercised by the district board of 27517
education. The rules shall also establish a mechanism for 27518
resolving any differences between the council and the district 27519
board if there is disagreement as to their respective powers, 27520
duties, functions, and responsibilities. 27521

(D) The board of education of any school district described 27522
by division (B) of this section may, in lieu of complying with the 27523
rules adopted under this section, file with the department of 27524
education an alternative structure for a district site-based 27525
management program in at least one of its school buildings. The 27526
proposal shall specify the composition of the council, which shall 27527
include an equal number of parents and teachers and the building 27528
principal, and the method of selection and removal of the council 27529
members. The proposal shall also clearly delineate the respective 27530
powers, duties, functions, and responsibilities of the district 27531
board and the council. The district's proposal shall comply 27532
substantially with the rules adopted under division (B) of this 27533
section. 27534

Sec. 3313.603. (A) As used in this section: 27535

(1) "One unit" means a minimum of one hundred twenty hours of 27536
course instruction, except that for a laboratory course, "one 27537
unit" means a minimum of one hundred fifty hours of course 27538
instruction. 27539

(2) "One-half unit" means a minimum of sixty hours of course 27540
instruction, except that for physical education courses, "one-half 27541
unit" means a minimum of one hundred twenty hours of course 27542
instruction. 27543

(B) Beginning September 15, 2001, except as required in 27544
division (C) of this section and division (C) of section 3313.614 27545
of the Revised Code, the requirements for graduation from every 27546
high school shall include twenty units earned in grades nine 27547

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| through twelve and shall be distributed as follows: | 27548 |
| (1) English language arts, four units; | 27549 |
| (2) Health, one-half unit; | 27550 |
| (3) Mathematics, three units; | 27551 |
| (4) Physical education, one-half unit; | 27552 |
| (5) Science, two units until September 15, 2003, and three | 27553 |
| units thereafter, which at all times shall include both of the | 27554 |
| following: | 27555 |
| (a) Biological sciences, one unit; | 27556 |
| (b) Physical sciences, one unit. | 27557 |
| (6) History and government, one unit, which shall comply with | 27558 |
| division (M) of this section and shall include both of the | 27559 |
| following: | 27560 |
| (a) American history, one-half unit; | 27561 |
| (b) American government, one-half unit. | 27562 |
| (7) Social studies, two units. | 27563 |
| Beginning with students who enter ninth grade for the first | 27564 |
| time on or after July 1, 2017, the two units of instruction | 27565 |
| prescribed by division (B)(7) of this section shall include at | 27566 |
| least one-half unit of instruction in the study of world history | 27567 |
| and civilizations. | 27568 |
| (8) Elective units, seven units until September 15, 2003, and | 27569 |
| six units thereafter. | 27570 |
| Each student's electives shall include at least one unit, or | 27571 |
| two half units, chosen from among the areas of | 27572 |
| business/technology, fine arts, and/or foreign language. | 27573 |
| (C) Beginning with students who enter ninth grade for the | 27574 |
| first time on or after July 1, 2010, except as provided in | 27575 |

divisions (D) to (F) of this section, the requirements for 27576
graduation from every public and chartered nonpublic high school 27577
shall include twenty units that are designed to prepare students 27578
for the workforce and college. The units shall be distributed as 27579
follows: 27580

(1) English language arts, four units; 27581

(2) Health, one-half unit, which shall include instruction in 27582
nutrition and the benefits of nutritious foods and physical 27583
activity for overall health; 27584

(3) Mathematics, four units, which shall include one unit of 27585
algebra II or the equivalent of algebra II+. However, students who 27586
enter ninth grade for the first time on or after July 1, 2015, and 27587
who are pursuing a career-technical instructional track shall not 27588
be required to take algebra II, and instead may complete a 27589
career-based pathway mathematics course as an alternative. 27590

(4) Physical education, one-half unit; 27591

(5) Science, three units with inquiry-based laboratory 27592
experience that engages students in asking valid scientific 27593
questions and gathering and analyzing information, which shall 27594
include the following, or their equivalent: 27595

(a) Physical sciences, one unit; 27596

(b) Life sciences, one unit; 27597

(c) Advanced study in one or more of the following sciences, 27598
one unit: 27599

(i) Chemistry, physics, or other physical science; 27600

(ii) Advanced biology or other life science; 27601

(iii) Astronomy, physical geology, or other earth or space 27602
science. 27603

(6) History and government, one unit, which shall comply with 27604

division (M) of this section and shall include both of the 27605
following: 27606

(a) American history, one-half unit; 27607

(b) American government, one-half unit. 27608

(7) Social studies, two units. 27609

Each school shall integrate the study of economics and 27610
financial literacy, as expressed in the social studies academic 27611
content standards adopted by the state board of education under 27612
division (A)(1) of section 3301.079 of the Revised Code and the 27613
academic content standards for financial literacy and 27614
entrepreneurship adopted under division (A)(2) of that section, 27615
into one or more existing social studies credits required under 27616
division (C)(7) of this section, or into the content of another 27617
class, so that every high school student receives instruction in 27618
those concepts. In developing the curriculum required by this 27619
paragraph, schools shall use available public-private partnerships 27620
and resources and materials that exist in business, industry, and 27621
through the centers for economics education at institutions of 27622
higher education in the state. 27623

Beginning with students who enter ninth grade for the first 27624
time on or after July 1, 2017, the two units of instruction 27625
prescribed by division (C)(7) of this section shall include at 27626
least one-half unit of instruction in the study of world history 27627
and civilizations. 27628

(8) Five units consisting of one or any combination of 27629
foreign language, fine arts, business, career-technical education, 27630
family and consumer sciences, technology, agricultural education, 27631
a junior reserve officer training corps (JROTC) program approved 27632
by the congress of the United States under title 10 of the United 27633
States Code, or English language arts, mathematics, science, or 27634
social studies courses not otherwise required under division (C) 27635

of this section. 27636

Ohioans must be prepared to apply increased knowledge and 27637
skills in the workplace and to adapt their knowledge and skills 27638
quickly to meet the rapidly changing conditions of the 27639
twenty-first century. National studies indicate that all high 27640
school graduates need the same academic foundation, regardless of 27641
the opportunities they pursue after graduation. The goal of Ohio's 27642
system of elementary and secondary education is to prepare all 27643
students for and seamlessly connect all students to success in 27644
life beyond high school graduation, regardless of whether the next 27645
step is entering the workforce, beginning an apprenticeship, 27646
engaging in post-secondary training, serving in the military, or 27647
pursuing a college degree. 27648

The requirements for graduation prescribed in division (C) of 27649
this section are the standard expectation for all students 27650
entering ninth grade for the first time at a public or chartered 27651
nonpublic high school on or after July 1, 2010. A student may 27652
satisfy this expectation through a variety of methods, including, 27653
but not limited to, integrated, applied, career-technical, and 27654
traditional coursework. 27655

Whereas teacher quality is essential for student success when 27656
completing the requirements for graduation, the general assembly 27657
shall appropriate funds for strategic initiatives designed to 27658
strengthen schools' capacities to hire and retain highly qualified 27659
teachers in the subject areas required by the curriculum. Such 27660
initiatives are expected to require an investment of \$120,000,000 27661
over five years. 27662

Stronger coordination between high schools and institutions 27663
of higher education is necessary to prepare students for more 27664
challenging academic endeavors and to lessen the need for academic 27665
remediation in college, thereby reducing the costs of higher 27666
education for Ohio's students, families, and the state. The state 27667

board and the ~~chancellor of the Ohio board of regents~~ director of 27668
higher education shall develop policies to ensure that only in 27669
rare instances will students who complete the requirements for 27670
graduation prescribed in division (C) of this section require 27671
academic remediation after high school. 27672

School districts, community schools, and chartered nonpublic 27673
schools shall integrate technology into learning experiences 27674
across the curriculum in order to maximize efficiency, enhance 27675
learning, and prepare students for success in the 27676
technology-driven twenty-first century. Districts and schools 27677
shall use distance and web-based course delivery as a method of 27678
providing or augmenting all instruction required under this 27679
division, including laboratory experience in science. Districts 27680
and schools shall utilize technology access and electronic 27681
learning opportunities provided by the broadcast educational media 27682
commission, ~~chancellor~~ director of higher education, the Ohio 27683
learning network, education technology centers, public television 27684
stations, and other public and private providers. 27685

(D) Except as provided in division (E) of this section, a 27686
student who enters ninth grade on or after July 1, 2010, and 27687
before July 1, 2016, may qualify for graduation from a public or 27688
chartered nonpublic high school even though the student has not 27689
completed the requirements for graduation prescribed in division 27690
(C) of this section if all of the following conditions are 27691
satisfied: 27692

(1) During the student's third year of attending high school, 27693
as determined by the school, the student and the student's parent, 27694
guardian, or custodian sign and file with the school a written 27695
statement asserting the parent's, guardian's, or custodian's 27696
consent to the student's graduating without completing the 27697
requirements for graduation prescribed in division (C) of this 27698
section and acknowledging that one consequence of not completing 27699

those requirements is ineligibility to enroll in most state 27700
universities in Ohio without further coursework. 27701

(2) The student and parent, guardian, or custodian fulfill 27702
any procedural requirements the school stipulates to ensure the 27703
student's and parent's, guardian's, or custodian's informed 27704
consent and to facilitate orderly filing of statements under 27705
division (D)(1) of this section. Annually, each district or school 27706
shall notify the department of education of the number of students 27707
who choose to qualify for graduation under division (D) of this 27708
section and the number of students who complete the student's 27709
success plan and graduate from high school. 27710

(3) The student and the student's parent, guardian, or 27711
custodian and a representative of the student's high school 27712
jointly develop a student success plan for the student in the 27713
manner described in division (C)(1) of section 3313.6020 of the 27714
Revised Code that specifies the student matriculating to a 27715
two-year degree program, acquiring a business and 27716
industry-recognized credential, or entering an apprenticeship. 27717

(4) The student's high school provides counseling and support 27718
for the student related to the plan developed under division 27719
(D)(3) of this section during the remainder of the student's high 27720
school experience. 27721

(5)(a) Except as provided in division (D)(5)(b) of this 27722
section, the student successfully completes, at a minimum, the 27723
curriculum prescribed in division (B) of this section. 27724

(b) Beginning with students who enter ninth grade for the 27725
first time on or after July 1, 2014, a student shall be required 27726
to complete successfully, at the minimum, the curriculum 27727
prescribed in division (B) of this section, except as follows: 27728

(i) Mathematics, four units, one unit which shall be one of 27729
the following: 27730

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|---|-------|
| (I) Probability and statistics; | 27731 |
| (II) Computer programming; | 27732 |
| (III) Applied mathematics or quantitative reasoning; | 27733 |
| (IV) Any other course approved by the department using | 27734 |
| standards established by the superintendent not later than October | 27735 |
| 1, 2014. | 27736 |
| (ii) Elective units, five units; | 27737 |
| (iii) Science, three units as prescribed by division (B) of | 27738 |
| this section which shall include inquiry-based laboratory | 27739 |
| experience that engages students in asking valid scientific | 27740 |
| questions and gathering and analyzing information. | 27741 |
| The department, in collaboration with the chancellor <u>director</u> | 27742 |
| <u>of higher education</u> , shall analyze student performance data to | 27743 |
| determine if there are mitigating factors that warrant extending | 27744 |
| the exception permitted by division (D) of this section to high | 27745 |
| school classes beyond those entering ninth grade before July 1, | 27746 |
| 2016. The department shall submit its findings and any | 27747 |
| recommendations not later than December 1, 2015, to the speaker | 27748 |
| and minority leader of the house of representatives, the president | 27749 |
| and minority leader of the senate, the chairpersons and ranking | 27750 |
| minority members of the standing committees of the house of | 27751 |
| representatives and the senate that consider education | 27752 |
| legislation, the state board of education, and the superintendent | 27753 |
| of public instruction. | 27754 |
| (E) Each school district and chartered nonpublic school | 27755 |
| retains the authority to require an even more challenging minimum | 27756 |
| curriculum for high school graduation than specified in division | 27757 |
| (B) or (C) of this section. A school district board of education, | 27758 |
| through the adoption of a resolution, or the governing authority | 27759 |
| of a chartered nonpublic school may stipulate any of the | 27760 |
| following: | 27761 |

(1) A minimum high school curriculum that requires more than 27762
twenty units of academic credit to graduate; 27763

(2) An exception to the district's or school's minimum high 27764
school curriculum that is comparable to the exception provided in 27765
division (D) of this section but with additional requirements, 27766
which may include a requirement that the student successfully 27767
complete more than the minimum curriculum prescribed in division 27768
(B) of this section; 27769

(3) That no exception comparable to that provided in division 27770
(D) of this section is available. 27771

(F) A student enrolled in a dropout prevention and recovery 27772
program, which program has received a waiver from the department, 27773
may qualify for graduation from high school by successfully 27774
completing a competency-based instructional program administered 27775
by the dropout prevention and recovery program in lieu of 27776
completing the requirements for graduation prescribed in division 27777
(C) of this section. The department shall grant a waiver to a 27778
dropout prevention and recovery program, within sixty days after 27779
the program applies for the waiver, if the program meets all of 27780
the following conditions: 27781

(1) The program serves only students not younger than sixteen 27782
years of age and not older than twenty-one years of age. 27783

(2) The program enrolls students who, at the time of their 27784
initial enrollment, either, or both, are at least one grade level 27785
behind their cohort age groups or experience crises that 27786
significantly interfere with their academic progress such that 27787
they are prevented from continuing their traditional programs. 27788

(3) The program requires students to attain at least the 27789
applicable score designated for each of the assessments prescribed 27790
under division (B)(1) of section 3301.0710 of the Revised Code or, 27791
to the extent prescribed by rule of the state board under division 27792

(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 27793
of that section. 27794

(4) The program develops a student success plan for the 27795
student in the manner described in division (C)(1) of section 27796
3313.6020 of the Revised Code that specifies the student's 27797
matriculating to a two-year degree program, acquiring a business 27798
and industry-recognized credential, or entering an apprenticeship. 27799

(5) The program provides counseling and support for the 27800
student related to the plan developed under division (F)(4) of 27801
this section during the remainder of the student's high school 27802
experience. 27803

(6) The program requires the student and the student's 27804
parent, guardian, or custodian to sign and file, in accordance 27805
with procedural requirements stipulated by the program, a written 27806
statement asserting the parent's, guardian's, or custodian's 27807
consent to the student's graduating without completing the 27808
requirements for graduation prescribed in division (C) of this 27809
section and acknowledging that one consequence of not completing 27810
those requirements is ineligibility to enroll in most state 27811
universities in Ohio without further coursework. 27812

(7) Prior to receiving the waiver, the program has submitted 27813
to the department an instructional plan that demonstrates how the 27814
academic content standards adopted by the state board under 27815
section 3301.079 of the Revised Code will be taught and assessed. 27816

(8) Prior to receiving the waiver, the program has submitted 27817
to the department a policy on career advising that satisfies the 27818
requirements of section 3313.6020 of the Revised Code, with an 27819
emphasis on how every student will receive career advising. 27820

(9) Prior to receiving the waiver, the program has submitted 27821
to the department a written agreement outlining the future 27822
cooperation between the program and any combination of local job 27823

training, postsecondary education, nonprofit, and health and 27824
social service organizations to provide services for students in 27825
the program and their families. 27826

Divisions (F)(8) and (9) of this section apply only to 27827
waivers granted on or after July 1, 2015. 27828

If the department does not act either to grant the waiver or 27829
to reject the program application for the waiver within sixty days 27830
as required under this section, the waiver shall be considered to 27831
be granted. 27832

(G) Every high school may permit students below the ninth 27833
grade to take advanced work. If a high school so permits, it shall 27834
award high school credit for successful completion of the advanced 27835
work and shall count such advanced work toward the graduation 27836
requirements of division (B) or (C) of this section if the 27837
advanced work was both: 27838

(1) Taught by a person who possesses a license or certificate 27839
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 27840
Code that is valid for teaching high school; 27841

(2) Designated by the board of education of the city, local, 27842
or exempted village school district, the board of the cooperative 27843
education school district, or the governing authority of the 27844
chartered nonpublic school as meeting the high school curriculum 27845
requirements. 27846

Each high school shall record on the student's high school 27847
transcript all high school credit awarded under division (G) of 27848
this section. In addition, if the student completed a seventh- or 27849
eighth-grade fine arts course described in division (K) of this 27850
section and the course qualified for high school credit under that 27851
division, the high school shall record that course on the 27852
student's high school transcript. 27853

(H) The department shall make its individual academic career 27854

plan available through its Ohio career information system web site 27855
for districts and schools to use as a tool for communicating with 27856
and providing guidance to students and families in selecting high 27857
school courses. 27858

(I) Units earned in English language arts, mathematics, 27859
science, and social studies that are delivered through integrated 27860
academic and career-technical instruction are eligible to meet the 27861
graduation requirements of division (B) or (C) of this section. 27862

(J)(1) The state board, in consultation with the ~~chancellor~~ 27863
director of higher education, shall adopt a statewide plan 27864
implementing methods for students to earn units of high school 27865
credit based on a demonstration of subject area competency, 27866
instead of or in combination with completing hours of classroom 27867
instruction. The state board shall adopt the plan not later than 27868
March 31, 2009, and commence phasing in the plan during the 27869
2009-2010 school year. The plan shall include a standard method 27870
for recording demonstrated proficiency on high school transcripts. 27871
Each school district and community school shall comply with the 27872
state board's plan adopted under this division and award units of 27873
high school credit in accordance with the plan. The state board 27874
may adopt existing methods for earning high school credit based on 27875
a demonstration of subject area competency as necessary prior to 27876
the 2009-2010 school year. 27877

(2) Not later than December 31, 2015, the state board shall 27878
update the statewide plan adopted pursuant to division (J)(1) of 27879
this section to also include methods for students enrolled in 27880
seventh and eighth grade to meet curriculum requirements based on 27881
a demonstration of subject area competency, instead of or in 27882
combination with completing hours of classroom instruction. 27883
Beginning with the 2017-2018 school year, each school district and 27884
community school also shall comply with the updated plan adopted 27885
pursuant to this division and permit students enrolled in seventh 27886

and eighth grade to meet curriculum requirements based on subject 27887
area competency in accordance with the plan. 27888

(K) This division does not apply to students who qualify for 27889
graduation from high school under division (D) or (F) of this 27890
section, or to students pursuing a career-technical instructional 27891
track as determined by the school district board of education or 27892
the chartered nonpublic school's governing authority. 27893
Nevertheless, the general assembly encourages such students to 27894
consider enrolling in a fine arts course as an elective. 27895

Beginning with students who enter ninth grade for the first 27896
time on or after July 1, 2010, each student enrolled in a public 27897
or chartered nonpublic high school shall complete two semesters or 27898
the equivalent of fine arts to graduate from high school. The 27899
coursework may be completed in any of grades seven to twelve. Each 27900
student who completes a fine arts course in grade seven or eight 27901
may elect to count that course toward the five units of electives 27902
required for graduation under division (C)(8) of this section, if 27903
the course satisfied the requirements of division (G) of this 27904
section. In that case, the high school shall award the student 27905
high school credit for the course and count the course toward the 27906
five units required under division (C)(8) of this section. If the 27907
course in grade seven or eight did not satisfy the requirements of 27908
division (G) of this section, the high school shall not award the 27909
student high school credit for the course but shall count the 27910
course toward the two semesters or the equivalent of fine arts 27911
required by this division. 27912

(L) Notwithstanding anything to the contrary in this section, 27913
the board of education of each school district and the governing 27914
authority of each chartered nonpublic school may adopt a policy to 27915
excuse from the high school physical education requirement each 27916
student who, during high school, has participated in 27917
interscholastic athletics, marching band, or cheerleading for at 27918

least two full seasons or in the junior reserve officer training 27919
corps for at least two full school years. If the board or 27920
authority adopts such a policy, the board or authority shall not 27921
require the student to complete any physical education course as a 27922
condition to graduate. However, the student shall be required to 27923
complete one-half unit, consisting of at least sixty hours of 27924
instruction, in another course of study. In the case of a student 27925
who has participated in the junior reserve officer training corps 27926
for at least two full school years, credit received for that 27927
participation may be used to satisfy the requirement to complete 27928
one-half unit in another course of study. 27929

(M) It is important that high school students learn and 27930
understand United States history and the governments of both the 27931
United States and the state of Ohio. Therefore, beginning with 27932
students who enter ninth grade for the first time on or after July 27933
1, 2012, the study of American history and American government 27934
required by divisions (B)(6) and (C)(6) of this section shall 27935
include the study of all of the following documents: 27936

(1) The Declaration of Independence; 27937

(2) The Northwest Ordinance; 27938

(3) The Constitution of the United States with emphasis on 27939
the Bill of Rights; 27940

(4) The Ohio Constitution. 27941

The study of each of the documents prescribed in divisions 27942
(M)(1) to (4) of this section shall include study of that document 27943
in its original context. 27944

The study of American history and government required by 27945
divisions (B)(6) and (C)(6) of this section shall include the 27946
historical evidence of the role of documents such as the 27947
Federalist Papers and the Anti-Federalist Papers to firmly 27948
establish the historical background leading to the establishment 27949

of the provisions of the Constitution and Bill of Rights. 27950

Sec. 3313.608. (A)(1) Beginning with students who enter third 27951
grade in the school year that starts July 1, 2009, and until June 27952
30, 2013, unless the student is excused under division (C) of 27953
section 3301.0711 of the Revised Code from taking the assessment 27954
described in this section, for any student who does not attain at 27955
least the equivalent level of achievement designated under 27956
division (A)(3) of section 3301.0710 of the Revised Code on the 27957
assessment prescribed under that section to measure skill in 27958
English language arts expected at the end of third grade, each 27959
school district, in accordance with the policy adopted under 27960
section 3313.609 of the Revised Code, shall do one of the 27961
following: 27962

(a) Promote the student to fourth grade if the student's 27963
principal and reading teacher agree that other evaluations of the 27964
student's skill in reading demonstrate that the student is 27965
academically prepared to be promoted to fourth grade; 27966

(b) Promote the student to fourth grade but provide the 27967
student with intensive intervention services in fourth grade; 27968

(c) Retain the student in third grade. 27969

(2) Beginning with students who enter third grade in the 27970
2013-2014 school year, unless the student is excused under 27971
division (C) of section 3301.0711 of the Revised Code from taking 27972
the assessment described in this section, no school district shall 27973
promote to fourth grade any student who does not attain at least 27974
the equivalent level of achievement designated under division 27975
(A)(3) of section 3301.0710 of the Revised Code on the assessment 27976
prescribed under that section to measure skill in English language 27977
arts expected at the end of third grade, unless one of the 27978
following applies: 27979

- (a) The student is a limited English proficient student who 27980
has been enrolled in United States schools for less than three 27981
full school years and has had less than three years of instruction 27982
in an English as a second language program. 27983
- (b) The student is a child with a disability entitled to 27984
special education and related services under Chapter 3323. of the 27985
Revised Code and the student's individualized education program 27986
exempts the student from retention under this division. 27987
- (c) The student demonstrates an acceptable level of 27988
performance on an alternative standardized reading assessment as 27989
determined by the department of education. 27990
- (d) All of the following apply: 27991
- (i) The student is a child with a disability entitled to 27992
special education and related services under Chapter 3323. of the 27993
Revised Code. 27994
- (ii) The student has taken the third grade English language 27995
arts achievement assessment prescribed under section 3301.0710 of 27996
the Revised Code. 27997
- (iii) The student's individualized education program or plan 27998
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 27999
355, 29 U.S.C. 794, as amended, shows that the student has 28000
received intensive remediation in reading for two school years but 28001
still demonstrates a deficiency in reading. 28002
- (iv) The student previously was retained in any of grades 28003
kindergarten to three. 28004
- (e)(i) The student received intensive remediation for reading 28005
for two school years but still demonstrates a deficiency in 28006
reading and was previously retained in any of grades kindergarten 28007
to three. 28008
- (ii) A student who is promoted under division (A)(2)(e)(i) of 28009

this section shall continue to receive intensive reading 28010
instruction in grade four. The instruction shall include an 28011
altered instructional day that includes specialized diagnostic 28012
information and specific research-based reading strategies for the 28013
student that have been successful in improving reading among 28014
low-performing readers. 28015

(B)(1) Beginning in the 2012-2013 school year, to assist 28016
students in meeting the third grade guarantee established by this 28017
section, each school district board of education shall adopt 28018
policies and procedures with which it annually shall assess the 28019
reading skills of each student, except those students with 28020
significant cognitive disabilities or other disabilities as 28021
authorized by the department on a case-by-case basis, enrolled in 28022
kindergarten to third grade and shall identify students who are 28023
reading below their grade level. Each district shall use the 28024
diagnostic assessment to measure reading ability for the 28025
appropriate grade level adopted under section 3301.079 of the 28026
Revised Code, or a comparable tool approved by the department of 28027
education, to identify such students. The policies and procedures 28028
shall require the students' classroom teachers to be involved in 28029
the assessment and the identification of students reading below 28030
grade level. The assessment may be administered electronically 28031
using live, two-way video and audio connections whereby the 28032
teacher administering the assessment may be in a separate location 28033
from the student. 28034

(2) For each student identified by the diagnostic assessment 28035
prescribed under this section as having reading skills below grade 28036
level, the district shall do both of the following: 28037

(a) Provide to the student's parent or guardian, in writing, 28038
all of the following: 28039

(i) Notification that the student has been identified as 28040
having a substantial deficiency in reading; 28041

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas

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| of deficiencies identified under this section including, but not | 28073 |
| limited to, not less than ninety minutes of reading instruction | 28074 |
| per day, and may include any of the following: | 28075 |
| (i) Small group instruction; | 28076 |
| (ii) Reduced teacher-student ratios; | 28077 |
| (iii) More frequent progress monitoring; | 28078 |
| (iv) Tutoring or mentoring; | 28079 |
| (v) Transition classes containing third and fourth grade | 28080 |
| students; | 28081 |
| (vi) Extended school day, week, or year; | 28082 |
| (vii) Summer reading camps. | 28083 |
| (b) Establish a policy for the mid-year promotion of a | 28084 |
| student retained under division (A) of this section who | 28085 |
| demonstrates that the student is reading at or above grade level; | 28086 |
| (c) <u>Provide Except as provided in section 3302.16 of the</u> | 28087 |
| <u>Revised Code, provide</u> each student with a teacher who satisfies | 28088 |
| one or more of the criteria set forth in division (H) of this | 28089 |
| section. | 28090 |
| The district shall offer the option for students to receive | 28091 |
| applicable services from one or more providers other than the | 28092 |
| district. Providers shall be screened and approved by the district | 28093 |
| or the department of education. If the student participates in the | 28094 |
| remediation services and demonstrates reading proficiency in | 28095 |
| accordance with standards adopted by the department prior to the | 28096 |
| start of fourth grade, the district shall promote the student to | 28097 |
| that grade. | 28098 |
| (4) For each student retained under division (A) of this | 28099 |
| section who has demonstrated proficiency in a specific academic | 28100 |
| ability field, each district shall provide instruction | 28101 |
| commensurate with student achievement levels in that specific | 28102 |

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| academic ability field. | 28103 |
| As used in this division, "specific academic ability field" | 28104 |
| has the same meaning as in section 3324.01 of the Revised Code. | 28105 |
| (C) For each student required to be provided intervention | 28106 |
| services under this section, the district shall develop a reading | 28107 |
| improvement and monitoring plan within sixty days after receiving | 28108 |
| the student's results on the diagnostic assessment or comparable | 28109 |
| tool administered under division (B)(1) of this section. The | 28110 |
| district shall involve the student's parent or guardian and | 28111 |
| classroom teacher in developing the plan. The plan shall include | 28112 |
| all of the following: | 28113 |
| (1) Identification of the student's specific reading | 28114 |
| deficiencies; | 28115 |
| (2) A description of the additional instructional services | 28116 |
| and support that will be provided to the student to remediate the | 28117 |
| identified reading deficiencies; | 28118 |
| (3) Opportunities for the student's parent or guardian to be | 28119 |
| involved in the instructional services and support described in | 28120 |
| division (C)(2) of this section; | 28121 |
| (4) A process for monitoring the extent to which the student | 28122 |
| receives the instructional services and support described in | 28123 |
| division (C)(2) of this section; | 28124 |
| (5) A reading curriculum during regular school hours that | 28125 |
| does all of the following: | 28126 |
| (a) Assists students to read at grade level; | 28127 |
| (b) Provides scientifically based and reliable assessment; | 28128 |
| (c) Provides initial and ongoing analysis of each student's | 28129 |
| reading progress. | 28130 |
| (6) A statement that if the student does not attain at least | 28131 |
| the equivalent level of achievement designated under division | 28132 |

(A)(3) of section 3301.0710 of the Revised Code on the assessment 28133
prescribed under that section to measure skill in English language 28134
arts expected by the end of third grade, the student may be 28135
retained in third grade. 28136

Each student with a reading improvement and monitoring plan 28137
under this division who enters third grade after July 1, 2013, 28138
shall be assigned to a teacher who satisfies one or more of the 28139
criteria set forth in division (H) of this section. 28140

The district shall report any information requested by the 28141
department about the reading improvement monitoring plans 28142
developed under this division in the manner required by the 28143
department. 28144

(D) Each school district shall report annually to the 28145
department on its implementation and compliance with this section 28146
using guidelines prescribed by the superintendent of public 28147
instruction. The superintendent of public instruction annually 28148
shall report to the governor and general assembly the number and 28149
percentage of students in grades kindergarten through four reading 28150
below grade level based on the diagnostic assessments administered 28151
under division (B) of this section and the achievement assessments 28152
administered under divisions (A)(1)(a) and (b) of section 28153
3301.0710 of the Revised Code in English language arts, aggregated 28154
by school district and building; the types of intervention 28155
services provided to students; and, if available, an evaluation of 28156
the efficacy of the intervention services provided. 28157

(E) Any summer remediation services funded in whole or in 28158
part by the state and offered by school districts to students 28159
under this section shall meet the following conditions: 28160

(1) The remediation methods are based on reliable educational 28161
research. 28162

(2) The school districts conduct assessment before and after 28163

students participate in the program to facilitate monitoring 28164
results of the remediation services. 28165

(3) The parents of participating students are involved in 28166
programming decisions. 28167

(F) Any intervention or remediation services required by this 28168
section shall include intensive, explicit, and systematic 28169
instruction. 28170

(G) This section does not create a new cause of action or a 28171
substantive legal right for any person. 28172

(H)(1) Except as provided under divisions (H)(2), (3), and 28173
(4) of this section, and except as provided in section 3302.16 of 28174
the Revised Code, each student described in division (B)(3) or (C) 28175
of this section who enters third grade for the first time on or 28176
after July 1, 2013, shall be assigned a teacher who has at least 28177
one year of teaching experience and who satisfies one or more of 28178
the following criteria: 28179

(a) The teacher holds a reading endorsement on the teacher's 28180
license and has attained a passing score on the corresponding 28181
assessment for that endorsement, as applicable. 28182

(b) The teacher has completed a master's degree program with 28183
a major in reading. 28184

(c) The teacher was rated "most effective" for reading 28185
instruction consecutively for the most recent two years based on 28186
assessments of student growth measures developed by a vendor and 28187
that is on the list of student assessments approved by the state 28188
board under division (B)(2) of section 3319.112 of the Revised 28189
Code. 28190

(d) The teacher was rated "above expected value added," in 28191
reading instruction, as determined by criteria established by the 28192
department, for the most recent, consecutive two years. 28193

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the board of

speech-language pathology and audiology under Chapter 4753. of the 28226
Revised Code and a professional pupil services license as a school 28227
speech-language pathologist issued by the state board of 28228
education. 28229

(5) A teacher, other than a student's teacher of record, may 28230
provide any services required under this section, so long as that 28231
other teacher meets the requirements of division (H) of this 28232
section and the teacher of record and the school principal agree 28233
to the assignment. Any such assignment shall be documented in the 28234
student's reading improvement and monitoring plan. 28235

As used in this division, "teacher of record" means the 28236
classroom teacher to whom a student is assigned. 28237

(I) Notwithstanding division (H) of this section, a teacher 28238
may teach reading to any student who is an English language 28239
learner, and has been in the United States for three years or 28240
less, or to a student who has an individualized education program 28241
developed under Chapter 3323. of the Revised Code if that teacher 28242
holds an alternative credential approved by the department or has 28243
successfully completed training that is based on principles of 28244
scientifically research-based reading instruction that has been 28245
approved by the department. Beginning on July 1, 2014, the 28246
alternative credentials and training described in this division 28247
shall be aligned with the reading competencies adopted by the 28248
state board of education under section 3301.077 of the Revised 28249
Code. 28250

(J) If, on or after June 4, 2013, a school district or 28251
community school cannot furnish the number of teachers needed who 28252
satisfy one or more of the criteria set forth in division (H) of 28253
this section for the 2013-2014 school year, the school district or 28254
community school shall develop and submit a staffing plan by June 28255
30, 2013. The staffing plan shall include criteria that will be 28256
used to assign a student described in division (B)(3) or (C) of 28257

this section to a teacher, credentials or training held by 28258
teachers currently teaching at the school, and how the school 28259
district or community school will meet the requirements of this 28260
section. The school district or community school shall post the 28261
staffing plan on its web site for the applicable school year. 28262

Not later than March 1, 2014, and on the first day of March 28263
in each year thereafter, a school district or community school 28264
that has submitted a plan under this division shall submit to the 28265
department a detailed report of the progress the district or 28266
school has made in meeting the requirements under this section. 28267

A school district or community school may request an 28268
extension of a staffing plan beyond the 2013-2014 school year. 28269
Extension requests must be submitted to the department not later 28270
than the thirtieth day of April prior to the start of the 28271
applicable school year. The department may grant extensions valid 28272
through the 2015-2016 school year. 28273

Until June 30, 2015, the department annually shall review all 28274
staffing plans and report to the state board not later than the 28275
thirtieth day of June of each year the progress of school 28276
districts and community schools in meeting the requirements of 28277
this section. 28278

(K) The department of education shall designate one or more 28279
staff members to provide guidance and assistance to school 28280
districts and community schools in implementing the third grade 28281
guarantee established by this section, including any standards or 28282
requirements adopted to implement the guarantee and to provide 28283
information and support for reading instruction and achievement. 28284

Sec. 3313.6010. The ~~state board of education shall adopt~~ 28285
~~rules permitting of a school districts to district may~~ contract 28286
with public and private providers of academic remediation and 28287
intervention in mathematics, science, reading, writing, and social 28288

studies for the purpose of assisting pupils in ~~grades one through~~ 28289
~~six~~ any grade outside of regular school hours. 28290

Sec. 3313.614. (A) As used in this section, a person 28291
"fulfills the curriculum requirement for a diploma" at the time 28292
one of the following conditions is satisfied: 28293

(1) The person successfully completes the high school 28294
curriculum of a school district, a community school, a chartered 28295
nonpublic school, or a correctional institution. 28296

(2) The person successfully completes the individualized 28297
education program developed for the person under section 3323.08 28298
of the Revised Code. 28299

(3) A board of education issues its determination under 28300
section 3313.611 of the Revised Code that the person qualifies as 28301
having successfully completed the curriculum required by the 28302
district. 28303

(B) This division specifies the assessment requirements that 28304
must be fulfilled as a condition toward granting high school 28305
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 28306
of the Revised Code. 28307

(1) A person who fulfills the curriculum requirement for a 28308
diploma before September 15, 2000, is not required to pass any 28309
proficiency test or achievement test in science as a condition to 28310
receiving a diploma. 28311

(2) A person who began ninth grade for the first time prior 28312
to July 1, 2003, is not required to pass the Ohio graduation test 28313
prescribed under division (B)(1) of section 3301.0710 or any 28314
assessment prescribed under division (B)(2) of that section in any 28315
subject as a condition to receiving a diploma once the person has 28316
passed the ninth grade proficiency test in the same subject, so 28317
long as the person passed the ninth grade proficiency test prior 28318

to September 15, 2008. However, any such person who passes the 28319
Ohio graduation test in any subject prior to passing the ninth 28320
grade proficiency test in the same subject shall be deemed to have 28321
passed the ninth grade proficiency test in that subject as a 28322
condition to receiving a diploma. For this purpose, the ninth 28323
grade proficiency test in citizenship substitutes for the Ohio 28324
graduation test in social studies. If a person began ninth grade 28325
prior to July 1, 2003, but does not pass a ninth grade proficiency 28326
test or the Ohio graduation test in a particular subject before 28327
September 15, 2008, and passage of a test in that subject is a 28328
condition for the person to receive a diploma, the person must 28329
pass the Ohio graduation test instead of the ninth grade 28330
proficiency test in that subject to receive a diploma. 28331

(3) A (a) Except as provided in division (B)(3)(b) of this 28332
section, a person who begins ninth grade for the first time on or 28333
after July 1, 2003, in a school district, community school, or 28334
chartered nonpublic school is not eligible to receive a diploma 28335
based on passage of ninth grade proficiency tests. Each such 28336
person who begins ninth grade prior to July 1, 2014, must pass 28337
Ohio graduation tests to meet the assessment requirements 28338
applicable to that person as a condition to receiving a diploma or 28339
satisfy one of the conditions prescribed in division (B)(3)(b) of 28340
this section. 28341

(b) A person who began ninth grade for the first time prior 28342
to July 1, 2014, shall be eligible to receive a diploma if the 28343
person meets the requirement prescribed by section 3313.618 of the 28344
Revised Code. 28345

(c) A person who began ninth grade for the first time prior 28346
to July 1, 2014, and who has not attained at least the applicable 28347
scores designated under division (B)(1) of section 3301.0710 of 28348
the Revised Code on all the assessments required by that division 28349
shall be eligible to receive a diploma if the person meets the 28350

requirement prescribed by rule of the state board of education as 28351
prescribed under division (B)(3)(d) of this section. 28352

(d) Not later than December 31, 2015, the state board of 28353
education shall adopt rules prescribing the manner in which a 28354
person who began ninth grade for the first time prior to July 1, 28355
2014, may be eligible for a high school diploma by combining the 28356
requirement prescribed by section 3313.618 of the Revised Code and 28357
the requirement to attain at least the applicable scores 28358
designated under division (B)(1) of section 3301.0710 of the 28359
Revised Code on the assessments required by that division. The 28360
rules shall ensure that the combined requirements require a 28361
demonstration of mastery that is equivalent or greater to the 28362
expectations of the assessments prescribed by division (B)(1) of 28363
section 3301.0710 of the Revised Code. The rules shall include the 28364
following: 28365

(i) The date by which a person who began ninth grade for the 28366
first time prior to July 1, 2014, may be eligible for a high 28367
school diploma under division (B)(3)(c) of this section; 28368

(ii) Methods of replacing individual assessments prescribed 28369
by division (B)(1) of section 3301.0710 of the Revised Code; 28370

(iii) Methods of integrating the pathways prescribed by 28371
division (A) of section 3313.618 of the Revised Code. 28372

(4) A Except as provided in division (B)(3)(b) of this 28373
section, a person who begins ninth grade on or after July 1, 2014, 28374
is not eligible to receive a diploma based on passage of the Ohio 28375
graduation tests. Each such person must meet the requirement 28376
prescribed by section 3313.618 of the Revised Code. 28377

(C) This division specifies the curriculum requirement that 28378
shall be completed as a condition toward granting high school 28379
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 28380
of the Revised Code. 28381

(1) A person who is under twenty-two years of age when the person fulfills the curriculum requirement for a diploma shall complete the curriculum required by the school district or school issuing the diploma for the first year that the person originally enrolled in high school, except for a person who qualifies for graduation from high school under either division (D) or (F) of section 3313.603 of the Revised Code.

(2) Once a person fulfills the curriculum requirement for a diploma, the person is never required, as a condition of receiving a diploma, to meet any different curriculum requirements that take effect pending the person's passage of proficiency tests or achievement tests or assessments, including changes mandated by section 3313.603 of the Revised Code, the state board, a school district board of education, or a governing authority of a community school or chartered nonpublic school.

Sec. 3313.617. (A) A person who meets all of the following criteria shall be permitted to take the tests of general educational development:

(1) The person is at least ~~eighteen~~ nineteen years of age.

(2) The person is officially withdrawn from school.

(3) The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code.

(B) ~~When a~~ (1) A person who is at least sixteen years of age but less than ~~eighteen~~ nineteen years of age ~~applies~~ may apply to the department of education to take the tests of general educational development, so long as the person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code.

In order to apply, the person shall submit, along with the

application written, both of the following: 28412

(a) If the person is less than eighteen years of age, written 28413
approval from the person's parent or guardian or a court official; 28414

(b) The person's official high school transcript. The 28415
transcript shall include, at a minimum, the previous twelve months 28416
of the person's enrollment in a program approved to grant a high 28417
school diploma. 28418

(2) The department shall determine whether to approve or deny 28419
applications submitted under division (B)(1) of this section. The 28420
department shall approve a person's application only if the person 28421
meets both of the following criteria: 28422

(a) The person has been continuously enrolled in a program 28423
approved to grant a high school diploma for at least one semester 28424
and attained an attendance rate of at least seventy-five per cent 28425
during that semester. 28426

(b) The person shows good cause, as determined by rules 28427
adopted by the department pursuant to division (B)(3) of this 28428
section. 28429

(3) The state board of education shall adopt rules, in 28430
accordance with Chapter 119. of the Revised Code, for the 28431
administration of division (B) of this section. The rules shall 28432
include what qualifies as good cause for purposes of that 28433
division. 28434

(C) If a person's application is approved under division (B) 28435
of this section, and the person is less than eighteen years of 28436
age, that person shall remain enrolled in school and maintain an 28437
attendance rate of at least seventy-five per cent until either: 28438

(1) The person passes all required sections of the tests of 28439
general educational development; or 28440

(2) The person is eighteen years of age. 28441

~~(C)(D)~~ For the purpose of calculating graduation rates for 28442
the school district and building report cards under section 28443
3302.03 of the Revised Code, the department shall count any person 28444
~~for whom approval is obtained from the person's parent or guardian~~ 28445
~~or a court official who officially withdraws from school to take~~ 28446
~~the tests of general educational development under division (B) of~~ 28447
this section as a dropout from the district or school in which the 28448
person was last enrolled ~~prior to obtaining the approval.~~ 28449

Sec. 3313.68. (A) The board of education of each city, 28450
exempted village, or local school district may appoint one or more 28451
school physicians and one or more school dentists. Two or more 28452
school districts may unite and employ one such physician and at 28453
least one such dentist whose duties shall be such as are 28454
prescribed by law. Said school physician shall hold a license to 28455
practice medicine in Ohio, and each school dentist shall be 28456
licensed to practice in this state. School physicians and dentists 28457
may be discharged at any time by the board of education. School 28458
physicians and dentists shall serve one year and until their 28459
successors are appointed and shall receive such compensation as 28460
the board of education determines. The board of education may also 28461
employ registered nurses, as defined by section 4723.01 and 28462
licensed as school nurses under section 3319.221 of the Revised 28463
Code, to aid in such inspection in such ways as are prescribed by 28464
it, and to aid in the conduct and coordination of the school 28465
health service program. The school dentists shall make such 28466
examinations and diagnoses and render such remedial or corrective 28467
treatment for the school children as is prescribed by the board of 28468
education; provided that all such remedial or corrective treatment 28469
shall be limited to the children whose parents cannot otherwise 28470
provide for same, and then only with the written consent of the 28471
parents or guardians of such children. School dentists may also 28472
conduct such oral hygiene educational work as is authorized by the 28473

board of education. 28474

The board of education may delegate the duties and powers 28475
provided for in this section to the board of health or officer 28476
performing the functions of a board of health within the school 28477
district, if such board or officer is willing to assume the same. 28478
Boards of education shall co-operate with boards of health in the 28479
prevention and control of epidemics. 28480

(B) Notwithstanding any provision of the Revised Code to the 28481
contrary, the board of education of each city, exempted village, 28482
or local school district may contract with an educational service 28483
center for the services of a school nurse, licensed under section 28484
3319.221 of the Revised Code, or of a registered nurse or licensed 28485
practical nurse, licensed under Chapter 4723. of the Revised Code, 28486
to provide services to students in the district pursuant to 28487
section 3313.7112 of the Revised Code. 28488

(C) In lieu of appointing or employing a school physician or 28489
dentist pursuant to division (A) of this section or entering into 28490
a contract for the services of a school nurse pursuant to division 28491
(B) of this section, the board of education of each city, exempted 28492
village, or local school district may enter into a contract under 28493
section 3313.721 of the Revised Code for the purpose of providing 28494
health care services to students. 28495

Sec. 3313.72. The board of education of a city, exempted 28496
village, or local school district may enter into a contract with a 28497
health district for the purpose of providing the services of a 28498
school physician, dentist, or nurse. The board may also enter into 28499
a contract under section 3313.721 of the Revised Code for the 28500
purpose of providing health care services to students. 28501

Sec. 3313.721. (A) Notwithstanding anything to the contrary 28502
in the Revised Code, the board of education of a school district 28503

may enter into a contract with a hospital registered under section 28504
3701.07 of the Revised Code or an appropriately licensed health 28505
care provider for the purpose of providing health care services 28506
specifically authorized by the Revised Code to students. 28507

(B) If the board enters into a contract with a hospital or 28508
health care provider under division (A) of this section, the 28509
requirement to obtain a school nurse license or school nurse 28510
wellness coordinator license under section 3319.221 of the Revised 28511
Code, or any rules related to this requirement, shall not apply to 28512
an employee of the hospital or health care provider who is 28513
providing the services of a nurse under that contract. However, at 28514
a minimum, the employee shall hold a credential that is equivalent 28515
to being licensed as a registered nurse or licensed practical 28516
nurse under Chapter 4723. of the Revised Code. 28517

Sec. 3313.751. (A) As used in this section: 28518

(1) "School district" means a city, local, exempted village, 28519
or joint vocational school district. 28520

(2) "Smoke" means to burn any substance containing tobacco, 28521
including a lighted cigarette, cigar, or pipe, or to burn a clove 28522
cigarette. 28523

(3) "Use tobacco" means to chew or maintain any substance 28524
containing tobacco, including smokeless tobacco, or any substance 28525
derived from tobacco, in the mouth to derive the effects of 28526
tobacco. 28527

(4) "Use nicotine" means to maintain any substance containing 28528
nicotine or a similar substance intended for human consumption or 28529
consume nicotine or similar substance, whether by means of 28530
smoking, heating, chewing, absorbing, dissolving, or ingesting by 28531
any other means. "Use nicotine" does not include the use of 28532
nicotine replacement therapy products. 28533

(5) "Nicotine replacement therapy product" means a smoking or nicotine cessation product that has been approved by the United States food and drug administration as a nicotine replacement therapy product. 28534
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(B)(1) No pupil shall smoke or use tobacco or nicotine or possess any substance containing tobacco or nicotine in any area under the control of a school district or an educational service center, including any outdoor facilities, or at any activity supervised by any school operated by a school district or an educational service center. 28538
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(2) No person shall smoke or use tobacco in any area under the control of a school district or an educational service center, including any outdoor facilities, or at any activity supervised by any school operated by a school district or an educational service center. 28544
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(C) The board of education of each school district and the governing board of each educational service center shall adopt a policy providing for the enforcement of division (B) of this section and against all persons. 28549
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(D) The board of education of each school district and the governing board of each educational service center shall adopt a policy establishing disciplinary measures for a violation of division (B) of this section. 28553
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Sec. 3313.902. (A) As used in this section: 28557

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the ~~chancellor of the Ohio board of regents~~ director of higher education. 28558
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(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section. 28561
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| <u>(3) "Approved program of study" means a program of study</u> | 28564 |
| <u>offered by an approved institution that satisfies the requirements</u> | 28565 |
| <u>of division (B) of this section.</u> | 28566 |
| <u>(4) An eligible student's "career pathway training program</u> | 28567 |
| <u>amount" means the following:</u> | 28568 |
| <u>(a) If the student is enrolled in a tier one career pathway</u> | 28569 |
| <u>training program, \$4,800;</u> | 28570 |
| <u>(b) If the student is enrolled in a tier two career pathway</u> | 28571 |
| <u>training program, \$3,200;</u> | 28572 |
| <u>(c) If the student is enrolled in a tier three career pathway</u> | 28573 |
| <u>training program, \$1,600.</u> | 28574 |
| <u>(5) "Eligible institution" means any of the following:</u> | 28575 |
| <u>(a) A community college established under Chapter 3354. of</u> | 28576 |
| <u>the Revised Code;</u> | 28577 |
| <u>(b) A technical college established under Chapter 3357. of</u> | 28578 |
| <u>the Revised Code;</u> | 28579 |
| <u>(c) A state community college established under Chapter 3358.</u> | 28580 |
| <u>of the Revised Code;</u> | 28581 |
| <u>(d) An Ohio technical center recognized by the chancellor</u> | 28582 |
| <u>director that provides post-secondary workforce education.</u> | 28583 |
| (3) <u>(6) "Eligible student" means an individual who is at least</u> | 28584 |
| <u>twenty-two years of age and has not received a high school diploma</u> | 28585 |
| <u>or a certificate of high school equivalence, as defined in section</u> | 28586 |
| <u>4109.06 of the Revised Code.</u> | 28587 |
| <u>(7) A "tier one career pathway training program" is a career</u> | 28588 |
| <u>pathway training program that requires more than six hundred hours</u> | 28589 |
| <u>of technical training, as determined by the department of</u> | 28590 |
| <u>education.</u> | 28591 |
| <u>(8) A "tier two career pathway training program" is a career</u> | 28592 |

pathway training program that requires more than three hundred 28593
hours of technical training but less than six hundred hours of 28594
technical training, as determined by the department. 28595

(9) A "tier three career pathway training program" is a 28596
career pathway training program that requires three hundred hours 28597
or less of technical training, as determined by the department. 28598

(10) An eligible student's "work readiness training amount" 28599
means the following: 28600

(a) If the student's grade level upon initial enrollment in 28601
an approved program of study at an approved institution is below 28602
the ninth grade, as determined in accordance with rules adopted 28603
under division (E) of this section, \$1,500. 28604

(b) If the student's grade level upon initial enrollment in 28605
an approved program of study at an approved institution is at or 28606
above the ninth grade, as determined in accordance with rules 28607
adopted under division (E) of this section, \$750. 28608

(B) The adult ~~career opportunity diploma~~ pilot program is 28609
hereby established to permit an eligible institution to obtain 28610
approval from the ~~state board of education~~ superintendent of 28611
public instruction and the ~~chancellor~~ director of higher education 28612
to develop and offer a program of study that allows an eligible 28613
student to obtain a high school diploma. A program shall be 28614
eligible for this approval if it satisfies all of the following 28615
requirements: 28616

(1) The program allows an eligible student to complete the 28617
requirements for obtaining a high school diploma that are 28618
specified in rules adopted by the superintendent under division 28619
(E) of this section while also completing requirements for an 28620
approved industry credential or certificate. 28621

(2) The program includes career advising and outreach. 28622

(3) The program includes opportunities for students to receive a competency-based education.

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, and 3313.618 of the Revised Code, the state board of education shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted by the superintendent under division (E) of this section.

(D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) The department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:

(a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;

(b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;

(c) Fifty per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the final third of the

approved program of study, as determined by the department. 28654

(3) Of the amount paid to an approved institution under 28655
division (D)(2) of this section, the institution may use the 28656
amount that is in addition to the student's career pathway 28657
training amount and the student's work readiness training amount 28658
for the associated services of the approved program of study. 28659
These services include counseling, advising, assessment, and other 28660
services as determined or required by the department. 28661

(E) The superintendent of ~~public instruction~~, in consultation 28662
with the ~~chancellor~~ director, shall adopt rules for the 28663
implementation of the adult ~~career opportunity~~ diploma pilot 28664
program, including ~~the~~ all of the following: 28665

(1) The requirements for applying for program approval; 28666

(2) The requirements for obtaining a high school diploma 28667
through the program, including the requirement to obtain a passing 28668
score on an assessment that is appropriate for the career pathway 28669
training program that is being completed by the eligible student, 28670
and the date on which these requirements take effect; 28671

(3) The assessment or assessments that may be used to 28672
complete the assessment requirement for each career pathway 28673
training program under division (E)(2) of this section and the 28674
score that must be obtained on each assessment in order to pass 28675
the assessment; 28676

(4) Guidelines regarding the funding of the program under 28677
division (D) of this section, including a method of funding for 28678
students who transfer from one approved institution to another 28679
approved institution prior to completing an approved program of 28680
study; 28681

(5) Circumstances under which an eligible student may be 28682
charged for tuition, supplies, or associated fees while enrolled 28683
in an approved institution's approved program of study; 28684

(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E)(5) of this section; 28685
28686
28687
28688

(7) The payment of federal funds that are to be used by approved programs of study at approved institutions. 28689
28690

Sec. 3313.976. (A) No private school may receive scholarship payments from parents pursuant to section 3313.979 of the Revised Code until the chief administrator of the private school registers the school with the superintendent of public instruction. The state superintendent shall register any school that meets the following requirements: 28691
28692
28693
28694
28695
28696

(1) The school either: 28697

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district; 28698
28699
28700

(b) Offers any of grades nine through twelve and is located within the boundaries of a city, local, or exempted village school district that is both: 28701
28702
28703

(i) Located in a municipal corporation with a population of ~~fifty~~ fifteen thousand or more; 28704
28705

(ii) ~~Adjacent to~~ Located within five miles of the border of the pilot project school district. 28706
28707

(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code; 28708
28709
28710
28711
28712

(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except that 28713
28714

the state superintendent at the superintendent's discretion may 28715
register nonchartered nonpublic schools meeting the other 28716
requirements of this division; 28717

(4) The school does not discriminate on the basis of race, 28718
religion, or ethnic background; 28719

(5) The school enrolls a minimum of ten students per class or 28720
a sum of at least twenty-five students in all the classes offered; 28721

(6) The school does not advocate or foster unlawful behavior 28722
or teach hatred of any person or group on the basis of race, 28723
ethnicity, national origin, or religion; 28724

(7) The school does not provide false or misleading 28725
information about the school to parents, students, or the general 28726
public; 28727

(8) For students in grades kindergarten through eight with 28728
family incomes at or below two hundred per cent of the federal 28729
poverty guidelines, as defined in section 5104.46 of the Revised 28730
Code, the school agrees not to charge any tuition in excess of the 28731
scholarship amount established pursuant to division (C)(1) of 28732
section 3313.978 of the Revised Code, excluding any increase 28733
described in division (C)(2) of that section. 28734

(9) For students in grades kindergarten through eight with 28735
family incomes above two hundred per cent of the federal poverty 28736
guidelines, whose scholarship amounts are less than the actual 28737
tuition charge of the school, the school agrees not to charge any 28738
tuition in excess of the difference between the actual tuition 28739
charge of the school and the scholarship amount established 28740
pursuant to division (C)(1) of section 3313.978 of the Revised 28741
Code, excluding any increase described in division (C)(2) of that 28742
section. The school shall permit such tuition, at the discretion 28743
of the parent, to be satisfied by the family's provision of 28744
in-kind contributions or services. 28745

(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section.

(11) If the school is not subject to division (K)(1)(a) of section 3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the state superintendent. The state superintendent shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to

provide. 28778

Sec. 3313.981. (A) The state board of education shall adopt 28779
rules requiring all of the following: 28780

(1) The board of education of each city, exempted village, 28781
and local school district to annually report to the department of 28782
education all of the following: 28783

(a) The number of adjacent district or other district 28784
students in grades kindergarten through twelve, as applicable, the 28785
number of adjacent district or other district students who are 28786
preschool children with disabilities, as applicable, and the 28787
number of adjacent district or other district joint vocational 28788
students, as applicable, enrolled in the district and the, in 28789
accordance with a policy adopted under division (B) of section 28790
3313.98 of the Revised Code; 28791

(b) The number of native students in grades kindergarten 28792
through twelve enrolled in adjacent or other districts and the 28793
number of native students who are preschool children with 28794
disabilities enrolled in adjacent or other districts, in 28795
accordance with a policy adopted under division (B) of section 28796
3313.98 of the Revised Code; 28797

~~(b)~~(c) Each adjacent district or other district student's or 28798
adjacent district or other district joint vocational student's 28799
date of enrollment in the district; 28800

~~(e)~~(d) The full-time equivalent number of adjacent district 28801
or other district students enrolled in each of the categories of 28802
career-technical education programs or classes described in 28803
section 3317.014 of the Revised Code; 28804

~~(d)~~(e) Each native student's date of enrollment in an 28805
adjacent or other district. 28806

(2) The board of education of each joint vocational school 28807

district to annually report to the department all of the 28808
following: 28809

(a) The number of adjacent district or other district joint 28810
vocational students, as applicable, enrolled in the district; 28811

(b) The full-time equivalent number of adjacent district or 28812
other district joint vocational students enrolled in each category 28813
of career-technical education programs or classes described in 28814
section 3317.014 of the Revised Code; 28815

(c) For each adjacent district or other district joint 28816
vocational student, the city, exempted village, or local school 28817
district in which the student is also enrolled. 28818

(3) Prior to the end of each reporting period specified in 28819
section 3317.03 of the Revised Code, the superintendent of each 28820
city, local, or exempted village school district that admits 28821
adjacent district or other district students who are in grades 28822
kindergarten through twelve, adjacent district or other district 28823
students who are preschool children with disabilities, or adjacent 28824
district or other district joint vocational students in accordance 28825
with a policy adopted under division (B) of section 3313.98 of the 28826
Revised Code to report to the department of education each 28827
adjacent or other district's students and where those students who 28828
are enrolled in the superintendent's district under the policy are 28829
entitled to attend school under section 3313.64 or 3313.65 of the 28830
Revised Code. 28831

The rules shall provide for the method of counting students 28832
who are enrolled for part of a school year in an adjacent or other 28833
district or as an adjacent district or other district joint 28834
vocational student. 28835

(B) From the payments made to a city, exempted village, or 28836
local school district under Chapter 3317. of the Revised Code and, 28837
if necessary, from the payments made to the district under 28838

sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract ~~both~~ all of the following:

(1) An amount equal to the number of the district's native students in grades kindergarten through twelve reported under division (A)(1) of this section who are enrolled in adjacent or other school districts pursuant to policies adopted by such districts under division (B) of section 3313.98 of the Revised Code multiplied by the formula amount;

(2) The excess costs computed in accordance with division (E) of this section for any such native students in grades kindergarten through twelve receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;

(3) For ~~the~~ each of the district's native students reported under division (A)(1)~~(e)~~(d) or (2)(b) of this section as enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career-technical category, on a full-time equivalency basis;

(4) For each native student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.

(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:

(1) An amount equal to the formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students in grades

kindergarten through twelve enrolled in the district, as reported 28870
under division (A)(1) of this section; 28871

(2) The excess costs computed in accordance with division (E) 28872
of this section for any adjacent district or other district 28873
students in grades kindergarten through twelve, except for any 28874
adjacent or other district joint vocational students, receiving 28875
special education and related services in the district; 28876

(3) For ~~the~~ each of the adjacent or other district students 28877
who are not adjacent district or other district joint vocational 28878
students and are reported under division (A)(1)~~(e)~~(d) of this 28879
section as enrolled in career-technical education programs or 28880
classes described in section 3317.014 of the Revised Code, the per 28881
pupil amount prescribed by that section for the student's 28882
respective career-technical category, on a full-time equivalency 28883
basis; 28884

(4) An amount equal to the number of adjacent district or 28885
other district joint vocational students reported under division 28886
(A)(1) of this section multiplied by an amount equal to twenty per 28887
cent of the formula amount; 28888

(5) For each adjacent district or other district student who 28889
is a preschool child with a disability reported under division 28890
(A)(1) of this section who is enrolled in the district, \$4,000. 28891

(D) To the payments made to a joint vocational school 28892
district under Chapter 3317. of the Revised Code, the department 28893
of education shall add, for each adjacent district or other 28894
district joint vocational student reported under division (A)(2) 28895
of this section, both of the following: 28896

(1) The formula amount; 28897

(2) The per pupil amount for each of the students reported 28898
pursuant to division (A)(2)(b) of this section prescribed by 28899
section 3317.014 of the Revised Code for the student's respective 28900

career-technical category, on a full-time equivalency basis. 28901

(E)(1) A city, exempted village, or local school board 28902
providing special education and related services to an adjacent or 28903
other district student in grades kindergarten through twelve in 28904
accordance with an IEP shall, pursuant to rules of the state 28905
board, compute the excess costs to educate such student as 28906
follows: 28907

(a) Subtract the formula amount from the actual costs to 28908
educate the student; 28909

(b) From the amount computed under division (E)(1)(a) of this 28910
section subtract the amount of any funds received by the district 28911
under Chapter 3317. of the Revised Code to provide special 28912
education and related services to the student. 28913

(2) The board shall report the excess costs computed under 28914
this division to the department of education. 28915

(3) If any student for whom excess costs are computed under 28916
division (E)(1) of this section is an adjacent or other district 28917
joint vocational student, the department of education shall add 28918
the amount of such excess costs to the payments made under Chapter 28919
3317. of the Revised Code to the joint vocational school district 28920
enrolling the student. 28921

(F) As provided in division (D)(1)(b) of section 3317.03 of 28922
the Revised Code, no joint vocational school district shall count 28923
any adjacent or other district joint vocational student enrolled 28924
in the district in its enrollment certified under section 3317.03 28925
of the Revised Code. 28926

(G) No city, exempted village, or local school district shall 28927
receive a payment under division (C) of this section for a 28928
student, and no joint vocational school district shall receive a 28929
payment under division (D) of this section for a student, if for 28930
the same school year that student is counted in the district's 28931

enrollment certified under section 3317.03 of the Revised Code. 28932

(H) Upon request of a parent, and provided the board offers 28933
transportation to native students of the same grade level and 28934
distance from school under section 3327.01 of the Revised Code, a 28935
city, exempted village, or local school board enrolling an 28936
adjacent or other district student shall provide transportation 28937
for the student within the boundaries of the board's district, 28938
except that the board shall be required to pick up and drop off a 28939
nonhandicapped student only at a regular school bus stop 28940
designated in accordance with the board's transportation policy. 28941
Pursuant to rules of the state board of education, such board may 28942
reimburse the parent from funds received for pupil transportation 28943
under section 3317.0212 of the Revised Code, or other provisions 28944
of law, for the reasonable cost of transportation from the 28945
student's home to the designated school bus stop if the student's 28946
family has an income below the federal poverty line. 28947

Sec. 3314.02. (A) As used in this chapter: 28948

(1) "Sponsor" means the board of education of a school 28949
district or the governing board of an educational service center 28950
that agrees to the conversion of all or part of a school or 28951
building under division (B) of this section, or an entity listed 28952
in division (C)(1) of this section, which ~~either~~ has been approved 28953
by the department of education to sponsor community schools or is 28954
exempted by section 3314.021 or 3314.027 of the Revised Code from 28955
obtaining approval, and with which the governing authority of a 28956
community school enters into a contract under section 3314.03 of 28957
the Revised Code. 28958

(2) "Pilot project area" means the school districts included 28959
in the territory of the former community school pilot project 28960
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 28961
the 122nd general assembly. 28962

- (3) "Challenged school district" means any of the following: 28963
- (a) A school district that is part of the pilot project area; 28964
- (b) A school district that meets one of the following 28965
conditions: 28966
- (i) On March 22, 2013, the district was in a state of 28967
academic emergency or in a state of academic watch under section 28968
3302.03 of the Revised Code, as that section existed prior to 28969
March 22, 2013; 28970
- (ii) For two of the 2012-2013, 2013-2014, ~~and~~ 2014-2015, and 28971
2015-2016 school years, the district received a grade of "D" or 28972
"F" for the performance index score and a grade of "F" for the 28973
value-added progress dimension under section 3302.03 of the 28974
Revised Code; 28975
- (iii) For the ~~2015-2016~~ 2016-2017 school year and for any 28976
school year thereafter, the district has received an overall grade 28977
of "D" or "F" under division (C)(3) of section 3302.03 of the 28978
Revised Code, or, for at least two of the three most recent school 28979
years, the district received a grade of "F" for the value-added 28980
progress dimension under division (C)(1)(e) of that section. 28981
- (c) A big eight school district; 28982
- (d) A school district ranked in the lowest five per cent of 28983
school districts according to performance index score under 28984
section 3302.21 of the Revised Code. 28985
- (4) "Big eight school district" means a school district that 28986
for fiscal year 1997 had both of the following: 28987
- (a) A percentage of children residing in the district and 28988
participating in the predecessor of Ohio works first greater than 28989
thirty per cent, as reported pursuant to section 3317.10 of the 28990
Revised Code; 28991
- (b) An average daily membership greater than twelve thousand, 28992

as reported pursuant to former division (A) of section 3317.03 of 28993
the Revised Code. 28994

(5) "New start-up school" means a community school other than 28995
one created by converting all or part of an existing public school 28996
or educational service center building, as designated in the 28997
school's contract pursuant to division (A)(17) of section 3314.03 28998
of the Revised Code. 28999

(6) "Urban school district" means one of the state's 29000
twenty-one urban school districts as defined in division (O) of 29001
section 3317.02 of the Revised Code as that section existed prior 29002
to July 1, 1998. 29003

(7) "Internet- or computer-based community school" means a 29004
community school established under this chapter in which the 29005
enrolled students work primarily from their residences on 29006
assignments in nonclassroom-based learning opportunities provided 29007
via an internet- or other computer-based instructional method that 29008
does not rely on regular classroom instruction or via 29009
comprehensive instructional methods that include internet-based, 29010
other computer-based, and noncomputer-based learning opportunities 29011
unless a student receives career-technical education under section 29012
3314.086 of the Revised Code. 29013

A community school that operates mainly as an internet- or 29014
computer-based community school and provides career-technical 29015
education under section 3314.086 of the Revised Code shall be 29016
considered an internet- or computer-based community school, even 29017
if it provides some classroom-based instruction, so long as it 29018
provides instruction via the methods described in this division. 29019

(8) "Operator" means either of the following: 29020

(a) An individual or organization that manages the daily 29021
operations of a community school pursuant to a contract between 29022
the operator and the school's governing authority; 29023

(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards.

(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code.

(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted.

(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center.

~~A service center that proposes the establishment of a conversion community school located in a county within the territory of the service center or in a county contiguous to such county is exempt from approval from the department of education, except as provided under division (B)(4) of this section, and from the agreement required under division (B)(1) of section 3314.015 of the Revised Code.~~

~~However, a service center that proposes the establishment of a conversion community school located in a county outside of the territory of the service center or a county contiguous to such county shall be subject to approval from the department of education and from the agreement required under that section.~~

~~Division (B)(2) of this section does not apply to an~~

~~educational service center that sponsors community schools and 29055
that is exempted under section 3314.021 or 3314.027 of the Revised 29056
Code from the requirement to be approved for sponsorship under 29057
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 29058
Code. 29059~~

An educational service center that sponsors a community 29060
school in accordance with this division shall be approved by and 29061
enter into a written agreement with the department as described in 29062
section 3314.015 of the Revised Code. 29063

(3) Upon receipt of a proposal, a board may enter into a 29064
preliminary agreement with the person or group proposing the 29065
conversion of the public school or service center building, 29066
indicating the intention of the board to support the conversion to 29067
a community school. A proposing person or group that has a 29068
preliminary agreement under this division may proceed to finalize 29069
plans for the school, establish a governing authority for the 29070
school, and negotiate a contract with the board. Provided the 29071
proposing person or group adheres to the preliminary agreement and 29072
all provisions of this chapter, the board shall negotiate in good 29073
faith to enter into a contract in accordance with section 3314.03 29074
of the Revised Code and division (C) of this section. 29075

(4) The sponsor of a conversion community school proposed to 29076
open in an alliance municipal school district shall be subject to 29077
approval by the department of education for sponsorship of that 29078
school using the criteria established under division (A) of 29079
section 3311.87 of the Revised Code. 29080

Division (B)(4) of this section does not apply to a sponsor 29081
that ~~is, on or before the effective date of this amendment, was 29082
exempted under section 3314.021 or 3314.027 of the Revised Code 29083
from the requirement to be approved for sponsorship under 29084
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 29085
Code. 29086~~

(C)(1) Any person or group of individuals may propose under 29087
this division the establishment of a new start-up school to be 29088
located in a challenged school district. The proposal may be made 29089
to any of the following entities: 29090

(a) The board of education of the district in which the 29091
school is proposed to be located; 29092

(b) The board of education of any joint vocational school 29093
district with territory in the county in which is located the 29094
majority of the territory of the district in which the school is 29095
proposed to be located; 29096

(c) The board of education of any other city, local, or 29097
exempted village school district having territory in the same 29098
county where the district in which the school is proposed to be 29099
located has the major portion of its territory; 29100

(d) The governing board of any educational service center, 29101
regardless of the location of the proposed school, may sponsor a 29102
new start-up school in any challenged school district in the state 29103
if all of the following are satisfied: 29104

(i) If applicable, it satisfies the requirements of division 29105
(E) of section 3311.86 of the Revised Code; 29106

(ii) It is approved to do so by the department; 29107

(iii) It enters into an agreement with the department under 29108
section 3314.015 of the Revised Code. 29109

(e) A sponsoring authority designated by the board of 29110
trustees of any of the thirteen state universities listed in 29111
section 3345.011 of the Revised Code or the board of trustees 29112
itself as long as a mission of the proposed school to be specified 29113
in the contract under division (A)(2) of section 3314.03 of the 29114
Revised Code and as approved by the department under division 29115
(B)(2) of section 3314.015 of the Revised Code will be the 29116

practical demonstration of teaching methods, educational 29117
technology, or other teaching practices that are included in the 29118
curriculum of the university's teacher preparation program 29119
approved by the state board of education; 29120

(f) Any qualified tax-exempt entity under section 501(c)(3) 29121
of the Internal Revenue Code as long as all of the following 29122
conditions are satisfied: 29123

(i) The entity has been in operation for at least five years 29124
prior to applying to be a community school sponsor. 29125

(ii) The entity has assets of at least five hundred thousand 29126
dollars and a demonstrated record of financial responsibility. 29127

(iii) The department has determined that the entity is an 29128
education-oriented entity under division (B)(3) of section 29129
3314.015 of the Revised Code and the entity has a demonstrated 29130
record of successful implementation of educational programs. 29131

(iv) The entity is not a community school. 29132

(g) The mayor of a city in which the majority of the 29133
territory of a school district to which section 3311.60 of the 29134
Revised Code applies is located, regardless of whether that 29135
district has created the position of independent auditor as 29136
prescribed by that section. The mayor's sponsorship authority 29137
under this division is limited to community schools that are 29138
located in that school district. Such mayor may sponsor community 29139
schools only with the approval of the city council of that city, 29140
after establishing standards with which community schools 29141
sponsored by the mayor must comply, and after entering into a 29142
sponsor agreement with the department as prescribed under section 29143
3314.015 of the Revised Code. The mayor shall establish the 29144
standards for community schools sponsored by the mayor not later 29145
than one hundred eighty days after July 15, 2013, and shall submit 29146
them to the department upon their establishment. The department 29147

shall approve the mayor to sponsor community schools in the 29148
district, upon receipt of an application by the mayor to do so. 29149
Not later than ninety days after the department's approval of the 29150
mayor as a community school sponsor, the department shall enter 29151
into the sponsor agreement with the mayor. 29152

Any entity described in division (C)(1) of this section may 29153
enter into a preliminary agreement pursuant to division (C)(2) of 29154
this section with the proposing person or group. 29155

(2) A preliminary agreement indicates the intention of an 29156
entity described in division (C)(1) of this section to sponsor the 29157
community school. A proposing person or group that has such a 29158
preliminary agreement may proceed to finalize plans for the 29159
school, establish a governing authority as described in division 29160
(E) of this section for the school, and negotiate a contract with 29161
the entity. Provided the proposing person or group adheres to the 29162
preliminary agreement and all provisions of this chapter, the 29163
entity shall negotiate in good faith to enter into a contract in 29164
accordance with section 3314.03 of the Revised Code. 29165

(3) A new start-up school that is established in a school 29166
district described in either division (A)(3)(b) or (d) of this 29167
section may continue in existence once the school district no 29168
longer meets the conditions described in either division, provided 29169
there is a valid contract between the school and a sponsor. 29170

(4) A copy of every preliminary agreement entered into under 29171
this division shall be filed with the superintendent of public 29172
instruction. 29173

(D) A majority vote of the board of a sponsoring entity and a 29174
majority vote of the members of the governing authority of a 29175
community school shall be required to adopt a contract and convert 29176
the public school or educational service center building to a 29177
community school or establish the new start-up school. Beginning 29178

September 29, 2005, adoption of the contract shall occur not later 29179
than the fifteenth day of March, and signing of the contract shall 29180
occur not later than the fifteenth day of May, prior to the school 29181
year in which the school will open. The governing authority shall 29182
notify the department of education when the contract has been 29183
signed. Subject to sections 3314.013 and 3314.016 of the Revised 29184
Code, an unlimited number of community schools may be established 29185
in any school district provided that a contract is entered into 29186
for each community school pursuant to this chapter. 29187

(E)(1) As used in this division, "immediate relatives" are 29188
limited to spouses, children, parents, grandparents, siblings, and 29189
in-laws. 29190

Each new start-up community school established under this 29191
chapter shall be under the direction of a governing authority 29192
which shall consist of a board of not less than five individuals. 29193

No person shall serve on the governing authority or operate 29194
the community school under contract with the governing authority 29195
so long as the person owes the state any money or is in a dispute 29196
over whether the person owes the state any money concerning the 29197
operation of a community school that has closed. 29198

(2) No person shall serve on the governing authorities of 29199
more than five start-up community schools at the same time. 29200

(3) No present or former member, or immediate relative of a 29201
present or former member, of the governing authority of any 29202
community school established under this chapter shall be an owner, 29203
employee, or consultant of any sponsor or operator of a community 29204
school, unless at least one year has elapsed since the conclusion 29205
of the person's membership. 29206

(4) The governing authority of a start-up community school 29207
may provide by resolution for the compensation of its members. 29208
However, no individual who serves on the governing authority of a 29209

start-up community school shall be compensated more than four 29210
hundred twenty-five dollars per meeting of that governing 29211
authority and no such individual shall be compensated more than a 29212
total amount of five thousand dollars per year for all governing 29213
authorities upon which the individual serves. 29214

(F)(1) A new start-up school that is established prior to 29215
August 15, 2003, in an urban school district that is not also a 29216
big-eight school district may continue to operate after that date 29217
and the contract between the school's governing authority and the 29218
school's sponsor may be renewed, as provided under this chapter, 29219
after that date, but no additional new start-up schools may be 29220
established in such a district unless the district is a challenged 29221
school district as defined in this section as it exists on and 29222
after that date. 29223

(2) A community school that was established prior to June 29, 29224
1999, and is located in a county contiguous to the pilot project 29225
area and in a school district that is not a challenged school 29226
district may continue to operate after that date, provided the 29227
school complies with all provisions of this chapter. The contract 29228
between the school's governing authority and the school's sponsor 29229
may be renewed, but no additional start-up community school may be 29230
established in that district unless the district is a challenged 29231
school district. 29232

(3) Any educational service center that, on June 30, 2007, 29233
sponsors a community school that is not located in a county within 29234
the territory of the service center or in a county contiguous to 29235
such county may continue to sponsor that community school on and 29236
after June 30, 2007, and may renew its contract with the school. 29237
However, the educational service center shall not enter into a 29238
contract with any additional community school, ~~unless the school~~ 29239
~~is located in a county within the territory of the service center~~ 29240
~~or in a county contiguous to such county, or unless the governing~~ 29241

board of the service center has entered into an agreement with the 29242
department authorizing the service center to sponsor a community 29243
school in any challenged school district in the state. 29244

Sec. 3314.03. A copy of every contract entered into under 29245
this section shall be filed with the superintendent of public 29246
instruction. The department of education shall make available on 29247
its web site a copy of every approved, executed contract filed 29248
with the superintendent under this section. 29249

(A) Each contract entered into between a sponsor and the 29250
governing authority of a community school shall specify the 29251
following: 29252

(1) That the school shall be established as either of the 29253
following: 29254

(a) A nonprofit corporation established under Chapter 1702. 29255
of the Revised Code, if established prior to April 8, 2003; 29256

(b) A public benefit corporation established under Chapter 29257
1702. of the Revised Code, if established after April 8, 2003. 29258

(2) The education program of the school, including the 29259
school's mission, the characteristics of the students the school 29260
is expected to attract, the ages and grades of students, and the 29261
focus of the curriculum; 29262

(3) The academic goals to be achieved and the method of 29263
measurement that will be used to determine progress toward those 29264
goals, which shall include the statewide achievement assessments; 29265

(4) Performance standards by which the success of the school 29266
will be evaluated by the sponsor; 29267

(5) The admission standards of section 3314.06 of the Revised 29268
Code and, if applicable, section 3314.061 of the Revised Code; 29269

(6)(a) Dismissal procedures; 29270

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.

(c) The school will be nonsectarian in its programs,

admission policies, employment practices, and all other 29301
operations, and will not be operated by a sectarian school or 29302
religious institution. 29303

(d) The school will comply with sections 9.90, 9.91, 109.65, 29304
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 29305
3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 29306
3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 29307
3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 29308
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 29309
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 29310
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 29311
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 29312
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 29313
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 29314
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 29315
4123., 4141., and 4167. of the Revised Code as if it were a school 29316
district and will comply with section 3301.0714 of the Revised 29317
Code in the manner specified in section 3314.17 of the Revised 29318
Code. 29319

(e) The school shall comply with Chapter 102. and section 29320
2921.42 of the Revised Code. 29321

(f) The school will comply with sections 3313.61, 3313.611, 29322
and 3313.614 of the Revised Code, except that for students who 29323
enter ninth grade for the first time before July 1, 2010, the 29324
requirement in sections 3313.61 and 3313.611 of the Revised Code 29325
that a person must successfully complete the curriculum in any 29326
high school prior to receiving a high school diploma may be met by 29327
completing the curriculum adopted by the governing authority of 29328
the community school rather than the curriculum specified in Title 29329
XXXIII of the Revised Code or any rules of the state board of 29330
education. Beginning with students who enter ninth grade for the 29331
first time on or after July 1, 2010, the requirement in sections 29332

3313.61 and 3313.611 of the Revised Code that a person must 29333
successfully complete the curriculum of a high school prior to 29334
receiving a high school diploma shall be met by completing the 29335
requirements prescribed in division (C) of section 3313.603 of the 29336
Revised Code, unless the person qualifies under division (D) or 29337
(F) of that section. Each school shall comply with the plan for 29338
awarding high school credit based on demonstration of subject area 29339
competency, and beginning with the 2016-2017 school year, with the 29340
updated plan that permits students enrolled in seventh and eighth 29341
grade to meet curriculum requirements based on subject area 29342
competency adopted by the state board of education under ~~division~~ 29343
~~divisions~~ (J)(1) and (2) of section 3313.603 of the Revised Code. 29344

(g) The school governing authority will submit within four 29345
months after the end of each school year a report of its 29346
activities and progress in meeting the goals and standards of 29347
divisions (A)(3) and (4) of this section and its financial status 29348
to the sponsor and the parents of all students enrolled in the 29349
school. 29350

(h) The school, unless it is an internet- or computer-based 29351
community school, will comply with section 3313.801 of the Revised 29352
Code as if it were a school district. 29353

(i) If the school is the recipient of moneys from a grant 29354
awarded under the federal race to the top program, Division (A), 29355
Title XIV, Sections 14005 and 14006 of the "American Recovery and 29356
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 29357
school will pay teachers based upon performance in accordance with 29358
section 3317.141 and will comply with section 3319.111 of the 29359
Revised Code as if it were a school district. 29360

(12) Arrangements for providing health and other benefits to 29361
employees; 29362

(13) The length of the contract, which shall begin at the 29363

beginning of an academic year. No contract shall exceed five years 29364
unless such contract has been renewed pursuant to division (E) of 29365
this section. 29366

(14) The governing authority of the school, which shall be 29367
responsible for carrying out the provisions of the contract; 29368

(15) A financial plan detailing an estimated school budget 29369
for each year of the period of the contract and specifying the 29370
total estimated per pupil expenditure amount for each such year. 29371

(16) Requirements and procedures regarding the disposition of 29372
employees of the school in the event the contract is terminated or 29373
not renewed pursuant to section 3314.07 of the Revised Code; 29374

(17) Whether the school is to be created by converting all or 29375
part of an existing public school or educational service center 29376
building or is to be a new start-up school, and if it is a 29377
converted public school or service center building, specification 29378
of any duties or responsibilities of an employer that the board of 29379
education or service center governing board that operated the 29380
school or building before conversion is delegating to the 29381
governing authority of the community school with respect to all or 29382
any specified group of employees provided the delegation is not 29383
prohibited by a collective bargaining agreement applicable to such 29384
employees; 29385

(18) Provisions establishing procedures for resolving 29386
disputes or differences of opinion between the sponsor and the 29387
governing authority of the community school; 29388

(19) A provision requiring the governing authority to adopt a 29389
policy regarding the admission of students who reside outside the 29390
district in which the school is located. That policy shall comply 29391
with the admissions procedures specified in sections 3314.06 and 29392
3314.061 of the Revised Code and, at the sole discretion of the 29393
authority, shall do one of the following: 29394

| | |
|---|---|
| (a) Prohibit the enrollment of students who reside outside the district in which the school is located; | 29395 29396 |
| (b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; | 29397 29398 |
| (c) Permit the enrollment of students who reside in any other district in the state. | 29399 29400 |
| (20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code; | 29401 29402 29403 29404 |
| (21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; | 29405 29406 29407 |
| (22) A provision recognizing both of the following: | 29408 |
| (a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations; | 29409 29410 29411 29412 |
| (b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action. | 29413 29414 29415 29416 29417 29418 29419 |
| (23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised | 29420 29421 29422 29423 29424 |

Code; 29425

(24) The school will comply with sections 3302.04 and 29426
3302.041 of the Revised Code, except that any action required to 29427
be taken by a school district pursuant to those sections shall be 29428
taken by the sponsor of the school. However, the sponsor shall not 29429
be required to take any action described in division (F) of 29430
section 3302.04 of the Revised Code. 29431

(25) Beginning in the 2006-2007 school year, the school will 29432
open for operation not later than the thirtieth day of September 29433
each school year, unless the mission of the school as specified 29434
under division (A)(2) of this section is solely to serve dropouts. 29435
In its initial year of operation, if the school fails to open by 29436
the thirtieth day of September, or within one year after the 29437
adoption of the contract pursuant to division (D) of section 29438
3314.02 of the Revised Code if the mission of the school is solely 29439
to serve dropouts, the contract shall be void. 29440

(26) Whether the school's governing authority is planning to 29441
seek designation for the school as a STEM school equivalent under 29442
section 3326.032 of the Revised Code. 29443

(B) The community school shall also submit to the sponsor a 29444
comprehensive plan for the school. The plan shall specify the 29445
following: 29446

(1) The process by which the governing authority of the 29447
school will be selected in the future; 29448

(2) The management and administration of the school; 29449

(3) If the community school is a currently existing public 29450
school or educational service center building, alternative 29451
arrangements for current public school students who choose not to 29452
attend the converted school and for teachers who choose not to 29453
teach in the school or building after conversion; 29454

| | |
|--|---|
| (4) The instructional program and educational philosophy of the school; | 29455 29456 |
| (5) Internal financial controls. | 29457 |
| (C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. | 29458 29459 29460 29461 29462 29463 29464 29465 29466 |
| (D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following: | 29467 29468 29469 29470 29471 |
| (1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; | 29472 29473 |
| (2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; | 29474 29475 29476 |
| (3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school; | 29477 29478 29479 29480 |
| (4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract; | 29481 29482 29483 |
| (5) Take steps to intervene in the school's operation to | 29484 |

correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.05. (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided

in divisions (B)(3) and (4) of this section, no community school 29516
shall be established in more than one school district under the 29517
same contract. 29518

(B) Division (B) of this section shall not apply to internet- 29519
or computer-based community schools. 29520

(1) A community school may be located in multiple facilities 29521
under the same contract only if the limitations on availability of 29522
space prohibit serving all the grade levels specified in the 29523
contract in a single facility or division (B)(2), (3), or (4) of 29524
this section applies to the school. The school shall not offer the 29525
same grade level classrooms in more than one facility. 29526

(2) A community school may be located in multiple facilities 29527
under the same contract and, notwithstanding division (B)(1) of 29528
this section, may assign students in the same grade level to 29529
multiple facilities, as long as all of the following apply: 29530

(a) The governing authority has entered into and maintains a 29531
contract with an operator of the type described in division 29532
(A)(8)(b) of section 3314.02 of the Revised Code. 29533

(b) The contract with that operator qualified the school to 29534
be established pursuant to division (A) of former section 3314.016 29535
of the Revised Code. 29536

(c) The school's rating under section 3302.03 of the Revised 29537
Code does not fall below a combination of any of the following for 29538
two or more consecutive years: 29539

(i) A rating of "in need of continuous improvement" under 29540
section 3302.03 of the Revised Code, as that section existed prior 29541
to March 22, 2013; 29542

(ii) For the 2012-2013 ~~and~~, 2013-2014, 2014-2015, and 29543
2015-2016 school years, a rating of "C" for both the performance 29544
index score under division (A)(1)(b) or (B)(1)(b) and the 29545

value-added dimension under division (A)(1)(e) or (B)(1)(e) of 29546
section 3302.03 of the Revised Code; or if the building serves 29547
only grades ten through twelve, the building received a grade of 29548
"C" for the performance index score under division (A)(1)(b) or 29549
(B)(1)(b) of section 3302.03 of the Revised Code; 29550

(iii) For the ~~2014-2015~~ 2016-2017 school year and for any 29551
school year thereafter, an overall grade of "C" under division 29552
(C)(3) of section 3302.03 of the Revised Code or an overall 29553
performance designation of "meets standards" under division 29554
(E)(3)(e) of section 3314.017 of the Revised Code. 29555

(3) A new start-up community school may be established in two 29556
school districts under the same contract if all of the following 29557
apply: 29558

(a) At least one of the school districts in which the school 29559
is established is a challenged school district; 29560

(b) The school operates not more than one facility in each 29561
school district and, in accordance with division (B)(1) of this 29562
section, the school does not offer the same grade level classrooms 29563
in both facilities; and 29564

(c) Transportation between the two facilities does not 29565
require more than thirty minutes of direct travel time as measured 29566
by school bus. 29567

In the case of a community school to which division (B)(3) of 29568
this section applies, if only one of the school districts in which 29569
the school is established is a challenged school district, that 29570
district shall be considered the school's primary location and the 29571
district in which the school is located for the purposes of 29572
division (A)(19) of section 3314.03 and divisions (C) and (H) of 29573
section 3314.06 of the Revised Code and for all other purposes of 29574
this chapter. If both of the school districts in which the school 29575
is established are challenged school districts, the school's 29576

governing authority shall designate one of those districts to be 29577
considered the school's primary location and the district in which 29578
the school is located for the purposes of those divisions and all 29579
other purposes of this chapter and shall notify the department of 29580
education of that designation. 29581

(4) A community school may be located in multiple facilities 29582
under the same contract and, notwithstanding division (B)(1) of 29583
this section, may assign students in the same grade level to 29584
multiple facilities, as long as both of the following apply: 29585

(a) The facilities are all located in the same county. 29586

(b) Either of the following conditions are satisfied: 29587

(i) The community school is sponsored by a board of education 29588
of a city, local, or exempted village school district having 29589
territory in the same county where the facilities of the community 29590
school are located; 29591

(ii) The community school is managed by an operator. 29592

In the case of a community school to which division (B)(4) of 29593
this section applies and that maintains facilities in more than 29594
one school district, the school's governing authority shall 29595
designate one of those districts to be considered the school's 29596
primary location and the district in which the school is located 29597
for the purposes of division (A)(19) of section 3314.03 and 29598
divisions (C) and (H) of section 3314.06 of the Revised Code and 29599
for all other purposes of this chapter and shall notify the 29600
department of that designation. 29601

(5) Any facility used for a community school shall meet all 29602
health and safety standards established by law for school 29603
buildings. 29604

(C) In the case where a community school is proposed to be 29605
located in a facility owned by a school district or educational 29606

service center, the facility may not be used for such community 29607
school unless the district or service center board owning the 29608
facility enters into an agreement for the community school to 29609
utilize the facility. Use of the facility may be under any terms 29610
and conditions agreed to by the district or service center board 29611
and the school. 29612

(D) Two or more separate community schools may be located in 29613
the same facility. 29614

(E) In the case of a community school that is located in 29615
multiple facilities, beginning July 1, 2012, the department shall 29616
assign a unique identification number to the school and to each 29617
facility maintained by the school. Each number shall be used for 29618
identification purposes only. Nothing in this division shall be 29619
construed to require the department to calculate the amount of 29620
funds paid under this chapter, or to compute any data required for 29621
the report cards issued under section 3314.012 of the Revised 29622
Code, for each facility separately. The department shall make all 29623
such calculations or computations for the school as a whole. 29624

Sec. 3314.08. (A) As used in this section: 29625

(1)(a) "Category one career-technical education student" 29626
means a student who is receiving the career-technical education 29627
services described in division (A) of section 3317.014 of the 29628
Revised Code. 29629

(b) "Category two career-technical student" means a student 29630
who is receiving the career-technical education services described 29631
in division (B) of section 3317.014 of the Revised Code. 29632

(c) "Category three career-technical student" means a student 29633
who is receiving the career-technical education services described 29634
in division (C) of section 3317.014 of the Revised Code. 29635

(d) "Category four career-technical student" means a student 29636

who is receiving the career-technical education services described 29637
in division (D) of section 3317.014 of the Revised Code. 29638

(e) "Category five career-technical education student" means 29639
a student who is receiving the career-technical education services 29640
described in division (E) of section 3317.014 of the Revised Code. 29641

(2)(a) "Category one limited English proficient student" 29642
means a limited English proficient student described in division 29643
(A) of section 3317.016 of the Revised Code. 29644

(b) "Category two limited English proficient student" means a 29645
limited English proficient student described in division (B) of 29646
section 3317.016 of the Revised Code. 29647

(c) "Category three limited English proficient student" means 29648
a limited English proficient student described in division (C) of 29649
section 3317.016 of the Revised Code. 29650

(3)(a) "Category one special education student" means a 29651
student who is receiving special education services for a 29652
disability specified in division (A) of section 3317.013 of the 29653
Revised Code. 29654

(b) "Category two special education student" means a student 29655
who is receiving special education services for a disability 29656
specified in division (B) of section 3317.013 of the Revised Code. 29657

(c) "Category three special education student" means a 29658
student who is receiving special education services for a 29659
disability specified in division (C) of section 3317.013 of the 29660
Revised Code. 29661

(d) "Category four special education student" means a student 29662
who is receiving special education services for a disability 29663
specified in division (D) of section 3317.013 of the Revised Code. 29664

(e) "Category five special education student" means a student 29665
who is receiving special education services for a disability 29666

specified in division (E) of section 3317.013 of the Revised Code. 29667

(f) "Category six special education student" means a student 29668
who is receiving special education services for a disability 29669
specified in division (F) of section 3317.013 of the Revised Code. 29670

(4) "Formula amount" has the same meaning as in section 29671
3317.02 of the Revised Code. 29672

(5) "IEP" has the same meaning as in section 3323.01 of the 29673
Revised Code. 29674

(6) "Resident district" means the school district in which a 29675
student is entitled to attend school under section 3313.64 or 29676
3313.65 of the Revised Code. 29677

(7) "State education aid" has the same meaning as in section 29678
5751.20 of the Revised Code. 29679

(B) The state board of education shall adopt rules requiring 29680
both of the following: 29681

(1) The board of education of each city, exempted village, 29682
and local school district to annually report the number of 29683
students entitled to attend school in the district who are 29684
enrolled in each grade kindergarten through twelve in a community 29685
school established under this chapter, and for each child, the 29686
community school in which the child is enrolled. 29687

(2) The governing authority of each community school 29688
established under this chapter to annually report all of the 29689
following: 29690

(a) The number of students enrolled in grades one through 29691
twelve and the full-time equivalent number of students enrolled in 29692
kindergarten in the school who are not receiving special education 29693
and related services pursuant to an IEP; 29694

(b) The number of enrolled students in grades one through 29695
twelve and the full-time equivalent number of enrolled students in 29696

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| kindergarten, who are receiving special education and related | 29697 |
| services pursuant to an IEP; | 29698 |
| (c) The number of students reported under division (B)(2)(b) | 29699 |
| of this section receiving special education and related services | 29700 |
| pursuant to an IEP for a disability described in each of divisions | 29701 |
| (A) to (F) of section 3317.013 of the Revised Code; | 29702 |
| (d) The full-time equivalent number of students reported | 29703 |
| under divisions (B)(2)(a) and (b) of this section who are enrolled | 29704 |
| in career-technical education programs or classes described in | 29705 |
| each of divisions (A) to (E) of section 3317.014 of the Revised | 29706 |
| Code that are provided by the community school; | 29707 |
| (e) The number of students reported under divisions (B)(2)(a) | 29708 |
| and (b) of this section who are not reported under division | 29709 |
| (B)(2)(d) of this section but who are enrolled in career-technical | 29710 |
| education programs or classes described in each of divisions (A) | 29711 |
| to (E) of section 3317.014 of the Revised Code at a joint | 29712 |
| vocational school district or another district in the | 29713 |
| career-technical planning district to which the school is | 29714 |
| assigned; | 29715 |
| (f) The number of students reported under divisions (B)(2)(a) | 29716 |
| and (b) of this section who are category one to three limited | 29717 |
| English proficient students described in each of divisions (A) to | 29718 |
| (C) of section 3317.016 of the Revised Code; | 29719 |
| (g) The number of students reported under divisions (B)(2)(a) | 29720 |
| and (b) who are economically disadvantaged, as defined by the | 29721 |
| department. A student shall not be categorically excluded from the | 29722 |
| number reported under division (B)(2)(g) of this section based on | 29723 |
| anything other than family income. | 29724 |
| (h) For each student, the city, exempted village, or local | 29725 |
| school district in which the student is entitled to attend school | 29726 |
| under section 3313.64 or 3313.65 of the Revised Code. | 29727 |

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under division (B)(2) of this section any student for whom tuition is charged under division (F) of this section.

(C)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following:

(a) An opportunity grant in an amount equal to the formula amount;

(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;

(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;

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| (iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code; | 29759 29760 29761 |
| (iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code; | 29762 29763 29764 |
| (v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code; | 29765 29766 29767 |
| (vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code. | 29768 29769 29770 |
| (d) If the student is in kindergarten through third grade, an additional amount of \$211 <u>\$305</u> , in fiscal year 2014 <u>2016</u> , and \$290 <u>\$320</u> , in fiscal year 2015 <u>2017</u> ; | 29771 29772 29773 |
| (e) If the student is economically disadvantaged, an additional amount equal to the following: | 29774 29775 |
| (\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index) | 29776 29777 |
| (f) Limited English proficiency funds as follows: | 29778 |
| (i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code; | 29779 29780 29781 |
| (ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code; | 29782 29783 29784 |
| (iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code. | 29785 29786 29787 |
| (g) If the student is reported under division (B)(2)(d) of | 29788 |

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| this section, career-technical education funds as follows: | 29789 |
| (i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code; | 29790 29791 29792 |
| (ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code; | 29793 29794 29795 |
| (iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code; | 29796 29797 29798 |
| (iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code; | 29799 29800 29801 |
| (v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. | 29802 29803 29804 |
| Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code. | 29805 29806 29807 29808 |
| (2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (c), and (g) of this section. | 29809 29810 29811 29812 29813 29814 |
| No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), or (f) of this section. | 29815 29816 29817 |
| (3)(a) If a community school's costs for a fiscal year for a | 29818 |

student receiving special education and related services pursuant 29819
to an IEP for a disability described in divisions (B) to (F) of 29820
section 3317.013 of the Revised Code exceed the threshold 29821
catastrophic cost for serving the student as specified in division 29822
(B) of section 3317.0214 of the Revised Code, the school may 29823
submit to the superintendent of public instruction documentation, 29824
as prescribed by the superintendent, of all its costs for that 29825
student. Upon submission of documentation for a student of the 29826
type and in the manner prescribed, the department shall pay to the 29827
community school an amount equal to the school's costs for the 29828
student in excess of the threshold catastrophic costs. 29829

(b) The community school shall report under division 29830
(C)(3)(a) of this section, and the department shall pay for, only 29831
the costs of educational expenses and the related services 29832
provided to the student in accordance with the student's 29833
individualized education program. Any legal fees, court costs, or 29834
other costs associated with any cause of action relating to the 29835
student may not be included in the amount. 29836

(4) In any fiscal year, a community school receiving funds 29837
under division (C)(1)(g) of this section shall spend those funds 29838
only for the purposes that the department designates as approved 29839
for career-technical education expenses. Career-technical 29840
education expenses approved by the department shall include only 29841
expenses connected to the delivery of career-technical programming 29842
to career-technical students. The department shall require the 29843
school to report data annually so that the department may monitor 29844
the school's compliance with the requirements regarding the manner 29845
in which funding received under division (C)(1)(g) of this section 29846
may be spent. 29847

(5) All funds received under division (C)(1)(g) of this 29848
section shall be spent in the following manner: 29849

(a) At least seventy-five per cent of the funds shall be 29850

spent on curriculum development, purchase, and implementation; 29851
instructional resources and supplies; industry-based program 29852
certification; student assessment, credentialing, and placement; 29853
curriculum specific equipment purchases and leases; 29854
career-technical student organization fees and expenses; home and 29855
agency linkages; work-based learning experiences; professional 29856
development; and other costs directly associated with 29857
career-technical education programs including development of new 29858
programs. 29859

(b) Not more than twenty-five per cent of the funds shall be 29860
used for personnel expenditures. 29861

(6) A community school shall spend the funds it receives 29862
under division (C)(1)(e) of this section in accordance with 29863
section 3317.25 of the Revised Code. 29864

(7) If the sum of the payments computed under divisions 29865
(C)(1) and (8)(a) of this section for the students entitled to 29866
attend school in a particular school district under sections 29867
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 29868
district's state education aid and its payment under sections 29869
321.24 and 323.156 of the Revised Code, the department shall 29870
calculate and apply a proration factor to the payments to all 29871
community schools under that division for the students entitled to 29872
attend school in that district. 29873

(8)(a) Subject to division (C)(7) of this section, the 29874
department annually shall pay to each community school, including 29875
each internet- or computer-based community school, an amount equal 29876
to the following: 29877

(The number of students reported by the community school 29878
under division (B)(2)(e) of this section X the formula amount X 29879
.20) 29880

(b) For each payment made to a community school under 29881

division (C)(8)(a) of this section, the department shall deduct 29882
from the state education aid of each city, local, and exempted 29883
village school district and, if necessary, from the payment made 29884
to the district under sections 321.24 and 323.156 of the Revised 29885
Code an amount equal to the following: 29886

(The number of the district's students reported by the 29887
community school under division (B)(2)(e) of this section X the 29888
formula amount X .20) 29889

(D) A board of education sponsoring a community school may 29890
utilize local funds to make enhancement grants to the school or 29891
may agree, either as part of the contract or separately, to 29892
provide any specific services to the community school at no cost 29893
to the school. 29894

(E) A community school may not levy taxes or issue bonds 29895
secured by tax revenues. 29896

(F) No community school shall charge tuition for the 29897
enrollment of any student who is a resident of this state. A 29898
community school may charge tuition for the enrollment of any 29899
student who is not a resident of this state. 29900

(G)(1)(a) A community school may borrow money to pay any 29901
necessary and actual expenses of the school in anticipation of the 29902
receipt of any portion of the payments to be received by the 29903
school pursuant to division (C) of this section. The school may 29904
issue notes to evidence such borrowing. The proceeds of the notes 29905
shall be used only for the purposes for which the anticipated 29906
receipts may be lawfully expended by the school. 29907

(b) A school may also borrow money for a term not to exceed 29908
fifteen years for the purpose of acquiring facilities. 29909

(2) Except for any amount guaranteed under section 3318.50 of 29910
the Revised Code, the state is not liable for debt incurred by the 29911
governing authority of a community school. 29912

(H) The department of education shall adjust the amounts 29913
subtracted and paid under division (C) of this section to reflect 29914
any enrollment of students in community schools for less than the 29915
equivalent of a full school year. The state board of education 29916
within ninety days after April 8, 2003, shall adopt in accordance 29917
with Chapter 119. of the Revised Code rules governing the payments 29918
to community schools under this section including initial payments 29919
in a school year and adjustments and reductions made in subsequent 29920
periodic payments to community schools and corresponding 29921
deductions from school district accounts as provided under 29922
division (C) of this section. For purposes of this section: 29923

(1) A student shall be considered enrolled in the community 29924
school for any portion of the school year the student is 29925
participating at a college under Chapter 3365. of the Revised 29926
Code. 29927

(2) A student shall be considered to be enrolled in a 29928
community school for the period of time beginning on the later of 29929
the date on which the school both has received documentation of 29930
the student's enrollment from a parent and the student has 29931
commenced participation in learning opportunities as defined in 29932
the contract with the sponsor, or thirty days prior to the date on 29933
which the student is entered into the education management 29934
information system established under section 3301.0714 of the 29935
Revised Code. For purposes of applying this division and divisions 29936
(H)(3) and (4) of this section to a community school student, 29937
"learning opportunities" shall be defined in the contract, which 29938
shall describe both classroom-based and non-classroom-based 29939
learning opportunities and shall be in compliance with criteria 29940
and documentation requirements for student participation which 29941
shall be established by the department. Any student's instruction 29942
time in non-classroom-based learning opportunities shall be 29943
certified by an employee of the community school. A student's 29944

enrollment shall be considered to cease on the date on which any 29945
of the following occur: 29946

(a) The community school receives documentation from a parent 29947
terminating enrollment of the student. 29948

(b) The community school is provided documentation of a 29949
student's enrollment in another public or private school. 29950

(c) The community school ceases to offer learning 29951
opportunities to the student pursuant to the terms of the contract 29952
with the sponsor or the operation of any provision of this 29953
chapter. 29954

Except as otherwise specified in this paragraph, beginning in 29955
the 2011-2012 school year, any student who completed the prior 29956
school year in an internet- or computer-based community school 29957
shall be considered to be enrolled in the same school in the 29958
subsequent school year until the student's enrollment has ceased 29959
as specified in division (H)(2) of this section. The department 29960
shall continue subtracting and paying amounts for the student 29961
under division (C) of this section without interruption at the 29962
start of the subsequent school year. However, if the student 29963
without a legitimate excuse fails to participate in the first one 29964
hundred five consecutive hours of learning opportunities offered 29965
to the student in that subsequent school year, the student shall 29966
be considered not to have re-enrolled in the school for that 29967
school year and the department shall recalculate the payments to 29968
the school for that school year to account for the fact that the 29969
student is not enrolled. 29970

(3) The department shall determine each community school 29971
student's percentage of full-time equivalency based on the 29972
percentage of learning opportunities offered by the community 29973
school to that student, reported either as number of hours or 29974
number of days, is of the total learning opportunities offered by 29975

the community school to a student who attends for the school's 29976
entire school year. However, no internet- or computer-based 29977
community school shall be credited for any time a student spends 29978
participating in learning opportunities beyond ten hours within 29979
any period of twenty-four consecutive hours. Whether it reports 29980
hours or days of learning opportunities, each community school 29981
shall offer not less than nine hundred twenty hours of learning 29982
opportunities during the school year. 29983

(4) With respect to the calculation of full-time equivalency 29984
under division (H)(3) of this section, the department shall waive 29985
the number of hours or days of learning opportunities not offered 29986
to a student because the community school was closed during the 29987
school year due to disease epidemic, hazardous weather conditions, 29988
law enforcement emergencies, inoperability of school buses or 29989
other equipment necessary to the school's operation, damage to a 29990
school building, or other temporary circumstances due to utility 29991
failure rendering the school building unfit for school use, so 29992
long as the school was actually open for instruction with students 29993
in attendance during that school year for not less than the 29994
minimum number of hours required by this chapter. The department 29995
shall treat the school as if it were open for instruction with 29996
students in attendance during the hours or days waived under this 29997
division. 29998

(I) The department of education shall reduce the amounts paid 29999
under this section to reflect payments made to colleges under 30000
section 3365.07 of the Revised Code. 30001

(J)(1) No student shall be considered enrolled in any 30002
internet- or computer-based community school or, if applicable to 30003
the student, in any community school that is required to provide 30004
the student with a computer pursuant to division (C) of section 30005
3314.22 of the Revised Code, unless both of the following 30006
conditions are satisfied: 30007

(a) The student possesses or has been provided with all 30008
required hardware and software materials and all such materials 30009
are operational so that the student is capable of fully 30010
participating in the learning opportunities specified in the 30011
contract between the school and the school's sponsor as required 30012
by division (A)(23) of section 3314.03 of the Revised Code; 30013

(b) The school is in compliance with division (A) of section 30014
3314.22 of the Revised Code, relative to such student. 30015

(2) In accordance with policies adopted jointly by the 30016
superintendent of public instruction and the auditor of state, the 30017
department shall reduce the amounts otherwise payable under 30018
division (C) of this section to any community school that includes 30019
in its program the provision of computer hardware and software 30020
materials to any student, if such hardware and software materials 30021
have not been delivered, installed, and activated for each such 30022
student in a timely manner or other educational materials or 30023
services have not been provided according to the contract between 30024
the individual community school and its sponsor. 30025

The superintendent of public instruction and the auditor of 30026
state shall jointly establish a method for auditing any community 30027
school to which this division pertains to ensure compliance with 30028
this section. 30029

The superintendent, auditor of state, and the governor shall 30030
jointly make recommendations to the general assembly for 30031
legislative changes that may be required to assure fiscal and 30032
academic accountability for such schools. 30033

(K)(1) If the department determines that a review of a 30034
community school's enrollment is necessary, such review shall be 30035
completed and written notice of the findings shall be provided to 30036
the governing authority of the community school and its sponsor 30037
within ninety days of the end of the community school's fiscal 30038

year, unless extended for a period not to exceed thirty additional 30039
days for one of the following reasons: 30040

(a) The department and the community school mutually agree to 30041
the extension. 30042

(b) Delays in data submission caused by either a community 30043
school or its sponsor. 30044

(2) If the review results in a finding that additional 30045
funding is owed to the school, such payment shall be made within 30046
thirty days of the written notice. If the review results in a 30047
finding that the community school owes moneys to the state, the 30048
following procedure shall apply: 30049

(a) Within ten business days of the receipt of the notice of 30050
findings, the community school may appeal the department's 30051
determination to the state board of education or its designee. 30052

(b) The board or its designee shall conduct an informal 30053
hearing on the matter within thirty days of receipt of such an 30054
appeal and shall issue a decision within fifteen days of the 30055
conclusion of the hearing. 30056

(c) If the board has enlisted a designee to conduct the 30057
hearing, the designee shall certify its decision to the board. The 30058
board may accept the decision of the designee or may reject the 30059
decision of the designee and issue its own decision on the matter. 30060

(d) Any decision made by the board under this division is 30061
final. 30062

(3) If it is decided that the community school owes moneys to 30063
the state, the department shall deduct such amount from the 30064
school's future payments in accordance with guidelines issued by 30065
the superintendent of public instruction. 30066

(L) The department shall not subtract from a school 30067
district's state aid account and shall not pay to a community 30068

school under division (C) of this section any amount for any of 30069
the following: 30070

(1) Any student who has graduated from the twelfth grade of a 30071
public or nonpublic high school; 30072

(2) Any student who is not a resident of the state; 30073

(3) Any student who was enrolled in the community school 30074
during the previous school year when assessments were administered 30075
under section 3301.0711 of the Revised Code but did not take one 30076
or more of the assessments required by that section and was not 30077
excused pursuant to division (C)(1) or (3) of that section, unless 30078
the superintendent of public instruction grants the student a 30079
waiver from the requirement to take the assessment and a parent is 30080
not paying tuition for the student pursuant to section 3314.26 of 30081
the Revised Code. The superintendent may grant a waiver only for 30082
good cause in accordance with rules adopted by the state board of 30083
education. 30084

(4) Any student who has attained the age of twenty-two years, 30085
except for veterans of the armed services whose attendance was 30086
interrupted before completing the recognized twelve-year course of 30087
the public schools by reason of induction or enlistment in the 30088
armed forces and who apply for enrollment in a community school 30089
not later than four years after termination of war or their 30090
honorable discharge. If, however, any such veteran elects to 30091
enroll in special courses organized for veterans for whom tuition 30092
is paid under federal law, or otherwise, the department shall not 30093
subtract from a school district's state aid account and shall not 30094
pay to a community school under division (C) of this section any 30095
amount for that veteran. 30096

Sec. 3314.091. (A) A school district is not required to 30097
provide transportation for any native student enrolled in a 30098
community school if the district board of education has entered 30099

into an agreement with the community school's governing authority 30100
that designates the community school as responsible for providing 30101
or arranging for the transportation of the district's native 30102
students to and from the community school. For any such agreement 30103
to be effective, it must be certified by the superintendent of 30104
public instruction as having met all of the following 30105
requirements: 30106

(1) It is submitted to the department of education by a 30107
deadline which shall be established by the department. 30108

(2) In accordance with divisions (C)(1) and (2) of this 30109
section, it specifies qualifications, such as residing a minimum 30110
distance from the school, for students to have their 30111
transportation provided or arranged. 30112

(3) The transportation provided by the community school is 30113
subject to all provisions of the Revised Code and all rules 30114
adopted under the Revised Code pertaining to pupil transportation. 30115

(4) The sponsor of the community school also has signed the 30116
agreement. 30117

(B)(1) For the school year that begins on July 1, 2007, a 30118
school district is not required to provide transportation for any 30119
native student enrolled in a community school, if the community 30120
school during the previous school year transported the students 30121
enrolled in the school or arranged for the students' 30122
transportation, even if that arrangement consisted of having 30123
parents transport their children to and from the school, but did 30124
not enter into an agreement to transport or arrange for 30125
transportation for those students under division (A) of this 30126
section, and if the governing authority of the community school by 30127
July 15, 2007, submits written notification to the district board 30128
of education stating that the governing authority is accepting 30129
responsibility for providing or arranging for the transportation 30130

of the district's native students to and from the community 30131
school. 30132

(2) Except as provided in division (B)(4) of this section, 30133
for any school year subsequent to the school year that begins on 30134
July 1, 2007, a school district is not required to provide 30135
transportation for any native student enrolled in a community 30136
school if the governing authority of the community school, by the 30137
thirty-first day of January of the previous school year, submits 30138
written notification to the district board of education stating 30139
that the governing authority is accepting responsibility for 30140
providing or arranging for the transportation of the district's 30141
native students to and from the community school. If the governing 30142
authority of the community school has previously accepted 30143
responsibility for providing or arranging for the transportation 30144
of a district's native students to and from the community school, 30145
under division (B)(1) or (2) of this section, and has since 30146
relinquished that responsibility under division (B)(3) of this 30147
section, the governing authority shall not accept that 30148
responsibility again unless the district board consents to the 30149
governing authority's acceptance of that responsibility. 30150

(3) A governing authority's acceptance of responsibility 30151
under division (B)(1) or (2) of this section shall cover an entire 30152
school year, and shall remain in effect for subsequent school 30153
years unless the governing authority submits written notification 30154
to the district board that the governing authority is 30155
relinquishing the responsibility. However, a governing authority 30156
shall not relinquish responsibility for transportation before the 30157
end of a school year, and shall submit the notice relinquishing 30158
responsibility by the thirty-first day of January, in order to 30159
allow the school district reasonable time to prepare 30160
transportation for its native students enrolled in the school. 30161

(4)(a) For any school year that begins on or after July 1, 30162

2014, a school district is not required to provide transportation 30163
for any native student enrolled in a community school scheduled to 30164
open for operation in the current school year, if the governing 30165
authority of the community school, by the fifteenth day of April 30166
of the previous school year, submits written notification to the 30167
district board of education stating that the governing authority 30168
is accepting responsibility for providing or arranging for the 30169
transportation of the district's native students to and from the 30170
community school. 30171

(b) The governing authority of a community school that 30172
accepts responsibility for transporting its students under 30173
division (B)(4)(a) of this section shall comply with divisions 30174
(B)(2) and (3) of this section to renew or relinquish that 30175
authority for subsequent school years. 30176

(C)(1) A community school governing authority that enters 30177
into an agreement under division (A) of this section, or that 30178
accepts responsibility under division (B) of this section, shall 30179
provide or arrange transportation free of any charge for each of 30180
its enrolled students who is required to be transported under 30181
section 3327.01 of the Revised Code ~~or who would otherwise be~~ 30182
~~transported by the school district under the district's~~ 30183
~~transportation policy.~~ The governing authority shall report to the 30184
department of education the number of students transported or for 30185
whom transportation is arranged under this section in accordance 30186
with rules adopted by the state board of education. 30187

(2) The governing authority may provide or arrange 30188
transportation for any other enrolled student who is not eligible 30189
for transportation in accordance with division (C)(1) of this 30190
section and may charge a fee for such service up to the actual 30191
cost of the service. 30192

(3) Notwithstanding anything to the contrary in division 30193
(C)(1) or (2) of this section, a community school governing 30194

authority shall provide or arrange transportation free of any 30195
charge for any disabled student enrolled in the school for whom 30196
the student's individualized education program developed under 30197
Chapter 3323. of the Revised Code specifies transportation. 30198

(D)(1) If a school district board and a community school 30199
governing authority elect to enter into an agreement under 30200
division (A) of this section, the department of education shall 30201
make payments to the community school according to the terms of 30202
the agreement for each student actually transported under division 30203
(C)(1) of this section. 30204

If a community school governing authority accepts 30205
transportation responsibility under division (B) of this section, 30206
the department shall make payments to the community school for 30207
each student actually transported or for whom transportation is 30208
arranged by the community school under division (C)(1) of this 30209
section, calculated as follows: 30210

(a) For any fiscal year which the general assembly has 30211
specified that transportation payments to school districts be 30212
based on an across-the-board percentage of the district's payment 30213
for the previous school year, the per pupil payment to the 30214
community school shall be the following quotient: 30215

(i) The total amount calculated for the school district in 30216
which the child is entitled to attend school for student 30217
transportation other than transportation of children with 30218
disabilities; divided by 30219

(ii) The number of students included in the district's 30220
transportation ADM for the current fiscal year, as calculated 30221
under section 3317.03 of the Revised Code, plus the number of 30222
students enrolled in the community school not counted in the 30223
district's transportation ADM who are transported under division 30224
(B)(1) or (2) of this section. 30225

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used. The community school, however, is not required to use the same method to transport that student.

(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in that section for fiscal year 2011.

As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in section 3314.08 of the Revised Code, and, if necessary, the payment under sections 321.14 and 323.156 of the Revised Code, that is otherwise paid to the school district in which the student enrolled in the community school is entitled to attend school. The department shall include the number of the district's native students for whom payment is made to a community school under division (D)(1) of this section in the calculation of the district's transportation payment under section 3317.0212 of the Revised Code and the operating appropriations act.

(3) A community school shall be paid under division (D)(1) of this section only for students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, and whose transportation to and from school is actually provided, who actually utilized transportation arranged, or for whom a payment in lieu of transportation is made by the community school's governing authority. To qualify for the payments, the community school shall report to the department, in the form and manner required by the department, data on the number of students transported or whose transportation is arranged, the number of miles traveled, cost to transport, and any other information requested by the department.

(4) A community school shall use payments received under this section solely to pay the costs of providing or arranging for the transportation of students who are eligible as specified in section 3327.01 of the Revised Code and division (C)(1) of this section, which may include payments to a parent, guardian, or other person in charge of a child in lieu of transportation.

(E) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) of section 3327.16 of the Revised Code and, subject to division (C)(1) of this section, sections 3327.01 and 3327.02 of the

Revised Code, as if it were a school district. 30290

Sec. 3314.10. (A)(1) The governing authority of any community 30291
school established under this chapter may employ teachers and 30292
nonteaching employees necessary to carry out its mission and 30293
fulfill its contract. 30294

(2) Except as provided under division (A)(3) of this section, 30295
employees hired under this section may organize and collectively 30296
bargain pursuant to Chapter 4117. of the Revised Code. 30297
Notwithstanding division (D)(1) of section 4117.06 of the Revised 30298
Code, a unit containing teaching and nonteaching employees 30299
employed under this section shall be considered an appropriate 30300
unit. ~~As applicable~~ Except as provided in division (B)(2)(b) of 30301
section 3307.01 and in section 3309.011 of the Revised Code, 30302
employment under this section is subject to either Chapter 3307. 30303
or 3309. of the Revised Code. 30304

(3) If a school is created by converting all or part of an 30305
existing public school rather than by establishment of a new 30306
start-up school, at the time of conversion, the employees of the 30307
community school shall remain part of any collective bargaining 30308
unit in which they were included immediately prior to the 30309
conversion and shall remain subject to any collective bargaining 30310
agreement for that unit in effect on the first day of July of the 30311
year in which the community school initially begins operation and 30312
shall be subject to any subsequent collective bargaining agreement 30313
for that unit, unless a petition is certified as sufficient under 30314
division (A)(6) of this section with regard to those employees. 30315
Any new employees of the community school shall also be included 30316
in the unit to which they would have been assigned had not the 30317
conversion taken place and shall be subject to the collective 30318
bargaining agreement for that unit unless a petition is certified 30319
as sufficient under division (A)(6) of this section with regard to 30320

those employees. 30321

Notwithstanding division (B) of section 4117.01 of the 30322
Revised Code, the board of education of a school district and not 30323
the governing authority of a community school shall be regarded, 30324
for purposes of Chapter 4117. of the Revised Code, as the "public 30325
employer" of the employees of a conversion community school 30326
subject to a collective bargaining agreement pursuant to division 30327
(A)(3) of this section unless a petition is certified under 30328
division (A)(6) of this section with regard to those employees. 30329
Only on and after the effective date of a petition certified as 30330
sufficient under division (A)(6) of this section shall division 30331
(A)(2) of this section apply to those employees of that community 30332
school and only on and after the effective date of that petition 30333
shall Chapter 4117. of the Revised Code apply to the governing 30334
authority of that community school with regard to those employees. 30335

(4) Notwithstanding sections 4117.03 to 4117.18 of the 30336
Revised Code and Section 4 of Amended Substitute Senate Bill No. 30337
133 of the 115th general assembly, the employees of a conversion 30338
community school who are subject to a collective bargaining 30339
agreement pursuant to division (A)(3) of this section shall cease 30340
to be subject to that agreement and all subsequent agreements 30341
pursuant to that division and shall cease to be part of the 30342
collective bargaining unit that is subject to that and all 30343
subsequent agreements, if a majority of the employees of that 30344
community school who are subject to that collective bargaining 30345
agreement sign and submit to the state employment relations board 30346
a petition requesting all of the following: 30347

(a) That all the employees of the community school who are 30348
subject to that agreement be removed from the bargaining unit that 30349
is subject to that agreement and be designated by the state 30350
employment relations board as a new and separate bargaining unit 30351
for purposes of Chapter 4117. of the Revised Code; 30352

(b) That the employee organization certified as the exclusive representative of the employees of the bargaining unit from which the employees are to be removed be certified as the exclusive representative of the new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(c) That the governing authority of the community school be regarded as the "public employer" of these employees for purposes of Chapter 4117. of the Revised Code.

(5) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division, shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, and shall cease to be represented by any exclusive representative of that collective bargaining unit, if a majority of the employees of the community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement;

(b) That any employee organization certified as the exclusive representative of the employees of that bargaining unit be decertified as the exclusive representative of the employees of the community school who are subject to that agreement;

(c) That the governing authority of the community school be regarded as the "public employer" of these employees for purposes

of Chapter 4117. of the Revised Code. 30384

(6) Upon receipt of a petition under division (A)(4) or (5) 30385
of this section, the state employment relations board shall check 30386
the sufficiency of the signatures on the petition. If the 30387
signatures are found sufficient, the board shall certify the 30388
sufficiency of the petition and so notify the parties involved, 30389
including the board of education, the governing authority of the 30390
community school, and any exclusive representative of the 30391
bargaining unit. The changes requested in a certified petition 30392
shall take effect on the first day of the month immediately 30393
following the date on which the sufficiency of the petition is 30394
certified under division (A)(6) of this section. 30395

(B)(1) The board of education of each city, local, and 30396
exempted village school district sponsoring a community school and 30397
the governing board of each educational service center in which a 30398
community school is located shall adopt a policy that provides a 30399
leave of absence of at least three years to each teacher or 30400
nonteaching employee of the district or service center who is 30401
employed by a conversion or new start-up community school 30402
sponsored by the district or located in the district or center for 30403
the period during which the teacher or employee is continuously 30404
employed by the community school. The policy shall also provide 30405
that any teacher or nonteaching employee may return to employment 30406
by the district or service center if the teacher or employee 30407
leaves or is discharged from employment with the community school 30408
for any reason, unless, in the case of a teacher, the board of the 30409
district or service center determines that the teacher was 30410
discharged for a reason for which the board would have sought to 30411
discharge the teacher under section 3311.82 or 3319.16 of the 30412
Revised Code, in which case the board may proceed to discharge the 30413
teacher utilizing the procedures of that section. Upon termination 30414
of such a leave of absence, any seniority that is applicable to 30415

the person shall be calculated to include all of the following: 30416
all employment by the district or service center prior to the 30417
leave of absence; all employment by the community school during 30418
the leave of absence; and all employment by the district or 30419
service center after the leave of absence. The policy shall also 30420
provide that if any teacher holding valid certification returns to 30421
employment by the district or service center upon termination of 30422
such a leave of absence, the teacher shall be restored to the 30423
previous position and salary or to a position and salary similar 30424
thereto. If, as a result of teachers returning to employment upon 30425
termination of such leaves of absence, a school district or 30426
educational service center reduces the number of teachers it 30427
employs, it shall make such reductions in accordance with section 30428
3319.171 of the Revised Code. 30429

Unless a collective bargaining agreement providing otherwise 30430
is in effect for an employee of a conversion community school 30431
pursuant to division (A)(3) of this section, an employee on a 30432
leave of absence pursuant to this division shall remain eligible 30433
for any benefits that are in addition to benefits under Chapter 30434
3307. or 3309. of the Revised Code provided by the district or 30435
service center to its employees provided the employee pays the 30436
entire cost associated with such benefits, except that personal 30437
leave and vacation leave cannot be accrued for use as an employee 30438
of a school district or service center while in the employ of a 30439
community school unless the district or service center board 30440
adopts a policy expressly permitting this accrual. 30441

(2) While on a leave of absence pursuant to division (B)(1) 30442
of this section, a conversion community school shall permit a 30443
teacher to use sick leave accrued while in the employ of the 30444
school district from which the leave of absence was taken and 30445
prior to commencing such leave. If a teacher who is on such a 30446
leave of absence uses sick leave so accrued, the cost of any 30447

salary paid by the community school to the teacher for that time 30448
shall be reported to the department of education. The cost of 30449
employing a substitute teacher for that time shall be paid by the 30450
community school. The department of education shall add amounts to 30451
the payments made to a community school under this chapter as 30452
necessary to cover the cost of salary reported by a community 30453
school as paid to a teacher using sick leave so accrued pursuant 30454
to this section. The department shall subtract the amounts of any 30455
payments made to community schools under this division from 30456
payments made to such sponsoring school district under Chapter 30457
3317. of the Revised Code. 30458

A school district providing a leave of absence and employee 30459
benefits to a person pursuant to this division is not liable for 30460
any action of that person while the person is on such leave and 30461
employed by a community school. 30462

Sec. 3317.01. As used in this section, "school district," 30463
unless otherwise specified, means any city, local, exempted 30464
village, joint vocational, or cooperative education school 30465
district and any educational service center. 30466

This chapter shall be administered by the state board of 30467
education. The superintendent of public instruction shall 30468
calculate the amounts payable to each school district and shall 30469
certify the amounts payable to each eligible district to the 30470
treasurer of the district as provided by this chapter. As soon as 30471
possible after such amounts are calculated, the superintendent 30472
shall certify to the treasurer of each school district the 30473
district's adjusted charge-off increase, as defined in section 30474
5705.211 of the Revised Code. Certification of moneys pursuant to 30475
this section shall include the amounts payable to each school 30476
building, at a frequency determined by the superintendent, for 30477
each subgroup of students, as defined in section 3317.40 of the 30478

Revised Code, receiving services, provided for by state funding, 30479
from the district or school. No moneys shall be distributed 30480
pursuant to this chapter without the approval of the controlling 30481
board. 30482

The state board of education shall, in accordance with 30483
appropriations made by the general assembly, meet the financial 30484
obligations of this chapter. 30485

Moneys distributed to school districts pursuant to this 30486
chapter shall be calculated based on the annual enrollment 30487
calculated from the three reports required under ~~sections~~ section 30488
3317.03 ~~and 3317.036~~ of the Revised Code and paid on a fiscal year 30489
basis, beginning with the first day of July and extending through 30490
the thirtieth day of June. In any given fiscal year, prior to 30491
school districts submitting the first report required under 30492
section 3317.03 of the Revised Code, enrollment for the districts 30493
shall be calculated based on the third report submitted by the 30494
districts for the previous fiscal year. The moneys appropriated 30495
for each fiscal year shall be distributed periodically to each 30496
school district unless otherwise provided for. The state board, in 30497
June of each year, shall submit to the controlling board the state 30498
board's year-end distributions pursuant to this chapter. 30499

Except as otherwise provided, payments under this chapter 30500
shall be made only to those school districts in which: 30501

(A) The school district, except for any educational service 30502
center and any joint vocational or cooperative education school 30503
district, levies for current operating expenses at least twenty 30504
mills. Levies for joint vocational or cooperative education school 30505
districts or county school financing districts, limited to or to 30506
the extent apportioned to current expenses, shall be included in 30507
this qualification requirement. School district income tax levies 30508
under Chapter 5748. of the Revised Code, limited to or to the 30509
extent apportioned to current operating expenses, shall be 30510

included in this qualification requirement to the extent 30511
determined by the tax commissioner under division (D) of section 30512
3317.021 of the Revised Code. 30513

(B) The school year next preceding the fiscal year for which 30514
such payments are authorized meets the requirement of section 30515
3313.48 of the Revised Code, with regard to the minimum number of 30516
hours school must be open for instruction with pupils in 30517
attendance, for individualized parent-teacher conference and 30518
reporting periods, and for professional meetings of teachers. 30519

A school district shall not be considered to have failed to 30520
comply with this division because schools were open for 30521
instruction but either twelfth grade students were excused from 30522
attendance for up to the equivalent of three school days or only a 30523
portion of the kindergarten students were in attendance for up to 30524
the equivalent of three school days in order to allow for the 30525
gradual orientation to school of such students. 30526

A board of education or governing board of an educational 30527
service center which has not conformed with other law and the 30528
rules pursuant thereto, shall not participate in the distribution 30529
of funds authorized by this chapter, except for good and 30530
sufficient reason established to the satisfaction of the state 30531
board of education and the state controlling board. 30532

All funds allocated to school districts under this chapter, 30533
except those specifically allocated for other purposes, shall be 30534
used to pay current operating expenses only. 30535

Sec. 3317.013. The amounts for the following categories of 30536
special education programs, as these programs are defined for 30537
purposes of Chapter 3323. of the Revised Code, are as follows: 30538

(A) An amount of ~~\$1,503~~ \$1,547, in fiscal year ~~2014~~ 2016, or 30539
~~\$1,517~~ \$1,578, in fiscal year ~~2015~~ 2017, for each student whose 30540

primary or only identified disability is a speech and language 30541
disability, as this term is defined pursuant to Chapter 3323. of 30542
the Revised Code; 30543

(B) An amount of ~~\$3,813~~ \$3,926, in fiscal year ~~2014~~ 2016, or 30544
~~\$3,849~~ \$4,005, in fiscal year ~~2015~~ 2017, for each student 30545
identified as specific learning disabled or developmentally 30546
disabled, as these terms are defined pursuant to Chapter 3323. of 30547
the Revised Code, identified as having an other health 30548
impairment-minor, or identified as a preschool child who is 30549
developmentally delayed; 30550

(C) An amount of ~~\$9,160~~ \$9,433, in fiscal year ~~2014~~ 2016, or 30551
~~\$9,248~~ \$9,622, in fiscal year ~~2015~~ 2017, for each student 30552
identified as hearing disabled or severe behavior disabled, as 30553
these terms are defined pursuant to Chapter 3323. of the Revised 30554
Code; 30555

(D) An amount of ~~\$12,225~~ \$12,589, in fiscal year ~~2014~~ 2016, 30556
or ~~\$12,342~~ \$12,841, in fiscal year ~~2015~~ 2017, for each student 30557
identified as vision impaired, as this term is defined pursuant to 30558
Chapter 3323. of the Revised Code, or as having an other health 30559
impairment-major; 30560

(E) An amount of ~~\$16,557~~ \$17,049, in fiscal year ~~2014~~ 2016, 30561
or ~~\$16,715~~ \$17,390, in fiscal year ~~2015~~ 2017, for each student 30562
identified as orthopedically disabled or as having multiple 30563
disabilities, as these terms are defined pursuant to Chapter 3323. 30564
of the Revised Code; 30565

(F) An amount of ~~\$24,407~~ \$25,134, in fiscal year ~~2014~~ 2016, 30566
or ~~\$24,641~~ \$25,637, in fiscal year ~~2015~~ 2017, for each student 30567
identified as autistic, having traumatic brain injuries, or as 30568
both visually and hearing impaired, as these terms are defined 30569
pursuant to Chapter 3323. of the Revised Code. 30570

Sec. 3317.014. The career-technical education additional 30571
amount per pupil for each student enrolled in career-technical 30572
education programs approved by the department of education under 30573
section 3317.161 of the Revised Code shall be as follows: 30574

(A) An amount of ~~\$4,750~~ \$4,992, in fiscal year ~~2014~~ 2016, or 30575
~~\$4,800~~ \$5,192, in fiscal year ~~2015~~ 2017, for each student enrolled 30576
in career-technical education workforce development programs in 30577
agricultural and environmental systems, construction technologies, 30578
engineering and science technologies, finance, health science, 30579
information technology, and manufacturing technologies, each of 30580
which shall be defined by the department in consultation with the 30581
governor's office of workforce transformation; 30582

(B) An amount of ~~\$4,500~~ \$4,732, in fiscal year ~~2014~~ 2016, or 30583
~~\$4,550~~ \$4,921, in fiscal year ~~2015~~ 2017, for each student enrolled 30584
in workforce development programs in business and administration, 30585
hospitality and tourism, human services, law and public safety, 30586
transportation systems, and arts and communications, each of which 30587
shall be defined by the department in consultation with the 30588
governor's office of workforce transformation; 30589

(C) An amount of ~~\$1,650~~ \$1,726, in fiscal year ~~2014~~ 2016, or 30590
~~\$1,660~~ \$1,795, in fiscal year ~~2015~~ 2017, for students enrolled in 30591
career-based intervention programs, which shall be defined by the 30592
department in consultation with the governor's office of workforce 30593
transformation; 30594

(D) An amount of ~~\$1,400~~ \$1,466, in fiscal year ~~2014~~ 2016, or 30595
~~\$1,410~~ \$1,525, in fiscal year ~~2015~~ 2017, for students enrolled in 30596
workforce development programs in education and training, 30597
marketing, workforce development academics, public administration, 30598
and career development, each of which shall be defined by the 30599
department of education in consultation with the governor's office 30600
of workforce transformation; 30601

(E) An amount of ~~\$1,200~~ \$1,258, in fiscal year ~~2014~~ 2016, or 30602
~~\$1,210~~ \$1,308, in fiscal year ~~2015~~ 2017, for students enrolled in 30603
family and consumer science programs, which shall be defined by 30604
the department of education in consultation with the governor's 30605
office of workforce transformation. 30606

The amount for career-technical education associated 30607
services, as defined by the department, shall be ~~\$225~~ \$236, in 30608
fiscal year ~~2014~~ 2016, or ~~\$227~~ \$245, in fiscal year ~~2015~~ 2017. 30609

Sec. 3317.016. The amounts for limited English proficient 30610
students shall be as follows: 30611

(A) An amount of ~~\$1,500, in fiscal year 2014, and~~ \$1,515, in 30612
~~fiscal year 2015,~~ for each student who has been enrolled in 30613
schools in the United States for 180 school days or less and was 30614
not previously exempted from taking the spring administration of 30615
either of the state's English language arts assessments prescribed 30616
by section 3301.0710 of the Revised Code (reading or writing). 30617

(B) An amount of ~~\$1,125, in fiscal year 2014, and~~ \$1,136, in 30618
~~fiscal year 2015,~~ for each student who has been enrolled in 30619
schools in the United States for more than 180 school days or was 30620
previously exempted from taking the spring administration of 30621
either of the state's English language arts assessments prescribed 30622
by section 3301.0710 of the Revised Code (reading or writing). 30623

(C) An amount of ~~\$750, in fiscal year 2014, and~~ \$758, in 30624
~~fiscal year 2015,~~ for each student who does not qualify for 30625
inclusion under division (A) or (B) of this section and is in a 30626
trial-mainstream period, as defined by the department. 30627

Sec. 3317.017. The department of education shall compute a 30628
school district's ~~state share index~~ capacity measure as follows: 30629

(A) Calculate the district's valuation index, which equals 30630
the following quotient: 30631

(The district's three-year average valuation / the district's total ADM) / (the statewide three-year average valuation for school districts with a total ADM greater than zero / the statewide total ADM) 30632
30633
30634
30635

(B) Calculate the district's median income index, which equals the following quotient: 30636
30637

(The district's median Ohio adjusted gross income / the median of the median Ohio adjusted gross income of all districts statewide with a total ADM greater than zero) 30638
30639
30640

(C) Determine the district's ~~wealth index~~ capacity measure as follows: 30641
30642

(1) If the district's median income index is less than the district's ~~valuation index~~ lower limit, then the district's ~~wealth index~~ capacity measure shall be equal to $[(1/3 \times \text{the district's median income index}) + (2/3 \times \text{the district's valuation index}) - (\text{the lower limit} - \text{the district's median income index})]$. 30643
30644
30645
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(2) If the district's median income index is greater than or equal to the lower limit and less than or equal to the upper limit, then the district's capacity measure shall be equal to the district's valuation index. 30648
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30651

(3) If the district's median income index is greater than or equal to the district's valuation index the upper limit, then the district's ~~wealth index~~ capacity measure shall be equal to {the district's valuation index + [(the district's median income index - the upper limit) X (0.20 in fiscal year 2016 or 0.40 in fiscal year 2017)]}. 30652
30653
30654
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For purposes of these calculations, "upper limit" and "lower limit" shall be computed pursuant to section 3317.018 of the Revised Code. 30658
30659
30660

(D) ~~Determine the district's state share index as follows:~~ 30661

~~(1) If the district's wealth index is less than or equal to 0.35, then the district's state share index shall be equal to 0.90.~~ 30662
30663
30664

~~(2) If the district's wealth index is greater than 0.35 but less than or equal to 0.90, then the district's state share index shall be equal to $\{0.40 \times [(0.90 - \text{the district's wealth index}) / 0.55]\} + 0.50$.~~ 30665
30666
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~~(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to $\{0.45 \times [(1.8 - \text{the district's wealth index}) / 0.9]\} + 0.05$.~~ 30669
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~~(4) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to 0.05.~~ 30673
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~~(E)(1) For each school district for which the tax exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three year average valuation of the district plus the tax exempt value of the district.~~ 30676
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~~(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the three year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under division (E)(1) of this section.~~ 30685
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~~(F) Unless otherwise specified in this section, when performing the calculations required under this section, the department shall not round to fewer than four decimal places.~~ 30690
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(E) For purposes of these calculations for fiscal years 2014 and 2015: 30693
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(1) For fiscal year 2016, "three-year average valuation" means the average of total taxable value for fiscal years 2012, 2013, and 2014; "total ADM" means the total ADM for fiscal year 2014; "median 2015. 30695
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(2) For fiscal year 2017, "total ADM" means the total ADM for fiscal year 2016. 30699
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(3) "Median Ohio adjusted gross income" means the median Ohio adjusted gross income for tax year 2011; and "tax-exempt 2012 or 2013, whichever is the most recent tax year for which data is available. 30701
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(4) "Tax-exempt value" means the tax-exempt value for fiscal year 2014 the most recent tax year for which data is available. 30705
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Sec. 3317.018. (A) The department of education shall calculate the mean and standard deviation of the median income indices calculated for all school districts in this state under division (B) of section 3317.017 of the Revised Code other than kelley's island local school district, Erie county. 30707
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(B) The department shall add one-half of the standard deviation determined under division (A) of this section to the mean determined under division (A) of this section and then round up the sum to two decimal places. This number shall be the "upper limit" for purposes of the calculations in division (C) of section 3317.017 of the Revised Code. 30712
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(C) The department shall subtract one-half of the standard deviation determined under division (A) of this section from the mean determined under division (A) of this section and then round down the difference to two decimal places. This number shall be the "lower limit" for purposes of the calculations in division (C) 30718
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of section 3317.017 of the Revised Code. 30723

Sec. 3317.019. The department of education shall compute a 30724
school district's income factor in accordance with divisions (A) 30725
and (B) of this section. 30726

(A) The department shall calculate the district's median 30727
income index, which equals the following quotient: 30728

(The district's median Ohio adjusted gross income/the median of 30729
the median Ohio adjusted gross income of all districts statewide 30730
with a total ADM greater than zero) 30731

For purposes of this calculation, "median Ohio adjusted gross 30732
income" means the median Ohio adjusted gross income for the most 30733
recent tax year for which data is available. 30734

(B) The department shall determine the district's income 30735
factor as follows: 30736

(1) If the district's median income index is less than or 30737
equal to 1.0, the district's income factor shall be equal to its 30738
median income index. 30739

(2) If the district's median income index is greater than 1.0 30740
but less than 1.5, the district's income factor shall be 30741
calculated as follows: 30742

(a) First, calculate the following quotient: 30743

{[(the district's median income index - 1) X 0.315] / 0.5} 30744

(b) Next, multiply the quotient calculated in division 30745
(B)(2)(a) of this section by 0.5, for fiscal year 2016, or 0.6, 30746
for fiscal year 2017; 30747

(c) Finally, determine the district's income factor by adding 30748
1 to the product calculated in division (B)(2)(b) of this section. 30749

(3) If the district's median income index is greater than or 30750
equal to 1.5, the district's income factor shall be equal to the 30751

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| <u>following:</u> | 30752 |
| <u>(a) For fiscal year 2016, [1 + (0.315 X 0.50)];</u> | 30753 |
| <u>(b) For fiscal year 2017, [1 + (0.315 X 0.60)].</u> | 30754 |
| Sec. 3317.02. As used in this chapter: | 30755 |
| (A)(1) "Category one career-technical education ADM" means | 30756 |
| the enrollment of students during the school year on a full-time | 30757 |
| equivalency basis in career-technical education programs described | 30758 |
| in division (A) of section 3317.014 of the Revised Code and | 30759 |
| certified under division (B)(11) or (D)(2)(h) of section 3317.03 | 30760 |
| of the Revised Code. | 30761 |
| (2) "Category two career-technical education ADM" means the | 30762 |
| enrollment of students during the school year on a full-time | 30763 |
| equivalency basis in career-technical education programs described | 30764 |
| in division (B) of section 3317.014 of the Revised Code and | 30765 |
| certified under division (B)(12) or (D)(2)(i) of section 3317.03 | 30766 |
| of the Revised Code. | 30767 |
| (3) "Category three career-technical education ADM" means the | 30768 |
| enrollment of students during the school year on a full-time | 30769 |
| equivalency basis in career-technical education programs described | 30770 |
| in division (C) of section 3317.014 of the Revised Code and | 30771 |
| certified under division (B)(13) or (D)(2)(j) of section 3317.03 | 30772 |
| of the Revised Code. | 30773 |
| (4) "Category four career-technical education ADM" means the | 30774 |
| enrollment of students during the school year on a full-time | 30775 |
| equivalency basis in career-technical education programs described | 30776 |
| in division (D) of section 3317.014 of the Revised Code and | 30777 |
| certified under division (B)(14) or (D)(2)(k) of section 3317.03 | 30778 |
| of the Revised Code. | 30779 |
| (5) "Category five career-technical education ADM" means the | 30780 |
| enrollment of students during the school year on a full-time | 30781 |

equivalency basis in career-technical education programs described 30782
in division (E) of section 3317.014 of the Revised Code and 30783
certified under division (B)(15) or (D)(2)(l) of section 3317.03 30784
of the Revised Code. 30785

(B)(1) "Category one limited English proficient ADM" means 30786
the full-time equivalent number of limited English proficient 30787
students described in division (A) of section 3317.016 of the 30788
Revised Code and certified under division (B)(16) or (D)(2)(m) of 30789
section 3317.03 of the Revised Code. 30790

(2) "Category two limited English proficient ADM" means the 30791
full-time equivalent number of limited English proficient students 30792
described in division (B) of section 3317.016 of the Revised Code 30793
and certified under division (B)(17) or (D)(2)(n) of section 30794
3317.03 of the Revised Code. 30795

(3) "Category three limited English proficient ADM" means the 30796
full-time equivalent number of limited English proficient students 30797
described in division (C) of section 3317.016 of the Revised Code 30798
and certified under division (B)(18) or (D)(2)(o) of section 30799
3317.03 of the Revised Code. 30800

(C)(1) "Category one special education ADM" means the 30801
full-time equivalent number of children with disabilities 30802
receiving special education services for the disability specified 30803
in division (A) of section 3317.013 of the Revised Code and 30804
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 30805
the Revised Code. 30806

(2) "Category two special education ADM" means the full-time 30807
equivalent number of children with disabilities receiving special 30808
education services for those disabilities specified in division 30809
(B) of section 3317.013 of the Revised Code and certified under 30810
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 30811
Code. 30812

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and certified under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code.

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(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code.

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(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code.

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(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code.

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(D) "County DD board" means a county board of developmental disabilities.

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(E) "Economically disadvantaged index for a school district" means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided by the ~~statewide~~ percentage of students in the statewide total ADM identified as economically disadvantaged. For purposes of this calculation:

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(1) For a city, local, or exempted village school district,

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the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined. 30844
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(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint vocational school districts combined. 30846
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(F)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows: 30849
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(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code; 30855
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(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact. 30858
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(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. 30862
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(G) "Formula amount" means ~~\$5,745~~ \$5,900, for fiscal year ~~2014~~ 2016, and ~~\$5,800~~ \$6,000, for fiscal year ~~2015~~ 2017. 30867
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(H) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, 30869
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three, four, or five career technical education ADM in the same 30875
proportion the student is counted in formula ADM. 30876

(I) "Income factor" means the income factor calculated for a 30877
district under section 3317.019 of the Revised Code. 30878

(J) "Internet- or computer-based community school" has the 30879
same meaning as in section 3314.02 of the Revised Code. 30880

~~(J)~~(K) "Medically fragile child" means a child to whom all of 30881
the following apply: 30882

(1) The child requires the services of a doctor of medicine 30883
or osteopathic medicine at least once a week due to the 30884
instability of the child's medical condition. 30885

(2) The child requires the services of a registered nurse on 30886
a daily basis. 30887

(3) The child is at risk of institutionalization in a 30888
hospital, skilled nursing facility, or intermediate care facility 30889
for individuals with intellectual disabilities. 30890

~~(K)~~(L)(1) A child may be identified as having an "other 30891
health impairment-major" if the child's condition meets the 30892
definition of "other health impaired" established in rules 30893
previously adopted by the state board of education and if either 30894
of the following apply: 30895

(a) The child is identified as having a medical condition 30896
that is among those listed by the superintendent of public 30897
instruction as conditions where a substantial majority of cases 30898
fall within the definition of "medically fragile child." 30899

(b) The child is determined by the superintendent of public 30900
instruction to be a medically fragile child. A school district 30901
superintendent may petition the superintendent of public 30902
instruction for a determination that a child is a medically 30903
fragile child. 30904

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division ~~(K)~~(L)(1)(a) or (b) of this section.

~~(L)~~(M) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

~~(M)~~(N) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

~~(N)~~(O) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs. 30936
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~~(O)~~(P) "School district," unless otherwise specified, means city, local, and exempted village school districts. 30939
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~~(P)~~(Q) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 30941
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~~(Q)~~(R) "State share ~~index~~ percentage" means the ~~state share index calculated for a district under section 3317.017 of the Revised Code.~~ following: 30943
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(1) For a city, local, or exempted village school district, the following quotient: 30946
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The amount computed under division (A)(1) of section 3317.022 of the Revised Code / [the formula amount X (formula ADM + preschool scholarship ADM)] 30948
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(2) For a joint vocational school district, the following quotient: 30951
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The amount computed under division (A)(1) of section 3317.16 of the Revised Code / (the formula amount X formula ADM) 30953
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~~(R)~~(S) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property. 30955
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~~(S)~~ (T)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the following: 30959
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(a) For fiscal year 2016, the average of total taxable value for tax years 2013, 2014, and 2015. 30961
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(b) For fiscal year 2017, the average of total taxable value for tax years 2014, 2015, and 2016. 30963
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(2) For purposes of section 3317.022 of the Revised Code and 30965

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| <u>division (A) of section 3317.0217 of the Revised Code, "average</u> | 30966 |
| <u>valuation" means the following:</u> | 30967 |
| <u>(a) If, for tax year 2014, more than twenty per cent of the</u> | 30968 |
| <u>total taxable real property in a city, local, or exempted village</u> | 30969 |
| <u>school district is agricultural property:</u> | 30970 |
| <u>(i) For fiscal year 2016, the average of total taxable value</u> | 30971 |
| <u>for tax years 2009, 2010, 2011, 2012, 2013, and 2014;</u> | 30972 |
| <u>(ii) For fiscal year 2017, the average of total taxable value</u> | 30973 |
| <u>for tax years 2010, 2011, 2012, 2013, 2014, and 2015.</u> | 30974 |
| <u>(b) If, for tax year 2014, twenty per cent or less of the</u> | 30975 |
| <u>total taxable real property in a city, local, or exempted village</u> | 30976 |
| <u>school district is agricultural property:</u> | 30977 |
| <u>(i) For fiscal year 2016, the average of total taxable value</u> | 30978 |
| <u>for tax years 2012, 2013, and 2014;</u> | 30979 |
| <u>(ii) For fiscal year 2017, the average of total taxable value</u> | 30980 |
| <u>for tax years 2013, 2014, and 2015.</u> | 30981 |
| <u>(3) For purposes of section 3317.16 of the Revised Code,</u> | 30982 |
| <u>"average valuation" means the following:</u> | 30983 |
| <u>(a) For fiscal year 2016, the average of total taxable value</u> | 30984 |
| <u>for tax years 2012, 2013, and 2014;</u> | 30985 |
| <u>(b) For fiscal year 2017, the average of total taxable value</u> | 30986 |
| <u>for tax years 2013, 2014, and 2015.</u> | 30987 |
| <u>(U) "Total ADM" means, for a city, local, or exempted village</u> | 30988 |
| <u>school district, the enrollment reported under division (A) of</u> | 30989 |
| <u>section 3317.03 of the Revised Code, as verified by the</u> | 30990 |
| <u>superintendent of public instruction and adjusted if so ordered</u> | 30991 |
| <u>under division (K) of that section.</u> | 30992 |
| (T) <u>(V) "Total special education ADM" means the sum of</u> | 30993 |
| <u>categories one through six special education ADM.</u> | 30994 |

~~(U)~~(W) "Total taxable value" means the sum of the amounts 30995
certified for a city, local, exempted village, or joint vocational 30996
school district under divisions (A)(1) and (2) of section 3317.021 30997
of the Revised Code. 30998

Sec. 3317.022. (A) The department of education shall compute 30999
and distribute state core foundation funding to each eligible 31000
school district for the fiscal year, using the information 31001
obtained under section 3317.021 of the Revised Code in the 31002
calendar year in which the fiscal year begins, as prescribed in 31003
the following divisions: 31004

(1)(a) An opportunity grant calculated according to the 31005
following formula: 31006

The formula amount X (formula ADM + preschool scholarship 31007
ADM) ~~X the district's state share index - (0.020 X the district's~~ 31008
average valuation X the district's income factor) 31009

However, no district shall receive an opportunity grant that 31010
is less than 0.05 times the formula amount times (formula ADM + 31011
preschool scholarship ADM). 31012

(b)(i) For each school district for which the tax-exempt 31013
value of the district, as certified under division (A)(4) of 31014
section 3317.021 of the Revised Code, equals or exceeds thirty per 31015
cent of the potential value of the district, the department shall 31016
calculate the difference between the district's tax-exempt value 31017
and thirty per cent of the district's potential value. For this 31018
purpose, the "potential value" of a school district is the average 31019
valuation of the district plus the tax-exempt value of the 31020
district for the most recent tax year for which data is available. 31021

(ii) For each school district to which division (A)(1)(b)(i) 31022
of this section applies, the department shall adjust the average 31023
valuation used in the calculation under division (A)(1)(a) of this 31024

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| <u>section by subtracting from it the amount calculated under</u> | 31025 |
| <u>division (A)(1)(b)(i) of this section.</u> | 31026 |
| (2) Targeted assistance funds calculated under divisions (A) | 31027 |
| and (B) of section 3317.0217 of the Revised Code <u>and capacity aid</u> | 31028 |
| <u>funds calculated under section 3317.0218 of the Revised Code;</u> | 31029 |
| (3) Additional state aid for special education and related | 31030 |
| services provided under Chapter 3323. of the Revised Code | 31031 |
| calculated as the sum of the following: | 31032 |
| (a) The district's category one special education ADM X the | 31033 |
| amount specified in division (A) of section 3317.013 of the | 31034 |
| Revised Code X the district's state share index <u>percentage;</u> | 31035 |
| (b) The district's category two special education ADM X the | 31036 |
| amount specified in division (B) of section 3317.013 of the | 31037 |
| Revised Code X the district's state share index <u>percentage;</u> | 31038 |
| (c) The district's category three special education ADM X the | 31039 |
| amount specified in division (C) of section 3317.013 of the | 31040 |
| Revised Code X the district's state share index <u>percentage;</u> | 31041 |
| (d) The district's category four special education ADM X the | 31042 |
| amount specified in division (D) of section 3317.013 of the | 31043 |
| Revised Code X the district's state share index <u>percentage;</u> | 31044 |
| (e) The district's category five special education ADM X the | 31045 |
| amount specified in division (E) of section 3317.013 of the | 31046 |
| Revised Code X the district's state share index <u>percentage;</u> | 31047 |
| (f) The district's category six special education ADM X the | 31048 |
| amount specified in division (F) of section 3317.013 of the | 31049 |
| Revised Code X the district's state share index <u>percentage.</u> | 31050 |
| (4) Kindergarten through third grade literacy funds | 31051 |
| calculated according to the following formula: | 31052 |
| [(\$125 <u>\$184</u> , in fiscal year 2014 <u>2016</u> , or \$175 <u>\$193</u> , in | 31053 |
| fiscal year 2015 <u>2017</u>) X formula ADM for grades kindergarten | 31054 |

through three X the district's state share ~~index~~ percentage] + 31055
[~~(\$100 \$121~~, in fiscal year ~~2014~~ 2016, or ~~\$160 \$127~~, in fiscal 31056
year ~~2015~~ 2017) X formula ADM for grades kindergarten through 31057
three] 31058

For purposes of this calculation, the department shall 31059
subtract from a district's formula ADM for grades kindergarten 31060
through three the number of students reported under division 31061
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 31062
internet- or computer-based community school who are in grades 31063
kindergarten through three. 31064

(5) Economically disadvantaged funds calculated according to 31065
the following formula: 31066

~~(\$250, in fiscal year 2014, or \$253, in fiscal year 2015)~~ 31067
\$272 X ~~(the district's economically disadvantaged index)~~ X the 31068
number of students who are economically disadvantaged as certified 31069
under division (B)(21) of section 3317.03 of the Revised Code 31070

(6) Limited English proficiency funds calculated as the sum 31071
of the following: 31072

(a) The district's category one limited English proficient 31073
ADM X the amount specified in division (A) of section 3317.016 of 31074
the Revised Code X the district's state share ~~index~~ percentage; 31075

(b) The district's category two limited English proficient 31076
ADM X the amount specified in division (B) of section 3317.016 of 31077
the Revised Code X the district's state share ~~index~~ percentage; 31078

(c) The district's category three limited English proficient 31079
ADM X the amount specified in division (C) of section 3317.016 of 31080
the Revised Code X the district's state share ~~index~~ percentage. 31081

(7)(a) Gifted identification funds calculated according to 31082
the following formula: 31083

~~(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015)~~ X the 31084

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|---|----------------------------------|
| district's formula ADM | 31085 |
| (b) Gifted unit funding calculated under section 3317.051 of the Revised Code. | 31086 31087 |
| (8) Career-technical education funds calculated as the sum of the following: | 31088 31089 |
| (a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share index <u>percentage</u> ; | 31090 31091 31092 |
| (b) The district's category two career-technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share index <u>percentage</u> ; | 31093 31094 31095 |
| (c) The district's category three career-technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share index <u>percentage</u> ; | 31096 31097 31098 |
| (d) The district's category four career-technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share index <u>percentage</u> ; | 31099 31100 31101 |
| (e) The district's category five career-technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share index <u>percentage</u> . | 31102 31103 31104 |
| Payment of funds under division (A)(8) of this section is subject to approval under section 3317.161 of the Revised Code. | 31105 31106 |
| (9) Career-technical education associated services funds calculated according to the following formula: | 31107 31108 |
| The district's state share index <u>percentage</u> X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM | 31109 31110 31111 31112 |
| (B) In any fiscal year, a school district shall spend for purposes that the department designates as approved for special | 31113 31114 |

education and related services expenses at least the amount 31115
calculated as follows: 31116

(The formula amount X the total special education ADM) + (the 31117
district's category one special education ADM X the amount 31118
specified in division (A) of section 3317.013 of the Revised Code) 31119
+ (the district's category two special education ADM X the amount 31120
specified in division (B) of section 3317.013 of the Revised Code) 31121
+ (the district's category three special education ADM X the 31122
amount specified in division (C) of section 3317.013 of the 31123
Revised Code) + (the district's category four special education 31124
ADM X the amount specified in division (D) of section 3317.013 of 31125
the Revised Code) + (the district's category five special 31126
education ADM X the amount specified in division (E) of section 31127
3317.013 of the Revised Code) + (the district's category six 31128
special education ADM X the amount specified in division (F) of 31129
section 3317.013 of the Revised Code) 31130

The purposes approved by the department for special education 31131
expenses shall include, but shall not be limited to, 31132
identification of children with disabilities, compliance with 31133
state rules governing the education of children with disabilities 31134
and prescribing the continuum of program options for children with 31135
disabilities, provision of speech language pathology services, and 31136
the portion of the school district's overall administrative and 31137
overhead costs that are attributable to the district's special 31138
education student population. 31139

The scholarships deducted from the school district's account 31140
under sections 3310.41 and 3310.55 of the Revised Code shall be 31141
considered to be an approved special education and related 31142
services expense for the purpose of the school district's 31143
compliance with this division. 31144

(C) In any fiscal year, a school district receiving funds 31145
under division (A)(8) of this section shall spend those funds only 31146

for the purposes that the department designates as approved for 31147
career-technical education expenses. Career-technical ~~educational~~ 31148
education expenses approved by the department shall include only 31149
expenses connected to the delivery of career-technical programming 31150
to career-technical students. The department shall require the 31151
school district to report data annually so that the department may 31152
monitor the district's compliance with the requirements regarding 31153
the manner in which funding received under division (A)(8) of this 31154
section may be spent. 31155

(D) In any fiscal year, a school district receiving funds 31156
under division (A)(9) of this section, or through a transfer of 31157
funds pursuant to division (I) of section 3317.023 of the Revised 31158
Code, shall spend those funds only for the purposes that the 31159
department designates as approved for career-technical education 31160
associated services expenses, which may include such purposes as 31161
apprenticeship coordinators, coordinators for other 31162
career-technical education services, career-technical evaluation, 31163
and other purposes designated by the department. The department 31164
may deny payment under division (A)(9) of this section to any 31165
district that the department determines is not operating those 31166
services or is using funds paid under division (A)(9) of this 31167
section, or through a transfer of funds pursuant to division (I) 31168
of section 3317.023 of the Revised Code, for other purposes. 31169

(E) All funds received under division (A)(8) of this section 31170
shall be spent in the following manner: 31171

(1) At least seventy-five per cent of the funds shall be 31172
spent on curriculum development, purchase, and implementation; 31173
instructional resources and supplies; industry-based program 31174
certification; student assessment, credentialing, and placement; 31175
curriculum specific equipment purchases and leases; 31176
career-technical student organization fees and expenses; home and 31177
agency linkages; work-based learning experiences; professional 31178

development; and other costs directly associated with 31179
career-technical education programs including development of new 31180
programs. 31181

(2) Not more than twenty-five per cent of the funds shall be 31182
used for personnel expenditures. 31183

(F) A school district shall spend the funds it receives under 31184
division (A)(5) of this section in accordance with section 3317.25 31185
of the Revised Code. 31186

Sec. 3317.0212. (A) As used in this section: 31187

(1) "Qualifying riders" means resident students enrolled in 31188
regular education in grades kindergarten to twelve who are 31189
provided school bus service by a school district and who live more 31190
than one mile from the school they attend, including students with 31191
dual enrollment in a joint vocational school district or a 31192
cooperative education school district, and students enrolled in a 31193
community school, STEM school, or nonpublic school. 31194

(2) "Qualifying ridership" means the average number of 31195
qualifying riders who are provided school bus service by a school 31196
district during the first full week of October. 31197

(3) "Rider density" means the total ADM per square mile of a 31198
school district. 31199

(4) "School bus service" means a school district's 31200
transportation of qualifying riders in any of the following types 31201
of vehicles: 31202

(a) School buses owned or leased by the district; 31203

(b) School buses operated by a private contractor hired by 31204
the district; 31205

(c) School buses operated by another school district or 31206
entity with which the district has contracted, either as part of a 31207

consortium for the provision of transportation or otherwise. 31208

(5) "Total riders" means resident students enrolled in regular education in grades kindergarten to twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school. 31209
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(6) "Total ridership" means the average number of total riders who are provided school bus service by a school district during the first full week of October. 31215
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(B) Not later than the fifteenth day of October each year, each city, local, and exempted village school district shall report to the department of education its qualifying and total ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department. 31218
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(C) The department shall calculate the statewide transportation cost per student as follows: 31224
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(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its ~~qualifying~~ total ridership in the previous fiscal year. 31226
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(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate ~~qualifying~~ total ridership of those districts in the previous fiscal year. 31231
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(D) The department shall calculate the statewide 31238

transportation cost per mile as follows: 31239

(1) Determine each city, local, and exempted village school district's transportation cost per mile by dividing the district's total costs for school bus service in the previous fiscal year by its total number of miles driven for school bus service in the previous fiscal year. 31240
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(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per mile and the ten districts with the lowest transportation costs per mile, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate miles driven for school bus service in those districts in the previous fiscal year. 31245
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(E) The department shall calculate each city, local, and exempted village school district's transportation payment as follows: 31252
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(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year. 31255
31256

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year. 31257
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(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the greater of ~~sixty~~ fifty per cent or the district's state share ~~index~~ percentage, as defined in section 3317.02 of the Revised Code. 31260
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(F) In addition to funds paid under division (E) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules 31264
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shall include provisions for school district reporting of such students. 31270
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~~(G)(1) In fiscal years 2014 and 2015, the department shall pay each district a pro rata portion of the amounts calculated under division (E) of this section and described in division (F) of this section, based on state appropriations.~~ 31272
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~~(2) In addition to the prorated payment under division (G)(1) of this section, in fiscal years 2014 and 2015, the department shall pay each school district that meets the conditions prescribed in division (G)(3) of this section an additional amount equal to the difference of (a) the amounts calculated under division (E) of this section and prescribed in division (F) of this section minus (b) that prorated payment.~~ 31276
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~~(3) Division (G)(2) of this section applies to each school district that meets all of the following conditions:~~ 31283
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~~(a) The district qualifies for the calculation of a payment under division (E) of this section because it transports students on board owned or contractor owned school buses.~~ 31285
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~~(b) The district's state share index is greater than or equal to 0.50.~~ 31288
31289

~~(c) The district's rider density is at or below the median rider density of all districts that qualify for calculation of a payment under division (E) of this section.~~ 31290
31291
31292

~~(H) Each city, local, and exempted village school district shall report all data used to calculate funding for transportation under this section through the education management information system pursuant to section 3301.0714 of the Revised Code.~~ 31293
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Sec. 3317.0213. (A) The department of education shall compute and pay in accordance with this section additional state aid for preschool special education children with disabilities to each 31297
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city, local, and exempted village school district and to each 31300
institution, as defined in section 3323.091 of the Revised Code. 31301
Funding shall be provided for children who are not enrolled in 31302
kindergarten and who are under age six on the thirtieth day of 31303
September of the academic year, or on the first day of August of 31304
the academic year if the school district in which the child is 31305
enrolled has adopted a resolution under division (A)(3) of section 31306
3321.01 of the Revised Code, but not less than age three on the 31307
first day of December of the academic year. 31308

The additional state aid shall be calculated under the 31309
following formula: 31310

(\$4,000 X the number of students who are preschool ~~special~~ 31311
education children with disabilities) + the sum of the following: 31312

(1) The district's or institution's category one special 31313
education ~~preschool~~ students who are preschool children with 31314
disabilities X the amount specified in division (A) of section 31315
3317.013 of the Revised Code X the district's state share ~~index~~ 31316
percentage X 0.50; 31317

(2) The district's or institution's category two special 31318
education ~~preschool~~ students who are preschool children with 31319
disabilities X the amount specified in division (B) of section 31320
3317.013 of the Revised Code X the district's state share ~~index~~ 31321
percentage X 0.50; 31322

(3) The district's or institution's category three special 31323
education ~~preschool~~ students who are preschool children with 31324
disabilities X the amount specified in division (C) of section 31325
3317.013 of the Revised Code X the district's state share ~~index~~ 31326
percentage X 0.50; 31327

(4) The district's or institution's category four special 31328
education ~~preschool~~ students who are preschool children with 31329

disabilities X the amount specified in division (D) of section 31330
3317.013 of the Revised Code X the district's state share ~~index~~ 31331
percentage X 0.50; 31332

(5) The district's or institution's category five special 31333
education ~~preschool~~ students who are preschool children with 31334
disabilities X the amount specified in division (E) of section 31335
3317.013 of the Revised Code X the district's state share ~~index~~ 31336
percentage X 0.50; 31337

(6) The district's or institution's category six special 31338
education ~~preschool~~ students who are preschool children with 31339
disabilities X the amount specified in division (F) of section 31340
3317.013 of the Revised Code X the district's state share ~~index~~ 31341
percentage X 0.50. 31342

The special education disability categories for preschool 31343
children used in this section are the same categories prescribed 31344
in section 3317.013 of the Revised Code. 31345

As used in division (A) of this section, the state share 31346
~~index~~ percentage of a student enrolled in an institution is the 31347
state share ~~index~~ percentage of the school district in which the 31348
student is entitled to attend school under section 3313.64 or 31349
3313.65 of the Revised Code. 31350

(B) If an educational service center is providing services to 31351
~~preschool special education~~ students who are preschool children 31352
with disabilities under agreement with the city, local, or 31353
exempted village school district in which the students are 31354
entitled to attend school, that district may authorize the 31355
department to transfer funds computed under this section to the 31356
service center providing those services. 31357

(C) If a county DD board is providing services to ~~preschool~~ 31358
~~special education~~ students who are preschool children with 31359
disabilities under agreement with the city, local, or exempted 31360

village school district in which the students are entitled to 31361
attend school, the department shall deduct from the district's 31362
payment computed under division (A) of this section the total 31363
amount of those funds that are attributable to the students served 31364
by the county DD board and pay that amount to that board. 31365

Sec. 3317.0214. (A) The department shall compute and pay in 31366
accordance with this section additional state aid to school 31367
districts for students in categories two through six special 31368
education ADM. If a district's costs for the fiscal year for a 31369
student in its categories two through six special education ADM 31370
exceed the threshold catastrophic cost for serving the student, 31371
the district may submit to the superintendent of public 31372
instruction documentation, as prescribed by the superintendent, of 31373
all its costs for that student. Upon submission of documentation 31374
for a student of the type and in the manner prescribed, the 31375
department shall pay to the district an amount equal to the sum of 31376
the following: 31377

(1) One-half of the district's costs for the student in 31378
excess of the threshold catastrophic cost; 31379

(2) The product of one-half of the district's costs for the 31380
student in excess of the threshold catastrophic cost multiplied by 31381
the district's state share ~~index~~ percentage. 31382

(B) For purposes of division (A) of this section, the 31383
threshold catastrophic cost for serving a student equals: 31384

(1) For a student in the school district's category two, 31385
three, four, or five special education ADM, twenty-seven thousand 31386
three hundred seventy-five dollars; 31387

(2) For a student in the district's category six special 31388
education ADM, thirty-two thousand eight hundred fifty dollars. 31389

(C) The district shall report under division (A) of this 31390

section, and the department shall pay for, only the costs of 31391
educational expenses and the related services provided to the 31392
student in accordance with the student's individualized education 31393
program. Any legal fees, court costs, or other costs associated 31394
with any cause of action relating to the student may not be 31395
included in the amount. 31396

Sec. 3317.0217. Payment of the amount calculated for a school 31397
district under this section shall be made under division (A) of 31398
section 3317.022 of the Revised Code. 31399

For purposes of the calculations under this section, "school 31400
district" shall mean a school district with a formula ADM greater 31401
than zero. 31402

(A) The department of education shall annually compute 31403
targeted assistance funds to school districts, as follows: 31404

(1) Calculate the local wealth per pupil of each school 31405
district, which equals the following sum: 31406

(a) One-half times the quotient of (i) the district's 31407
~~three-year~~ average valuation divided by (ii) its formula ADM; plus 31408

(b) One-half times the quotient of (i) the average of the 31409
total federal adjusted gross income of the school district's 31410
residents for the three years most recently reported under section 31411
3317.021 of the Revised Code divided by (ii) its formula ADM. 31412

(2) Rank all school districts in order of local wealth per 31413
pupil, from the district with the lowest local wealth per pupil to 31414
the district with the highest local wealth per pupil. 31415

(3) Compute the statewide wealth per pupil, which equals the 31416
following sum: 31417

(a) One-half times the quotient of (i) the sum of the 31418
~~three-year~~ average valuations for all school districts divided by 31419
(ii) the sum of formula ADM counts for all school districts; plus 31420

(b) One-half times the quotient of (i) the sum of the 31421
three-year average total federal adjusted gross incomes for all 31422
school districts divided by (ii) the sum of formula ADM counts for 31423
all school districts. 31424

(4) Compute each district's ~~wealth index~~ capacity measure by 31425
dividing the statewide wealth per pupil by the district's local 31426
wealth per pupil. 31427

(5) Compute the per pupil targeted assistance for each 31428
eligible school district in accordance with the following formula: 31429

(Threshold local wealth per pupil - the district's local wealth 31430
per pupil) 31431

X target millage X the district's ~~wealth index~~ capacity measure 31432

Where: 31433

(a) An "eligible school district" means a school district 31434
with a local wealth per pupil less than that of the school 31435
district with the 490th lowest local wealth per pupil. 31436

(b) "Threshold local wealth per pupil" means the local wealth 31437
per pupil of the school district with the 490th lowest local 31438
wealth per pupil. 31439

(c) "Target millage" means 0.006. 31440

If the result of the calculation for a school district under 31441
division (A)(5) of this section is less than zero, the district's 31442
targeted assistance shall be zero. 31443

(6) Calculate the aggregate amount to be paid as targeted 31444
assistance funds to each school district under division (A) of 31445
section 3317.022 of the Revised Code by multiplying the per pupil 31446
targeted assistance computed under division (A)(5) of this section 31447
by the district's net formula ADM. 31448

As used in this division, a district's "net formula ADM" 31449
means its formula ADM minus the number of community school 31450

students certified under division (B)(3)(d) of section 3317.03 of 31451
the Revised Code X 0.75, the number of internet- and 31452
computer-based community school students certified under division 31453
(B)(3)(e) of that section, the number of science, technology, 31454
engineering, and mathematics school students certified under 31455
division (B)(3)(j) of that section X 0.75, and the number of 31456
scholarship students certified under divisions (B)(3)(f), (g), and 31457
(l) of that section. 31458

(B) The department shall annually compute supplemental 31459
targeted assistance funds to school districts, as follows: 31460

(1) Compute each district's agricultural percentage as the 31461
quotient of (a) the three-year average tax valuation of real 31462
property in the district that is classified as agricultural 31463
property divided by (b) the three-year average tax valuation of 31464
all of the real property in the district. For purposes of this 31465
computation: 31466

(a) For fiscal year 2016, a district's "three-year average 31467
tax valuation" means the average of a district's tax valuation for 31468
~~fiscal tax~~ years 2012, 2013, and 2014. 31469

(b) For fiscal year 2017, a district's "three-year average 31470
tax valuation" means the average of a district's tax valuation for 31471
tax years 2013, 2014, and 2015. 31472

(2) Determine each district's agricultural targeted 31473
percentage as follows: 31474

(a) If a district's agricultural percentage is greater than 31475
or equal to 0.10, then the district's agricultural targeted 31476
percentage shall be equal to 0.40. 31477

(b) If a district's agricultural percentage is less than 31478
0.10, then the district's agricultural targeted percentage shall 31479
be equal to 4 X the district's agricultural percentage. 31480

(3) Calculate the aggregate amount to be paid as supplemental 31481
targeted assistance funds to each school district under division 31482
(A) of section 3317.022 of the Revised Code by multiplying the 31483
district's agricultural targeted percentage by the amount 31484
calculated for the district under division (A)(6) of this section. 31485

Sec. 3317.0218. The department shall annually compute 31486
capacity aid funds to school districts, as follows: 31487

(A) For each school district, multiply the amount calculated 31488
under division (A)(1)(a) of section 3317.022 of the Revised Code, 31489
excluding any adjustment to that amount under division (A)(1)(b) 31490
of that section, by 0.001; 31491

(B) Determine the median amount of all of the amounts 31492
calculated under division (A) of this section; 31493

(C) Calculate each school district's capacity ratio, which 31494
equals the greater of zero or the amount calculated as follows: 31495

(The amount determined under division (B) of this section / the 31496
amount calculated for the district under division (A) of this 31497
section) - 1 31498

If the result of a calculation for a school district under 31499
division (C) of this section is greater than 2.5, the district's 31500
capacity ratio shall be 2.5. 31501

(D) Calculate the capacity aid per pupil amount, which equals 31502
the following quotient: 31503

(The amount determined under division (B) of this section) / (the 31504
average of the formula ADMs of all of the districts for which the 31505
amount calculated under division (A) of this section is less than 31506
the amount determined under division (B) of this section) 31507

(E) Calculate each school district's capacity aid, which 31508
equals the following product: 31509

The capacity aid per pupil amount calculated under division (D) of 31510

this section X the district's formula ADM X 5 X the district's 31511
capacity ratio calculated under division (C) of this section 31512

Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 31513
means a school district's formula ADM minus the number of students 31514
reported by a district under divisions (A)(2)(a) and (i) of 31515
section 3317.03 of the Revised Code. 31516

(B) The department of education shall compute and pay to a 31517
school district funds based on units for services to students 31518
identified as gifted under Chapter 3324. of the Revised Code as 31519
prescribed by this section. 31520

(C) The department shall allocate gifted units for a school 31521
district as follows: 31522

(1) One gifted coordinator unit shall be allocated for every 31523
3,300 students in a district's gifted unit ADM, with a minimum of 31524
0.5 units and a maximum of 8 units allocated for the district. 31525

(2) One gifted intervention specialist unit shall be 31526
allocated for every 1,100 students in a district's gifted unit 31527
ADM, with a minimum of 0.3 units allocated for the district. 31528

(D) The department shall pay the following amount to a school 31529
district for gifted units: 31530

~~(1) In fiscal year 2014, \$37,000 multiplied by the number of~~ 31531
~~units allocated to a school district under division (C) of this~~ 31532
~~section;~~ 31533

~~(2) In fiscal year 2015, \$37,370 multiplied by the number of units~~ 31534
~~allocated to a school district under division (C) of this section-~~ 31535

(E) A school district may assign gifted unit funding that it 31536
receives under division (D) of this section to another school 31537
district, an educational service center, a community school, or a 31538
STEM school as part of an arrangement to provide services to the 31539
district. 31540

Sec. 3317.06. Moneys paid to school districts under division 31541
(E) of section 3317.024 of the Revised Code shall be used for the 31542
following independent and fully severable purposes: 31543

(A) To purchase such secular textbooks or digital texts as 31544
have been approved by the superintendent of public instruction for 31545
use in public schools in the state and to loan such textbooks or 31546
digital texts to pupils attending nonpublic schools within the 31547
district or to their parents and to hire clerical personnel to 31548
administer such lending program. Such loans shall be based upon 31549
individual requests submitted by such nonpublic school pupils or 31550
parents. Such requests shall be submitted to the school district 31551
in which the nonpublic school is located. Such individual requests 31552
for the loan of textbooks or digital texts shall, for 31553
administrative convenience, be submitted by the nonpublic school 31554
pupil or the pupil's parent to the nonpublic school, which shall 31555
prepare and submit collective summaries of the individual requests 31556
to the school district. As used in this section: 31557

(1) "Textbook" means any book or book substitute that a pupil 31558
uses as a consumable or nonconsumable text, text substitute, or 31559
text supplement in a particular class or program in the school the 31560
pupil regularly attends. 31561

(2) "Digital text" means a consumable book or book substitute 31562
that a student accesses through the use of a computer or other 31563
electronic medium or that is available through an internet-based 31564
provider of course content, or any other material that contributes 31565
to the learning process through electronic means. 31566

(B) To provide speech and hearing diagnostic services to 31567
pupils attending nonpublic schools within the district. Such 31568
service shall be provided in the nonpublic school attended by the 31569
pupil receiving the service. 31570

(C) To provide physician, nursing, dental, and optometric 31571

services to pupils attending nonpublic schools within the 31572
district. Such services shall be provided in the school attended 31573
by the nonpublic school pupil receiving the service. 31574

(D) To provide diagnostic psychological services to pupils 31575
attending nonpublic schools within the district. Such services 31576
shall be provided in the school attended by the pupil receiving 31577
the service. 31578

(E) To provide therapeutic psychological and speech and 31579
hearing services to pupils attending nonpublic schools within the 31580
district. Such services shall be provided in the public school, in 31581
nonpublic schools, in public centers, or in mobile units located 31582
on or off of the nonpublic premises. If such services are provided 31583
in the public school or in public centers, transportation to and 31584
from such facilities shall be provided by the school district in 31585
which the nonpublic school is located. 31586

(F) To provide guidance, counseling, and social work services 31587
to pupils attending nonpublic schools within the district. Such 31588
services shall be provided in the public school, in nonpublic 31589
schools, in public centers, or in mobile units located on or off 31590
of the nonpublic premises. If such services are provided in the 31591
public school or in public centers, transportation to and from 31592
such facilities shall be provided by the school district in which 31593
the nonpublic school is located. 31594

(G) To provide remedial services to pupils attending 31595
nonpublic schools within the district. Such services shall be 31596
provided in the public school, in nonpublic schools, in public 31597
centers, or in mobile units located on or off of the nonpublic 31598
premises. If such services are provided in the public school or in 31599
public centers, transportation to and from such facilities shall 31600
be provided by the school district in which the nonpublic school 31601
is located. 31602

(H) To supply for use by pupils attending nonpublic schools 31603
within the district such standardized tests and scoring services 31604
as are in use in the public schools of the state; 31605

(I) To provide programs for children who attend nonpublic 31606
schools within the district and are children with disabilities as 31607
defined in section 3323.01 of the Revised Code or gifted children. 31608
Such programs shall be provided in the public school, in nonpublic 31609
schools, in public centers, or in mobile units located on or off 31610
of the nonpublic premises. If such programs are provided in the 31611
public school or in public centers, transportation to and from 31612
such facilities shall be provided by the school district in which 31613
the nonpublic school is located. 31614

(J) To hire clerical personnel to assist in the 31615
administration of programs pursuant to divisions (B), (C), (D), 31616
(E), (F), (G), and (I) of this section and to hire supervisory 31617
personnel to supervise the providing of services and textbooks 31618
pursuant to this section. 31619

(K) To purchase or lease any secular, neutral, and 31620
nonideological computer application software designed to assist 31621
students in performing a single task or multiple related tasks, 31622
device management software, learning management software, 31623
site-licensing, digital video on demand (DVD), wide area 31624
connectivity and related technology as it relates to internet 31625
access, mathematics or science equipment and materials, 31626
instructional materials, and school library materials that are in 31627
general use in the public schools of the state and loan such items 31628
to pupils attending nonpublic schools within the district or to 31629
their parents, and to hire clerical personnel to administer the 31630
lending program. Only such items that are incapable of diversion 31631
to religious use and that are susceptible of loan to individual 31632
pupils and are furnished for the use of individual pupils shall be 31633
purchased and loaned under this division. As used in this section, 31634

"instructional materials" means prepared learning materials that 31635
are secular, neutral, and nonideological in character and are of 31636
benefit to the instruction of school children. "Instructional 31637
materials" includes media content that a student may access 31638
through the use of a computer or electronic device. 31639

Mobile applications that are secular, neutral, and 31640
nonideological in character and that are purchased for less than 31641
~~ten~~ twenty dollars for instructional use shall be considered to be 31642
consumable and shall be distributed to students without the 31643
expectation that the applications must be returned. 31644

(L) To purchase or lease instructional equipment, including 31645
computer hardware and related equipment in general use in the 31646
public schools of the state, for use by pupils attending nonpublic 31647
schools within the district and to loan such items to pupils 31648
attending nonpublic schools within the district or to their 31649
parents, and to hire clerical personnel to administer the lending 31650
program. "Computer hardware and related equipment" includes 31651
desktop computers and workstations; laptop computers, computer 31652
tablets, and other mobile handheld devices; ~~and~~ their operating 31653
systems and accessories; and any equipment designed to make 31654
accessible the environment of a classroom to a student, who is 31655
physically unable to attend classroom activities due to 31656
hospitalization or other circumstances, by allowing real-time 31657
interaction with other students both one-on-one and in group 31658
discussion. 31659

(M) To purchase mobile units to be used for the provision of 31660
services pursuant to divisions (E), (F), (G), and (I) of this 31661
section and to pay for necessary repairs and operating costs 31662
associated with these units. 31663

(N) To reimburse costs the district incurred to store the 31664
records of a chartered nonpublic school that closes. 31665
Reimbursements under this division shall be made one time only for 31666

each chartered nonpublic school that closes. 31667

(O) To purchase life-saving medical or other emergency 31668
equipment for placement in nonpublic schools within the district 31669
or to maintain such equipment. 31670

Clerical and supervisory personnel hired pursuant to division 31671
(J) of this section shall perform their services in the public 31672
schools, in nonpublic schools, public centers, or mobile units 31673
where the services are provided to the nonpublic school pupil, 31674
except that such personnel may accompany pupils to and from the 31675
service sites when necessary to ensure the safety of the children 31676
receiving the services. 31677

All services provided pursuant to this section may be 31678
provided under contract with educational service centers, the 31679
department of health, city or general health districts, or private 31680
agencies whose personnel are properly licensed by an appropriate 31681
state board or agency. 31682

Transportation of pupils provided pursuant to divisions (E), 31683
(F), (G), and (I) of this section shall be provided by the school 31684
district from its general funds and not from moneys paid to it 31685
under division (E) of section 3317.024 of the Revised Code unless 31686
a special transportation request is submitted by the parent of the 31687
child receiving service pursuant to such divisions. If such an 31688
application is presented to the school district, it may pay for 31689
the transportation from moneys paid to it under division (E) of 31690
section 3317.024 of the Revised Code. 31691

No school district shall provide health or remedial services 31692
to nonpublic school pupils as authorized by this section unless 31693
such services are available to pupils attending the public schools 31694
within the district. 31695

Materials, equipment, computer hardware or software, 31696
textbooks, digital texts, and health and remedial services 31697

provided for the benefit of nonpublic school pupils pursuant to 31698
this section and the admission of pupils to such nonpublic schools 31699
shall be provided without distinction as to race, creed, color, or 31700
national origin of such pupils or of their teachers. 31701

No school district shall provide services, materials, or 31702
equipment that contain religious content for use in religious 31703
courses, devotional exercises, religious training, or any other 31704
religious activity. 31705

As used in this section, "parent" includes a person standing 31706
in loco parentis to a child. 31707

Notwithstanding section 3317.01 of the Revised Code, payments 31708
shall be made under this section to any city, local, or exempted 31709
village school district within which is located one or more 31710
nonpublic elementary or high schools and any payments made to 31711
school districts under division (E) of section 3317.024 of the 31712
Revised Code for purposes of this section may be disbursed without 31713
submission to and approval of the controlling board. 31714

The allocation of payments for materials, equipment, 31715
textbooks, digital texts, health services, and remedial services 31716
to city, local, and exempted village school districts shall be on 31717
the basis of the state board of education's estimated annual 31718
average daily membership in nonpublic elementary and high schools 31719
located in the district. 31720

Payments made to city, local, and exempted village school 31721
districts under this section shall be equal to specific 31722
appropriations made for the purpose. All interest earned by a 31723
school district on such payments shall be used by the district for 31724
the same purposes and in the same manner as the payments may be 31725
used. 31726

The department of education shall adopt guidelines and 31727
procedures under which such programs and services shall be 31728

provided, under which districts shall be reimbursed for 31729
administrative costs incurred in providing such programs and 31730
services, and under which any unexpended balance of the amounts 31731
appropriated by the general assembly to implement this section may 31732
be transferred to the auxiliary services personnel unemployment 31733
compensation fund established pursuant to section 4141.47 of the 31734
Revised Code. The department shall also adopt guidelines and 31735
procedures limiting the purchase and loan of the items described 31736
in division (K) of this section to items that are in general use 31737
in the public schools of the state, that are incapable of 31738
diversion to religious use, and that are susceptible to individual 31739
use rather than classroom use. Within thirty days after the end of 31740
each biennium, each board of education shall remit to the 31741
department all moneys paid to it under division (E) of section 31742
3317.024 of the Revised Code and any interest earned on those 31743
moneys that are not required to pay expenses incurred under this 31744
section during the biennium for which the money was appropriated 31745
and during which the interest was earned. If a board of education 31746
subsequently determines that the remittal of moneys leaves the 31747
board with insufficient money to pay all valid expenses incurred 31748
under this section during the biennium for which the remitted 31749
money was appropriated, the board may apply to the department of 31750
education for a refund of money, not to exceed the amount of the 31751
insufficiency. If the department determines the expenses were 31752
lawfully incurred and would have been lawful expenditures of the 31753
refunded money, it shall certify its determination and the amount 31754
of the refund to be made to the director of job and family 31755
services who shall make a refund as provided in section 4141.47 of 31756
the Revised Code. 31757

Each school district shall label materials, equipment, 31758
computer hardware or software, textbooks, and digital texts 31759
purchased or leased for loan to a nonpublic school under this 31760
section, acknowledging that they were purchased or leased with 31761

state funds under this section. However, a district need not label 31762
materials, equipment, computer hardware or software, textbooks, or 31763
digital texts that the district determines are consumable in 31764
nature or have a value of less than two hundred dollars. 31765

Sec. 3317.16. (A) The department of education shall compute 31766
and distribute state core foundation funding to each joint 31767
vocational school district for the fiscal year as prescribed in 31768
the following divisions: 31769

(1) An opportunity grant calculated according to the 31770
following formula: 31771

(The formula amount X formula ADM) - (0.0005 X the 31772
district's ~~three-year~~ average valuation) 31773

If the result of the calculation for a joint vocational 31774
school district under division (A)(1) of this section is less than 31775
zero, the joint vocational school district's opportunity grant 31776
shall be zero. 31777

(2) Additional state aid for special education and related 31778
services provided under Chapter 3323. of the Revised Code 31779
calculated as the sum of the following: 31780

(a) The district's category one special education ADM X the 31781
amount specified in division (A) of section 3317.013 of the 31782
Revised Code X the district's state share percentage; 31783

(b) The district's category two special education ADM X the 31784
amount specified in division (B) of section 3317.013 of the 31785
Revised Code X the district's state share percentage; 31786

(c) The district's category three special education ADM X the 31787
amount specified in division (C) of section 3317.013 of the 31788
Revised Code X the district's state share percentage; 31789

(d) The district's category four special education ADM X the 31790
amount specified in division (D) of section 3317.013 of the 31791

| | |
|---|----------------------------------|
| Revised Code X the district's state share percentage; | 31792 |
| (e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage; | 31793 31794 31795 |
| (f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage. | 31796 31797 31798 |
| (3) Economically disadvantaged funds calculated according to the following formula: | 31799 31800 |
| (\$250, in fiscal year 2014, or \$253, in fiscal year 2015) <u>\$272</u> X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code | 31801 31802 31803 31804 |
| (4) Limited English proficiency funds calculated as the sum of the following: | 31805 31806 |
| (a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage; | 31807 31808 31809 |
| (b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage; | 31810 31811 31812 |
| (c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage; | 31813 31814 31815 |
| (5) Career-technical education funds calculated as the sum of the following: | 31816 31817 |
| (a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage; | 31818 31819 31820 |
| (b) The district's category two career-technical education | 31821 |

ADM X the amount specified in division (B) of section 3317.014 of 31822
the Revised Code X the district's state share percentage; 31823

(c) The district's category three career-technical education 31824
ADM X the amount specified in division (C) of section 3317.014 of 31825
the Revised Code X the district's state share percentage; 31826

(d) The district's category four career-technical education 31827
ADM X the amount specified in division (D) of section 3317.014 of 31828
the Revised Code X the district's state share percentage; 31829

(e) The district's category five career-technical education 31830
ADM X the amount specified in division (E) of section 3317.014 of 31831
the Revised Code X the district's state share percentage. 31832

Payment of funds under division (A)(5) of this section is 31833
subject to approval under section 3317.161 of the Revised Code. 31834

(6) Career-technical education associated services funds 31835
calculated under the following formula: 31836

The district's state share percentage X the 31837
amount for career-technical education associated services 31838
specified in section 3317.014 of the Revised Code X the sum of 31839
categories one through five career-technical 31840
education ADM 31841

(B)(1) If a joint vocational school district's costs for a 31842
fiscal year for a student in its categories two through six 31843
special education ADM exceed the threshold catastrophic cost for 31844
serving the student, as specified in division (B) of section 31845
3317.0214 of the Revised Code, the district may submit to the 31846
superintendent of public instruction documentation, as prescribed 31847
by the superintendent, of all of its costs for that student. Upon 31848
submission of documentation for a student of the type and in the 31849
manner prescribed, the department shall pay to the district an 31850
amount equal to the sum of the following: 31851

(a) One-half of the district's costs for the student in 31852

excess of the threshold catastrophic cost; 31853

(b) The product of one-half of the district's costs for the 31854
student in excess of the threshold catastrophic cost multiplied by 31855
the district's state share percentage. 31856

(2) The district shall report under division (B)(1) of this 31857
section, and the department shall pay for, only the costs of 31858
educational expenses and the related services provided to the 31859
student in accordance with the student's individualized education 31860
program. Any legal fees, court costs, or other costs associated 31861
with any cause of action relating to the student may not be 31862
included in the amount. 31863

(C)(1) For each student with a disability receiving special 31864
education and related services under an individualized education 31865
program, as defined in section 3323.01 of the Revised Code, at a 31866
joint vocational school district, the resident district or, if the 31867
student is enrolled in a community school, the community school 31868
shall be responsible for the amount of any costs of providing 31869
those special education and related services to that student that 31870
exceed the sum of the amount calculated for those services 31871
attributable to that student under division (A) of this section. 31872

~~Those excess costs shall be calculated by subtracting the sum 31873
of the following from the actual cost to provide special education 31874
and related services to the student: 31875~~

~~(a) The formula amount; 31876~~

~~(b) The amount specified in section 3317.013 of the Revised 31877
Code that is applicable to the student; 31878~~

~~(c) Any funds paid under section 3317.0214 for the student 31879
using a formula approved by the department. 31880~~

(2) The board of education of the joint vocational school 31881
district may report the excess costs calculated under division 31882

(C)(1) of this section to the department of education. 31883

(3) If the board of education of the joint vocational school 31884
district reports excess costs under division (C)(2) of this 31885
section, the department shall pay the amount of excess cost 31886
calculated under division (C)(2) of this section to the joint 31887
vocational school district and shall deduct that amount as 31888
provided in division (C)(3)(a) or (b) of this section, as 31889
applicable: 31890

(a) If the student is not enrolled in a community school, the 31891
department shall deduct the amount from the account of the 31892
student's resident district pursuant to division (J) of section 31893
3317.023 of the Revised Code. 31894

(b) If the student is enrolled in a community school, the 31895
department shall deduct the amount from the account of the 31896
community school pursuant to section 3314.083 of the Revised Code. 31897

(D)(1) In any fiscal year, a school district receiving funds 31898
under division (A)(5) of this section shall spend those funds only 31899
for the purposes that the department designates as approved for 31900
career-technical education expenses. Career-technical ~~educational~~ 31901
education expenses approved by the department shall include only 31902
expenses connected to the delivery of career-technical programming 31903
to career-technical students. The department shall require the 31904
school district to report data annually so that the department may 31905
monitor the district's compliance with the requirements regarding 31906
the manner in which funding received under division (A)(5) of this 31907
section may be spent. 31908

(2) All funds received under division (A)(5) of this section 31909
shall be spent in the following manner: 31910

(a) At least seventy-five per cent of the funds shall be 31911
spent on curriculum development, purchase, and implementation; 31912
instructional resources and supplies; industry-based program 31913

certification; student assessment, credentialing, and placement; 31914
curriculum specific equipment purchases and leases; 31915
career-technical student organization fees and expenses; home and 31916
agency linkages; work-based learning experiences; professional 31917
development; and other costs directly associated with 31918
career-technical education programs including development of new 31919
programs. 31920

(b) Not more than twenty-five per cent of the funds shall be 31921
used for personnel expenditures. 31922

(E) In any fiscal year, a school district receiving funds 31923
under division (A)(6) of this section, or through a transfer of 31924
funds pursuant to division (I) of section 3317.023 of the Revised 31925
Code, shall spend those funds only for the purposes that the 31926
department designates as approved for career-technical education 31927
associated services expenses, which may include such purposes as 31928
apprenticeship coordinators, coordinators for other 31929
career-technical education services, career-technical evaluation, 31930
and other purposes designated by the department. The department 31931
may deny payment under division (A)(6) of this section to any 31932
district that the department determines is not operating those 31933
services or is using funds paid under division (A)(6) of this 31934
section, or through a transfer of funds pursuant to division (I) 31935
of section 3317.023 of the Revised Code, for other purposes. 31936

(F) A joint vocational school district shall spend the funds 31937
it receives under division (A)(3) of this section in accordance 31938
with section 3317.25 of the Revised Code. 31939

(G) As used in this section: 31940

(1) "Community school" means a community school established 31941
under Chapter 3314. of the Revised Code. 31942

(2) "Resident district" means the city, local, or exempted 31943
village school district in which a student is entitled to attend 31944

school under section 3313.64 or 3313.65 of the Revised Code. 31945

~~(3) "State share percentage" is equal to the following: 31946~~
~~The amount computed under division (A)(1) of this section / 31947~~
~~(the formula amount X formula ADM) 31948~~

Sec. 3317.20. This section does not apply to preschool 31949
children with disabilities. 31950

(A) As used in this section: 31951

(1) "Applicable special education amount" means the amount 31952
specified in section 3317.013 of the Revised Code for a disability 31953
described in that section. 31954

(2) "Child's school district" means the school district in 31955
which a child is entitled to attend school pursuant to section 31956
3313.64 or 3313.65 of the Revised Code. 31957

(3) "State share ~~index~~ percentage" means the state share 31958
~~index~~ percentage of the child's school district. 31959

(B) The department shall annually pay each county DD board 31960
for each child with a disability, other than a preschool child 31961
with a disability, for whom the county DD board provides special 31962
education and related services an amount equal to the formula 31963
amount + (state share ~~index~~ percentage X the applicable special 31964
education amount). 31965

(C) Each county DD board shall report to the department, in 31966
the manner specified by the department, the name of each child for 31967
whom the county DD board provides special education and related 31968
services and the child's school district. 31969

(D)(1) For the purpose of verifying the accuracy of the 31970
payments under this section, the department may request from 31971
either of the following entities the data verification code 31972
assigned under division (D)(2) of section 3301.0714 of the Revised 31973
Code to any child who is placed with a county DD board: 31974

| | |
|--|---|
| (a) The child's school district; | 31975 |
| (b) The independent contractor engaged to create and maintain data verification codes. | 31976 31977 |
| (2) Upon a request by the department under division (D)(1) of this section for the data verification code of a child, the child's school district shall submit that code to the department in the manner specified by the department. If the child has not been assigned a code, the district shall assign a code to that child and submit the code to the department by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. | 31978 31979 31980 31981 31982 31983 31984 31985 31986 |
| The department annually shall submit to each school district the name and data verification code of each child residing in the district for whom the department has assigned a code under this division. | 31987 31988 31989 31990 |
| (3) The department shall not release any data verification code that it receives under division (D) of this section to any person except as provided by law. | 31991 31992 31993 |
| (E) Any document relative to special education and related services provided by a county DD board that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. | 31994 31995 31996 31997 31998 31999 |
| <u>Sec. 3317.26. (A) The department of education shall pay a city, local, or exempted village school district additional funds computed as follows:</u> | 32000 32001 32002 |
| <u>[(0.20 X the formula amount) - (the sum of the district's payments under sections 3317.022 and 3317.0212 of the Revised Code and</u> | 32003 32004 |

Section 263.230 of H.B. 64 of the 131st general assembly / its 32005
formula ADM)] X the district's formula ADM 32006

If the result is a negative number, no payment shall be made 32007
under this section. 32008

(B) The department shall pay a joint vocational school 32009
district additional funds computed as follows: 32010

[(0.20 X the formula amount) - (the sum of the district's payments 32011
under section 3317.16 of the Revised Code and Section 263.240 of 32012
H.B. 64 of the 131st general assembly / its formula ADM)] X the 32013
district's formula ADM 32014

If the result is a negative number, no payment shall be made 32015
under this section. 32016

(C) For fiscal years 2016 and 2017, the department shall pay 32017
a city, local, or exempted village school district fifty per cent 32018
of the amount calculated under division (A) of this section and 32019
shall pay a joint vocational school district fifty per cent of the 32020
amount calculated under division (B) of this section. 32021

Sec. 3318.02. (A) For purposes of sections 3318.01 to ~~3318.33~~ 32022
~~3318.32~~ 32023 of the Revised Code, the Ohio school facilities commission
shall periodically perform an assessment of the classroom facility 32024
needs in the state to identify school districts in need of 32025
additional classroom facilities, or replacement or reconstruction 32026
of existent classroom facilities, and the cost to each such 32027
district of constructing or acquiring such additional facilities 32028
or making such renovations. 32029

(B) Based upon the most recent assessment conducted pursuant 32030
to division (A) of this section, the commission shall conduct 32031
on-site visits to school districts identified as having classroom 32032
facility needs to confirm the findings of the periodic assessment 32033
and further evaluate the classroom facility needs of the district. 32034
The evaluation shall assess the district's need to construct or 32035

acquire new classroom facilities and may include an assessment of 32036
the district's need for building additions or for the 32037
reconstruction of existent buildings in lieu of constructing or 32038
acquiring replacement buildings. 32039

(C)(1) Except as provided in division (C)(2) of this section, 32040
on-site visits performed on or after May 20, 1997, shall be 32041
performed in the order specified in this division. The first round 32042
of on-site visits first succeeding the effective date of this 32043
amendment, May 20, 1997, shall be limited to the school districts 32044
in the first through fifth percentiles, excluding districts that 32045
are ineligible for funding under this chapter pursuant to section 32046
3318.04 of the Revised Code. The second round of on-site visits 32047
shall be limited to the school districts in the first through 32048
tenth percentiles, excluding districts that are ineligible for 32049
funding under this chapter pursuant to section 3318.04 of the 32050
Revised Code. Each succeeding round of on-site visits shall be 32051
limited to the percentiles included in the immediately preceding 32052
round of on-site visits plus the next five percentiles. Except for 32053
the first round of on-site visits, no round of on-site visits 32054
shall commence unless eighty per cent of the districts for which 32055
on-site visits were performed during the immediately preceding 32056
round, have had projects approved under section 3318.04 of the 32057
Revised Code. 32058

(2) Notwithstanding division (C)(1) of this section, the 32059
commission may perform on-site visits for school districts in the 32060
next highest percentile to the percentiles included in the current 32061
round of on-site visits, and then to succeeding percentiles one at 32062
a time, not to exceed the twenty-fifth percentile, if all of the 32063
following apply: 32064

(a) Less than eighty per cent of the districts for which 32065
on-site visits were performed in the current round, and in any 32066
percentiles for which on-site visits were performed in addition to 32067

the current round pursuant to this division, have had projects 32068
approved under section 3318.04 of the Revised Code; 32069

(b) There are funds appropriated for the purpose of sections 32070
3318.01 to 3318.20 of the Revised Code that are not reserved and 32071
encumbered for projects pursuant to section 3318.04 of the Revised 32072
Code; 32073

(c) The commission makes a finding that such available funds 32074
would be more thoroughly utilized if on-site visits were extended 32075
to the next highest percentile. 32076

(D) Notwithstanding divisions (B) and (C) of this section, in 32077
any fiscal year, the commission may limit the number of districts 32078
for which it conducts on-site visits based upon its projections of 32079
the moneys available and moneys necessary to undertake projects 32080
under sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code for 32081
that year. 32082

Sec. 3318.024. In the first year of a capital biennium, any 32083
funds appropriated to the Ohio school facilities commission for 32084
classroom facilities projects under this chapter in the previous 32085
capital biennium that were not spent or encumbered, or for which 32086
an encumbrance has been canceled under section 3318.05 of the 32087
Revised Code, shall be used by the commission only for projects 32088
under sections 3318.01 to 3318.20 of the Revised Code, subject to 32089
appropriation by the general assembly. 32090

In the second year of a capital biennium, any funds 32091
appropriated to the Ohio school facilities commission for 32092
classroom facilities projects under this chapter that were not 32093
spent or encumbered in the first year of the biennium and which 32094
are in excess of an amount equal to half of the appropriations for 32095
the capital biennium, or for which an encumbrance has been 32096
canceled under section 3318.05 of the Revised Code, shall be used 32097
by the commission only for projects under sections 3318.01 to 32098

3318.20, 3318.32, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 32099
and 3318.40 to 3318.46 of the Revised Code, subject to 32100
appropriation by the general assembly. 32101

Sec. 3318.054. (A) If conditional approval of a city, 32102
exempted village, or local school district's project lapses as 32103
provided in section 3318.05 of the Revised Code, or if conditional 32104
approval of a joint vocational school district's project lapses as 32105
provided in division (D) of section 3318.41 of the Revised Code, 32106
because the district's electors have not approved the ballot 32107
measures necessary to generate the district's portion of the basic 32108
project cost, and if the district board desires to seek a new 32109
conditional approval of the project, the district board shall 32110
request that the Ohio school facilities commission set the scope, 32111
basic project cost, and school district portion of the basic 32112
project cost prior to resubmitting the ballot measures to the 32113
electors. To do so, the commission shall use the district's 32114
current assessed tax valuation and the district's percentile for 32115
the prior fiscal year. For a district that has entered into an 32116
agreement under section 3318.36 of the Revised Code and desires to 32117
proceed with a project under sections 3318.01 to 3318.20 of the 32118
Revised Code, the district's portion of the basic project cost 32119
shall be the percentage specified in that agreement. The project 32120
scope and basic costs established under this division shall be 32121
valid for ~~one-year~~ thirteen months from the date the commission 32122
approves them. 32123

(B) Upon the commission's approval under division (A) of this 32124
section, the district board may submit the ballot measures to the 32125
district's electors for approval of the project based on the new 32126
project scope and estimated costs. Upon electoral approval of 32127
those measures, the district shall be given first priority for 32128
project funding as such funds become available. 32129

(C) When the commission determines that funds are available 32130
for the district's project, the commission shall do all of the 32131
following: 32132

(1) Determine the school district portion of the basic 32133
project cost under section 3318.032 of the Revised Code, in the 32134
case of a city, exempted village, or local school district, or 32135
under section 3318.42 of the Revised Code, in the case of a joint 32136
vocational school district; 32137

(2) Conditionally approve the project and submit it to the 32138
controlling board for approval pursuant to section 3318.04 of the 32139
Revised Code; 32140

(3) Encumber funds for the project under section 3318.11 of 32141
the Revised Code; 32142

(4) Enter into an agreement with the district board under 32143
section 3318.08 of the Revised Code. 32144

Sec. 3318.30. (A) There is hereby created the Ohio school 32145
facilities commission as an independent agency of the state within 32146
the Ohio facilities construction commission, which is created 32147
under section 123.20 of the Revised Code. The Ohio school 32148
facilities commission shall administer the provision of financial 32149
assistance to school districts for the acquisition or construction 32150
of classroom facilities in accordance with sections 3318.01 to 32151
~~3318.33~~ 3318.32 of the Revised Code. 32152

The Ohio school facilities commission is a body corporate and 32153
politic, an agency of state government and an instrumentality of 32154
the state, performing essential governmental functions of this 32155
state. The carrying out of the purposes and the exercise by the 32156
Ohio school facilities commission of its powers conferred by 32157
sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code are 32158
essential public functions and public purposes of the state. The 32159

Ohio school facilities commission may, in its own name, sue and be 32160
sued, enter into contracts, and perform all the powers and duties 32161
given to it by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised 32162
Code, but it does not have and shall not exercise the power of 32163
eminent domain. In its discretion and as it determines 32164
appropriate, the Ohio school facilities commission may delegate to 32165
any of its members, executive director, or other employees any of 32166
the Ohio school facilities commission's powers and duties to carry 32167
out its functions. 32168

(B) The Ohio school facilities commission shall consist of 32169
seven members, three of whom are voting members. The voting 32170
members of the Ohio school facilities commission shall be the 32171
director of the office of budget and management, the director of 32172
administrative services, and the superintendent of public 32173
instruction, or their designees. Of the nonvoting members, two 32174
shall be members of the senate appointed by the president of the 32175
senate, and two shall be members of the house of representatives 32176
appointed by the speaker of the house. Each of the appointees of 32177
the president, and each of the appointees of the speaker, shall be 32178
members of different political parties. 32179

Nonvoting members shall serve as members of the Ohio school 32180
facilities commission during the legislative biennium for which 32181
they are appointed, except that any such member who ceases to be a 32182
member of the legislative house from which the member was 32183
appointed shall cease to be a member of the Ohio school facilities 32184
commission. Each nonvoting member shall be appointed within 32185
thirty-one days of the end of the term of that member's 32186
predecessor. Such members may be reappointed. Vacancies of 32187
nonvoting members shall be filled in the manner provided for 32188
original appointments. 32189

Members of the Ohio school facilities commission shall serve 32190
without compensation. 32191

After the initial nonvoting members of the Ohio school facilities commission have been appointed, the Ohio school facilities commission shall meet and organize by electing voting members as the chairperson and vice-chairperson of the Ohio school facilities commission, who shall hold their offices until the next organizational meeting of the Ohio school facilities commission. Organizational meetings of the Ohio school facilities commission shall be held at the first meeting of each calendar year. At each organizational meeting, the Ohio school facilities commission shall elect from among its voting members a chairperson and vice-chairperson, who shall serve until the next annual organizational meeting. The Ohio school facilities commission shall adopt rules pursuant to section 111.15 of the Revised Code for the conduct of its internal business and shall keep a journal of its proceedings. Including the organizational meeting, the Ohio school facilities commission shall meet at least once each calendar quarter.

Two voting members of the Ohio school facilities commission constitute a quorum, and the affirmative vote of two members is necessary for approval of any action taken by the Ohio school facilities commission. A vacancy in the membership of the Ohio school facilities commission does not impair a quorum from exercising all the rights and performing all the duties of the Ohio school facilities commission. Meetings of the Ohio school facilities commission may be held anywhere in the state and shall be held in compliance with section 121.22 of the Revised Code.

(C) The Ohio school facilities commission shall file an annual report of its activities and finances with the governor, speaker of the house of representatives, president of the senate, and chairpersons of the house and senate finance committees.

(D) The Ohio school facilities commission shall be exempt from the requirements of sections 101.82 to 101.87 of the Revised

Code. 32224

(E) The Ohio school facilities commission may share employees 32225
and facilities with the Ohio facilities construction commission. 32226

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the 32227
Revised Code apply only to joint vocational school districts. 32228

(2) As used in sections 3318.40 to 3318.45 of the Revised 32229
Code: 32230

(a) "Ohio school facilities commission," "classroom 32231
facilities," "project," and "basic project cost" have the same 32232
meanings as in section 3318.01 of the Revised Code. 32233

(b) "Acquisition of classroom facilities" means constructing, 32234
reconstructing, repairing, or making additions to classroom 32235
facilities. 32236

(B) There is hereby established the vocational school 32237
facilities assistance program. Under the program, the Ohio school 32238
facilities commission shall provide assistance to joint vocational 32239
school districts for the acquisition of classroom facilities 32240
suitable to the vocational education programs of the districts in 32241
accordance with sections 3318.40 to 3318.45 of the Revised Code. 32242
For purposes of the program, beginning July 1, 2003, the 32243
commission annually may set aside up to two per cent of the 32244
aggregate amount appropriated to it for classroom facilities 32245
assistance projects in ~~the education facilities trust fund,~~ 32246
~~established under section 183.26 of the Revised Code;~~ the public 32247
school building fund, established under section 3318.15 of the 32248
Revised Code~~;~~ and the school building program assistance fund, 32249
established under section 3318.25 of the Revised Code. 32250

(C) The commission shall not provide assistance for any 32251
distinct part of a project under sections 3318.40 to 3318.45 of 32252
the Revised Code that when completed will be used exclusively for 32253

an adult education program or exclusively for operation of a 32254
driver training school for instruction leading to the issuance of 32255
a commercial driver's license under Chapter 4506. of the Revised 32256
Code, except for life safety items and basic building components 32257
necessary for complete and continuous construction or renovation 32258
of a classroom facility as determined by the commission. 32259

(D) The commission shall not provide assistance under 32260
sections 3318.40 to 3318.45 of the Revised Code to acquire 32261
classroom facilities for vocational educational instruction at a 32262
location under the control of a school district that is a member 32263
of a joint vocational school district. Any assistance to acquire 32264
classroom facilities for vocational educational instruction at 32265
such location shall be provided to the school district that is a 32266
member of the joint vocational school district through other 32267
provisions of this chapter when that member school district is 32268
eligible for assistance under those provisions. 32269

(E) By September 1, 2003, the commission shall assess the 32270
classroom facilities needs of at least five joint vocational 32271
school districts, according to the order of priority prescribed in 32272
division (B) of section 3318.42 of the Revised Code, and based on 32273
the results of those assessments shall determine the extent to 32274
which amendments to the specifications adopted under section 32275
3318.311 of the Revised Code are warranted. The commission, 32276
thereafter, may amend the specifications as provided in that 32277
section. 32278

(F) After the commission has conducted the assessments 32279
prescribed in division (E) of this section, the commission shall 32280
establish, by rule adopted in accordance with section 111.15 of 32281
the Revised Code, guidelines for the commission to use in deciding 32282
whether to waive compliance with the design specifications adopted 32283
under section 3318.311 of the Revised Code when determining the 32284
number of facilities and the basic project cost of projects as 32285

prescribed in division (A)(1)(a) of section 3318.41 of the Revised Code. The guidelines shall address the following situations:

(1) Under what circumstances, if any, particular classroom facilities are adequate to meet the needs of the school district even though the facilities do not comply with the specifications adopted under section 3318.311 of the Revised Code;

(2) Under what circumstances, if any, particular classroom facilities will be renovated or repaired rather than replaced by construction of new facilities.

Sec. 3319.22. (A)(1) The state board of education shall issue the following educator licenses:

(a) A resident educator license, which shall be valid for four years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A)(3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code;

(b) A professional educator license, which shall be valid for five years and shall be renewable;

(c) A senior professional educator license, which shall be valid for five years and shall be renewable;

(d) A lead professional educator license, which shall be valid for five years and shall be renewable.

(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide.

(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the

reasons for which a resident educator license may be renewed under 32316
division (A)(1)(a) of this section. 32317

(B) The rules adopted under this section shall require at 32318
least the following standards and qualifications for the educator 32319
licenses described in division (A)(1) of this section: 32320

(1) An applicant for a resident educator license shall hold 32321
at least a bachelor's degree from an accredited teacher 32322
preparation program or be a participant in the teach for America 32323
program and meet the qualifications required under section 32324
3319.227 of the Revised Code. 32325

(2) An applicant for a professional educator license shall: 32326

(a) Hold at least a bachelor's degree from an institution of 32327
higher education accredited by a regional accrediting 32328
organization; 32329

(b) Have successfully completed the Ohio teacher residency 32330
program established under section 3319.223 of the Revised Code, if 32331
the applicant's current or most recently issued license is a 32332
resident educator license issued under this section or an 32333
alternative resident educator license issued under section 3319.26 32334
of the Revised Code. 32335

(3) An applicant for a senior professional educator license 32336
shall: 32337

(a) Hold at least a master's degree from an institution of 32338
higher education accredited by a regional accrediting 32339
organization; 32340

(b) Have previously held a professional educator license 32341
issued under this section or section 3319.222 or under former 32342
section 3319.22 of the Revised Code; 32343

(c) Meet the criteria for the accomplished or distinguished 32344
level of performance, as described in the standards for teachers 32345

adopted by the state board under section 3319.61 of the Revised Code. 32346
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(4) An applicant for a lead professional educator license shall: 32348
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(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 32350
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(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 32353
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 32357
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 32360
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 32365
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the ~~chancellor of the Ohio board of regents~~ director of higher education, in the manner and to the extent permitted by state and federal law. 32369
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(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of 32374
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section 3301.07 of the Revised Code, or any other law shall be 32376
adopted, amended, or rescinded under Chapter 119. of the Revised 32377
Code except as follows: 32378

(1) Notwithstanding division (E) of section 119.03 and 32379
division (A)(1) of section 119.04 of the Revised Code, in the case 32380
of the adoption of any rule or the amendment or rescission of any 32381
rule that necessitates institutions' offering preparation programs 32382
for educators and other school personnel that are approved by the 32383
~~chancellor of the Ohio board of regents~~ director of higher 32384
education under section 3333.048 of the Revised Code to revise the 32385
curriculum of those programs, the effective date shall not be as 32386
prescribed in division (E) of section 119.03 and division (A)(1) 32387
of section 119.04 of the Revised Code. Instead, the effective date 32388
of such rules, or the amendment or rescission of such rules, shall 32389
be the date prescribed by section 3333.048 of the Revised Code. 32390

(2) Notwithstanding the authority to adopt, amend, or rescind 32391
emergency rules in division (G) of section 119.03 of the Revised 32392
Code, this authority shall not apply to the state board of 32393
education with regard to rules for educator licenses. 32394

(F)(1) The rules adopted under this section establishing 32395
standards requiring additional coursework for the renewal of any 32396
educator license shall require a school district and a chartered 32397
nonpublic school to establish local professional development 32398
committees. In a nonpublic school, the chief administrative 32399
officer shall establish the committees in any manner acceptable to 32400
such officer. The committees established under this division shall 32401
determine whether coursework that a district or chartered 32402
nonpublic school teacher proposes to complete meets the 32403
requirement of the rules. The department of education shall 32404
provide technical assistance and support to committees as the 32405
committees incorporate the professional development standards 32406
adopted by the state board of education pursuant to section 32407

3319.61 of the Revised Code into their review of coursework that 32408
is appropriate for license renewal. The rules shall establish a 32409
procedure by which a teacher may appeal the decision of a local 32410
professional development committee. 32411

(2) In any school district in which there is no exclusive 32412
representative established under Chapter 4117. of the Revised 32413
Code, the professional development committees shall be established 32414
as described in division (F)(2) of this section. 32415

Not later than the effective date of the rules adopted under 32416
this section, the board of education of each school district shall 32417
establish the structure for one or more local professional 32418
development committees to be operated by such school district. The 32419
committee structure so established by a district board shall 32420
remain in effect unless within thirty days prior to an anniversary 32421
of the date upon which the current committee structure was 32422
established, the board provides notice to all affected district 32423
employees that the committee structure is to be modified. 32424
Professional development committees may have a district-level or 32425
building-level scope of operations, and may be established with 32426
regard to particular grade or age levels for which an educator 32427
license is designated. 32428

Each professional development committee shall consist of at 32429
least three classroom teachers employed by the district, one 32430
principal employed by the district, and one other employee of the 32431
district appointed by the district superintendent. For committees 32432
with a building-level scope, the teacher and principal members 32433
shall be assigned to that building, and the teacher members shall 32434
be elected by majority vote of the classroom teachers assigned to 32435
that building. For committees with a district-level scope, the 32436
teacher members shall be elected by majority vote of the classroom 32437
teachers of the district, and the principal member shall be 32438
elected by a majority vote of the principals of the district, 32439

unless there are two or fewer principals employed by the district, 32440
in which case the one or two principals employed shall serve on 32441
the committee. If a committee has a particular grade or age level 32442
scope, the teacher members shall be licensed to teach such grade 32443
or age levels, and shall be elected by majority vote of the 32444
classroom teachers holding such a license and the principal shall 32445
be elected by all principals serving in buildings where any such 32446
teachers serve. The district superintendent shall appoint a 32447
replacement to fill any vacancy that occurs on a professional 32448
development committee, except in the case of vacancies among the 32449
elected classroom teacher members, which shall be filled by vote 32450
of the remaining members of the committee so selected. 32451

Terms of office on professional development committees shall 32452
be prescribed by the district board establishing the committees. 32453
The conduct of elections for members of professional development 32454
committees shall be prescribed by the district board establishing 32455
the committees. A professional development committee may include 32456
additional members, except that the majority of members on each 32457
such committee shall be classroom teachers employed by the 32458
district. Any member appointed to fill a vacancy occurring prior 32459
to the expiration date of the term for which a predecessor was 32460
appointed shall hold office as a member for the remainder of that 32461
term. 32462

The initial meeting of any professional development 32463
committee, upon election and appointment of all committee members, 32464
shall be called by a member designated by the district 32465
superintendent. At this initial meeting, the committee shall 32466
select a chairperson and such other officers the committee deems 32467
necessary, and shall adopt rules for the conduct of its meetings. 32468
Thereafter, the committee shall meet at the call of the 32469
chairperson or upon the filing of a petition with the district 32470
superintendent signed by a majority of the committee members 32471

calling for the committee to meet. 32472

(3) In the case of a school district in which an exclusive 32473
representative has been established pursuant to Chapter 4117. of 32474
the Revised Code, professional development committees shall be 32475
established in accordance with any collective bargaining agreement 32476
in effect in the district that includes provisions for such 32477
committees. 32478

If the collective bargaining agreement does not specify a 32479
different method for the selection of teacher members of the 32480
committees, the exclusive representative of the district's 32481
teachers shall select the teacher members. 32482

If the collective bargaining agreement does not specify a 32483
different structure for the committees, the board of education of 32484
the school district shall establish the structure, including the 32485
number of committees and the number of teacher and administrative 32486
members on each committee; the specific administrative members to 32487
be part of each committee; whether the scope of the committees 32488
will be district levels, building levels, or by type of grade or 32489
age levels for which educator licenses are designated; the lengths 32490
of terms for members; the manner of filling vacancies on the 32491
committees; and the frequency and time and place of meetings. 32492
However, in all cases, except as provided in division (F)(4) of 32493
this section, there shall be a majority of teacher members of any 32494
professional development committee, there shall be at least five 32495
total members of any professional development committee, and the 32496
exclusive representative shall designate replacement members in 32497
the case of vacancies among teacher members, unless the collective 32498
bargaining agreement specifies a different method of selecting 32499
such replacements. 32500

(4) Whenever an administrator's coursework plan is being 32501
discussed or voted upon, the local professional development 32502
committee shall, at the request of one of its administrative 32503

members, cause a majority of the committee to consist of 32504
administrative members by reducing the number of teacher members 32505
voting on the plan. 32506

(G)(1) The department of education, educational service 32507
centers, county boards of developmental disabilities, regional 32508
professional development centers, special education regional 32509
resource centers, college and university departments of education, 32510
head start programs, and the Ohio education computer network may 32511
establish local professional development committees to determine 32512
whether the coursework proposed by their employees who are 32513
licensed or certificated under this section or section 3319.222 of 32514
the Revised Code, or under the former version of either section as 32515
it existed prior to October 16, 2009, meet the requirements of the 32516
rules adopted under this section. They may establish local 32517
professional development committees on their own or in 32518
collaboration with a school district or other agency having 32519
authority to establish them. 32520

Local professional development committees established by 32521
county boards of developmental disabilities shall be structured in 32522
a manner comparable to the structures prescribed for school 32523
districts in divisions (F)(2) and (3) of this section, as shall 32524
the committees established by any other entity specified in 32525
division (G)(1) of this section that provides educational services 32526
by employing or contracting for services of classroom teachers 32527
licensed or certificated under this section or section 3319.222 of 32528
the Revised Code, or under the former version of either section as 32529
it existed prior to October 16, 2009. All other entities specified 32530
in division (G)(1) of this section shall structure their 32531
committees in accordance with guidelines which shall be issued by 32532
the state board. 32533

(2) Any public agency that is not specified in division 32534
(G)(1) of this section but provides educational services and 32535

employs or contracts for services of classroom teachers licensed 32536
or certificated under this section or section 3319.222 of the 32537
Revised Code, or under the former version of either section as it 32538
existed prior to October 16, 2009, may establish a local 32539
professional development committee, subject to the approval of the 32540
department of education. The committee shall be structured in 32541
accordance with guidelines issued by the state board. 32542

(H) Not later than July 1, 2016, the state board, in 32543
accordance with Chapter 119. of the Revised Code, shall adopt 32544
rules pursuant to division (A)(3) of this section that do both of 32545
the following: 32546

(1) Exempt consistently high-performing teachers from the 32547
requirement to complete any additional coursework for the renewal 32548
of an educator license issued under this section or section 32549
3319.26 of the Revised Code. The rules also shall specify that 32550
such teachers are exempt from any requirements prescribed by 32551
professional development committees established under divisions 32552
(F) and (G) of this section. 32553

(2) For purposes of division (H)(1) of this section, the 32554
state board shall define the term "consistently high-performing 32555
teacher." 32556

Sec. 3319.223. (A) Not later than January 1, 2011, the 32557
superintendent of public instruction and the ~~chancellor of the~~ 32558
~~Ohio board of regents~~ director of higher education jointly shall 32559
establish the Ohio teacher residency program, which shall be a 32560
four-year, entry-level program for classroom teachers. The teacher 32561
residency program shall include at least the following components: 32562

(1) Mentoring by teachers ~~who hold a lead professional~~ 32563
~~educator license issued under section 3319.22 of the Revised Code~~ 32564
for the first two years of the program; 32565

(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development; 32566
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(3) Measures of appropriate progression through the program, which shall include the performance-based assessment prescribed by the state board of education for resident educators in the third year of the program. 32569
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An individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code shall not be required to complete the conditions of the Ohio teacher residency program that a participant, as of the effective date of this amendment, would have been required to complete during the participant's first and second year of teaching under an alternative resident educator license. Such an individual shall complete all the conditions that, as of the effective date of this amendment, were necessary for a participant in the third and fourth year of the program prior to applying for a professional educator license under division (A)(2) of section 3319.22 of the Revised Code. 32573
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(B) The teacher residency program shall be aligned with the standards for teachers adopted by the state board of education under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction. 32585
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(C) Each person who holds a resident educator license issued under section 3319.22 or 3319.227 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be required to qualify any such person for a professional educator license issued under section 3319.22 of the Revised Code. 32589
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Sec. 3319.271. (A) As used in this section, the "bright new 32596

leaders for Ohio schools program" means the program created and 32597
implemented by the nonprofit corporation incorporated pursuant to 32598
Section 733.40 of Am. Sub. H.B. 59 of the 130th general assembly 32599
to provide an alternative path for individuals to receive training 32600
and development in the administration of primary and secondary 32601
education and leadership, enable those individuals to earn degrees 32602
and obtain licenses in public school administration, and promote 32603
the placement of those individuals in public schools that have a 32604
poverty percentage greater than fifty per cent. 32605

(B) The state board of education shall issue an alternative 32606
principal license or an alternative administrator license, as 32607
applicable, to an individual who successfully completes the bright 32608
new leaders for Ohio schools program and satisfies the 32609
requirements in rules adopted by the state board under division 32610
(C) of this section. 32611

(C) The state board, in consultation with the board of 32612
directors of the bright new leaders for Ohio schools program, 32613
shall adopt rules that prescribe the requirements for obtaining an 32614
alternative principal license or an alternative administrator 32615
license under this section. The state board shall use the rules 32616
adopted under section 3319.27 of the Revised Code as guidance in 32617
developing the rules adopted under this division. 32618

Sec. 3319.301. (A) As used in this section₇: 32619

(1) "High-performing school district has the same meaning as 32620
in section 3302.16 of the Revised Code. 32621

(2) "STEM school" means a science, technology, engineering, 32622
and mathematics school established under Chapter 3326. of the 32623
Revised Code. 32624

(B) The state board of education shall issue permits to 32625
individuals who are not licensed as required by sections 3319.22 32626

to 3319.30 of the Revised Code, but who are otherwise qualified, 32627
to teach classes for not more than a total of twelve hours a week, 32628
except that an individual teaching in a STEM school or a building 32629
in a high-performing school district may teach classes for not 32630
more than a total of forty hours a week. The state board, by rule, 32631
shall set forth the qualifications, other than licensure under 32632
sections 3319.22 to 3319.30 of the Revised Code, to be met by 32633
individuals in order to be issued a permit as provided in this 32634
section. Such qualifications shall include the possession of a 32635
baccalaureate, master's, or doctoral degree in, or significant 32636
experience related to, the subject the individual is to teach. 32637
Applications for permits pursuant to this section shall be made in 32638
accordance with section 3319.29 of the Revised Code. 32639

The state board, by rule, shall authorize the board of 32640
education of each school district and each STEM school to engage 32641
individuals holding permits issued under this section to teach 32642
classes for not more than the total number of hours a week 32643
specified in the permit. The rules shall include provisions with 32644
regard to each of the following: 32645

(1) That a board of education or STEM school shall engage a 32646
nonlicensed individual to teach pursuant to this section on a 32647
volunteer basis, or by entering into a contract with the 32648
individual or the individual's employer on such terms and 32649
conditions as are agreed to between the board or school and the 32650
individual or the individual's employer; 32651

(2) That an employee of the board of education or STEM school 32652
who is licensed under sections 3319.22 to 3319.30 of the Revised 32653
Code shall directly supervise a nonlicensed individual who is 32654
engaged to teach pursuant to this section until the superintendent 32655
of the school district or the chief administrative officer of the 32656
STEM school is satisfied that the nonlicensed individual has 32657
sufficient understanding of, and experience in, effective teaching 32658

methods to teach without supervision. 32659

(C) A nonlicensed individual engaged to teach pursuant to 32660
this section is a teacher for the purposes of Title XXXIII of the 32661
Revised Code except for the purposes of Chapters 3307. and 3317. 32662
and sections 3319.07 to 3319.31 of the Revised Code. Such an 32663
individual is not an employee of the board of education or STEM 32664
school for the purpose of Titles I or XLI or Chapter 3309. of the 32665
Revised Code. 32666

(D) Students enrolled in a class taught by a nonlicensed 32667
individual pursuant to this section and rules adopted thereunder 32668
shall receive the same credit as if the class had been taught by 32669
an employee licensed pursuant to sections 3319.22 to 3319.30 of 32670
the Revised Code. 32671

(E) No board of education of any school district shall engage 32672
any one or more nonlicensed individuals if such employment 32673
displaces from employment an existing licensed employee of the 32674
district. 32675

Sec. 3319.303. (A) The state board of education shall adopt 32676
rules establishing standards and requirements for obtaining a 32677
pupil-activity program permit for any individual who does not hold 32678
a valid educator license, certificate, or permit issued by the 32679
state board under section 3319.22, 3319.26, or 3319.27 of the 32680
Revised Code. The permit issued under this section shall be valid 32681
for coaching, supervising, or directing a pupil-activity program 32682
under section 3313.53 of the Revised Code. Subject to the 32683
provisions of section 3319.31 of the Revised Code, a permit issued 32684
under this ~~section~~ division shall be valid for three years and 32685
shall be renewable. 32686

(B) The state board shall adopt rules applicable to 32687
individuals who hold valid educator licenses, certificates, or 32688
permits issued by the state board under section 3319.22, 3319.26, 32689

or 3319.27 of the Revised Code setting forth standards to assure 32690
any such individual's competence to direct, supervise, or coach a 32691
pupil-activity program described in section 3313.53 of the Revised 32692
Code. The rules adopted under this division shall not be more 32693
stringent than the standards set forth in rules applicable to 32694
individuals who do not hold such licenses, certificates, or 32695
permits adopted under division (A) of this section. Subject to the 32696
provisions of section 3319.31 of the Revised Code, a permit issued 32697
to an individual under this division shall be valid for the same 32698
number of years as the individual's educator license, certificate, 32699
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 32700
Revised Code and shall be renewable. 32701

(C) As a condition to issuing or renewing a pupil-activity 32702
program permit to coach interscholastic athletics: 32703

(1) The state board shall require each individual applying 32704
for a first permit on or after April 26, 2013, to successfully 32705
complete a training program that is specifically focused on brain 32706
trauma and brain injury management. 32707

(2) The state board shall require each individual applying 32708
for a permit renewal on or after that date to present evidence 32709
that the individual has successfully completed, within the 32710
previous three years, a training program in recognizing the 32711
symptoms of concussions and head injuries to which the department 32712
of health has provided a link on its internet web site under 32713
section 3707.52 of the Revised Code or a training program 32714
authorized and required by an organization that regulates 32715
interscholastic athletic competition and conducts interscholastic 32716
athletic events. 32717

Sec. 3319.51. (A)(1) The state board of education shall 32718
annually establish the amount of the fees required to be paid for 32719
any license, certificate, or permit issued under this chapter or 32720

division (B) of section 3301.071 or section 3301.074 of the Revised Code. The Except as provided in division (A)(2) of this section, the amount of these fees shall be such that they, along with any appropriation made to the fund established under division (B) of this section, will be sufficient to cover the annual estimated cost of administering the requirements described under division (B) of this section.

(2) The state board shall not require any fee to be paid under division (A)(1) of this section for a license, certificate, or permit issued for the purpose of teaching in a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code.

(B) There is hereby established in the state treasury the state board of education licensure fund, which shall be used by the state board of education solely to pay the cost of administering requirements related to the issuance and renewal of licenses, certificates, and permits described in this chapter and sections 3301.071 and 3301.074 of the Revised Code. The fund shall consist of the amounts paid into the fund pursuant to division (B) of section 3301.071 and sections 3301.074 and 3319.29 of the Revised Code and any appropriations to the fund by the general assembly.

Sec. 3319.57. (A) A grant program is hereby established under which the department of education shall award grants to assist certain schools in a city, exempted village, local, or joint vocational school district in implementing one of the following innovations:

(1) The use of instructional specialists to mentor and support classroom teachers;

(2) The use of building managers to supervise the administrative functions of school operation so that a school

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|---|-------|
| principal can focus on supporting instruction, providing | 32752 |
| instructional leadership, and engaging teachers as part of the | 32753 |
| instructional leadership team; | 32754 |
| (3) The reconfiguration of school leadership structure in a | 32755 |
| manner that allows teachers to serve in leadership roles so that | 32756 |
| teachers may share the responsibility for making and implementing | 32757 |
| school decisions; | 32758 |
| (4) The adoption of new models for restructuring the school | 32759 |
| day or school year, such as including teacher planning and | 32760 |
| collaboration time as part of the school day; | 32761 |
| (5) The creation of smaller schools or smaller units within | 32762 |
| larger schools for the purpose of facilitating teacher | 32763 |
| collaboration to improve and advance the professional practice of | 32764 |
| teaching; | 32765 |
| (6) The implementation of "grow your own" recruitment | 32766 |
| strategies that are designed to assist individuals who show a | 32767 |
| commitment to education become licensed teachers, to assist | 32768 |
| experienced teachers obtain licensure in subject areas for which | 32769 |
| there is need, and to assist teachers in becoming principals; | 32770 |
| (7) The provision of better conditions for new teachers, such | 32771 |
| as reduced teaching load and reduced class size; | 32772 |
| (8) The provision of incentives to attract qualified | 32773 |
| mathematics, science, or special education teachers; | 32774 |
| (9) The development and implementation of a partnership with | 32775 |
| teacher preparation programs at colleges and universities to help | 32776 |
| attract teachers qualified to teach in shortage areas; | 32777 |
| (10) The implementation of a program to increase the cultural | 32778 |
| competency of both new and veteran teachers; | 32779 |
| (11) The implementation of a program to increase the subject | 32780 |
| matter competency of veteran teachers. | 32781 |

(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:

(1) Be hard to staff, as defined by the department.

(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share ~~index~~ percentage for the fiscal year in which the grant is awarded).

For purposes of division (B)(2) of this section, "state share ~~index~~ percentage" has the same meaning as in section 3317.02 of the Revised Code.

(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.

(D) The state board of education shall adopt rules for the administration of this grant program.

Sec. 3319.67. (A) The state board of education may establish an annual teacher of the year recognition program for outstanding teachers.

(B) Notwithstanding division (A) of section 2921.43 of the Revised Code, a person or entity may make a voluntary contribution to the recognition program described in division (A) of this section.

(C) Notwithstanding division (A) of section 2921.43 of the Revised Code, a teacher who is recognized as a teacher of the year by the recognition program described in division (A) of this section may accept gifts and privileges as part of the recognition program.

Sec. 3323.13. (A) If a child who is a school resident of one 32811
school district receives special education from another district, 32812
the board of education of the district providing the education, 32813
subject to division (C) of this section, may require the payment 32814
by the board of education of the district of residence of a sum 32815
not to exceed one of the following, as applicable: 32816

(1) For any child except a preschool child with a disability 32817
described in division (A)(2) of this section, the tuition of the 32818
district providing the education for a child of normal needs of 32819
the same school grade. The determination of the amount of such 32820
tuition shall be in the manner provided for by division (A) of 32821
section 3317.08 of the Revised Code. 32822

(2) For any preschool child with a disability, the tuition of 32823
the district providing the education for the child as calculated 32824
under division (B) of section 3317.08 of the Revised Code, ~~7~~ 32825
~~multiplied by 0.50.~~ 32826

(B) The board of the district of residence may contract with 32827
the board of another district for the transportation of such child 32828
into any school in such other district, on terms agreed upon by 32829
such boards. Upon direction of the state board of education, the 32830
board of the district of residence shall pay for the child's 32831
transportation and the tuition. 32832

(C) The board of education of a district providing the 32833
education for a child shall be entitled to require payment from 32834
the district of residence under this section or section 3323.14 of 32835
the Revised Code only if the district providing the education has 32836
done at least one of the following: 32837

(1) Invited the district of residence to send representatives 32838
to attend the meetings of the team developing the child's 32839
individualized education program; 32840

(2) Received from the district of residence a copy of the 32841
individualized education program or a multifactored evaluation 32842
developed for the child by the district of residence; 32843

(3) Informed the district of residence in writing that the 32844
district is providing the education for the child. 32845

As used in division (C)(2) of this section, "multifactored 32846
evaluation" means an evaluation, conducted by a multidisciplinary 32847
team, of more than one area of the child's functioning so that no 32848
single procedure shall be the sole criterion for determining an 32849
appropriate educational program placement for the child. 32850

Sec. 3326.11. Each science, technology, engineering, and 32851
mathematics school established under this chapter and its 32852
governing body shall comply with sections 9.90, 9.91, 109.65, 32853
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 32854
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 32855
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 32856
3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 32857
3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 32858
3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 32859
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 32860
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 32861
3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 3313.816, 32862
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 32863
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3321.01, 32864
3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 32865
3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 102., 117., 32866
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 32867
4167. of the Revised Code as if it were a school district. 32868

Sec. 3326.33. For each student enrolled in a science, 32869
technology, engineering, and mathematics school established under 32870

this chapter, on a full-time equivalency basis, the department of 32871
education annually shall deduct from the state education aid of a 32872
student's resident school district and, if necessary, from the 32873
payment made to the district under sections 321.24 and 323.156 of 32874
the Revised Code and pay to the school the sum of the following: 32875

(A) An opportunity grant in an amount equal to the formula 32876
amount; 32877

(B) The per pupil amount of targeted assistance funds 32878
calculated under division (A) of section 3317.0217 of the Revised 32879
Code for the student's resident district, as determined by the 32880
department, X 0.25; 32881

(C) Additional state aid for special education and related 32882
services provided under Chapter 3323. of the Revised Code as 32883
follows: 32884

(1) If the student is a category one special education 32885
student, the amount specified in division (A) of section 3317.013 32886
of the Revised Code; 32887

(2) If the student is a category two special education 32888
student, the amount specified in division (B) of section 3317.013 32889
of the Revised Code; 32890

(3) If the student is a category three special education 32891
student, the amount specified in division (C) of section 3317.013 32892
of the Revised Code; 32893

(4) If the student is a category four special education 32894
student, the amount specified in division (D) of section 3317.013 32895
of the Revised Code; 32896

(5) If the student is a category five special education 32897
student, the amount specified in division (E) of section 3317.013 32898
of the Revised Code; 32899

(6) If the student is a category six special education 32900

student, the amount specified in division (F) of section 3317.013 32901
of the Revised Code. 32902

(D) If the student is in kindergarten through third grade, 32903
~~\$211~~ \$305, in fiscal year ~~2014~~ 2016, or ~~\$290~~ \$320, in fiscal year 32904
~~2015~~ 2017; 32905

(E) If the student is economically disadvantaged, an amount 32906
equal to the following: 32907

~~(\$269, in fiscal year 2014, or \$272, in fiscal year 2015)~~ X ~~(the~~ 32908
resident district's economically disadvantaged index) 32909

(F) Limited English proficiency funds, as follows: 32910

(1) If the student is a category one limited English 32911
proficient student, the amount specified in division (A) of 32912
section 3317.016 of the Revised Code; 32913

(2) If the student is a category two limited English 32914
proficient student, the amount specified in division (B) of 32915
section 3317.016 of the Revised Code; 32916

(3) If the student is a category three limited English 32917
proficient student, the amount specified in division (C) of 32918
section 3317.016 of the Revised Code. 32919

(G) Career-technical education funds as follows: 32920

(1) If the student is a category one career-technical 32921
education student, the amount specified in division (A) of section 32922
3317.014 of the Revised Code; 32923

(2) If the student is a category two career-technical 32924
education student, the amount specified in division (B) of section 32925
3317.014 of the Revised Code; 32926

(3) If the student is a category three career-technical 32927
education student, the amount specified in division (C) of section 32928
3317.014 of the Revised Code; 32929

(4) If the student is a category four career-technical 32930

education student, the amount specified in division (D) of section 32931
3317.014 of the Revised Code; 32932

(5) If the student is a category five career-technical 32933
education student, the amount specified in division (E) of section 32934
3317.014 of the Revised Code. 32935

Deduction and payment of funds under division (G) of this 32936
section is subject to approval under section 3317.161 of the 32937
Revised Code. 32938

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 32939
and division (D) of section 3311.52 of the Revised Code, this 32940
section and sections 3327.011, 3327.012, and 3327.02 of the 32941
Revised Code do not apply to any joint vocational or cooperative 32942
education school district. 32943

In all city, local, and exempted village school districts 32944
where resident school pupils in grades kindergarten through eight 32945
live more than two miles from the school for which the state board 32946
of education prescribes minimum standards pursuant to division (D) 32947
of section 3301.07 of the Revised Code and to which they are 32948
assigned by the board of education of the district of residence or 32949
to and from the nonpublic or community school which they attend, 32950
the board of education shall provide transportation for such 32951
pupils to and from that school except as provided in section 32952
3327.02 of the Revised Code. 32953

In all city, local, and exempted village school districts 32954
where pupil transportation is required under a career-technical 32955
plan approved by the state board of education under section 32956
3313.90 of the Revised Code, for any student attending a 32957
career-technical program operated by another school district, 32958
including a joint vocational school district, as prescribed under 32959
that section, the board of education of the student's district of 32960
residence shall provide transportation from the public high school 32961

operated by that district to which the student is assigned to the 32962
career-technical program. 32963

In all city, local, and exempted village school districts, 32964
the board may provide transportation for resident school pupils in 32965
grades nine through twelve to and from the high school to which 32966
they are assigned by the board of education of the district of 32967
residence or to and from the nonpublic or community high school 32968
which they attend for which the state board of education 32969
prescribes minimum standards pursuant to division (D) of section 32970
3301.07 of the Revised Code. 32971

A board of education shall not be required to transport 32972
elementary or high school pupils to and from a nonpublic or 32973
community school where such transportation would require more than 32974
thirty minutes of direct travel time as measured by school bus 32975
from the public school building to which the pupils would be 32976
assigned if attending the public school designated by the district 32977
of residence. 32978

Where it is impractical to transport a pupil by school 32979
conveyance, a board of education may offer payment, in lieu of 32980
providing such transportation in accordance with section 3327.02 32981
of the Revised Code. 32982

A board of education shall not be required to transport 32983
elementary or high school pupils to and from a nonpublic or 32984
community school on Saturday or Sunday, unless a board of 32985
education and a nonpublic or community school have an agreement in 32986
place to do so before the first day of July 1, 2014 of the school 32987
year in which the agreement takes effect. 32988

In all city, local, and exempted village school districts, 32989
the board shall provide transportation for all children who are so 32990
disabled that they are unable to walk to and from the school for 32991
which the state board of education prescribes minimum standards 32992

pursuant to division (D) of section 3301.07 of the Revised Code 32993
and which they attend. In case of dispute whether the child is 32994
able to walk to and from the school, the health commissioner shall 32995
be the judge of such ability. In all city, exempted village, and 32996
local school districts, the board shall provide transportation to 32997
and from school or special education classes for mentally disabled 32998
children in accordance with standards adopted by the state board 32999
of education. 33000

When transportation of pupils is provided the conveyance 33001
shall be run on a time schedule that shall be adopted and put in 33002
force by the board not later than ten days after the beginning of 33003
the school term. 33004

The cost of any transportation service authorized by this 33005
section shall be paid first out of federal funds, if any, 33006
available for the purpose of pupil transportation, and secondly 33007
out of state appropriations, in accordance with regulations 33008
adopted by the state board of education. 33009

No transportation of any pupils shall be provided by any 33010
board of education to or from any school which in the selection of 33011
pupils, faculty members, or employees, practices discrimination 33012
against any person on the grounds of race, color, religion, or 33013
national origin. 33014

Sec. 3327.02. (A) After considering each of the following 33015
factors, the board of education of a city, exempted village, or 33016
local school district, or a community school governing authority 33017
providing transportation pursuant to section 3314.091 of the 33018
Revised Code, may determine that it is impractical to transport a 33019
pupil who is eligible for transportation to and from a school 33020
under section 3327.01 of the Revised Code: 33021

(1) The time and distance required to provide the 33022
transportation; 33023

| | |
|--|--|
| (2) The number of pupils to be transported; | 33024 |
| (3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration; | 33025 33026 |
| (4) Whether similar or equivalent service is provided to other pupils eligible for transportation; | 33027 33028 |
| (5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules; | 33029 33030 |
| (6) Whether other reimbursable types of transportation are available. | 33031 33032 |
| (B) (1) Based on its consideration of the factors established in division (A) of this section, the board <u>or governing authority</u> may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality. | 33033 33034 33035 33036 33037 |
| (2) The board <u>or governing authority</u> shall report its determination to the state board of education in a manner determined by the state board. | 33038 33039 33040 |
| (3) The board of education of a local school district additionally shall submit the resolution for concurrence to the educational service center that contains the local district's territory. If the educational service center governing board considers transportation by school conveyance practicable, it shall so inform the local board and transportation shall be provided by such local board. If the educational service center board agrees with the view of the local board, the local board may offer payment in lieu of transportation as provided in this section. | 33041 33042 33043 33044 33045 33046 33047 33048 33049 33050 |
| (C) After passing the resolution declaring the impracticality of transportation, the district board <u>or governing authority</u> shall offer to provide payment in lieu of transportation by doing the | 33051 33052 33053 |

following: 33054

(1) In accordance with guidelines established by the 33055
department of education, informing the pupil's parent, guardian, 33056
or other person in charge of the pupil of both of the following: 33057

(a) The ~~board's~~ resolution; 33058

(b) The right of the pupil's parent, guardian, or other 33059
person in charge of the pupil to accept the offer of payment in 33060
lieu of transportation or to reject the offer and instead request 33061
the department to initiate mediation procedures. 33062

(2) Issuing the pupil's parent, guardian, or other person in 33063
charge of the pupil a contract or other form on which the parent, 33064
guardian, or other person in charge of the pupil is given the 33065
option to accept or reject the board's offer of payment in lieu of 33066
transportation. 33067

(D) If the parent, guardian, or other person in charge of the 33068
pupil accepts the offer of payment in lieu of providing 33069
transportation, the board or governing authority shall pay the 33070
parent, guardian, or other person in charge of the pupil an amount 33071
that shall be not less than the amount determined by the general 33072
assembly as the minimum for payment in lieu of transportation, and 33073
not more than the amount determined by the department of education 33074
as the average cost of pupil transportation for the previous 33075
school year. Payment may be prorated if the time period involved 33076
is only a part of the school year. 33077

(E)(1)(a) Upon the request of a parent, guardian, or other 33078
person in charge of the pupil who rejected the payment in lieu of 33079
transportation, the department shall conduct mediation procedures. 33080

(b) If the mediation does not resolve the dispute, the state 33081
board of education shall conduct a hearing in accordance with 33082
Chapter 119. of the Revised Code. The state board may approve the 33083
payment in lieu of transportation or may order the district board 33084

of education or governing authority to provide transportation. The 33085
decision of the state board is binding in subsequent years and on 33086
future parties in interest provided the facts of the determination 33087
remain comparable. 33088

(2) The school district or governing authority shall provide 33089
transportation for the pupil from the time the parent, guardian, 33090
or other person in charge of the pupil requests mediation until 33091
the matter is resolved under division (E)(1)(a) or (b) of this 33092
section. 33093

(F)(1) If the department determines that a school district 33094
board or governing authority has failed or is failing to provide 33095
transportation as required by division (E)(2) of this section or 33096
as ordered by the state board under division (E)(1)(b) of this 33097
section, the department shall order the school district board or 33098
governing authority to pay to the pupil's parent, guardian, or 33099
other person in charge of the pupil, an amount equal to the state 33100
average daily cost of transportation as determined by the state 33101
board of education for the previous year. The school district 33102
board or governing authority shall make payments on a schedule 33103
ordered by the department. 33104

(2) If the department subsequently finds that a school 33105
district board is not in compliance with an order issued under 33106
division (F)(1) of this section and the affected pupils are 33107
enrolled in a nonpublic or community school, the department shall 33108
deduct the amount that the board is required to pay under that 33109
order from any pupil transportation payments the department makes 33110
to the school district board under section 3317.0212 of the 33111
Revised Code or other provisions of law. The department shall use 33112
the moneys so deducted to make payments to the nonpublic or 33113
community school attended by the pupil. The department shall 33114
continue to make the deductions and payments required under this 33115
division until the school district board either complies with the 33116

department's order issued under division (F)(1) of this section or 33117
begins providing transportation. 33118

(G) A nonpublic or community school that receives payments 33119
from the department under division (F)(2) of this section shall do 33120
either of the following: 33121

(1) Disburse the entire amount of the payments to the parent, 33122
guardian, or other person in charge of the pupil affected by the 33123
failure of the school district of residence to provide 33124
transportation; 33125

(2) Use the entire amount of the payments to provide 33126
acceptable transportation for the affected pupil. 33127

Sec. 3328.24. A college-preparatory boarding school 33128
established under this chapter and its board of trustees shall 33129
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 33130
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 33131
3313.721, 3313.89, 3319.39, and 3319.391 and Chapter 3365. of the 33132
Revised Code as if the school were a school district and the 33133
school's board of trustees were a district board of education. 33134

Sec. 3332.10. (A) No individual shall sell any program or 33135
solicit students therefor in this state unless the individual is 33136
an employee of the school. Any individual whose primary duty, 33137
whether on or off school premises, is to solicit prospective 33138
students shall first secure a permit as an agent from the state 33139
board of career colleges and schools. If the agent represents more 33140
than one school, a separate permit shall be obtained for each 33141
school represented by the agent. An agent who represents a person 33142
that operates more than one school in the same geographical area, 33143
as determined by the board, need not obtain a separate permit for 33144
each such school. Upon approval for a permit, the board shall 33145
issue a pocket card to the individual, giving the individual's 33146

name, address, permit number, and the name and address of the 33147
employing school, and certifying that the individual whose name 33148
appears on the card is an authorized agent of the school. 33149

(B) The application for a permit shall be made on forms to be 33150
furnished by the board and accompanied by the fee established in 33151
accordance with section 3332.07 of the Revised Code. A permit 33152
shall be ~~renewed every twelve~~ granted for a period not to exceed 33153
twenty-four months and shall be valid for up to thirty days after 33154
its expiration date. An application for a renewal permit shall be 33155
accompanied by the fee established in accordance with section 33156
3332.07 of the Revised Code. 33157

(C) Each school subject to this chapter shall assume full 33158
responsibility for the actions, statements, and conduct of its 33159
agents, and shall provide them with adequate training and arrange 33160
for proper supervision of their work. The board shall hold schools 33161
liable for the actions, statements, and conduct of agents that 33162
violate any provision of this chapter, unless an agent's acts or 33163
omissions were manifestly outside the scope of the agent's 33164
employment or official responsibilities. 33165

Sec. 3333.01. (A) There is hereby created the Ohio board of 33166
regents as an advisory board to the ~~chancellor~~ director of higher 33167
education appointed under section 3333.03 of the Revised Code. The 33168
board shall consist of nine members to be appointed by the 33169
governor with the advice and consent of the senate. The members 33170
shall be residents of this state who possess an interest in and 33171
knowledge of higher education. No member shall be a trustee, 33172
officer, or employee of any Ohio public or private college or 33173
university while serving as a member of the board. In addition to 33174
the members appointed by the governor, the chairperson of the 33175
education committee of the senate and the chairperson of the 33176
education committee of the house of representatives shall, after 33177

January 1, 1967, be ex officio members of the board without a 33178
vote. 33179

(B) Prior to September 20, 2008, terms of office shall be for 33180
nine years, commencing on the twenty-first day of September and 33181
ending on the twentieth day of September. 33182

(C) Beginning on September 20, 2008, the terms of office for 33183
the members of the board of regents shall be as follows: 33184

(1) The terms of office of the three members whose terms 33185
under division (B) of this section are scheduled to expire on 33186
September 20, 2008, shall expire on September 20, 2008. The 33187
governor, with the advice and consent of the senate, shall appoint 33188
successors for terms beginning on September 21, 2008, and ending 33189
on September 20, 2014. 33190

(2) Notwithstanding division (B) of this section, the terms 33191
of office of the three members whose terms under division (B) of 33192
this section otherwise are scheduled to expire on September 20, 33193
2011, shall expire on September 20, 2010. The governor, with the 33194
advice and consent of the senate, shall appoint successors for 33195
terms beginning on September 21, 2010, and ending on September 20, 33196
2016. 33197

(3) Notwithstanding division (B) of this section, the terms 33198
of office of the three members whose terms under division (B) of 33199
this section otherwise are scheduled to expire on September 20, 33200
2014, shall expire on September 20, 2012. The governor, with the 33201
advice and consent of the senate, shall appoint successors for 33202
terms beginning on September 21, 2012, and ending on September 20, 33203
2018. 33204

Thereafter, the terms of office of all subsequent members of 33205
the board of regents shall be for six years beginning on the 33206
twenty-first day of September and ending on the twentieth day of 33207
September. 33208

(D) Except as provided in division (C) of this section, each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until a successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

No person who has served a full nine-year term under division (B) of this section or two full six-year terms under division (C) of this section shall be eligible for reappointment.

(E) Board members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the conduct of board business.

Sec. 3333.011. No member of the Ohio board of regents, created by section 3333.01 of the Revised Code, shall be a trustee, officer, or employee of a technical college while serving as a member of the board. Neither the ~~chancellor~~ director of higher education nor any staff member or employee of the ~~board department of higher education~~ shall be a trustee, officer, or employee of a technical college while serving on the board.

Sec. ~~3333.031~~ 3333.012. Whenever the term "Ohio board of regents" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the "~~chancellor of the Ohio board of regents~~ director of higher education," except in sections 3333.01, 3333.011, 3333.02, and 3333.032 of the Revised Code or unless the use, reference, or designation of the term "Ohio board of regents" relates to the board's duties to give advice to the

~~chancellor of the Ohio board of regents~~ director or unless another section of law expressly provides otherwise.

Whenever the term "chancellor of the Ohio board of regents" or "chancellor" is used, referred to, or designated in any statute, rule, contract, grant, or other document, the use, reference, or designation shall be construed to mean the director of higher education.

Sec. 3333.021. As used in this section, "university" means any college or university that receives a state appropriation.

(A) This division does not apply to proposed rules, amendments, or rescissions subject to legislative review under section 106.02 of the Revised Code. No action taken by the ~~chancellor of the Ohio board of regents~~ director of higher education that could reasonably be expected to have an effect on the revenue or expenditures of any university shall take effect unless at least two weeks prior to the date on which the action is taken, the ~~chancellor~~ director has filed with the speaker of the house of representatives, the president of the senate, ~~the legislative budget office of the legislative service commission,~~ and the director of budget and management a fiscal analysis of the proposed action. The analysis shall include an estimate of the amount by which, during the current and ensuing fiscal biennium, the action would increase or decrease the university's revenues or expenditures and increase or decrease any state expenditures and any other information the ~~chancellor~~ director considers necessary to explain the action's fiscal effect.

(B) Within three days of the date the ~~chancellor~~ director files with the clerk of the senate a proposed rule, amendment, or rescission that is subject to legislative review and invalidation under section 106.02 of the Revised Code, the ~~chancellor~~ director shall file with the speaker of the house of representatives, the

president of the senate, the legislative service commission, and 33270
the director of budget and management a fiscal analysis of the 33271
proposed rule. The analysis shall include an estimate of the 33272
amount by which, during the current and ensuing fiscal biennium, 33273
the action would increase or decrease any university's revenues or 33274
expenditures and increase or decrease state revenues or 33275
expenditures and any other information the ~~chancellor~~ director 33276
considers necessary to explain the fiscal effect of the rule, 33277
amendment, or rescission. No rule, amendment, or rescission shall 33278
take effect unless the ~~chancellor~~ director has complied with this 33279
division. 33280

Sec. 3333.03. (A) There is hereby created the department of 33281
higher education, which shall be composed of the director of 33282
higher education and the director's employees, agents, and 33283
representatives. The director shall perform the functions, 33284
exercise the powers, and discharge the duties as are assigned to 33285
the director by law. 33286

(B) The governor, with the advice and consent of the senate, 33287
shall appoint the ~~chancellor of the Ohio board of regents~~ director 33288
of higher education. The ~~chancellor~~ director shall serve at the 33289
pleasure of the governor, and the governor shall prescribe the 33290
~~chancellor's~~ director's duties in addition to the ~~chancellor's~~ 33291
director's duties prescribed by law. The governor shall fix the 33292
compensation for the ~~chancellor~~ director. The ~~chancellor~~ director 33293
shall be a member of the governor's cabinet. 33294

~~(B) The term of the chancellor in office on the effective 33295
date of this amendment shall coincide with the term of that 33296
chancellor's appointing governor. Subsequent appointments to the 33297
office of chancellor shall be made pursuant to division (A) of 33298
this section.~~ 33299

(C) The ~~chancellor~~ director is responsible for appointing and 33300

fixing the compensation of all professional, administrative, and 33301
clerical employees and staff members necessary to assist in the 33302
performance of the ~~chancellor's~~ director's duties. All employees 33303
and staff shall serve at the ~~chancellor's~~ director's pleasure. 33304

(D) The ~~chancellor~~ director shall be a person qualified by 33305
training and experience to understand the problems and needs of 33306
the state in the field of higher education and to devise programs, 33307
plans, and methods of solving the problems and meeting the needs. 33308

(E) Neither the ~~chancellor~~ director nor any staff member or 33309
employee of the ~~chancellor~~ director shall be a trustee, officer, 33310
or employee of any public or private college or university while 33311
serving as ~~chancellor~~ director, staff member, or employee. 33312

Sec. 3333.032. The Ohio board of regents shall submit to the 33313
general assembly, in accordance with division (B) of section 33314
101.68 of the Revised Code, and to the governor, an annual report 33315
on the condition of higher education in this state, including the 33316
performance of the ~~chancellor of the board~~ director of higher 33317
education. 33318

Sec. 3333.04. The ~~chancellor of the Ohio board of regents~~ 33319
director of higher education shall: 33320

(A) Make studies of state policy in the field of higher 33321
education and formulate a master plan for higher education for the 33322
state, considering the needs of the people, the needs of the 33323
state, and the role of individual public and private institutions 33324
within the state in fulfilling these needs; 33325

(B)(1) Report annually to the governor and the general 33326
assembly on the findings from the ~~chancellor's~~ director's studies 33327
and the master plan for higher education for the state; 33328

(2) Report at least semiannually to the general assembly and 33329
the governor the enrollment numbers at each state-assisted 33330

institution of higher education. 33331

(C) Approve or disapprove the establishment of new branches 33332
or academic centers of state colleges and universities; 33333

(D) Approve or disapprove the establishment of state 33334
technical colleges or any other state institution of higher 33335
education; 33336

(E) Recommend the nature of the programs, undergraduate, 33337
graduate, professional, state-financed research, and public 33338
services which should be offered by the state colleges, 33339
universities, and other state-assisted institutions of higher 33340
education in order to utilize to the best advantage their 33341
facilities and personnel; 33342

(F) Recommend to the state colleges, universities, and other 33343
state-assisted institutions of higher education graduate or 33344
professional programs, including, but not limited to, doctor of 33345
philosophy, doctor of education, and juris doctor programs, that 33346
could be eliminated because they constitute unnecessary 33347
duplication, as shall be determined using the process developed 33348
pursuant to this division, or for other good and sufficient cause. 33349
Prior to recommending a program for elimination, the ~~chancellor~~ 33350
director shall request the board of regents to hold at least one 33351
public hearing on the matter and advise the ~~chancellor~~ director on 33352
whether the program should be recommended for elimination. The 33353
board shall provide notice of each hearing within a reasonable 33354
amount of time prior to its scheduled date. Following the hearing, 33355
the board shall issue a recommendation to the ~~chancellor~~ director. 33356
The ~~chancellor~~ director shall consider the board's recommendation 33357
but shall not be required to accept it. 33358

For purposes of determining the amounts of any state 33359
instructional subsidies paid to state colleges, universities, and 33360
other state-assisted institutions of higher education, the 33361

~~chancellor~~ director may exclude students enrolled in any program 33362
that the ~~chancellor~~ director has recommended for elimination 33363
pursuant to this division except that the ~~chancellor~~ director 33364
shall not exclude any such student who enrolled in the program 33365
prior to the date on which the ~~chancellor~~ director initially 33366
commences to exclude students under this division. 33367

The ~~chancellor~~ director and state colleges, universities, and 33368
other state-assisted institutions of higher education shall 33369
jointly develop a process for determining which existing graduate 33370
or professional programs constitute unnecessary duplication. 33371

(G) Recommend to the state colleges, universities, and other 33372
state-assisted institutions of higher education programs which 33373
should be added to their present programs; 33374

(H) Conduct studies for the state colleges, universities, and 33375
other state-assisted institutions of higher education to assist 33376
them in making the best and most efficient use of their existing 33377
facilities and personnel; 33378

(I) Make recommendations to the governor and general assembly 33379
concerning the development of state-financed capital plans for 33380
higher education; the establishment of new state colleges, 33381
universities, and other state-assisted institutions of higher 33382
education; and the establishment of new programs at the existing 33383
state colleges, universities, and other institutions of higher 33384
education; 33385

(J) Review the appropriation requests of the public community 33386
colleges and the state colleges and universities and submit to the 33387
office of budget and management and to the chairpersons of the 33388
finance committees of the house of representatives and of the 33389
senate the ~~chancellor's~~ director's recommendations in regard to 33390
the biennial higher education appropriation for the state, 33391
including appropriations for the individual state colleges and 33392

universities and public community colleges. For the purpose of 33393
determining the amounts of instructional subsidies to be paid to 33394
state-assisted colleges and universities, the ~~chancellor~~ director 33395
shall define "full-time equivalent student" by program per 33396
academic year. The definition may take into account the 33397
establishment of minimum enrollment levels in technical education 33398
programs below which support allowances will not be paid. Except 33399
as otherwise provided in this section, the ~~chancellor~~ director 33400
shall make no change in the definition of "full-time equivalent 33401
student" in effect on November 15, 1981, which would increase or 33402
decrease the number of subsidy-eligible full-time equivalent 33403
students, without first submitting a fiscal impact statement to 33404
the president of the senate, the speaker of the house of 33405
representatives, the legislative service commission, and the 33406
director of budget and management. The ~~chancellor~~ director shall 33407
work in close cooperation with the director of budget and 33408
management in this respect and in all other matters concerning the 33409
expenditures of appropriated funds by state colleges, 33410
universities, and other institutions of higher education. 33411

(K) Seek the cooperation and advice of the officers and 33412
trustees of both public and private colleges, universities, and 33413
other institutions of higher education in the state in performing 33414
the ~~chancellor's~~ director's duties and making the ~~chancellor's~~ 33415
director's plans, studies, and recommendations; 33416

(L) Appoint advisory committees consisting of persons 33417
associated with public or private secondary schools, members of 33418
the state board of education, or personnel of the state department 33419
of education; 33420

(M) Appoint advisory committees consisting of college and 33421
university personnel, or other persons knowledgeable in the field 33422
of higher education, or both, in order to obtain their advice and 33423
assistance in defining and suggesting solutions for the problems 33424

and needs of higher education in this state; 33425

(N) Approve or disapprove all new degrees and new degree 33426
programs at all state colleges, universities, and other 33427
state-assisted institutions of higher education; 33428

(O) Adopt such rules as are necessary to carry out the 33429
~~chancellor's~~ director's duties and responsibilities. The rules 33430
shall prescribe procedures for the ~~chancellor~~ director to follow 33431
when taking actions associated with the ~~chancellor's~~ director's 33432
duties and responsibilities and shall indicate which types of 33433
actions are subject to those procedures. The procedures adopted 33434
under this division shall be in addition to any other procedures 33435
prescribed by law for such actions. However, if any other 33436
provision of the Revised Code or rule adopted by the ~~chancellor~~ 33437
director prescribes different procedures for such an action, the 33438
procedures adopted under this division shall not apply to that 33439
action to the extent they conflict with the procedures otherwise 33440
prescribed by law. The procedures adopted under this division 33441
shall include at least the following: 33442

(1) Provision for public notice of the proposed action; 33443

(2) An opportunity for public comment on the proposed action, 33444
which may include a public hearing on the action by the board of 33445
regents; 33446

(3) Methods for parties that may be affected by the proposed 33447
action to submit comments during the public comment period; 33448

(4) Submission of recommendations from the board of regents 33449
regarding the proposed action, at the request of the ~~chancellor~~ 33450
director; 33451

(5) Written publication of the final action taken by the 33452
~~chancellor~~ director and the ~~chancellor's~~ director's rationale for 33453
the action; 33454

(6) A timeline for the process described in divisions (O)(1) 33455
to (5) of this section. 33456

(P) Make recommendations to the governor and the general 33457
assembly regarding the design and funding of the student financial 33458
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 33459
3333.26, and 5910.02 of the Revised Code; 33460

(Q) Participate in education-related state or federal 33461
programs on behalf of the state and assume responsibility for the 33462
administration of such programs in accordance with applicable 33463
state or federal law; 33464

(R) Adopt rules for student financial aid programs as 33465
required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 33466
3333.28, and 5910.02 of the Revised Code, and perform any other 33467
administrative functions assigned to the ~~chancellor~~ director by 33468
those sections; 33469

(S) Conduct enrollment audits of state-supported institutions 33470
of higher education; 33471

(T) Appoint consortia of college and university personnel to 33472
advise or participate in the development and operation of 33473
statewide collaborative efforts, including the Ohio supercomputer 33474
center, the Ohio academic resources network, OhioLink, and the 33475
Ohio learning network. For each consortium, the ~~chancellor~~ 33476
director shall designate a college or university to serve as that 33477
consortium's fiscal agent, financial officer, and employer. Any 33478
funds appropriated for the consortia shall be distributed to the 33479
fiscal agents for the operation of the consortia. A consortium 33480
shall follow the rules of the college or university that serves as 33481
its fiscal agent. The ~~chancellor~~ director may restructure existing 33482
consortia, appointed under this division, in accordance with 33483
procedures adopted under divisions (O)(1) to (6) of this section. 33484

(U) Adopt rules establishing advisory duties and 33485

responsibilities of the board of regents not otherwise prescribed 33486
by law; 33487

(V) Respond to requests for information about higher 33488
education from members of the general assembly and direct staff to 33489
conduct research or analysis as needed for this purpose. 33490

Sec. 3333.041. (A) On or before the last day of December of 33491
each year, the ~~chancellor of the Ohio board of regents~~ director of 33492
higher education shall submit to the governor and, in accordance 33493
with section 101.68 of the Revised Code, the general assembly a 33494
report or reports concerning all of the following: 33495

(1) The status of graduates of Ohio school districts at state 33496
institutions of higher education during the twelve-month period 33497
ending on the thirtieth day of September of the current calendar 33498
year. The report shall list, by school district, the number of 33499
graduates of each school district who attended a state institution 33500
of higher education and the percentage of each district's 33501
graduates enrolled in a state institution of higher education 33502
during the reporting period who were required during such period 33503
by the college or university, as a prerequisite to enrolling in 33504
those courses generally required for first-year students, to 33505
enroll in a remedial course in English, including composition or 33506
reading, mathematics, and any other area designated by the 33507
~~chancellor~~ director. The ~~chancellor~~ director also shall make the 33508
information described in division (A)(1) of this section available 33509
to the board of education of each city, exempted village, and 33510
local school district. 33511

Each state institution of higher education shall, by the 33512
first day of November of each year, submit to the ~~chancellor~~ 33513
director in the form specified by the ~~chancellor~~ director the 33514
information the ~~chancellor~~ director requires to compile the 33515
report. 33516

(2) ~~Aggregate academic growth data for students assigned to graduates of teacher preparation programs approved under section 3333.048 of the Revised Code who teach English language arts or mathematics in any of grades four to eight in a public school in Ohio. For this purpose, the chancellor shall use the value added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code. The chancellor shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this section applies, the chancellor shall report the data for a group of classes over a three year period. In no case shall the report identify any individual graduate. The department of education shall share any data necessary for the report with the chancellor.~~

~~(3)~~ The following information with respect to the Ohio tuition trust authority:

(a) The name of each investment manager that is a minority business enterprise or a women's business enterprise with which the ~~chancellor~~ director contracts;

(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the ~~chancellor~~ director has contracted;

(c) Efforts by the ~~chancellor~~ director to increase utilization of investment managers that are minority business enterprises or women's business enterprises.

~~(4)~~(3) A description of advanced standing programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter

3326. of the Revised Code, college-preparatory boarding schools 33548
established under Chapter 3328. of the Revised Code, and chartered 33549
nonpublic high schools. The chancellor also shall post the 33550
information on the chancellor's web site. 33551

~~(5)~~(4) The ~~chancellor's~~ director's strategy in assigning 33552
choose Ohio first scholarships, as established under section 33553
3333.61 of the Revised Code, among state universities and colleges 33554
and how the actual awards fit that strategy. 33555

~~(6)~~(5) The academic and economic impact of the Ohio 33556
co-op/internship program established under section 3333.72 of the 33557
Revised Code. At a minimum, the report shall include the 33558
following: 33559

(a) Progress and performance metrics for each initiative that 33560
received an award in the previous fiscal year; 33561

(b) Economic indicators of the impact of each initiative, and 33562
all initiatives as a whole, on the regional economies and the 33563
statewide economy; 33564

(c) The ~~chancellor's~~ director's strategy in allocating awards 33565
among state institutions of higher education and how the actual 33566
awards fit that strategy. 33567

(B) On or before the fifteenth day of February of each year, 33568
the director shall submit to the governor and, in accordance with 33569
section 101.68 of the Revised Code, the general assembly a report 33570
concerning aggregate academic growth data for students assigned to 33571
graduates of teacher preparation programs approved under section 33572
3333.048 of the Revised Code who teach English language arts or 33573
mathematics in any of grades four to eight in a public school in 33574
Ohio. For this purpose, the director shall use the value-added 33575
progress dimension prescribed by section 3302.021 of the Revised 33576
Code or the alternative student academic progress measure if 33577
adopted under division (C)(1)(e) of section 3302.03 of the Revised 33578

Code. The director shall aggregate the data by graduating class 33579
for each approved teacher preparation program, except that if a 33580
particular class has ten or fewer graduates to which this division 33581
applies, the director shall report the data for a group of classes 33582
over a three-year period. In no case shall the report identify any 33583
individual graduate. The department of education shall share any 33584
data necessary for the report with the director. 33585

(C) As used in this section: 33586

(1) "Minority business enterprise" has the same meaning as in 33587
section 122.71 of the Revised Code. 33588

(2) "State institution of higher education" and "state 33589
university" have the same meanings as in section 3345.011 of the 33590
Revised Code. 33591

(3) "State university or college" has the same meaning as in 33592
section 3345.12 of the Revised Code. 33593

(4) "Women's business enterprise" means a business, or a 33594
partnership, corporation, limited liability company, or joint 33595
venture of any kind, that is owned and controlled by women who are 33596
United States citizens and residents of this state. 33597

Sec. 3333.042. ~~The chancellor of the Ohio board of regents~~ 33598
director of higher education may grant money to a nonprofit entity 33599
that provides a statewide resource for aerospace research, 33600
education, and technology, so long as the nonprofit entity makes 33601
its resources accessible to state colleges and universities and to 33602
agencies of this and other states and the United States. The 33603
~~chancellor~~ director, by rule adopted in accordance with Chapter 33604
119. of the Revised Code, shall establish procedures and forms 33605
whereby nonprofit entities may apply for grants; standards and 33606
procedures for reviewing applications for and awarding grants; 33607
procedures for distributing grants to recipients; procedures for 33608

monitoring the use of grants by recipients; requirements, 33609
procedures, and forms whereby grant recipients shall report upon 33610
their use of grants; and standards and procedures for terminating 33611
and requiring repayment of grants in the event of their improper 33612
use. 33613

A state college or university or a private institution exempt 33614
from regulation under Chapter 3332. of the Revised Code as 33615
prescribed in section 3333.046 of the Revised Code and any agency 33616
of state government may provide assistance, in any form, to any 33617
nonprofit entity that receives a grant under this section. Such 33618
assistance shall be solely for the purpose of assisting the 33619
nonprofit entity in making proper use of the grant. 33620

A nonprofit entity that expends a grant under this section 33621
for a capital project is not thereby subject to Chapter 123. or 33622
153. of the Revised Code. An officer or employee of, or a person 33623
who serves on a governing or advisory board or committee of, a 33624
nonprofit entity that receives a grant under this section is not 33625
thereby an officer or employee of a state college or university or 33626
of the state. An officer or employee of a state college or 33627
university or of the state who is assigned to assist a nonprofit 33628
entity in making proper use of a grant does not, to the extent the 33629
officer or employee provides such assistance, thereby hold an 33630
incompatible office or employment, or have a direct or indirect 33631
interest in a contract or expenditure of the entity. 33632

Sec. 3333.043. (A) As used in this section: 33633

(1) "Institution of higher education" means the state 33634
universities listed in section 3345.011 of the Revised Code, 33635
municipal educational institutions established under Chapter 3349. 33636
of the Revised Code, community colleges established under Chapter 33637
3354. of the Revised Code, university branches established under 33638
Chapter 3355. of the Revised Code, technical colleges established 33639

under Chapter 3357. of the Revised Code, state community colleges 33640
established under Chapter 3358. of the Revised Code, any 33641
institution of higher education with a certificate of registration 33642
from the state board of career colleges and schools, and any 33643
institution for which the ~~chancellor of the Ohio board of regents~~ 33644
director of higher education receives a notice pursuant to 33645
division (C) of this section. 33646

(2) "Community service" has the same meaning as in section 33647
3313.605 of the Revised Code. 33648

(B)(1) The board of trustees or other governing entity of 33649
each institution of higher education shall encourage and promote 33650
participation of students in community service through a program 33651
appropriate to the mission, student population, and environment of 33652
each institution. The program may include, but not be limited to, 33653
providing information about community service opportunities during 33654
student orientation or in student publications; providing awards 33655
for exemplary community service; encouraging faculty members to 33656
incorporate community service into students' academic experiences 33657
wherever appropriate to the curriculum; encouraging recognized 33658
student organizations to undertake community service projects as 33659
part of their purposes; and establishing advisory committees of 33660
students, faculty members, and community and business leaders to 33661
develop cooperative programs that benefit the community and 33662
enhance student experience. The program shall be flexible in 33663
design so as to permit participation by the greatest possible 33664
number of students, including part-time students and students for 33665
whom participation may be difficult due to financial, academic, 33666
personal, or other considerations. The program shall emphasize 33667
community service opportunities that can most effectively use the 33668
skills of students, such as tutoring or literacy programs. The 33669
programs shall encourage students to perform services that will 33670
not supplant the hiring of, result in the displacement of, or 33671

impair any existing employment contracts of any particular 33672
employee of any private or governmental entity for which services 33673
are performed. 33674

(2) The ~~chancellor of the Ohio board of regents~~ director of 33675
higher education shall encourage all institutions of higher 33676
education in the development of community service programs. With 33677
the assistance of the Ohio commission on service and volunteerism 33678
created in section 121.40 of the Revised Code, the ~~chancellor~~ 33679
director shall make available information about higher education 33680
community service programs to institutions of higher education and 33681
to statewide organizations involved with or promoting 33682
volunteerism, including information about model community service 33683
programs, teacher training courses, and community service 33684
curricula and teaching materials for possible use by institutions 33685
of higher education in their programs. The ~~chancellor~~ director 33686
shall encourage institutions of higher education to jointly 33687
coordinate higher education community service programs through 33688
consortia of institutions or other appropriate means of 33689
coordination. 33690

(C) The board of trustees of any nonprofit institution with a 33691
certificate of authorization issued pursuant to Chapter 1713. of 33692
the Revised Code or the governing authority of a private 33693
institution exempt from regulation under Chapter 3332. of the 33694
Revised Code as prescribed in section 3333.046 of the Revised Code 33695
may notify the ~~chancellor~~ director that it is making itself 33696
subject to divisions (A) and (B) of this section. Upon receipt of 33697
such a notice, these divisions shall apply to that institution. 33698

Sec. 3333.044. (A) The ~~chancellor of the Ohio board of~~ 33699
~~regents~~ director of higher education may contract with any 33700
consultants that are necessary for the discharge of the 33701
~~chancellor's~~ director's duties under this chapter. 33702

(B) The ~~chancellor~~ director may purchase, upon the terms that 33703
the ~~chancellor~~ director determines to be advisable, one or more 33704
policies of insurance from insurers authorized to do business in 33705
this state that insure consultants who have contracted with the 33706
~~chancellor~~ director under division (A) of this section or members 33707
of an advisory committee appointed under section 3333.04 of the 33708
Revised Code, with respect to the activities of the consultants or 33709
advisory committee members in the course of the performance of 33710
their responsibilities as consultants or advisory committee 33711
members. 33712

(C) Subject to the approval of the controlling board, the 33713
~~chancellor~~ director may contract with any entities for the 33714
discharge of the ~~chancellor's~~ director's duties and 33715
responsibilities under any of the programs established pursuant to 33716
sections 3333.12, 3333.122, 3333.21 to 3333.28, and 5120.55, and 33717
Chapter 5910. of the Revised Code. The ~~chancellor~~ director shall 33718
not enter into a contract under this division unless the proposed 33719
contractor demonstrates that its primary purpose is to promote 33720
access to higher education by providing student financial 33721
assistance through loans, grants, or scholarships, and by 33722
providing high quality support services and information to 33723
students and their families with regard to such financial 33724
assistance. 33725

Chapter 125. of the Revised Code does not apply to contracts 33726
entered into pursuant to this section. In awarding contracts under 33727
this division, the ~~chancellor~~ director shall consider factors such 33728
as the cost of the administration of the contract, the experience 33729
of the contractor, and the contractor's ability to properly 33730
execute the contract. 33731

Sec. 3333.045. As used in this section, "state university or 33732
college" means any state university listed in section 3345.011 of 33733

the Revised Code, the northeast Ohio medical university, any 33734
community college under Chapter 3354. of the Revised Code, any 33735
university branch district under Chapter 3355. of the Revised 33736
Code, any technical college under Chapter 3357. of the Revised 33737
Code, and any state community college under Chapter 3358. of the 33738
Revised Code. 33739

The ~~chancellor of the Ohio board of regents~~ director of 33740
higher education shall work with the attorney general, the auditor 33741
of state, and the Ohio ethics commission to develop a model for 33742
training members of the boards of trustees of all state 33743
universities and colleges and members of the board of regents 33744
regarding the authority and responsibilities of a board of 33745
trustees or the board of regents. This model shall include a 33746
review of fiduciary responsibilities, ethics, and fiscal 33747
management. Use of this model by members of boards of trustees and 33748
the board of regents shall be voluntary. 33749

Sec. 3333.047. With regard to any state student financial aid 33750
program established in this chapter, Chapter 5910., or section 33751
5919.34 of the Revised Code, the ~~chancellor of the Ohio board of~~ 33752
~~regents~~ director of higher education shall conduct audits to: 33753

(A) Determine the validity of information provided by 33754
students and parents regarding eligibility for state student 33755
financial aid. If the ~~chancellor~~ director determines that 33756
eligibility data has been reported incorrectly or inaccurately, 33757
and where the ~~chancellor~~ director determines an adjustment to be 33758
appropriate, the institution of higher education shall adjust the 33759
financial aid awarded to the student. 33760

(B) Ensure that institutions of higher education are in 33761
compliance with the rules governing state student financial aid 33762
programs. An institution that fails to comply with the rules in 33763
the administration of any state student financial aid program 33764

shall be fully liable to reimburse the state for the unauthorized 33765
use of student financial aid funds. 33766

Sec. 3333.048. (A) Not later than one year after October 16, 33767
2009, the ~~chancellor of the Ohio board of regents~~ director of 33768
higher education and the superintendent of public instruction 33769
jointly shall do the following: 33770

(1) In accordance with Chapter 119. of the Revised Code, 33771
establish metrics and educator preparation programs for the 33772
preparation of educators and other school personnel and the 33773
institutions of higher education that are engaged in their 33774
preparation. The metrics and educator preparation programs shall 33775
be aligned with the standards and qualifications for educator 33776
licenses adopted by the state board of education under section 33777
3319.22 of the Revised Code and the requirements of the Ohio 33778
teacher residency program established under section 3319.223 of 33779
the Revised Code. The metrics and educator preparation programs 33780
also shall ensure that educators and other school personnel are 33781
adequately prepared to use the value-added progress dimension 33782
prescribed by section 3302.021 of the Revised Code or the 33783
alternative student academic progress measure if adopted under 33784
division (C)(1)(e) of section 3302.03 of the Revised Code. 33785

(2) Provide for the inspection of institutions of higher 33786
education desiring to prepare educators and other school 33787
personnel. 33788

(B) Not later than one year after October 16, 2009, the 33789
~~chancellor~~ director shall approve institutions of higher education 33790
engaged in the preparation of educators and other school personnel 33791
that maintain satisfactory training procedures and records of 33792
performance, as determined by the ~~chancellor~~ director. 33793

(C) If the metrics established under division (A)(1) of this 33794
section require an institution of higher education that prepares 33795

teachers to satisfy the standards of an independent accreditation 33796
organization, the ~~chancellor~~ director shall permit each 33797
institution to satisfy the standards of any applicable national 33798
educator preparation accrediting agency recognized by the United 33799
States department of education. 33800

(D) The metrics and educator preparation programs established 33801
under division (A)(1) of this section may require an institution 33802
of higher education, as a condition of approval by the ~~chancellor~~ 33803
director, to make changes in the curricula of its preparation 33804
programs for educators and other school personnel. 33805

Notwithstanding division ~~(D)~~(E) of section 119.03 and 33806
division (A)(1) of section 119.04 of the Revised Code, any 33807
metrics, educator preparation programs, rules, and regulations, or 33808
any amendment or rescission of such metrics, educator preparation 33809
programs, rules, and regulations, adopted under this section that 33810
necessitate institutions offering preparation programs for 33811
educators and other school personnel approved by the ~~chancellor~~ 33812
director to revise the curricula of those programs shall not be 33813
effective for at least one year after the first day of January 33814
next succeeding the publication of the said change. 33815

Each institution shall allocate money from its existing 33816
revenue sources to pay the cost of making the curricular changes. 33817

(E) The ~~chancellor~~ director shall notify the state board of 33818
the metrics and educator preparation programs established under 33819
division (A)(1) of this section and the institutions of higher 33820
education approved under division (B) of this section. The state 33821
board shall publish the metrics, educator preparation programs, 33822
and approved institutions with the standards and qualifications 33823
for each type of educator license. 33824

(F) The graduates of educator preparation programs approved 33825
by the ~~chancellor~~ director shall be licensed by the state board in 33826

accordance with the standards and qualifications adopted under 33827
section 3319.22 of the Revised Code. 33828

Sec. 3333.049. Not later than July 1, 2016, the ~~chancellor of~~ 33829
~~the Ohio board of regents~~ director of higher education shall 33830
revise the requirements for reading endorsement programs offered 33831
by institutions of higher education to align those requirements 33832
with the reading competencies adopted by the state board of 33833
education under section 3301.077 of the Revised Code. 33834

Sec. 3333.0410. The ~~chancellor of the Ohio board of regents~~ 33835
director of higher education shall require each state institution 33836
of higher education, as defined in section 3345.011 of the Revised 33837
Code, when reporting student data to the ~~chancellor~~ director under 33838
any provision of law, to use the student's data verification code 33839
assigned under division (D)(2) of section 3301.0714 of the Revised 33840
Code, if that code was included in the student's records submitted 33841
to the institution by the student's high school or by another 33842
state institution of higher education. 33843

Sec. 3333.0411. Not later than December 31, 2014, and 33844
annually thereafter, the ~~chancellor of the Ohio board of regents~~ 33845
director of higher education shall report for each approved 33846
teacher preparation program, the number and percentage of all 33847
graduates of the program who were rated at each of the performance 33848
levels prescribed by division (B)(1) of section 3319.112 of the 33849
Revised Code on an evaluation conducted in accordance with section 33850
3319.111 of the Revised Code in the previous school year. 33851

In no case shall the report identify any individual graduate. 33852
The department of education shall share any data necessary for the 33853
report with the ~~chancellor~~ director. 33854

Sec. 3333.0412. No nonprofit institution that holds a 33855

certificate of authorization issued under Chapter 1713. of the 33856
Revised Code shall be liable for a breach of confidentiality 33857
arising from the institution's submission of student data or 33858
records to the ~~board of regents~~ director of higher education or 33859
any other state agency in compliance with any law, rule, or 33860
regulation, provided that the breach occurs as a result of one of 33861
the following: 33862

(A) An action by a third party during and after the 33863
transmission of the data or records by the institution but prior 33864
to receipt of the data or records by the ~~board of regents~~ director 33865
of higher education or other state agency; 33866

(B) An action by the ~~board of regents~~ director of higher 33867
education or the state agency. 33868

This provision shall apply to the submission of any student 33869
data or records that are subject to any laws of this state or, to 33870
the extent permitted, any federal law, including the "Family 33871
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 33872
U.S.C. 1232g. 33873

Sec. 3333.0413. Not later than December 31, 2014, the 33874
~~chancellor of the Ohio board of regents~~ director of higher 33875
education shall make available, in a prominent location on the 33876
~~chancellor's~~ director's web site, a complete inventory of 33877
education programs that focus on workforce development and 33878
training that includes both of the following: 33879

(A) Programs offered by state institutions of higher 33880
education, as defined in section 3345.011 of the Revised Code, 33881
adult career-technical institutions, and all private nonprofit and 33882
for-profit postsecondary institutions operating in the state; 33883

(B) Programs registered with the apprenticeship council 33884
established under Chapter 4139. of the Revised Code. 33885

The ~~chancellor~~ director may update this inventory as 33886
necessary. 33887

Sec. 3333.0414. The director of the department of higher 33888
education shall conduct a study of bachelor's degree programs 33889
approved and offered under sections 3354.071, 3357.071, and 33890
3358.071 of the Revised Code to determine the effects of the 33891
programs on fulfilling the needs of students and local industry. 33892
The director shall complete the study not later than December 31, 33893
2018, and conduct and complete a second study as prescribed by 33894
this section not later than December 31, 2020. 33895

The director shall submit each study to the general assembly, 33896
in accordance with section 101.68 of the Revised Code, and the 33897
governor. 33898

Sec. 3333.05. The ~~chancellor of the Ohio board of regents~~ 33899
~~director of higher education~~ shall approve or disapprove proposed 33900
official plans of community college districts, prepared and 33901
submitted pursuant to sections 3354.01 to 3354.18 of the Revised 33902
Code, and issue or decline to issue charters for operation of 33903
community colleges, pursuant to section 3354.07 of the Revised 33904
Code. 33905

The ~~chancellor~~ director shall approve an official plan, and 33906
issue a charter, only upon the following findings: 33907

(A) That the official plan and all past and proposed actions 33908
of the community college district are in conformity to law; 33909

(B) That the proposed community college will not unreasonably 33910
and wastefully duplicate existing educational services available 33911
to students and prospective students residing in the community 33912
college district; 33913

(C) That there is reasonable prospect of adequate current 33914
operating revenue for the proposed community college from its 33915

proposed opening date of operation; 33916

(D) That the proposed lands and facilities of the community 33917
colleges will be adequate and efficient for the purposes of the 33918
proposed community college; 33919

(E) That the proposed curricular programs defined in section 33920
3354.01 of the Revised Code as "arts and sciences" and 33921
"technical," or either, are the programs for which there is 33922
substantial need in the territory of the district. 33923

The employment and separation of individual personnel in a 33924
community college, and the establishing or abolishing of 33925
individual courses of instruction, shall not be subject to the 33926
specific and individual approval or disapproval of the ~~chancellor~~ 33927
director, but shall occur in the discretion of the local 33928
management of such college within the limitations of law, the 33929
official plan, and the charter of such college. 33930

Sec. 3333.06. The ~~chancellor of the Ohio board of regents~~ 33931
director of higher education shall prepare a state plan and do all 33932
other things necessary for participation in federal acts relative 33933
to the construction of higher educational academic facilities. 33934

Such plan shall provide for objective standards and methods 33935
of determining the relative priorities for eligible projects for 33936
the construction of academic facilities submitted by institutions 33937
of higher education within the state and for determining the 33938
federal share of the development for each such project. 33939

The ~~chancellor~~ director shall provide for assigning 33940
priorities in accordance with such criteria, standards, and 33941
methods to eligible projects submitted to and approved by the 33942
~~chancellor~~ director, shall recommend to the United States 33943
secretary of education, in the order of such priority, 33944
applications covering such eligible projects, and shall certify to 33945

the secretary the federal share of the development cost of such projects. 33946
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The ~~chancellor~~ director shall provide a fair hearing to each institution which has submitted a project as to the priority assigned to such project by the ~~chancellor~~ director or as to any other determination of the ~~chancellor~~ director adversely affecting such institution. 33948
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The ~~chancellor~~ director shall receive federal grants for the proper and efficient administration of the state plan, and shall provide for such fiscal control and fund accounting procedures as may be necessary to ensure proper disbursement of, and accounting for, federal funds paid to the ~~chancellor~~ director. 33953
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The ~~chancellor~~ director shall make such reports in such form and containing such information as may be reasonably required by the secretary in the performance of the secretary's functions under federal law relating to grants for the construction of academic facilities. 33958
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Each federal grant received by the ~~chancellor~~ director shall be paid into the state treasury. 33963
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Sec. 3333.07. (A) Colleges, universities, and other institutions of higher education which receive state assistance, but are not supported primarily by the state, shall submit to the ~~chancellor of the Ohio board of regents~~ director of higher education such accounting of the expenditure of state funds at such time and in such form as the ~~chancellor~~ director prescribes. 33965
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(B) No state institution of higher education shall establish a new branch or academic center without the approval of the ~~chancellor~~ director. 33971
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33973

(C) No state institution of higher education shall offer a new degree or establish a new degree program without the approval 33974
33975

of the ~~chancellor~~ director. No degree approval shall be given for 33976
a technical education program unless such program is offered by a 33977
state assisted university, a university branch, a technical 33978
college, or a community college. 33979

(D) Any state college, university, or other state assisted 33980
institution of higher education not complying with a 33981
recommendation of the ~~chancellor~~ director pursuant to division (F) 33982
or (G) of section 3333.04 of the Revised Code shall so notify the 33983
~~chancellor~~ director in writing within one hundred twenty days 33984
after receipt of the recommendation, stating the reasons why it 33985
cannot or should not comply. 33986

(E) The officers, trustees, and employees of all institutions 33987
of higher education which are state supported or state assisted 33988
shall cooperate with the ~~chancellor~~ director in supplying 33989
information regarding their institutions, and advising and 33990
assisting the ~~chancellor~~ director on matters of higher education 33991
in this state in every way possible when so requested by the 33992
~~chancellor~~ director. 33993

(F) Persons associated with the public school systems in this 33994
state, personnel of the state department of education, and members 33995
of the state board of education shall provide such data about high 33996
school students as are requested by the ~~chancellor~~ director to aid 33997
in the development of state higher education plans. 33998

Sec. 3333.071. Notwithstanding section 3345.16 of the Revised 33999
Code, no expenditure shall be made for land for higher education 34000
purposes by public institutions of higher education or agents of 34001
such institutions from any fund without the approval of the 34002
~~chancellor of the Ohio board of regents~~ director of higher 34003
education and the controlling board. No state appropriation for 34004
capital improvements shall be released by the controlling board 34005
for the purchase of land or buildings from any organization or 34006

corporation which has been established to benefit or assist the 34007
institution, except that such releases may be made if the land is 34008
to be used for a currently state-financed improvement. 34009

Sec. 3333.08. It is the declared policy of this state that 34010
the availability of eminent domain on behalf of educational 34011
institutions of higher education is in the public welfare. A 34012
private college, university, or other institution of higher 34013
education may therefore apply to the ~~chancellor of the Ohio board~~ 34014
~~of regents~~ director of higher education for the right to 34015
appropriate property when such institution is unable to agree with 34016
the owner or owners of the subject property upon the price to be 34017
paid for the property. The institution shall be one that any 34018
educationally qualified member of the public who desires to attend 34019
has, or can acquire, a right to be admitted upon equal terms 34020
without discrimination. The institution shall certify to the 34021
~~chancellor~~ director, in its application, that the use of the 34022
property to be appropriated is to be for educational purposes, 34023
including student housing and dining facilities, that reasonable 34024
efforts have been made to purchase the property, and that it will 34025
be used without discrimination against any person or group and be 34026
equally available to all qualified persons. The institution also 34027
shall submit to the ~~chancellor~~ director its plans for the use of 34028
the property and such other information as the ~~chancellor~~ director 34029
may require. The ~~chancellor~~ director may, thereafter, and upon a 34030
determination that the intended use is in the public interest, 34031
approve the application by resolution. Upon such approval, the 34032
institution may appropriate the property in the same manner as is 34033
provided for the appropriation of property in Chapter 163. of the 34034
Revised Code. 34035

Sec. 3333.09. "Public university or college," as used in this 34036
section, means any ~~non-profit~~ nonprofit university or college 34037

situated within this state which is open to the public on equal 34038
terms and which is not affiliated with or controlled by an 34039
organization which is not primarily educational in nature. Any 34040
such university or college shall be considered to be serving a 34041
public purpose. 34042

The ~~chancellor of the Ohio board of regents~~ director of 34043
higher education may, upon the ~~chancellor's~~ director's 34044
determination that such action would serve the interests of higher 34045
education in this state, in terms of expansion of educational 34046
opportunity in a major urban area and in terms of expansion of 34047
educational service to a major urban community, accept conveyances 34048
of land, situated within this state, from any public university or 34049
college and enter into an agreement before or after such 34050
conveyance to lease to such public university or college, upon 34051
terms as may be prescribed by the ~~chancellor~~ director, such land 34052
together with buildings constructed thereon and furniture, 34053
fixtures, and equipment therein for use as an educational 34054
facility. The lease shall be for a period not to exceed fifty 34055
years, renewable for a like term, and shall provide that such 34056
buildings be used solely for educational purposes and that the 34057
~~chancellor~~ director may cancel such lease if such buildings are 34058
used for other purposes. Such lease may contain provisions for the 34059
sale of such property to the lessee, upon the consent of the 34060
~~chancellor~~ director, for a purchase price not less than the actual 34061
cost to the ~~chancellor~~ director, less depreciation, computed at 34062
the rate customarily applied to similar structures. The ~~chancellor~~ 34063
director, through the department of administrative services, may 34064
construct, equip, or remodel buildings on lands accepted by the 34065
~~chancellor~~ director in the name of the state pursuant to this 34066
section. Title to lands acquired under this section shall be taken 34067
in the name of the state. 34068

Responsibility for the proper use, maintenance, and repair of 34069

leased buildings shall rest upon the lessee. 34070

Sec. 3333.10. (A) As used in this section: 34071

(1) "Qualified institution of higher education" or 34072
"institution" means a nonprofit educational institution, holding 34073
an effective certificate of authorization issued under section 34074
1713.02 of the Revised Code, operating in the state an eligible 34075
program, and admitting students without discrimination by reason 34076
of race, creed, color, or national origin. 34077

(2) "School of dentistry" means an accredited dental college 34078
as defined under section 4715.10 of the Revised Code. 34079

(3) "Eligible program" means a medical school accredited by 34080
the liaison committee on medical education or an osteopathic 34081
medical school accredited by the American osteopathic association, 34082
or such a school together with a school of dentistry. 34083

(B) In order to provide better for the public health and the 34084
necessary enhancement of instruction in medicine and dentistry in 34085
the state, and to encourage the means of such instruction with the 34086
least economic cost to the people of the state, the ~~chancellor of~~ 34087
~~the Ohio board of regents~~ director of higher education may enter 34088
into agreements with qualified institutions of higher education 34089
providing for the continued operation by the institution of 34090
eligible programs, conditioned upon continued payments by the 34091
state to such institution for the purposes of such eligible 34092
programs of amounts determined in the manner provided for the 34093
state subsidy from time to time afforded to state universities on 34094
the basis of comparable programs. Before entering into such 34095
agreement, the ~~chancellor~~ director shall determine that the 34096
institution is a qualified institution of higher education as 34097
defined in division (A) of this section, and that the operation of 34098
such eligible programs as provided for in such agreement and such 34099
payments will contribute to the objectives stated in this section 34100

and to the objectives of the master plan of higher education 34101
formulated under section 3333.04 of the Revised Code. 34102

(C) Agreements under this section shall contain provisions to 34103
the effect that: 34104

(1) The institution shall submit to the ~~chancellor~~ director 34105
accountings for the expenditure of state payments in the manner 34106
and at the times as are requested for state-assisted institutions 34107
of higher education pursuant to division (A) of section 3333.07 of 34108
the Revised Code. 34109

(2) The institution shall notify the ~~chancellor~~ director in 34110
the manner provided for state-assisted institutions under division 34111
(D) of section 3333.07 of the Revised Code with regard to program 34112
recommendations by the ~~chancellor~~ director in the nature of those 34113
provided for in divisions (F) and (G) of section 3333.04 of the 34114
Revised Code. 34115

(3) The agreement shall terminate if the institution ceases 34116
to be a qualified institution of higher education as determined by 34117
the ~~chancellor~~ director in accordance with Chapter 119. of the 34118
Revised Code. 34119

(D) Agreements under this section may make further provision 34120
for any one or more of the following as the parties determine: 34121

(1) The duration of any such agreement, or additional 34122
provision for terminating the agreement; 34123

(2) Additional conditions for the effectiveness or continued 34124
effectiveness of such agreement; 34125

(3) Procedures for the amendment or supplementation of the 34126
agreement, including designation of the parties to approve or 34127
execute such amendments or supplements; 34128

(4) Such other provisions as may be deemed necessary or 34129
appropriate. 34130

(E) In case any provision or part of this section or any provision, agreement, covenant, stipulation, obligation, act or action, or part thereof, made, assumed, or taken under or pursuant to this section, or any application thereof, is for any reason held to be illegal or invalid, such illegality or invalidity shall not affect the remainder thereof or any other provision of this section or any other provision, agreement, covenant, stipulation, obligation, action, or part thereof, made, assumed, or taken under or pursuant to this section, which shall be construed and enforced as if such illegal or invalid portion were not contained therein, nor shall such illegality or invalidity of any application thereof affect any legal and valid application thereof, and each such provision, agreement, covenant, stipulation, obligation, act, or action, or part thereof, shall be deemed to be effective, operative, made, done, or entered into in the manner and to the full extent permitted by law to accomplish most nearly the intention thereof.

(F) No agreement shall be entered into under this section with any institution which is not in compliance with section 3333.11 of the Revised Code.

Sec. 3333.11. Each school or college of medicine or medical university supported in whole or in part by the state shall create a curriculum for and maintain a department of family practice, the purpose of which shall be to acquaint undergraduates with and to train postgraduate physicians for the practice of family medicine. The minimum requirements for the department shall include courses of study in family care, including clinical experience, a program of preceptorships, and a program of family practice residencies in university or other hospital settings.

Each program of family practice shall:

(A) Be designated to advance the field of family practice;

| | |
|--|--|
| (B) Educate all medical students in family practice and encourage students to enter it as a career; | 34162 34163 |
| (C) Provide students an opportunity to study family practice in various situations through preceptorships, seminars, model family practice units within the medical school, classroom work, hospital programs, or other means; | 34164 34165 34166 34167 |
| (D) Develop residency and other training programs for family practice in public and private hospitals, including those in nonmetropolitan areas of the state; | 34168 34169 34170 |
| (E) The department shall be a full department co-equal with all other major clinical departments and headed by a qualified experienced family practitioner serving as chairperson of the department of family practice and director of the family practice residency program. | 34171 34172 34173 34174 34175 |
| Funds appropriated by the general assembly in support of family practice programs shall not be disbursed until the ehancellor of the Ohio board of regents <u>director of higher education</u> has certified that the intent and requirements of this section are being met. | 34176 34177 34178 34179 34180 |
| Sec. 3333.12. (A) As used in this section: | 34181 |
| (1) "Eligible student" means an undergraduate student who is: | 34182 |
| (a) An Ohio resident enrolled in an undergraduate program before the 2006-2007 academic year; | 34183 34184 |
| (b) Enrolled in either of the following: | 34185 |
| (i) An accredited institution of higher education in this state that meets the requirements of Title VI of the Civil Rights Act of 1964 and is state-assisted, is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code, has a certificate of registration from the state board of career colleges and schools and program authorization to | 34186 34187 34188 34189 34190 34191 |

award an associate or bachelor's degree, or is a private 34192
institution exempt from regulation under Chapter 3332. of the 34193
Revised Code as prescribed in section 3333.046 of the Revised 34194
Code. Students who attend an institution that holds a certificate 34195
of registration shall be enrolled in a program leading to an 34196
associate or bachelor's degree for which associate or bachelor's 34197
degree program the institution has program authorization issued 34198
under section 3332.05 of the Revised Code. 34199

(ii) A technical education program of at least two years 34200
duration sponsored by a private institution of higher education in 34201
this state that meets the requirements of Title VI of the Civil 34202
Rights Act of 1964. 34203

(c) Enrolled as a full-time student or enrolled as a less 34204
than full-time student for the term expected to be the student's 34205
final term of enrollment and is enrolled for the number of credit 34206
hours necessary to complete the requirements of the program in 34207
which the student is enrolled. 34208

(2) "Gross income" includes all taxable and nontaxable income 34209
of the parents, the student, and the student's spouse, except 34210
income derived from an Ohio academic scholarship, income earned by 34211
the student between the last day of the spring term and the first 34212
day of the fall term, and other income exclusions designated by 34213
the ~~chancellor of the Ohio board of regents~~ director of higher 34214
education. Gross income may be verified to the ~~chancellor~~ director 34215
by the institution in which the student is enrolled using the 34216
federal financial aid eligibility verification process or by other 34217
means satisfactory to the ~~chancellor~~ director. 34218

(3) "Resident," "full-time student," "dependent," 34219
"financially independent," and "accredited" shall be defined by 34220
rules adopted by the ~~chancellor~~ director. 34221

(B) The ~~chancellor~~ director shall establish and administer an 34222

instructional grant program and may adopt rules to carry out this 34223
section. The general assembly shall support the instructional 34224
grant program by such sums and in such manner as it may provide, 34225
but the ~~chancellor~~ director may also receive funds from other 34226
sources to support the program. If the amounts available for 34227
support of the program are inadequate to provide grants to all 34228
eligible students, preference in the payment of grants shall be 34229
given in terms of income, beginning with the lowest income 34230
category of gross income and proceeding upward by category to the 34231
highest gross income category. 34232

An instructional grant shall be paid to an eligible student 34233
through the institution in which the student is enrolled, except 34234
that no instructional grant shall be paid to any person serving a 34235
term of imprisonment. Applications for such grants shall be made 34236
as prescribed by the ~~chancellor~~ director, and such applications 34237
may be made in conjunction with and upon the basis of information 34238
provided in conjunction with student assistance programs funded by 34239
agencies of the United States government or from financial 34240
resources of the institution of higher education. The institution 34241
shall certify that the student applicant meets the requirements 34242
set forth in divisions (A)(1)(b) and (c) of this section. 34243
Instructional grants shall be provided to an eligible student only 34244
as long as the student is making appropriate progress toward a 34245
nursing diploma or an associate or bachelor's degree. No student 34246
shall be eligible to receive a grant for more than ten semesters, 34247
fifteen quarters, or the equivalent of five academic years. A 34248
grant made to an eligible student on the basis of less than 34249
full-time enrollment shall be based on the number of credit hours 34250
for which the student is enrolled and shall be computed in 34251
accordance with a formula adopted by the ~~chancellor~~ director. No 34252
student shall receive more than one grant on the basis of less 34253
than full-time enrollment. 34254

An instructional grant shall not exceed the total 34255
instructional and general charges of the institution. 34256

(C) The tables in this division prescribe the maximum grant 34257
amounts covering two semesters, three quarters, or a comparable 34258
portion of one academic year. Grant amounts for additional terms 34259
in the same academic year shall be determined under division (D) 34260
of this section. 34261

For a full-time student who is a dependent and enrolled in a 34262
nonprofit educational institution that is not a state-assisted 34263
institution and that has a certificate of authorization issued 34264
pursuant to Chapter 1713. of the Revised Code, the amount of the 34265
instructional grant for two semesters, three quarters, or a 34266
comparable portion of the academic year shall be determined in 34267
accordance with the following table: 34268

Private Institution 34269

Table of Grants 34270

| Gross Income | Maximum Grant \$5,466 | | | | | 34271 |
|---------------------|-----------------------|---------|---------|---------|--------------|----------------|
| | Number of Dependents | | | | | |
| | 1 | 2 | 3 | 4 | 5 or more | 34272 34273 |
| \$0 - \$15,000 | \$5,466 | \$5,466 | \$5,466 | \$5,466 | \$5,466 | 34274 |
| \$15,001 - \$16,000 | 4,920 | 5,466 | 5,466 | 5,466 | 5,466 | 34275 |
| \$16,001 - \$17,000 | 4,362 | 4,920 | 5,466 | 5,466 | 5,466 | 34276 |
| \$17,001 - \$18,000 | 3,828 | 4,362 | 4,920 | 5,466 | 5,466 | 34277 |
| \$18,001 - \$19,000 | 3,288 | 3,828 | 4,362 | 4,920 | 5,466 | 34278 |
| \$19,001 - \$22,000 | 2,736 | 3,288 | 3,828 | 4,362 | 4,920 | 34279 |
| \$22,001 - \$25,000 | 2,178 | 2,736 | 3,288 | 3,828 | 4,362 | 34280 |
| \$25,001 - \$28,000 | 1,626 | 2,178 | 2,736 | 3,288 | 3,828 | 34281 |
| \$28,001 - \$31,000 | 1,344 | 1,626 | 2,178 | 2,736 | 3,288 | 34282 |
| \$31,001 - \$32,000 | 1,080 | 1,344 | 1,626 | 2,178 | 2,736 | 34283 |
| \$32,001 - \$33,000 | 984 | 1,080 | 1,344 | 1,626 | 2,178 | 34284 |
| \$33,001 - \$34,000 | 888 | 984 | 1,080 | 1,344 | 1,626 | 34285 |

| | | | | | | |
|---------------------|-----|-----|-----|-------|-------|-------|
| \$34,001 - \$35,000 | 444 | 888 | 984 | 1,080 | 1,344 | 34286 |
| \$35,001 - \$36,000 | -- | 444 | 888 | 984 | 1,080 | 34287 |
| \$36,001 - \$37,000 | -- | -- | 444 | 888 | 984 | 34288 |
| \$37,001 - \$38,000 | -- | -- | -- | 444 | 888 | 34289 |
| \$38,001 - \$39,000 | -- | -- | -- | -- | 444 | 34290 |

For a full-time student who is financially independent and 34291
enrolled in a nonprofit educational institution that is not a 34292
state-assisted institution and that has a certificate of 34293
authorization issued pursuant to Chapter 1713. of the Revised 34294
Code, the amount of the instructional grant for two semesters, 34295
three quarters, or a comparable portion of the academic year shall 34296
be determined in accordance with the following table: 34297

Private Institution 34298

Table of Grants 34299

Maximum Grant \$5,466 34300

Gross Income Number of Dependents 34301

| | 0 | 1 | 2 | 3 | 4 | 5 or more | |
|---------------------|---------|---------|---------|---------|---------|--------------|-------|
| \$0 - \$4,800 | \$5,466 | \$5,466 | \$5,466 | \$5,466 | \$5,466 | \$5,466 | 34302 |
| \$4,801 - \$5,300 | 4,920 | 5,466 | 5,466 | 5,466 | 5,466 | 5,466 | 34303 |
| \$5,301 - \$5,800 | 4,362 | 5,196 | 5,466 | 5,466 | 5,466 | 5,466 | 34304 |
| \$5,801 - \$6,300 | 3,828 | 4,914 | 5,196 | 5,466 | 5,466 | 5,466 | 34305 |
| \$6,301 - \$6,800 | 3,288 | 4,650 | 4,914 | 5,196 | 5,466 | 5,466 | 34306 |
| \$6,801 - \$7,300 | 2,736 | 4,380 | 4,650 | 4,914 | 5,196 | 5,466 | 34307 |
| \$7,301 - \$8,300 | 2,178 | 4,104 | 4,380 | 4,650 | 4,914 | 5,196 | 34308 |
| \$8,301 - \$9,300 | 1,626 | 3,822 | 4,104 | 4,380 | 4,650 | 4,914 | 34309 |
| \$9,301 - \$10,300 | 1,344 | 3,546 | 3,822 | 4,104 | 4,380 | 4,650 | 34310 |
| \$10,301 - \$11,800 | 1,080 | 3,408 | 3,546 | 3,822 | 4,104 | 4,380 | 34311 |
| \$11,801 - \$13,300 | 984 | 3,276 | 3,408 | 3,546 | 3,822 | 4,104 | 34312 |
| \$13,301 - \$14,800 | 888 | 3,228 | 3,276 | 3,408 | 3,546 | 3,822 | 34313 |
| \$14,801 - \$16,300 | 444 | 2,904 | 3,228 | 3,276 | 3,408 | 3,546 | 34314 |
| \$16,301 - \$19,300 | -- | 2,136 | 2,628 | 2,952 | 3,276 | 3,408 | 34315 |
| \$19,301 - \$22,300 | -- | 1,368 | 1,866 | 2,358 | 2,676 | 3,000 | 34316 |

| | | | | | | | |
|---------------------|----|-------|-------|-------|-------|-------|-------|
| \$22,301 - \$25,300 | -- | 1,092 | 1,368 | 1,866 | 2,358 | 2,676 | 34318 |
| \$25,301 - \$30,300 | -- | 816 | 1,092 | 1,368 | 1,866 | 2,358 | 34319 |
| \$30,301 - \$35,300 | -- | 492 | 540 | 672 | 816 | 1,314 | 34320 |

For a full-time student who is a dependent and enrolled in an educational institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Career Institution 34329

Table of Grants 34330

Maximum Grant \$4,632 34331

Gross Income Number of Dependents 34332

| | 1 | 2 | 3 | 4 | 5 or more | |
|---------------------|---------|---------|---------|---------|--------------|-------|
| \$0 - \$15,000 | \$4,632 | \$4,632 | \$4,632 | \$4,632 | \$4,632 | 34334 |
| \$15,001 - \$16,000 | 4,182 | 4,632 | 4,632 | 4,632 | 4,632 | 34335 |
| \$16,001 - \$17,000 | 3,684 | 4,182 | 4,632 | 4,632 | 4,632 | 34336 |
| \$17,001 - \$18,000 | 3,222 | 3,684 | 4,182 | 4,632 | 4,632 | 34337 |
| \$18,001 - \$19,000 | 2,790 | 3,222 | 3,684 | 4,182 | 4,632 | 34338 |
| \$19,001 - \$22,000 | 2,292 | 2,790 | 3,222 | 3,684 | 4,182 | 34339 |
| \$22,001 - \$25,000 | 1,854 | 2,292 | 2,790 | 3,222 | 3,684 | 34340 |
| \$25,001 - \$28,000 | 1,416 | 1,854 | 2,292 | 2,790 | 3,222 | 34341 |
| \$28,001 - \$31,000 | 1,134 | 1,416 | 1,854 | 2,292 | 2,790 | 34342 |
| \$31,001 - \$32,000 | 906 | 1,134 | 1,416 | 1,854 | 2,292 | 34343 |
| \$32,001 - \$33,000 | 852 | 906 | 1,134 | 1,416 | 1,854 | 34344 |
| \$33,001 - \$34,000 | 750 | 852 | 906 | 1,134 | 1,416 | 34345 |
| \$34,001 - \$35,000 | 372 | 750 | 852 | 906 | 1,134 | 34346 |
| \$35,001 - \$36,000 | -- | 372 | 750 | 852 | 906 | 34347 |
| \$36,001 - \$37,000 | -- | -- | 372 | 750 | 852 | 34348 |
| \$37,001 - \$38,000 | -- | -- | -- | 372 | 750 | 34349 |

\$38,001 - \$39,000 -- -- -- -- 372 34350

For a full-time student who is financially independent and 34351
enrolled in an educational institution that holds a certificate of 34352
registration from the state board of career colleges and schools 34353
or a private institution exempt from regulation under Chapter 34354
3332. of the Revised Code as prescribed in section 3333.046 of the 34355
Revised Code, the amount of the instructional grant for two 34356
semesters, three quarters, or a comparable portion of the academic 34357
year shall be determined in accordance with the following table: 34358

Career Institution 34359

Table of Grants 34360

Maximum Grant \$4,632 34361

Gross Income Number of Dependents 34362

| | 0 | 1 | 2 | 3 | 4 | 5 or more | |
|---------------------|---------|---------|---------|---------|---------|--------------|-------|
| \$0 - \$4,800 | \$4,632 | \$4,632 | \$4,632 | \$4,632 | \$4,632 | \$4,632 | 34363 |
| \$4,801 - \$5,300 | 4,182 | 4,632 | 4,632 | 4,632 | 4,632 | 4,632 | 34364 |
| \$5,301 - \$5,800 | 3,684 | 4,410 | 4,632 | 4,632 | 4,632 | 4,632 | 34365 |
| \$5,801 - \$6,300 | 3,222 | 4,158 | 4,410 | 4,632 | 4,632 | 4,632 | 34366 |
| \$6,301 - \$6,800 | 2,790 | 3,930 | 4,158 | 4,410 | 4,632 | 4,632 | 34367 |
| \$6,801 - \$7,300 | 2,292 | 3,714 | 3,930 | 4,158 | 4,410 | 4,632 | 34368 |
| \$7,301 - \$8,300 | 1,854 | 3,462 | 3,714 | 3,930 | 4,158 | 4,410 | 34369 |
| \$8,301 - \$9,300 | 1,416 | 3,246 | 3,462 | 3,714 | 3,930 | 4,158 | 34370 |
| \$9,301 - \$10,300 | 1,134 | 3,024 | 3,246 | 3,462 | 3,714 | 3,930 | 34371 |
| \$10,301 - \$11,800 | 906 | 2,886 | 3,024 | 3,246 | 3,462 | 3,714 | 34372 |
| \$11,801 - \$13,300 | 852 | 2,772 | 2,886 | 3,024 | 3,246 | 3,462 | 34373 |
| \$13,301 - \$14,800 | 750 | 2,742 | 2,772 | 2,886 | 3,024 | 3,246 | 34374 |
| \$14,801 - \$16,300 | 372 | 2,466 | 2,742 | 2,772 | 2,886 | 3,024 | 34375 |
| \$16,301 - \$19,300 | -- | 1,800 | 2,220 | 2,520 | 2,772 | 2,886 | 34376 |
| \$19,301 - \$22,300 | -- | 1,146 | 1,584 | 1,986 | 2,268 | 2,544 | 34377 |
| \$22,301 - \$25,300 | -- | 930 | 1,146 | 1,584 | 1,986 | 2,268 | 34378 |
| \$25,301 - \$30,300 | -- | 708 | 930 | 1,146 | 1,584 | 1,986 | 34379 |
| \$30,301 - \$35,300 | -- | 426 | 456 | 570 | 708 | 1,116 | 34380 |

For a full-time student who is a dependent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

| Public Institution | | | | | | |
|---------------------|-----------------------|---------|---------|---------|-----------|-------|
| Table of Grants | | | | | | |
| Gross Income | Maximum Grant \$2,190 | | | | | 34389 |
| | Number of Dependents | | | | | |
| | 1 | 2 | 3 | 4 | 5 or more | 34391 |
| \$0 - \$15,000 | \$2,190 | \$2,190 | \$2,190 | \$2,190 | \$2,190 | 34392 |
| \$15,001 - \$16,000 | 1,974 | 2,190 | 2,190 | 2,190 | 2,190 | 34393 |
| \$16,001 - \$17,000 | 1,740 | 1,974 | 2,190 | 2,190 | 2,190 | 34394 |
| \$17,001 - \$18,000 | 1,542 | 1,740 | 1,974 | 2,190 | 2,190 | 34395 |
| \$18,001 - \$19,000 | 1,320 | 1,542 | 1,740 | 1,974 | 2,190 | 34396 |
| \$19,001 - \$22,000 | 1,080 | 1,320 | 1,542 | 1,740 | 1,974 | 34397 |
| \$22,001 - \$25,000 | 864 | 1,080 | 1,320 | 1,542 | 1,740 | 34398 |
| \$25,001 - \$28,000 | 648 | 864 | 1,080 | 1,320 | 1,542 | 34399 |
| \$28,001 - \$31,000 | 522 | 648 | 864 | 1,080 | 1,320 | 34400 |
| \$31,001 - \$32,000 | 420 | 522 | 648 | 864 | 1,080 | 34401 |
| \$32,001 - \$33,000 | 384 | 420 | 522 | 648 | 864 | 34402 |
| \$33,001 - \$34,000 | 354 | 384 | 420 | 522 | 648 | 34403 |
| \$34,001 - \$35,000 | 174 | 354 | 384 | 420 | 522 | 34404 |
| \$35,001 - \$36,000 | -- | 174 | 354 | 384 | 420 | 34405 |
| \$36,001 - \$37,000 | -- | -- | 174 | 354 | 384 | 34406 |
| \$37,001 - \$38,000 | -- | -- | -- | 174 | 354 | 34407 |
| \$38,001 - \$39,000 | -- | -- | -- | -- | 174 | 34408 |

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

| | | | | | | | |
|---------------------|-----------------------|---------|---------|---------|---------|--------------|-------|
| | Public Institution | | | | | | 34414 |
| | Table of Grants | | | | | | 34415 |
| | Maximum Grant \$2,190 | | | | | | 34416 |
| Gross Income | Number of Dependents | | | | | | 34417 |
| | 0 | 1 | 2 | 3 | 4 | 5 or more | 34418 |
| \$0 - \$4,800 | \$2,190 | \$2,190 | \$2,190 | \$2,190 | \$2,190 | \$2,190 | 34419 |
| \$4,801 - \$5,300 | 1,974 | 2,190 | 2,190 | 2,190 | 2,190 | 2,190 | 34420 |
| \$5,301 - \$5,800 | 1,740 | 2,082 | 2,190 | 2,190 | 2,190 | 2,190 | 34421 |
| \$5,801 - \$6,300 | 1,542 | 1,968 | 2,082 | 2,190 | 2,190 | 2,190 | 34422 |
| \$6,301 - \$6,800 | 1,320 | 1,866 | 1,968 | 2,082 | 2,190 | 2,190 | 34423 |
| \$6,801 - \$7,300 | 1,080 | 1,758 | 1,866 | 1,968 | 2,082 | 2,190 | 34424 |
| \$7,301 - \$8,300 | 864 | 1,638 | 1,758 | 1,866 | 1,968 | 2,082 | 34425 |
| \$8,301 - \$9,300 | 648 | 1,530 | 1,638 | 1,758 | 1,866 | 1,968 | 34426 |
| \$9,301 - \$10,300 | 522 | 1,422 | 1,530 | 1,638 | 1,758 | 1,866 | 34427 |
| \$10,301 - \$11,800 | 420 | 1,356 | 1,422 | 1,530 | 1,638 | 1,758 | 34428 |
| \$11,801 - \$13,300 | 384 | 1,308 | 1,356 | 1,422 | 1,530 | 1,638 | 34429 |
| \$13,301 - \$14,800 | 354 | 1,290 | 1,308 | 1,356 | 1,422 | 1,530 | 34430 |
| \$14,801 - \$16,300 | 174 | 1,164 | 1,290 | 1,308 | 1,356 | 1,422 | 34431 |
| \$16,301 - \$19,300 | -- | 858 | 1,050 | 1,182 | 1,308 | 1,356 | 34432 |
| \$19,301 - \$22,300 | -- | 540 | 750 | 948 | 1,062 | 1,200 | 34433 |
| \$22,301 - \$25,300 | -- | 432 | 540 | 750 | 948 | 1,062 | 34434 |
| \$25,301 - \$30,300 | -- | 324 | 432 | 540 | 750 | 948 | 34435 |
| \$30,301 - \$35,300 | -- | 192 | 210 | 264 | 324 | 522 | 34436 |

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years.

(2) Division (F)(1) of this section does not apply to the following:

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The ~~chancellor~~ director shall adopt rules requiring institutions to provide information regarding an appeal to the ~~chancellor~~ director.

(b) Any student who has previously received a grant under this section who meets all other requirements of this section.

(3) The ~~chancellor~~ director shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at an institution whose students
lose eligibility for grants under division (F)(1) of this section
shall not affect that student's eligibility to receive a grant
when enrolled in another institution.

(G) Institutions of higher education that enroll students
receiving instructional grants under this section shall report to
the ~~chancellor~~ director all students who have received
instructional grants but are no longer eligible for all or part of
such grants and shall refund any moneys due the state within
thirty days after the beginning of the quarter or term immediately
following the quarter or term in which the student was no longer
eligible to receive all or part of the student's grant. There
shall be an interest charge of one per cent per month on all
moneys due and payable after such thirty-day period. The
~~chancellor~~ director shall immediately notify the office of budget
and management and the legislative service commission of all
refunds so received.

Sec. 3333.121. There is hereby established in the state
treasury the state need-based financial aid reconciliation fund,
which shall consist of refunds of instructional grant payments
made pursuant to section 3333.12 of the Revised Code and refunds
of state need-based financial aid payments made pursuant to
section 3333.122 of the Revised Code. Revenues credited to the
fund shall be used by the ~~chancellor of the Ohio board of regents~~
director of higher education to pay to higher education
institutions any outstanding obligations from the prior year owed
for the Ohio instructional grant program and the Ohio college
opportunity grant program that are identified through the annual
reconciliation and financial audit. Any amount in the fund that is
in excess of the amount certified to the director of budget and
management by the ~~chancellor~~ director of higher education as
necessary to reconcile prior year payments under the program shall

be transferred to the general revenue fund. 34509

Sec. 3333.122. (A) ~~The chancellor of the Ohio board of~~ 34510
~~regents~~ director of higher education shall adopt rules to carry 34511
out this section and as authorized under section 3333.123 of the 34512
Revised Code. The rules shall include definitions of the terms 34513
"resident," "expected family contribution," "full-time student," 34514
"three-quarters-time student," "half-time student," 34515
"one-quarter-time student," "state cost of attendance," and 34516
"accredited" for the purpose of those sections. 34517

(B) Only an Ohio resident who meets both of the following is 34518
eligible for a grant awarded under this section: 34519

(1) The resident has an expected family contribution of two 34520
thousand one hundred ninety or less; 34521

(2) The resident enrolls in one of the following: 34522

(a) An undergraduate program, or a nursing diploma program 34523
approved by the board of nursing under division (A)(5) of section 34524
4723.06 of the Revised Code, at a state-assisted state institution 34525
of higher education, as defined in section 3345.12 of the Revised 34526
Code, that meets the requirements of Title VI of the Civil Rights 34527
Act of 1964; 34528

(b) An undergraduate program, or a nursing diploma program 34529
approved by the board of nursing under division (A)(5) of section 34530
4723.06 of the Revised Code, at a private, nonprofit institution 34531
in this state holding a certificate of authorization pursuant to 34532
Chapter 1713. of the Revised Code; 34533

(c) An undergraduate program, or a nursing diploma program 34534
approved by the board of nursing under division (A)(5) of section 34535
4723.06 of the Revised Code, at a career college in this state 34536
that holds a certificate of registration from the state board of 34537
career colleges and schools under Chapter 3332. of the Revised 34538

Code or at a private institution exempt from regulation under 34539
Chapter 3332. of the Revised Code as prescribed in section 34540
3333.046 of the Revised Code, if the program has a certificate of 34541
authorization pursuant to Chapter 1713. of the Revised Code. 34542

(C)(1) The ~~chancellor~~ director shall establish and administer 34543
a needs-based financial aid grants program based on the United 34544
States department of education's method of determining financial 34545
need. The program shall be known as the Ohio college opportunity 34546
grant program. The general assembly shall support the needs-based 34547
financial aid program by such sums and in such manner as it may 34548
provide, but the ~~chancellor~~ director also may receive funds from 34549
other sources to support the program. If, for any academic year, 34550
the amounts available for support of the program are inadequate to 34551
provide grants to all eligible students, the ~~chancellor~~ director 34552
shall do one of the following: 34553

(a) Give preference in the payment of grants based upon 34554
expected family contribution, beginning with the lowest expected 34555
family contribution category and proceeding upward by category to 34556
the highest expected family contribution category; 34557

(b) Proportionately reduce the amount of each grant to be 34558
awarded for the academic year under this section; 34559

(c) Use an alternate formula for such grants that addresses 34560
the shortage of available funds and has been submitted to and 34561
approved by the controlling board. 34562

(2) The needs-based financial aid grant shall be paid to the 34563
eligible student through the institution in which the student is 34564
enrolled, except that no needs-based financial aid grant shall be 34565
paid to any person serving a term of imprisonment. Applications 34566
for the grants shall be made as prescribed by the ~~chancellor~~ 34567
director, and such applications may be made in conjunction with 34568
and upon the basis of information provided in conjunction with 34569

student assistance programs funded by agencies of the United States government or from financial resources of the institution of higher education. The institution shall certify that the student applicant meets the requirements set forth in division (B) of this section. Needs-based financial aid grants shall be provided to an eligible student only as long as the student is making appropriate progress toward a nursing diploma or an associate or bachelor's degree. No student shall be eligible to receive a grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years. A grant made to an eligible student on the basis of less than full-time enrollment shall be based on the number of credit hours for which the student is enrolled and shall be computed in accordance with a formula adopted by rule issued by the ~~chancellor~~ director. No student shall receive more than one grant on the basis of less than full-time enrollment.

(D)(1) Except as provided in division (D)(4) of this section, no grant awarded under this section shall exceed the total state cost of attendance.

(2) Subject to divisions (D)(1), (3), and (4) of this section, the amount of a grant awarded to a student under this section shall equal the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the undergraduate program. However, for students enrolled in a state university or college as defined in section 3345.12 of the Revised Code or a university branch, the ~~chancellor~~ director may provide that the grant amount shall equal the student's remaining instructional and general charges for the undergraduate program after the student's Pell grant and expected family contribution have been applied to those charges, but, in no case, shall the grant amount for such a student exceed any maximum that the

~~chancellor~~ director may set by rule. 34602

(3) For a student enrolled for a semester or quarter in 34603
addition to the portion of the academic year covered by a grant 34604
under this section, the maximum grant amount shall be a percentage 34605
of the maximum specified in any table established in rules adopted 34606
by the ~~chancellor~~ director as provided in division (A) of this 34607
section. The maximum grant for a fourth quarter shall be one-third 34608
of the maximum amount so prescribed. The maximum grant for a third 34609
semester shall be one-half of the maximum amount so prescribed. 34610

(4) If a student is enrolled in a two-year institution of 34611
higher education and is eligible for an education and training 34612
voucher through the Ohio education and training voucher program 34613
that receives federal funding under the John H. Chafee foster care 34614
independence program, 42 U.S.C. 677, the amount of a grant awarded 34615
under this section may exceed the total state cost of attendance 34616
to additionally cover housing costs. 34617

(E) No grant shall be made to any student in a course of 34618
study in theology, religion, or other field of preparation for a 34619
religious profession unless such course of study leads to an 34620
accredited bachelor of arts, bachelor of science, associate of 34621
arts, or associate of science degree. 34622

(F)(1) Except as provided in division (F)(2) of this section, 34623
no grant shall be made to any student for enrollment during a 34624
fiscal year in an institution with a cohort default rate 34625
determined by the United States secretary of education pursuant to 34626
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 34627
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 34628
preceding the fiscal year, equal to or greater than thirty per 34629
cent for each of the preceding two fiscal years. 34630

(2) Division (F)(1) of this section does not apply in the 34631
case of either of the following: 34632

(a) The institution pursuant to federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances that the institution may continue to participate in federal financial aid programs. The ~~chancellor~~ director shall adopt rules requiring any such appellant to provide information to the ~~chancellor~~ director regarding an appeal.

(b) Any student who has previously received a grant pursuant to any provision of this section, including prior to the section's amendment by H.B. 1 of the 128th general assembly, effective July 17, 2009, and who meets all other eligibility requirements of this section.

(3) The ~~chancellor~~ director shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section.

(4) A student's attendance at any institution whose students are ineligible for grants due to division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution.

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the ~~chancellor~~ director all students who have received such needs-based financial aid grants but are no longer eligible for all or part of those grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day

period. The ~~chancellor~~ director shall immediately notify the 34665
office of budget and management and the legislative service 34666
commission of all refunds so received. 34667

Sec. 3333.123. (A) As used in this section: 34668

(1) "The Ohio college opportunity grant program" means the 34669
program established under section 3333.122 of the Revised Code. 34670

(2) "Rules for the Ohio college opportunity grant program" 34671
means the rules authorized in division (R) of section 3333.04 of 34672
the Revised Code for the implementation of the program. 34673

(B) In adopting rules for the Ohio college opportunity grant 34674
program, the ~~chancellor of the Ohio board of regents~~ director of 34675
higher education may include provisions that give preferential or 34676
priority funding to low-income students who in their primary and 34677
secondary school work participate in or complete rigorous academic 34678
coursework, attain passing scores on the assessments prescribed in 34679
section 3301.0710 or 3301.0712 of the Revised Code, or meet other 34680
high academic performance standards determined by the ~~chancellor~~ 34681
director to reduce the need for remediation and ensure academic 34682
success at the postsecondary education level. Any such rules shall 34683
include a specification of procedures needed to certify student 34684
achievement of primary and secondary standards as well as the 34685
timeline for implementation of the provisions authorized by this 34686
section. 34687

Sec. 3333.124. There is hereby created in the state treasury 34688
the Ohio college opportunity grant program reserve fund. ~~Not later~~ 34689
~~than the first day of July~~ As soon as possible following the end 34690
of each fiscal year, the ~~chancellor of the Ohio board of regents~~ 34691
director of higher education shall certify to the director of 34692
budget and management the unencumbered balance of the general 34693
revenue fund appropriations made in the immediately preceding 34694

fiscal year for purposes of the Ohio college opportunity grant 34695
program created in section 3333.122 of the Revised Code. Upon 34696
receipt of the certification, the director of budget and 34697
management may transfer an amount not exceeding the certified 34698
amount from the general revenue fund to the Ohio college 34699
opportunity grant program reserve fund. Moneys in the Ohio college 34700
opportunity grant program reserve fund shall be used to pay grant 34701
obligations in excess of the general revenue fund appropriations 34702
made for that purpose. 34703

The director of budget and management may transfer any 34704
unencumbered balance from the Ohio college opportunity grant 34705
program reserve fund to the general revenue fund. 34706

If it is determined that general revenue fund appropriations 34707
are insufficient to meet the obligations of the Ohio college 34708
opportunity grant program in a fiscal year, the director of budget 34709
and management may transfer funds from the Ohio college 34710
opportunity grant program reserve fund to the general revenue fund 34711
in order to meet those obligations. The amount transferred is 34712
hereby appropriated. If the funds transferred from the Ohio 34713
college opportunity grant program reserve fund are not needed, the 34714
director of budget and management may transfer the unexpended 34715
balance from the general revenue fund back to the Ohio college 34716
opportunity grant program reserve fund. 34717

Sec. 3333.13. (A) Money appropriated to the ~~chancellor of the~~ 34718
~~Ohio board of regents~~ director of higher education for the 34719
purposes of this division shall be paid at the times and in the 34720
amounts necessary to meet all payments required to be made by the 34721
~~chancellor~~ director to the Ohio public facilities commission 34722
pursuant to leases or agreements made under division (B) of 34723
section 154.21 of the Revised Code, as certified under division 34724
(C) of this section, including supplements to such certifications. 34725

(B) The ~~chancellor~~ director shall include in the estimate of 34726
proposed expenses submitted pursuant to section 126.02 of the 34727
Revised Code the estimated amounts of all such payments to be made 34728
by the ~~chancellor~~ director. The ~~chancellor~~ director shall include 34729
the estimated amounts of all such payments to be made by the 34730
~~chancellor~~ director in recommendations for appropriation required 34731
by division (J) of section 3333.04 of the Revised Code. The 34732
director of budget and management shall include in the state 34733
budget estimates provided for in section 126.02 of the Revised 34734
Code the estimated amount of all such payments to be made during 34735
the next biennium, and this amount shall be included in the state 34736
budget to be submitted by the governor to the general assembly 34737
pursuant to section 107.03 of the Revised Code. 34738

(C) On the first day of July of each year, or as soon 34739
thereafter as is practicable, the ~~chancellor or a vice chancellor~~ 34740
director of higher education shall certify to the director of 34741
budget and management the payments contracted to be made, during 34742
the period of the then current appropriations made for the 34743
purposes of division (A) of this section, to the commission by the 34744
~~chancellor~~ director of higher education pursuant to leases and 34745
agreements made under division (B) of section 154.21 of the 34746
Revised Code. The certification shall state the amounts and dates 34747
of payment required therefor and the amounts to be credited 34748
pursuant to such leases and agreements to the higher education 34749
bond service trust fund and other special funds established 34750
pursuant to Chapter 154. of the Revised Code. If the director of 34751
budget and management finds such certification to be correct, the 34752
director shall promptly add the director's certification thereto 34753
and submit it to the treasurer of state. Such annual certification 34754
shall be supplemented in similar manner upon the execution of each 34755
new lease or agreement, any supplement to an existing lease or 34756
agreement, or any amendment thereof, affecting the amounts of 34757
those payments. 34758

Sec. 3333.14. Effective July 1, 1971, all public post high 34759
school technical education programs shall be operated by technical 34760
colleges, community colleges, university branches, state colleges, 34761
state-affiliated universities and state universities. Subject to 34762
rules and regulations adopted by the ~~chancellor of the Ohio board~~ 34763
~~of regents~~ director of higher education, the board of trustees or 34764
directors of one of the above such institutions shall adopt a plan 34765
of transition governing each public post high school technical 34766
education program not specifically identified or included in this 34767
section which is located in the geographic region of such 34768
institution as defined by the ~~chancellor~~ director. The plan of 34769
transition shall provide for the dissolution of such technical 34770
education programs either by transfer of a program's lands, 34771
buildings, and equipment to one of the above such institutions or 34772
by complete termination of the technical education program. 34773

Sec. 3333.15. If the board of trustees of a state university 34774
fails to undertake appropriate action to establish a university 34775
branch campus within one year from the enactment of a capital 34776
improvement appropriation for the development of such university 34777
branch facility, the ~~chancellor of the Ohio board of regents~~ 34778
director of higher education may act as the ~~chancellor~~ director 34779
deems necessary in place of the board of trustees, including 34780
securing the release of construction planning and construction 34781
contract funds from the state controlling board. If the ~~chancellor~~ 34782
director takes action to plan and construct a university branch in 34783
accordance with this section, the officers and staff of such 34784
university shall perform all necessary functions incident to the 34785
planning and construction of such university branch as directed by 34786
the ~~chancellor~~ director. 34787

Sec. 3333.16. As used in this section "state institution of 34788

higher education" means an institution of higher education as 34789
defined in section 3345.12 of the Revised Code. 34790

(A) The ~~chancellor of the Ohio board of regents~~ director of 34791
higher education shall do all of the following: 34792

(1) Establish policies and procedures applicable to all state 34793
institutions of higher education that ensure that students can 34794
begin higher education at any state institution of higher 34795
education and transfer coursework and degrees to any other state 34796
institution of higher education without unnecessary duplication or 34797
institutional barriers. The purpose of this requirement is to 34798
allow students to attain their highest educational aspirations in 34799
the most efficient and effective manner for the students and the 34800
state. These policies and procedures shall require state 34801
institutions of higher education to make changes or modifications, 34802
as needed, to strengthen course content so as to ensure 34803
equivalency for that course at any state institution of higher 34804
education. 34805

(2) Develop and implement a universal course equivalency 34806
classification system for state institutions of higher education 34807
so that the transfer of students and the transfer and articulation 34808
of equivalent courses or specified learning modules or units 34809
completed by students are not inhibited by inconsistent judgment 34810
about the application of transfer credits. Coursework completed 34811
within such a system at one state institution of higher education 34812
and transferred to another institution shall be applied to the 34813
student's degree objective in the same manner as equivalent 34814
coursework completed at the receiving institution. 34815

(3) Develop a system of transfer policies that ensure that 34816
graduates with associate degrees which include completion of 34817
approved transfer modules shall be admitted to a state institution 34818
of higher education, shall be able to compete for admission to 34819
specific programs on the same basis as students native to the 34820

institution, and shall have priority over out-of-state associate 34821
degree graduates and transfer students. To assist a student in 34822
advising and transferring, all state institutions of higher 34823
education shall fully implement the information system for 34824
advising and transferring selected by, contracted for, or 34825
developed by the ~~chancellor~~ director. 34826

(4) Examine the feasibility of developing a transfer 34827
marketing agenda that includes materials and interactive 34828
technology to inform the citizens of Ohio about the availability 34829
of transfer options at state institutions of higher education and 34830
to encourage adults to return to colleges and universities for 34831
additional education; 34832

(5) Study, in consultation with the state board of career 34833
colleges and schools, and in light of existing criteria and any 34834
other criteria developed by the articulation and transfer advisory 34835
council, the feasibility of credit recognition and transferability 34836
to state institutions of higher education for graduates who have 34837
received associate degrees from a career college or school with a 34838
certificate of registration from the state board of career 34839
colleges and schools under Chapter 3332. of the Revised Code. 34840

(B) All provisions of the existing articulation and transfer 34841
policy developed by the ~~Ohio board of regents~~ director shall 34842
remain in effect except where amended by this section. 34843

Sec. 3333.161. (A) As used in this section: 34844

(1) "Articulation agreement" means an agreement between two 34845
or more state institutions of higher education to facilitate the 34846
transfer of students and credits between such institutions. 34847

(2) "State institution of higher education" and "state 34848
university" have the same meanings as in section 3345.011 of the 34849
Revised Code. 34850

(3) "Two year college" includes a community college, state 34851
community college, technical college, and university branch. 34852

(B) The ~~chancellor of the Ohio board of regents~~ director of 34853
higher education shall adopt rules establishing a statewide system 34854
for articulation agreements among state institutions of higher 34855
education for transfer students pursuing teacher education 34856
programs. The rules shall require an articulation agreement 34857
between institutions to include all of the following: 34858

(1) The development of a transfer module for teacher 34859
education that includes introductory level courses that are 34860
evaluated as appropriate by faculty employed by the state 34861
institutions of higher education that are parties to the 34862
articulation agreement; 34863

(2) A foundation of general studies courses that have been 34864
identified as part of the transfer module for teacher education 34865
and have been evaluated as appropriate for the preparation of 34866
teachers and consistent with the academic content standards 34867
adopted under section 3301.079 of the Revised Code; 34868

(3) A clear identification of university faculty who are 34869
partnered with two year college faculty; 34870

(4) The publication of the articulation agreement that is 34871
available to all students, faculty, and staff. 34872

Sec. 3333.162. (A) As used in this section, "state 34873
institution of higher education" means an institution of higher 34874
education as defined in section 3345.12 of the Revised Code. 34875

(B) By April 15, 2007, the ~~chancellor of the Ohio board of~~ 34876
~~regents~~ director of higher education, in consultation with the 34877
department of education, public adult and secondary 34878
career-technical education institutions, and state institutions of 34879
higher education, shall establish criteria, policies, and 34880

procedures that enable students to transfer agreed upon technical 34881
courses completed through an adult career-technical education 34882
institution, a public secondary career-technical institution, or a 34883
state institution of higher education to a state institution of 34884
higher education without unnecessary duplication or institutional 34885
barriers. The courses to which the criteria, policies, and 34886
procedures apply shall be those that adhere to recognized industry 34887
standards and equivalent coursework common to the secondary career 34888
pathway and adult career-technical education system and regionally 34889
accredited state institutions of higher education. Where 34890
applicable, the policies and procedures shall build upon the 34891
articulation agreement and transfer initiative course equivalency 34892
system required by section 3333.16 of the Revised Code. 34893

Sec. 3333.163. (A) As used in this section, "state 34894
institution of higher education" has the same meaning as in 34895
section 3345.011 of the Revised Code. 34896

(B) Not later than April 15, 2008, the articulation and 34897
transfer advisory council of the ~~chancellor of the Ohio board of~~ 34898
~~regents~~ director of higher education shall recommend to the 34899
~~chancellor~~ director standards for awarding course credit toward 34900
degree requirements at state institutions of higher education 34901
based on scores attained on advanced placement examinations. The 34902
recommended standards shall include a score on each advanced 34903
placement examination that the council considers to be a passing 34904
score for which course credit may be awarded. Upon adoption of the 34905
standards by the ~~chancellor~~ director, each state institution of 34906
higher education shall comply with the standards in awarding 34907
course credit to any student enrolled in the institution who has 34908
attained a passing score on an advanced placement examination. 34909

Sec. 3333.164. (A) As used in this section, "state 34910
institution of higher education" has the same meaning as in 34911

section 3345.011 of the Revised Code. 34912

(B) Not later than December 31, 2014, the ~~chancellor of the~~ 34913
~~Ohio board of regents~~ director of higher education shall do all of 34914
the following with regard to the awarding of college credit for 34915
military training, experience, and coursework: 34916

(1) Develop a set of standards and procedures for state 34917
institutions of higher education to utilize in the granting of 34918
college credit for military training, experience, and coursework; 34919

(2) Create a military articulation and transfer assurance 34920
guide for college credit that is earned through military training, 34921
experience, and coursework. The ~~chancellor~~ director shall use the 34922
current articulation and transfer policy adopted pursuant to 34923
section 3333.16 of the Revised Code as a model in developing this 34924
guide. 34925

(3) Create a web site that contains information related to 34926
the awarding of college credit for military training, experience, 34927
and coursework. The web site shall include both of the following: 34928

(a) Standardized resources that address frequently asked 34929
questions regarding the awarding of such credit and related 34930
issues; 34931

(b) A statewide database that shows how specified military 34932
training, experience, and coursework translates to college credit. 34933

(4) Develop a statewide training program that prepares 34934
faculty and staff of state institutions of higher education to 34935
evaluate various military training, experience, and coursework and 34936
to award appropriate equivalent credit. The training program shall 34937
incorporate the best practices of awarding credit for military 34938
experiences, including both the recommendations of the American 34939
council on education and the standards developed by the council 34940
for adult and experiential learning. 34941

(C) Beginning on July 1, 2015, state institutions of higher education shall ensure that appropriate equivalent credit is awarded for military training, experience, and coursework that meet the standards developed by the ~~chancellor~~ director pursuant to this section.

Sec. 3333.17. The ~~chancellor of the Ohio board of regents~~ director of higher education may enter into contracts with the appropriate agency in a contiguous state whereby the agency provides for charging Ohio residents enrolled in state-assisted post-secondary educational institutions in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the ~~chancellor~~ director, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

State-assisted post-secondary educational institutions in Ohio may enter into contracts with appropriate state-assisted post-secondary educational institutions in a contiguous state whereby the state-assisted post-secondary educational institution provides for charging Ohio residents enrolled in the institution in the contiguous state, tuition and fees at rates no higher than the rates charged to students who are residents of that state, and whereby the Ohio state-assisted post-secondary institution, as part of such contracts, may provide that rates for tuition and fees charged to residents of the contiguous state who are enrolled in the state-assisted post-secondary educational institutions in Ohio shall not exceed those charged Ohio residents.

The contracts entered into by the ~~chancellor~~ director or a state-assisted post-secondary educational institution may limit

the type of academic program offered at the reciprocal rates. 34973
Residents of contiguous states enrolled in for credit courses 34974
taught at the main campus and identified off-campus sites at 34975
state-assisted post-secondary educational institutions in Ohio 34976
under such contracts shall be included in calculating the number 34977
of full-time equivalent students for state subsidy purposes. The 34978
~~chancellor~~ director and each state-assisted post-secondary 34979
educational institution shall periodically assess the costs and 34980
benefits of each such contract and the extent to which parity is 34981
achieved between Ohio and the contiguous state with respect to 34982
students benefiting from the contract. All Ohio state-assisted 34983
post-secondary educational institutions participating in these 34984
contracts shall report enrollments and other information annually 34985
to the ~~chancellor~~ director. No contract shall be entered into 34986
under this section without the approval of the ~~chancellor~~ 34987
director. The ~~chancellor~~ director shall report the status of these 34988
contracts to the controlling board annually. 34989

Sec. 3333.171. (A) The ~~chancellor of the Ohio board of~~ 34990
~~regents~~ director of higher education may enter into a reciprocity 34991
agreement with the midwestern higher education compact whereby the 34992
agreement provides for both of the following: 34993

(1) A participating institution in Ohio may enroll residents 34994
of a participating state in distance education programs at that 34995
institution without attaining prior approval from the appropriate 34996
agency of that participating state. 34997

(2) A participating institution in another state may enroll 34998
Ohio residents in distance education programs at that institution 34999
without attaining prior approval from the ~~chancellor~~ director. 35000

(B) Under the terms of an agreement, the ~~chancellor~~ director 35001
may do any of the following: 35002

(1) Apply on behalf of the state of Ohio to become an 35003

eligible state to participate in the agreement; 35004

(2) Designate the ~~board~~ department of ~~regents~~ higher 35005
education as the lead agency to ensure that Ohio meets the 35006
eligibility requirements of the agreement, as determined by the 35007
midwestern higher education compact; 35008

(3) Develop criteria and procedures for eligible institutions 35009
in Ohio to apply to participate in the agreement and for their 35010
continued participation in the agreement; 35011

(4) Assess and collect fees, pursuant to rules adopted by the 35012
~~chancellor~~ director under Chapter 119. of the Revised Code, from 35013
participating institutions in Ohio; 35014

(5) Collect annual data, as prescribed by the ~~chancellor~~ 35015
director or as required by the midwestern higher education 35016
compact, from participating institutions in Ohio; 35017

(6) Develop a student grievance process to resolve complaints 35018
brought against participating institutions in Ohio in regard to 35019
the distance education programs that are eligible under the terms 35020
of the agreement; 35021

(7) Work collaboratively with the state board of career 35022
colleges and schools to determine the eligibility of institutions 35023
authorized by that agency under section 3332.05 of the Revised 35024
Code for initial and continued participation in the agreement; 35025

(8) Perform other duties and responsibilities as required for 35026
participation in the agreement. 35027

(C) Any eligible institution in Ohio that wishes to 35028
participate in the agreement entered into under this section shall 35029
first attain approval for inclusion in the agreement from the 35030
~~chancellor~~ director. Thereafter, a participating institution in 35031
Ohio shall attain approval from the ~~chancellor~~ director for any 35032
new distance education programs offered by that institution prior 35033

to enrolling residents of a participating state in such programs 35034
under the terms of the agreement. 35035

(D) All other post-secondary activity that requires the 35036
~~chancellor's~~ director's approval and is not included under the 35037
terms of the agreement entered into under this section is subject 35038
to the ~~chancellor's~~ director's review and approval pursuant to 35039
Chapters 1713. and 3333. of the Revised Code. 35040

(E) The ~~chancellor~~ director may terminate the agreement 35041
entered into under this section or remove the ~~board of regents~~ 35042
department as the lead agency on the agreement, if the ~~chancellor~~ 35043
director determines that the agreement is not in the best interest 35044
of the state or the board. 35045

(F) For purposes of this section: 35046

(1) "Eligible institution in Ohio" is any of the following 35047
types of institutions, as long as it is degree-granting and is 35048
accredited by an accrediting agency recognized by the United 35049
States secretary of education: 35050

(a) A state institution of higher education as defined in 35051
section 3345.011 of the Revised Code; 35052

(b) An Ohio institution of higher education that has received 35053
a certificate of authorization pursuant to Chapter 1713. of the 35054
Revised Code; 35055

(c) An Ohio institution of higher education authorized by the 35056
state board of career colleges and schools under section 3332.05 35057
of the Revised Code. 35058

(2) "Participating institution in Ohio" is any "eligible 35059
institution in Ohio" that has been approved by the ~~chancellor~~ 35060
director for participation in the agreement entered into under 35061
this section. 35062

(3) "Participating institution in another state" is any 35063

institution of higher education that is located outside of Ohio 35064
that meets the eligibility requirements under the terms of a 35065
similar reciprocity agreement and is approved by the appropriate 35066
agency of that institution's home state to participate in an 35067
agreement entered into with the midwestern higher education 35068
compact, the New England board of higher education, the southern 35069
regional education board, or the western interstate commission for 35070
higher education. 35071

Sec. 3333.18. The ~~chancellor of the Ohio board of regents~~ 35072
director of higher education may enter into contracts with the 35073
appropriate agency in a contiguous state whereby financial aids 35074
from the funds of each state may be used by qualified student 35075
recipients to attend approved post-secondary educational 35076
institutions in the other state. Approved institutions in Ohio are 35077
those that are state-assisted or are nonprofit and have received 35078
certificates of authorization pursuant to Chapter 1713. of the 35079
Revised Code, or are private institutions exempt from regulation 35080
under Chapter 3332. of the Revised Code as prescribed in section 35081
3333.046 of the Revised Code. Eligible post-secondary educational 35082
institutions in the contiguous state shall be similarly approved 35083
by the appropriate agency of that state. In formulating and 35084
executing such contracts with a contiguous state, the ~~chancellor~~ 35085
director shall assure that the total cost to this state 35086
approximates the total cost to the contiguous state. Any contract 35087
entered into under this section shall be subject to the periodic 35088
review of, and approval by, the controlling board. 35089

Sec. 3333.19. The ~~chancellor of the Ohio board of regents~~ 35090
director of higher education may enter into agreements with the 35091
appropriate agency in a foreign country or with an agency or 35092
organization sponsoring foreign student exchanges under which the 35093
agency or organization ensures that Ohio residents enrolled in 35094

post-secondary educational institutions in the foreign country 35095
will pay tuition and fees at rates no higher than the rates 35096
charged to students who are residents of that country and under 35097
which the ~~chancellor~~ director provides that rates for tuition and 35098
fees charged to a comparable number of students from the foreign 35099
country who are enrolled in state-assisted institutions of higher 35100
education in Ohio are to be no higher than the rates charged to 35101
students who are Ohio residents. Notwithstanding that an Ohio 35102
resident is enrolled in a post-secondary educational institution 35103
in a foreign country under one of these agreements, any such 35104
student who was previously enrolled in a state-assisted 35105
institution shall be counted as enrolled in such institution for 35106
state subsidy purposes in a manner prescribed by rules the 35107
~~chancellor~~ director shall adopt. 35108

Sec. 3333.20. (A) The ~~chancellor of the Ohio board of regents~~ 35109
director of higher education shall adopt educational service 35110
standards that shall apply to all community colleges, university 35111
branches, technical colleges, and state community colleges 35112
established under Chapters 3354., 3355., 3357., and 3358. of the 35113
Revised Code, respectively. These standards shall provide for such 35114
institutions to offer or demonstrate at least the following: 35115

(1) An appropriate range of career or technical programs 35117
designed to prepare individuals for employment in specific careers 35118
at the technical or paraprofessional level; 35119

(2) Commitment to an effective array of developmental 35120
education services providing opportunities for academic skill 35121
enhancement; 35122

(3) Partnerships with industry, business, government, and 35123
labor for the retraining of the workforce and the economic 35124
development of the community; 35125

| | |
|--|---|
| (4) Noncredit continuing education opportunities; | 35126 |
| (5) College transfer programs or the initial two years of a baccalaureate degree for students planning to transfer to institutions offering baccalaureate programs; | 35127 35128 35129 |
| (6) Linkages with high schools to ensure that graduates are adequately prepared for post-secondary instruction; | 35130 35131 |
| (7) Student access provided according to a convenient schedule and program quality provided at an affordable price; | 35132 35133 |
| (8) That student fees charged by any institution are as low as possible, especially if the institution is being supported by a local tax levy; | 35134 35135 35136 |
| (9) A high level of community involvement in the decision-making process in such critical areas as course delivery, range of services, fees and budgets, and administrative personnel. | 35137 35138 35139 |
| (B) The chancellor <u>director</u> shall consult with representatives of state-assisted colleges and universities, as defined in section 3333.041 of the Revised Code, in developing appropriate methods for achieving or maintaining the standards adopted pursuant to division (A) of this section. | 35140 35141 35142 35143 35144 |
| (C) In considering institutions that are co-located, the chancellor <u>director</u> shall apply the standards to them in two manners: | 35145 35146 35147 |
| (1) As a whole entity; | 35148 |
| (2) As separate entities, applying the standards separately to each. | 35149 35150 |
| When distributing any state funds among institutions based on the degree to which they meet the standards, the chancellor <u>director</u> shall provide to institutions that are co-located the higher amount produced by the two judgments under divisions (C)(1) and (2) of this section. | 35151 35152 35153 35154 35155 |

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the ~~chancellor of the Ohio board of regents~~ director of higher education.

The ~~chancellor~~ director shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code.

To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or holds a certificate of registration and program authorization issued under section 3332.05 of the Revised Code and awards an associate or bachelor's degree. Students who attend an institution holding a certificate of registration shall be enrolled in a program leading to an associate or bachelor's degree for which associate or bachelor's degree program the institution has program authorization to offer the program issued under section 3332.05 of the Revised Code.

"Resident" and "full-time student" shall be defined in rules adopted by the ~~chancellor~~ director.

The ~~chancellor~~ director shall award the scholarships on the 35187
basis of a formula designed by the ~~chancellor~~ director to identify 35188
students with the highest capability for successful college study. 35189
The formula shall weigh the factor of achievement, as measured by 35190
grade point average, and the factor of ability, as measured by 35191
performance on a competitive examination specified by the 35192
~~chancellor~~ director. Students receiving scholarships shall be 35193
known as "Ohio academic scholars." 35194

Sec. 3333.22. Each Ohio academic scholarship shall be awarded 35195
for an academic year and may be renewed for each of three 35196
additional academic years. The scholarship amount awarded to a 35197
scholar for an academic year shall be not less than two thousand 35198
dollars. A scholarship shall be renewed if the scholar maintains 35199
an academic record satisfactory to the ~~chancellor of the Ohio~~ 35200
~~board of regents~~ director of higher education and meets any of the 35201
following conditions: 35202

(A) The scholar is enrolled as a full-time undergraduate; 35203

(B) The scholar was awarded an undergraduate degree in less 35204
than four academic years and is enrolled as a full-time graduate 35205
or professional student in an Ohio institution of higher education 35206
that meets the requirements of Title VI of the "Civil Rights Act 35207
of 1964" and is state-assisted or is nonprofit and holds a 35208
certificate of authorization issued under section 1713.02 of the 35209
Revised Code; 35210

(C) The scholar is a full-time student concurrently enrolled 35211
as an undergraduate student and as a graduate or professional 35212
student in an Ohio institution of higher education that meets the 35213
requirements of division (B) of this section. 35214

Each amount awarded shall be paid in equal installments to 35215
the scholar at the time of enrollment for each term of the 35216
academic year for which the scholarship is awarded or renewed. No 35217

scholar is eligible to receive an Ohio academic scholarship for 35218
more than the equivalent of four academic years. 35219

If an Ohio academic scholar is temporarily unable to attend 35220
school because of illness or other cause satisfactory to the 35221
~~chancellor~~ director, the ~~chancellor~~ director may grant a leave of 35222
absence for a designated period of time. If a scholar discontinues 35223
full-time attendance at the scholar's school during a term because 35224
of illness or other cause satisfactory to the ~~chancellor~~ director, 35225
the scholar may either claim a prorated payment for the period of 35226
actual attendance or waive payment for that term. A term for which 35227
prorated payment is made shall be considered a full term for which 35228
a scholarship was received. A term for which payment is waived 35229
shall not be considered a term for which a scholarship was 35230
received. 35231

Receipt of an Ohio academic scholarship shall not affect a 35232
scholar's eligibility for the Ohio instructional grant program. 35233

Sec. 3333.23. At the end of each term, each Ohio academic 35234
scholar shall request the registrar of the school to send a copy 35235
of the scholar's scholastic record to the ~~chancellor of the Ohio~~ 35236
~~board of regents~~ director of higher education. If the scholar's 35237
record fails to meet the standards established by the ~~chancellor~~ 35238
director, further payments shall be suspended until the scholar 35239
demonstrates promise of successful progress in the academic 35240
program for which the award was made. The ~~chancellor~~ director may 35241
revoke the scholarship if the scholar does not resume successful 35242
academic progress within a reasonable time. 35243

Sec. 3333.25. There is hereby created the Ohio academic 35244
scholarship payment fund, which shall be in the custody of the 35245
treasurer of state but shall not be a part of the state treasury. 35246
The fund shall consist of all moneys appropriated for the fund by 35247

the general assembly and other moneys otherwise made available to 35248
the fund. The payment fund shall be used for the payment of Ohio 35249
academic scholarships or for additional scholarships to recognize 35250
outstanding academic achievement and ability. The ~~chancellor of~~ 35251
~~the Ohio board of regents~~ director of higher education shall 35252
administer this section and establish rules for the distribution 35253
and awarding of any additional scholarships. 35254

The ~~chancellor~~ director may direct the treasurer of state to 35255
invest any moneys in the payment fund not currently needed for 35256
scholarship payments, in any kinds of investments in which moneys 35257
of the public employees retirement system may be invested. 35258

The instruments of title of all investments shall be 35259
delivered to the treasurer of state or to a qualified trustee 35260
designated by the treasurer of state as provided in section 135.18 35261
of the Revised Code. The treasurer of state shall collect both 35262
principal and investment earnings on all investments as they 35263
become due and pay them into the fund. 35264

All deposits to the fund shall be made in financial 35265
institutions of this state secured as provided in section 135.18 35266
of the Revised Code. 35267

Sec. 3333.26. (A) Any citizen of this state who has resided 35268
within the state for one year, who was in the active service of 35269
the United States as a soldier, sailor, nurse, or marine between 35270
April 6, 1917, and November 11, 1918, and who has been honorably 35271
discharged from that service, shall be admitted to any school, 35272
college, or university that receives state funds in support 35273
thereof, without being required to pay any tuition or 35274
matriculation fee, but is not relieved from the payment of 35275
laboratory or similar fees. 35276

(B)(1) As used in this division: 35277

| | |
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| (a) "Volunteer firefighter" has the meaning as in division | 35278 |
| (B)(1) of section 146.01 of the Revised Code. | 35279 |
| (b) "Public service officer" means an Ohio firefighter, | 35280 |
| volunteer firefighter, police officer, member of the state highway | 35281 |
| patrol, employee designated to exercise the powers of police | 35282 |
| officers pursuant to section 1545.13 of the Revised Code, or other | 35283 |
| peace officer as defined by division (B) of section 2935.01 of the | 35284 |
| Revised Code, or a person holding any equivalent position in | 35285 |
| another state. | 35286 |
| (c) "Qualified former spouse" means the former spouse of a | 35287 |
| public service officer, or of a member of the armed services of | 35288 |
| the United States, who is the custodial parent of a minor child of | 35289 |
| that marriage pursuant to an order allocating the parental rights | 35290 |
| and responsibilities for care of the child issued pursuant to | 35291 |
| section 3109.04 of the Revised Code. | 35292 |
| (d) "Operation enduring freedom" means that period of | 35293 |
| conflict which began October 7, 2001, and ends on a date declared | 35294 |
| by the president of the United States or the congress. | 35295 |
| (e) "Operation Iraqi freedom" means that period of conflict | 35296 |
| which began March 20, 2003, and ends on a date declared by the | 35297 |
| president of the United States or the congress. | 35298 |
| (f) "Combat zone" means an area that the president of the | 35299 |
| United States by executive order designates, for purposes of 26 | 35300 |
| U.S.C. 112, as an area in which armed forces of the United States | 35301 |
| are or have engaged in combat. | 35302 |
| (2) Any resident of this state who is under twenty-six years | 35303 |
| of age, or under thirty years of age if the resident has been | 35304 |
| honorably discharged from the armed services of the United States, | 35305 |
| who is the child of a public service officer killed in the line of | 35306 |
| duty or of a member of the armed services of the United States | 35307 |
| killed in the line of duty during operation enduring freedom or | 35308 |

operation Iraqi freedom, and who is admitted to any state 35309
university or college as defined in division (A)(1) of section 35310
3345.12 of the Revised Code, community college, state community 35311
college, university branch, or technical college shall not be 35312
required to pay any tuition or any student fee for up to four 35313
academic years of education, which shall be at the undergraduate 35314
level. 35315

A child of a member of the armed services of the United 35316
States killed in the line of duty during operation enduring 35317
freedom or operation Iraqi freedom is eligible for a waiver of 35318
tuition and student fees under this division only if the student 35319
is not eligible for a war orphans scholarship authorized by 35320
Chapter 5910. of the Revised Code. In any year in which the war 35321
orphans scholarship board reduces the percentage of tuition 35322
covered by a war orphans scholarship below one hundred per cent 35323
pursuant to division (A) of section 5910.04 of the Revised Code, 35324
the waiver of tuition and student fees under this division for a 35325
child of a member of the armed services of the United States 35326
killed in the line of duty during operation enduring freedom or 35327
operation Iraqi freedom shall be reduced by the same percentage. 35328

(3) Any resident of this state who is the spouse or qualified 35329
former spouse of a public service officer killed in the line of 35330
duty, and who is admitted to any state university or college as 35331
defined in division (A)(1) of section 3345.12 of the Revised Code, 35332
community college, state community college, university branch, or 35333
technical college, shall not be required to pay any tuition or any 35334
student fee for up to four academic years of education, which 35335
shall be at the undergraduate level. 35336

(4) Any resident of this state who is the spouse or qualified 35337
former spouse of a member of the armed services of the United 35338
States killed in the line of duty while serving in a combat zone 35339
after May 7, 1975, and who is admitted to any state university or 35340

college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any student fee for up to four years of academic education, which shall be at the undergraduate level. In order to qualify under division (B)(4) of this section, the spouse or qualified former spouse shall have been a resident of this state at the time the member was killed in the line of duty.

(C) Any institution that is not subject to division (B) of this section and that holds a valid certificate of registration issued under Chapter 3332. of the Revised Code, a valid certificate issued under Chapter 4709. of the Revised Code, or a valid license issued under Chapter 4713. of the Revised Code, or that is nonprofit and has a certificate of authorization issued under section 1713.02 of the Revised Code, or that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, which reduces tuition and student fees of a student who is eligible to attend an institution of higher education under the provisions of division (B) of this section by an amount indicated by the ~~chancellor of the Ohio board of regents~~ director of higher education shall be eligible to receive a grant in that amount from the ~~chancellor~~ director.

Each institution that enrolls students under division (B) of this section shall report to the ~~chancellor~~ director, by the first day of July of each year, the number of students who were so enrolled and the average amount of all such tuition and student fees waived during the preceding year. The ~~chancellor~~ director shall determine the average amount of all such tuition and student fees waived during the preceding year. The average amount of the tuition and student fees waived under division (B) of this section during the preceding year shall be the amount of grants that

participating institutions shall receive under this division 35373
during the current year, but no grant under this division shall 35374
exceed the tuition and student fees due and payable by the student 35375
prior to the reduction referred to in this division. The grants 35376
shall be made for four years of undergraduate education of an 35377
eligible student. 35378

Sec. 3333.28. (A) The ~~chancellor of the Ohio board of regents~~ 35379
director of higher education shall establish the nurse education 35380
assistance program, the purpose of which shall be to make loans to 35381
students enrolled in prelicensure nurse education programs at 35382
institutions approved by the board of nursing under section 35383
4723.06 of the Revised Code and postlicensure nurse education 35384
programs approved by the ~~chancellor~~ director under section 3333.04 35385
of the Revised Code or offered by an institution holding a 35386
certificate of authorization issued under Chapter 1713. of the 35387
Revised Code. The board of nursing shall assist the ~~chancellor~~ 35388
director in administering the program. 35389

(B) There is hereby created in the state treasury the nurse 35390
education assistance fund, which shall consist of all money 35391
transferred to it pursuant to section 4743.05 of the Revised Code. 35392
The fund shall be used by the ~~chancellor~~ director for loans made 35393
under division (A) of this section and for expenses of 35394
administering the loan program. 35395

(C) Between July 1, 2005, and January 1, 2012, the ~~chancellor~~ 35396
director shall distribute money in the nurse education assistance 35397
fund in the following manner: 35398

(1)(a) Fifty per cent of available funds shall be awarded as 35399
loans to registered nurses enrolled in postlicensure nurse 35400
education programs described in division (A) of this section. To 35401
be eligible for a loan, the applicant shall provide the ~~chancellor~~ 35402
director with a letter of intent to practice as a faculty member 35403

at a prelicensure or postlicensure program for nursing in this 35404
state upon completion of the applicant's academic program. 35405

(b) If the borrower of a loan under division (C)(1)(a) of 35406
this section secures employment as a faculty member of an approved 35407
nursing education program in this state within six months 35408
following graduation from an approved nurse education program, the 35409
~~chancellor~~ director may forgive the principal and interest of the 35410
student's loans received under division (C)(1)(a) of this section 35411
at a rate of twenty-five per cent per year, for a maximum of four 35412
years, for each year in which the borrower is so employed. A 35413
deferment of the service obligation, and other conditions 35414
regarding the forgiveness of loans may be granted as provided by 35415
the rules adopted under division (D)(7) of this section. 35416

(c) Loans awarded under division (C)(1)(a) of this section 35417
shall be awarded on the basis of the student's expected family 35418
contribution, with preference given to those applicants with the 35419
lowest expected family contribution. However, the ~~chancellor~~ 35420
director may consider other factors the ~~chancellor~~ director 35421
determines relevant in ranking the applications. 35422

(d) Each loan awarded to a student under division (C)(1)(a) 35423
of this section shall be not less than five thousand dollars per 35424
year. 35425

(2) Twenty-five per cent of available funds shall be awarded 35426
to students enrolled in prelicensure nurse education programs for 35427
registered nurses, as defined in section 4723.01 of the Revised 35428
Code. 35429

(3) Twenty-five per cent of available funds shall be awarded 35430
to students enrolled in nurse education programs as determined by 35431
the ~~chancellor~~ director, with preference given to programs aimed 35432
at increasing enrollment in an area of need. 35433

After January 1, 2012, the ~~chancellor~~ director shall 35434

determine the manner in which to distribute loans under this section. 35435
35436

(D) Subject to the requirements specified in division (C) of this section, the ~~chancellor~~ director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing: 35437
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35439

(1) Eligibility criteria for receipt of a loan; 35440

(2) Loan application procedures; 35441

(3) The amounts in which loans may be made and the total amount that may be loaned to an individual; 35442
35443

(4) The total amount of loans that can be made each year; 35444

(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance; 35445
35446

(6) Interest and principal repayment schedules; 35447

(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven; 35448
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(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be deferred or forgiven. 35451
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(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession; 35456
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(10) Any other matters incidental to the operation of the program. 35459
35460

(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness 35461
35462
35463

established by division (C)(1)(b) of this section, in the case of 35464
loans awarded under division (C)(1)(a) of this section, or by the 35465
~~chancellor~~ director under the rule adopted under division (D)(7) 35466
of this section, in the case of other loans awarded under this 35467
section. 35468

(F) The obligation to repay all or a portion of the principal 35469
and interest on a loan made under this section may be deferred or 35470
forgiven if the recipient of the loan meets the criteria for 35471
deferment or forgiveness established by the ~~chancellor~~ director 35472
under the rule adopted under division (D)(8) of this section. 35473

(G) The receipt of a loan under this section shall not affect 35474
a student's eligibility for assistance, or the amount of that 35475
assistance, granted under section 3333.12, 3333.122, 3333.22, 35476
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 35477
the rules of the ~~chancellor~~ director may provide for taking 35478
assistance received under those sections into consideration when 35479
determining a student's eligibility for a loan under this section. 35480

(H) As used in this section, "active duty" means active duty 35481
pursuant to an executive order of the president of the United 35482
States, an act of the congress of the United States, or section 35483
5919.29 or 5923.21 of the Revised Code. 35484

Sec. 3333.29. (A) As used in this section, "state institution 35485
of higher education" has the same meaning as in section 3345.011 35486
of the Revised Code. 35487

(B) The ~~chancellor of the Ohio board of regents~~ director of 35488
higher education shall establish, within the Ohio skills bank, a 35489
mechanism to facilitate communication, cooperation, and 35490
partnerships among state institutions of higher education with 35491
nursing education programs and between state institutions of 35492
higher education and hospitals in this state to meet regional and 35493
statewide nursing education needs. 35494

Sec. 3333.30. The ~~chancellor of the Ohio board of regents~~ 35495
director of higher education may enter into an agreement with 35496
private entities to provide log-in access or an internet link to 35497
free career information for students via the web site maintained 35498
by the ~~chancellor~~ director. A log-in access or internet link 35499
authorized under this section shall not be considered an 35500
advertisement, endorsement, or sponsorship for purposes of the 35501
regulation of state-controlled web sites under any section of the 35502
Revised Code, any rule of the Administrative Code, or any other 35503
policy or directive adopted or issued by the office of information 35504
technology or any other state agency. 35505

Sec. 3333.31. (A) For state subsidy and tuition surcharge 35506
purposes, status as a resident of Ohio shall be defined by the 35507
~~chancellor of the Ohio board of regents~~ director of higher 35508
education by rule promulgated pursuant to Chapter 119. of the 35509
Revised Code. No adjudication as to the status of any person under 35510
such rule, however, shall be required to be made pursuant to 35511
Chapter 119. of the Revised Code. The term "resident" for these 35512
purposes shall not be equated with the definition of that term as 35513
it is employed elsewhere under the laws of this state and other 35514
states, and shall not carry with it any of the legal connotations 35515
appurtenant thereto. Rather, except as provided in divisions (B), 35516
(C), and ~~(D)~~(E) of this section, for such purposes, the rule 35517
promulgated under this section shall have the objective of 35518
excluding from treatment as residents those who are present in the 35519
state primarily for the purpose of attending a state-supported or 35520
state-assisted institution of higher education, and may prescribe 35521
presumptive rules, rebuttable or conclusive, as to such purpose 35522
based upon the source or sources of support of the student, 35523
residence prior to first enrollment, evidence of intention to 35524
remain in the state after completion of studies, or such other 35525

factors as the ~~chancellor~~ director deems relevant. 35526

(B) The rules of the ~~chancellor~~ director for determining 35527
student residency shall grant residency status to a veteran and to 35528
the veteran's spouse and any dependent of the veteran, if both of 35529
the following conditions are met: 35530

(1) The veteran either: 35531

(a) Served one or more years on active military duty and was 35532
honorably discharged or received a medical discharge that was 35533
related to the military service; 35534

(b) Was killed while serving on active military duty or has 35535
been declared to be missing in action or a prisoner of war. 35536

(2) If the veteran seeks residency status for tuition 35537
surcharge purposes, the veteran has established domicile in this 35538
state as of the first day of a term of enrollment in an 35539
institution of higher education. If the spouse or a dependent of 35540
the veteran seeks residency status for tuition surcharge purposes, 35541
the veteran and the spouse or dependent seeking residency status 35542
have established domicile in this state as of the first day of a 35543
term of enrollment in an institution of higher education, except 35544
that if the veteran was killed while serving on active military 35545
duty, has been declared to be missing in action or a prisoner of 35546
war, or is deceased after discharge, only the spouse or dependent 35547
seeking residency status shall be required to have established 35548
domicile in accordance with this division. 35549

(C) The rules of the director for determining student 35550
residency shall grant residency status to both of the following: 35551

(1) A veteran who is the recipient of federal veterans' 35552
benefits under the "All-Volunteer Force Educational Assistance 35553
Program" or "Post-9/11 Veterans Educational Assistance Program," 35554
38 U.S.C. 3001 et seq., or any successor program, if the veteran 35555
meets all of the following criteria: 35556

(a) The veteran served at least ninety days on active military duty. 35557
35558

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code. 35559
35560

(c) The veteran resides in the state as of the first day of a term of enrollment in the state institution of higher education. 35561
35562

(2) A veteran's spouse or dependent who is the recipient of transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the spouse or dependent meets both of the following criteria: 35563
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(a) The spouse or dependent, whichever is applicable, enrolls in a state institution of higher education. 35567
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(b) The spouse or dependent, whichever is applicable, resides in the state as of the first day of a term of enrollment in the state institution of higher education. 35569
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In order to qualify under division (C)(2) of this section, the veteran's period of active military duty must have been at least ninety days. 35572
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(D) The rules of the ~~chancellor~~ director for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates. 35575
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Documentation of full-time employment and domicile shall include both of the following documents: 35582
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(1) A sworn statement from the employer or the employer's representative on the letterhead of the employer or the employer's representative certifying that the parent or spouse of the student 35584
35585
35586

is employed full-time in Ohio; 35587

(2) A copy of the lease under which the parent or spouse is 35588
the lessee and occupant of rented residential property in the 35589
state, a copy of the closing statement on residential real 35590
property of which the parent or spouse is the owner and occupant 35591
in this state or, if the parent or spouse is not the lessee or 35592
owner of the residence in which the parent or spouse has 35593
established domicile, a letter from the owner of the residence 35594
certifying that the parent or spouse resides at that residence. 35595

Residency officers may also evaluate, in accordance with the 35596
~~chancellor's~~ director's rule, requests for immediate residency 35597
status from dependent students whose parents are not living and 35598
whose domicile follows that of a legal guardian who has accepted 35599
full-time employment and established domicile in the state for 35600
reasons other than gaining the benefit of favorable tuition rates. 35601

~~(D)~~(E)(1) The rules of the ~~chancellor~~ director for 35602
determining student residency shall grant residency status to a 35603
person who, while a resident of this state for state subsidy and 35604
tuition surcharge purposes, graduated from a high school in this 35605
state or completed the final year of instruction at home as 35606
authorized under section 3321.04 of the Revised Code, if the 35607
person enrolls in an institution of higher education and 35608
establishes domicile in this state, regardless of the student's 35609
residence prior to that enrollment. 35610

(2) The rules of the ~~chancellor~~ director for determining 35611
student residency shall not grant residency status to an alien if 35612
the alien is not also an immigrant or a nonimmigrant. 35613

~~(E)~~(F) As used in this section: 35614

(1) "Dependent," "domicile," "institution of higher 35615
education," and "residency officer" have the meanings ascribed in 35616
the ~~chancellor's~~ director's rules adopted under this section. 35617

(2) "Alien" means a person who is not a United States citizen 35618
or a United States national. 35619

(3) "Immigrant" means an alien who has been granted the right 35620
by the United States bureau of citizenship and immigration 35621
services to reside permanently in the United States and to work 35622
without restrictions in the United States. 35623

(4) "Nonimmigrant" means an alien who has been granted the 35624
right by the United States bureau of citizenship and immigration 35625
services to reside temporarily in the United States. 35626

Sec. 3333.33. (A) A community college established under 35627
Chapter 3354. of the Revised Code, state community college 35628
established under Chapter 3358. of the Revised Code, or technical 35629
college established under Chapter 3357. of the Revised Code may 35630
establish a tuition guarantee program, subject to approval of the 35631
~~chancellor of the Ohio board of regents~~ director of higher 35632
education. 35633

(B) The ~~chancellor~~ director shall establish guidelines for 35634
the board of trustees of a community college, state community 35635
college, or technical college to follow when developing a tuition 35636
guarantee program and submitting applications to the ~~chancellor~~ 35637
director. 35638

Sec. 3333.34. (A) As used in this section: 35639

(1) "Pre-college stackable certificate" means a certificate 35640
earned before an adult is enrolled in an institution of higher 35641
education that can be transferred to college credit based on 35642
standards established by the ~~chancellor of the Ohio board of~~ 35643
~~regents~~ director of higher education and the department of 35644
education. 35645

(2) "College-level certificate" means a certificate earned 35646
while an adult is enrolled in an institution of higher education 35647

that can be transferred to college credit based on standards 35648
established by the ~~chancellor~~ director and the department of 35649
education. 35650

(B) The ~~chancellor~~ director and the department of education 35651
shall create a system of pre-college stackable certificates to 35652
provide a clear and accessible path for adults seeking to advance 35653
their education. The system shall do all of the following: 35654

(1) Be uniform across the state; 35655

(2) Be available from an array of providers, including adult 35656
career centers, institutions of higher education, and employers; 35657

(3) Be structured to respond to the expectations of both the 35658
workplace and higher education; 35659

(4) Be articulated in a way that ensures the most effective 35660
interconnection of competencies offered in specialized training 35661
programs; 35662

(5) Establish standards for earning pre-college certificates; 35663

(6) Establish transferability of pre-college certificates to 35664
college credit. 35665

(C) The ~~chancellor~~ director shall develop college-level 35666
certificates that can be transferred to college credit in 35667
different subject competencies. The certificates shall be based on 35668
competencies and experience and not on classroom seat time. 35669

Sec. 3333.342. (A) The ~~chancellor of the Ohio board of~~ 35670
~~regents~~ director of higher education may designate a "certificate 35671
of value" for a certificate program at any adult career-technical 35672
education institution or state institution of higher education, as 35673
defined under section 3345.011 of the Revised Code, based on the 35674
standards adopted under division (B) of this section. 35675

(B) The ~~chancellor~~ director shall develop standards for 35676

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| designation of the certificates of value for certificate programs | 35677 |
| at adult career-technical education institutions and state | 35678 |
| institutions of higher education. The standards shall include at | 35679 |
| least the following considerations: | 35680 |
| (1) The quality of the certificate program; | 35681 |
| (2) The ability to transfer agreed-upon technical courses | 35682 |
| completed through an adult career-technical education institution | 35683 |
| to a state institution of higher education without unnecessary | 35684 |
| duplication or institutional barriers; | 35685 |
| (3) The extent to which the certificate program encourages a | 35686 |
| student to obtain an associate's or bachelor's degree; | 35687 |
| (4) The extent to which the certificate program increases a | 35688 |
| student's likelihood to complete other certificate programs or an | 35689 |
| associate's or bachelor's degree; | 35690 |
| (5) The ability of the certificate program to meet the | 35691 |
| expectations of the workplace and higher education; | 35692 |
| (6) The extent to which the certificate program is aligned | 35693 |
| with the strengths of the regional economy; | 35694 |
| (7) The extent to which the certificate program increases the | 35695 |
| amount of individuals who remain in or enter the state's | 35696 |
| workforce; | 35697 |
| (8) The extent of a certificate program's relationship with | 35698 |
| private companies in the state to fill potential job growth. | 35699 |
| (C) The designation of a certificate of value under this | 35700 |
| section shall expire six years after its designation date. | 35701 |
| (D) The chancellor <u>director</u> may revoke a designation prior to | 35702 |
| its expiration date if the chancellor <u>director</u> determines that the | 35703 |
| program no longer complies with the standards developed under | 35704 |
| division (B) of this section. | 35705 |
| (E) Any revocation of a certificate of value under this | 35706 |

section shall become effective one hundred eighty days after the 35707
date the revocation was declared by the ~~chancellor~~ director. 35708

(F) Any adult career-technical education institution or state 35709
institution of higher education that desires to be eligible to 35710
receive a designation of certificate of value for one or more of 35711
its certificate programs shall comply with all records and data 35712
requests required by the ~~chancellor~~ director. 35713

Sec. 3333.35. The state board of education and the ~~chancellor~~ 35714
~~of the Ohio board of regents~~ director of higher education shall 35715
strive to reduce unnecessary student remediation costs incurred by 35716
colleges and universities in this state, increase overall access 35717
for students to higher education, enhance the college credit plus 35718
program in accordance with Chapter 3365. of the Revised Code, and 35719
enhance the alternative resident educator licensure program in 35720
accordance with section 3319.26 of the Revised Code. 35721
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Sec. 3333.36. If the ~~chancellor~~ director of higher education 35723
determines that sufficient funds are available from general 35724
revenue fund appropriations made to the ~~Ohio board of regents~~ 35725
department of higher education or to the ~~chancellor of the Ohio~~ 35726
~~board of regents~~ director, the ~~chancellor~~ director shall allocate 35727
the following: 35728

(A) Up to seventy thousand dollars in each fiscal year to 35729
make payments to the Columbus program in intergovernmental issues, 35730
an Ohio internship program at Kent state university, for 35731
scholarships of up to two thousand dollars for each student 35732
enrolled in the program; 35733

(B) Up to one hundred sixty-five thousand dollars in each 35734
fiscal year to make payments to the Washington center for 35735
scholarships provided to undergraduates of Ohio's four-year public 35736

and private institutions of higher education selected to 35737
participate in the Washington center internship program. The 35738
amount of a student's scholarship shall not exceed the amount 35739
specified for such scholarships in the biennial operating 35740
appropriations act. 35741

The ~~chancellor~~ director may utilize any general revenue funds 35742
appropriated to the ~~board of regents~~ department or to the 35743
~~chancellor~~ director that the ~~chancellor~~ director determines to be 35744
available for purposes of this section. 35745

Sec. 3333.37. As used in sections 3333.37 to 3333.375 of the 35746
Revised Code, the following words and terms have the following 35747
meanings unless the context indicates a different meaning or 35748
intent: 35749

(A) "Cost of attendance" means all costs of a student 35750
incurred in connection with a program of study at an eligible 35751
institution, as determined by the institution, including tuition; 35752
instructional fees; room and board; books, computers, and 35753
supplies; and other related fees, charges, and expenses. 35754

(B) "Eligible institution" means one of the following: 35755

(1) A state-assisted post-secondary educational institution 35756
within the state; 35757

(2) A nonprofit institution of higher education within the 35758
state that holds a certificate of authorization issued under 35759
Chapter 1713. of the Revised Code, that is accredited by the 35760
appropriate regional and, when appropriate, professional 35761
accrediting associations within whose jurisdiction it falls, is 35762
authorized to grant a bachelor's degree or higher, and satisfies 35763
other conditions as set forth in the policy guidelines; 35764

(3) A private institution exempt from regulation under 35765
Chapter 3332. of the Revised Code as prescribed in section 35766

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| 3333.046 of the Revised Code. | 35767 |
| (C) "Eligible student" means either of the following: | 35768 |
| (1) An undergraduate student who meets all of the following: | 35769 |
| (a) Is a resident of this state; | 35770 |
| (b) Has graduated from any Ohio secondary school for which the state board of education prescribes minimum standards in accordance with section 3301.07 of the Revised Code; | 35771 35772 35773 |
| (c) Is attending and in good standing, or has been accepted for attendance, at any eligible institution as a full-time student to pursue a bachelor's degree. | 35774 35775 35776 |
| (2) A graduate student who is a resident of this state, and is attending and in good standing, or has been accepted for attendance, at any eligible institution. | 35777 35778 35779 |
| (D) "Fellowship" or "fellowship program" means the Ohio priority needs fellowship created by sections 3333.37 to 3333.375 of the Revised Code. | 35780 35781 35782 |
| (E) "Full-time student" has the meaning as defined by rule of the chancellor of the Ohio board of regents <u>director of higher</u> <u>education</u> . | 35783 35784 35785 |
| (F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code. | 35786 35787 35788 |
| (G) "Policy guidelines" means the rules adopted by the chancellor <u>director</u> pursuant to section 3333.374 of the Revised Code. | 35789 35790 35791 |
| (H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code. | 35792 35793 35794 |
| (I) "Priority needs field of study" means those academic | 35795 |

majors and disciplines as determined by the ~~chancellor~~ director 35796
that support the purposes and intent of sections 3333.37 to 35797
3333.375 of the Revised Code as described in section 3333.371 of 35798
the Revised Code. 35799

(J) "Scholarship" or "scholarship program" means the Ohio 35800
outstanding scholarship created by sections 3333.37 to 3333.375 of 35801
the Revised Code. 35802

Sec. 3333.372. (A) There are hereby authorized the "Ohio 35803
outstanding scholarship" and the "Ohio priority needs fellowship" 35804
programs, which shall be established and administered by the 35805
~~chancellor of the Ohio board of regents~~ director of higher 35806
education for eligible students. The programs shall provide 35807
scholarships to eligible undergraduate students and fellowships to 35808
eligible graduate students, equal to the annual cost of attendance 35809
at eligible institutions, to pursue baccalaureate degrees and 35810
post-baccalaureate degrees in priority needs field of study 35811
consistent with section 3333.371 of the Revised Code. 35812

(B) The scholarship and fellowship programs created under 35813
sections 3333.37 to 3333.375 of the Revised Code and any necessary 35814
administrative expenses shall be funded solely from the Ohio 35815
outstanding scholarship and the Ohio priority needs fellowship 35816
programs payment funds established pursuant to section 3333.375 of 35817
the Revised Code. 35818

(C) The scholarships shall be renewable for each of three 35819
additional years for undergraduate study, and the fellowships 35820
shall be renewable for each of two additional years for graduate 35821
study, provided the Ohio outstanding scholar or priority needs 35822
fellow remains an eligible student at an eligible institution. 35823

Sec. 3333.373. (A) The scholarship rules advisory committee 35824
is hereby established. The committee shall consist of the 35825

~~chancellor of the Ohio board of regents~~ director of higher 35826
education or the ~~chancellor's~~ director's designee, the treasurer 35827
of state or the treasurer of state's designee, the director of 35828
development or the director's designee, one state senator 35829
appointed by the president of the senate, one state representative 35830
appointed by the speaker of the house of representatives, and two 35831
public members appointed by the ~~chancellor~~ director of higher 35832
education representing the interests of the state-assisted 35833
eligible institutions and private nonprofit eligible institutions, 35834
respectively. 35835

(B) The committee shall provide recommendations to the 35836
~~chancellor~~ director of higher education as to rules, criteria, and 35837
guidelines necessary and appropriate to implement the scholarship 35838
and fellowship programs created by sections 3333.37 to 3333.375 of 35839
the Revised Code. 35840

(C) The committee shall meet at least annually to review the 35841
scholarship and fellowship programs guidelines; make 35842
recommendations to amend, rescind, or modify the policy 35843
guidelines; and approve scholarship and fellowship awards to 35844
eligible students. 35845

(D) Sections 101.82 to 101.87 of the Revised Code do not 35846
apply to this section. 35847

Sec. 3333.374. (A) After receipt of recommendations from the 35848
scholarship rules advisory committee or if no recommendations are 35849
received, the ~~chancellor of the Ohio board of regents~~ director of 35850
higher education, with the approval of the treasurer of state, 35851
shall adopt rules, in accordance with Chapter 119. of the Revised 35852
Code, establishing policy guidelines for the implementation of the 35853
scholarship and fellowship programs. 35854

(B) Nothing in this section or section 3333.373 of the 35855
Revised Code shall prevent the ~~chancellor~~ director, with the 35856

approval of the treasurer of state, from amending or rescinding 35857
rules adopted pursuant to division (A) of this section, or from 35858
adopting new rules, in accordance with Chapter 119. of the Revised 35859
Code, from time to time as are necessary to further the purposes 35860
of sections 3333.37 to 3333.375 of the Revised Code. 35861

Sec. 3333.375. (A)(1) There are hereby created the Ohio 35862
outstanding scholarship and the Ohio priority needs fellowship 35863
programs payment funds, which shall be in the custody of the 35864
treasurer of state, but shall not be a part of the state treasury. 35865

(2) The payment funds shall consist solely of all moneys 35866
returned to the treasurer of state, as issuer of certain 35867
tax-exempt student loan revenue bonds, from all indentures of 35868
trust, both presently existing and future, created as a result of 35869
tax-exempt student loan revenue bonds issued under Chapter 3366. 35870
of the Revised Code, and any moneys earned from allowable 35871
investments of the payment funds under division (B) of this 35872
section. 35873

(3) Except as provided in division (E) of this section, the 35874
payment funds shall be used solely for scholarship and fellowships 35875
awarded under sections 3333.37 to 3333.375 of the Revised Code by 35876
the ~~chancellor of the Ohio board of regents~~ director of higher 35877
education and for any necessary administrative expenses incurred 35878
by the ~~chancellor~~ director in administering the scholarship and 35879
fellowship programs. 35880

(B) The treasurer of state may invest any moneys in the 35881
payment funds not currently needed for scholarship and fellowship 35882
payments in any kind of investments in which moneys of the public 35883
employees retirement system may be invested under Chapter 145. of 35884
the Revised Code. 35885

(C)(1) The instruments of title of all investments shall be 35886
delivered to the treasurer of state or to a qualified trustee 35887

designated by the treasurer of state as provided in section 135.18 35888
of the Revised Code. 35889

(2) The treasurer of state shall collect both principal and 35890
investment earnings on all investments as they become due and pay 35891
them into the payment funds. 35892

(3) All deposits to the payment funds shall be made in public 35893
depositories of this state and secured as provided in section 35894
135.18 of the Revised Code. 35895

(D) On or before March 1, 2001, and on or before the first 35896
day of March in each subsequent year, the treasurer of state shall 35897
provide to the ~~chancellor of the Ohio board of regents~~ director a 35898
statement indicating the moneys in the Ohio outstanding 35899
scholarship and the Ohio priority needs fellowship programs 35900
payment funds that are available for the upcoming academic year to 35901
award scholarships and fellowships under sections 3333.37 to 35902
3333.375 of the Revised Code. 35903

(E) The ~~chancellor~~ director may use funds the treasurer has 35904
indicated as available pursuant to division (D) of this section to 35905
support distribution of state need-based financial aid in 35906
accordance with sections 3333.12 and 3333.122 of the Revised Code. 35907

Sec. 3333.39. The ~~chancellor of the Ohio board of regents~~ 35908
director of higher education and the superintendent of public 35909
instruction shall establish and administer the teach Ohio program 35910
to promote and encourage citizens of this state to consider 35911
teaching as a profession. The program shall include all of the 35912
following: 35913

(A) A statewide program administered by a nonprofit 35914
corporation that has been in existence for at least fifteen years 35915
with demonstrated results in encouraging high school students from 35916
economically disadvantaged groups to enter the teaching 35917

profession. The ~~chancellor~~ director and superintendent jointly 35918
shall select the nonprofit corporation. 35919

(B) The Ohio teaching fellows program established under 35920
sections 3333.391 and 3333.392 of the Revised Code; 35921

(C) The Ohio teacher residency program established under 35922
section 3319.223 of the Revised Code; 35923

(D) Alternative licensure procedures established under 35924
section 3319.26 of the Revised Code; 35925

(E) Any other program as identified by the ~~chancellor~~ 35926
director and the superintendent. 35927

Sec. 3333.391. (A) As used in this section and in section 35928
3333.392 of the Revised Code: 35929

(1) "Academic year" shall be as defined by the ~~chancellor of~~ 35930
~~the Ohio board of regents~~ director of higher education. 35931

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 35932
be as defined by the department of education. 35933

(3) "Parent" means the parent, guardian, or custodian of a 35934
qualified student. 35935

(4) "Qualified service" means teaching at a qualifying 35936
school. 35937

(5) "Qualifying school" means a hard-to-staff school district 35938
building or a school district building that has a persistently low 35939
performance rating, as determined jointly by the ~~chancellor~~ 35940
director and superintendent of public instruction, under section 35941
3302.03 of the Revised Code at the time the recipient becomes 35942
employed by the district. 35943

(B) If the ~~chancellor of the Ohio board of regents~~ director 35944
of higher education determines that sufficient funds are available 35945
from general revenue fund appropriations made to the ~~Ohio board of~~ 35946

~~regents~~ director of higher education or to the ~~chancellor~~ 35947
director, the ~~chancellor~~ director and the superintendent of public 35948
instruction jointly may develop and agree on a plan for the Ohio 35949
teaching fellows program to promote and encourage high school 35950
seniors to enter and remain in the teaching profession. Upon 35951
agreement of such a plan, the ~~chancellor~~ director shall establish 35952
and administer the program in conjunction with the superintendent 35953
and with the cooperation of teacher training institutions. Under 35954
the program, the ~~chancellor~~ director annually shall provide 35955
scholarships to students who commit to teaching in a qualifying 35956
school for a minimum of four years upon graduation from a teacher 35957
training program at a state institution of higher education or an 35958
Ohio nonprofit institution of higher education that has a 35959
certificate of authorization under Chapter 1713. of the Revised 35960
Code. The scholarships shall be for up to four years at the 35961
undergraduate level at an amount determined by the ~~chancellor~~ 35962
director based on state appropriations. 35963

(C) The ~~chancellor~~ director shall adopt a competitive process 35964
for awarding scholarships under the teaching fellows program, 35965
which shall include minimum grade point average and scores on 35966
national standardized tests for college admission. The process 35967
shall also give additional consideration to all of the following: 35968

(1) A person who has participated in the program described in 35969
division (A) of section 3333.39 of the Revised Code; 35970

(2) A person who plans to specialize in teaching students 35971
with special needs; 35972

(3) A person who plans to teach in the disciplines of 35973
science, technology, engineering, or mathematics. 35974

The ~~chancellor~~ director shall require that all applicants to 35975
the teaching fellows program shall file a statement of service 35976
status in compliance with section 3345.32 of the Revised Code, if 35977

applicable, and that all applicants have not been convicted of, 35978
plead guilty to, or adjudicated a delinquent child for any 35979
violation listed in section 3333.38 of the Revised Code. 35980

(D) Teaching fellows shall complete the four-year teaching 35981
commitment within not more than seven years after graduating from 35982
the teacher training program. Failure to fulfill the commitment 35983
shall convert the scholarship into a loan to be repaid under 35984
section 3333.392 of the Revised Code. 35985

(E) The ~~chancellor~~ director shall adopt rules in accordance 35986
with Chapter 119. of the Revised Code to administer this section 35987
and section 3333.392 of the Revised Code. 35988

Sec. 3333.392. (A) Each recipient who accepts a scholarship 35989
under the Ohio teaching fellows program created under section 35990
3333.391 of the Revised Code, or the recipient's parent if the 35991
recipient is younger than eighteen years of age, shall sign a 35992
promissory note payable to the state in the event the recipient 35993
does not satisfy the service requirement of division (D) of 35994
section 3333.391 of the Revised Code or the scholarship is 35995
terminated. The amount payable under the note shall be the amount 35996
of total scholarships accepted by the recipient under the program 35997
plus ten per cent interest accrued annually beginning on the first 35998
day of September after graduating from the teacher training 35999
program or immediately after termination of the scholarship. The 36000
period of repayment under the note shall be determined by the 36001
~~chancellor of the Ohio board of regents~~ director of higher 36002
education. The note shall stipulate that the obligation to make 36003
payments under the note is canceled following completion of four 36004
years of qualified service by the recipient in accordance with 36005
division (D) of section 3333.391 of the Revised Code, or if the 36006
recipient dies, becomes totally and permanently disabled, or is 36007
unable to complete the required qualified service as a result of a 36008

reduction in force at the recipient's school of employment before 36009
the obligation under the note has been satisfied. 36010

(B) Repayment of the principal amount of the scholarship and 36011
interest accrued shall be deferred while the recipient is enrolled 36012
in an approved teaching program, while the recipient is seeking 36013
employment to fulfill the service obligation, for a period not to 36014
exceed six months, or while the recipient is engaged in qualified 36015
service. 36016

(C) During the seven-year period following the recipient's 36017
graduation from an approved teaching program, the ~~chancellor~~ 36018
director shall deduct twenty-five per cent of the outstanding 36019
balance that may be converted to a loan for each year the 36020
recipient teaches at a qualifying school. 36021

(D) The ~~chancellor~~ director may terminate the scholarship, in 36022
which case the scholarship shall be converted to a loan to be 36023
repaid under division (A) of this section. 36024

(E) The scholarship shall be deemed terminated upon the 36025
recipient's withdrawal from school or the recipient's failure to 36026
meet the standards of the scholarship as determined by the 36027
~~chancellor~~ director and shall be converted to a loan to be repaid 36028
under division (A) of this section. 36029

(F) The ~~chancellor~~ director and the attorney general shall 36030
collect payments on the converted loan in accordance with section 36031
131.02 of the Revised Code. 36032

Sec. 3333.43. This section does not apply to any 36033
baccalaureate degree program that is a cooperative education 36034
program, as defined in section 3333.71 of the Revised Code. 36035

(A) The ~~chancellor of the Ohio board of regents~~ director of 36036
higher education shall require all state institutions of higher 36037
education that offer baccalaureate degrees, as a condition of 36038

reauthorization for certification of each baccalaureate program 36039
offered by the institution, to submit a statement describing how 36040
each major for which the school offers a baccalaureate degree may 36041
be completed within three academic years. The chronology of the 36042
statement shall begin with the fall semester of a student's first 36043
year of the baccalaureate program. 36044

(B) The statement required under this section may include, 36045
but not be limited to, any of the following methods to contribute 36046
to earning a baccalaureate degree in three years: 36047

(1) Advanced placement credit; 36048

(2) International baccalaureate program credit; 36049

(3) A waiver of degree and credit-hour requirements by 36050
completion of courses that are widely available at community 36051
colleges in the state or through online programs offered by state 36052
institutions of higher education or private nonprofit institutions 36053
of higher education holding certificates of authorization under 36054
Chapter 1713. of the Revised Code, and through courses taken by 36055
the student through the college credit plus program under Chapter 36056
3365. of the Revised Code; 36057

(4) Completion of coursework during summer sessions; 36058

(5) A waiver of foreign-language degree requirements based on 36059
a proficiency examination specified by the institution. 36060

(C)(1) Not later than October 15, 2012, each state 36061
institution of higher education shall provide statements required 36062
under this section for ten per cent of all baccalaureate degree 36063
programs offered by the institution. 36064

(2) Not later than June 30, 2014, each state institution of 36065
higher education shall provide statements required under this 36066
section for sixty per cent of all baccalaureate degree programs 36067
offered by the institution. 36068

(D) Each state institution of higher education required to 36069
submit statements under this section shall post its three-year 36070
option on its web site and also provide that information to the 36071
department of education. The department shall distribute that 36072
information to the superintendent, high school principal, and 36073
guidance counselor, or equivalents, of each school district, 36074
community school established under Chapter 3314. of the Revised 36075
Code, and STEM school established under Chapter 3326. of the 36076
Revised Code. 36077

(E) Nothing in this section requires an institution to take 36078
any action that would violate the requirements of any independent 36079
association accrediting baccalaureate degree programs. 36080

Sec. 3333.44. ~~The chancellor of the Ohio board of regents~~ 36081
director of higher education shall designate a postsecondary 36082
globalization liaison to work with state institutions of higher 36083
education, as defined in section 3345.011 of the Revised Code, 36084
other state agencies, and representatives of the business 36085
community to enhance the state's globalization efforts. 36086

The ~~chancellor~~ director may designate a person already 36087
employed by the ~~chancellor~~ director as the liaison. 36088

Sec. 3333.50. ~~The Ohio board of regents~~ director of higher 36089
education, in consultation with the governor and the department of 36090
development, shall develop a critical needs rapid response system 36091
to respond quickly to critical workforce shortages in the state. 36092
Not later than ninety days after a critical workforce shortage is 36093
identified, the ~~chancellor of the board~~ director shall submit to 36094
the governor a proposal for addressing the shortage through 36095
initiatives of the ~~board~~ department of higher education or 36096
institutions of higher education. 36097

Sec. 3333.55. (A) The health information and imaging 36098

technology workforce development pilot project is hereby 36099
established. Under the project, in fiscal years 2008 through 2010, 36100
the ~~Ohio board of regents~~ director of higher education shall 36101
design and implement a three-year pilot program to test, in the 36102
vicinity of Clark, Greene, and Montgomery counties, how a P-16 36103
public-private education and workforce development collaborative 36104
may address each of the following goals: 36105

(1) Increase the number of students taking and mastering 36106
high-level science, technology, engineering, or mathematics 36107
courses and pursuing careers in those subjects, in all demographic 36108
regions of the state; 36109

(2) Increase the number of students pursuing professional 36110
careers in health information and imaging technology upon 36111
receiving related technical education and professional experience, 36112
in all demographic regions of the state; 36113

(3) Unify efforts among schools, career centers, 36114
post-secondary programs, and employers in a region for career and 36115
workforce development, preservation, and public education. 36116

(B) The project shall focus on enhancing P-16 education and 36117
workforce development in the field of health information and 36118
imaging technology through such activities as increased academic 36119
intervention in related areas of study, after-school and summer 36120
intervention programs, tutoring, career and job fairs and other 36121
promotional and recruitment activities, externships, professional 36122
development, field trips, academic competitions, development of 36123
related specialized study modules, development of honors programs, 36124
and development and enhancement of dual high school and college 36125
enrollment programs. 36126

(C) Project participants shall include Clark-Shawnee local 36127
school district, Springfield city school district, Greene county 36128
career center, Clark state community college, Central state 36129

university, Wright state university, Cedarville university, 36130
Wittenberg university, the university of Dayton, and private 36131
employers in the health information and imaging technology 36132
industry in the vicinity of Clark, Greene, and Montgomery 36133
counties, selected by the ~~board of regents~~ director. 36134

For the third year of the project, the ~~board of regents~~ 36135
director may add as participants the Dayton city school district 36136
and Xenia city school district. 36137

(D) Wittenberg university shall be the lead coordinating 36138
agent and Clark state community college shall be the fiscal agent 36139
for the project. 36140

(E) The ~~board of regents~~ director shall create an advisory 36141
council made up of representatives of the participating entities 36142
to coordinate, monitor, and evaluate the project. The advisory 36143
council shall submit an annual activity report to the ~~board of~~ 36144
~~regents~~ director by a date specified by the ~~board of regents~~ 36145
director. 36146

Sec. 3333.58. There is hereby created at Shawnee state 36147
university the Ohio Appalachian center for higher education to 36148
increase the educational attainment of the residents of Ohio's 36149
Appalachian region, as defined in section 107.21 of the Revised 36150
Code. The board of directors of the center shall consist of the 36151
following members: 36152

(A) The presidents of all of the following: 36153

(1) Shawnee state university; 36154

(2) Belmont technical college; 36155

(3) Hocking college; 36156

(4) Jefferson community college; 36157

(5) Zane state college; 36158

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|---|--|
| (6) Rio Grande community college; | 36159 |
| (7) Southern state community college; | 36160 |
| (8) Central Ohio technical college, Coshocton campus; | 36161 |
| (9) Washington state community college. | 36162 |
| (B) The president of Ohio university, or the president's designee; | 36163 36164 |
| (C) The dean of one of the Salem, Tuscarawas, or East Liverpool regional campuses of Kent state university, as designated by the president of Kent state university; | 36165 36166 36167 |
| (D) A representative of the chancellor of the Ohio board of regents <u>director of higher education</u> as designated by the chancellor <u>director</u> . | 36168 36169 36170 |
| Sec. 3333.59. (A) As used in this section: | 36171 |
| (1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents <u>department of higher education</u> by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year. | 36172 36173 36174 36175 36176 36177 |
| (2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code. | 36178 36179 |
| (3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code. | 36180 36181 |
| (4) " Chancellor <u>Director</u> " means the chancellor of the Ohio board of regents <u>director of higher education</u> . | 36182 36183 |
| (5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education: | 36184 36185 36186 |

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| (a) A community college as defined in section 3354.01 of the Revised Code; | 36187 36188 |
| (b) A technical college as defined in section 3357.01 of the Revised Code; | 36189 36190 |
| (c) A state community college as defined in section 3358.01 of the Revised Code. | 36191 36192 |
| (6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted: | 36193 36194 36195 |
| (a) A community college district as defined in section 3354.01 of the Revised Code; | 36196 36197 |
| (b) A technical college district as defined in section 3357.01 of the Revised Code; | 36198 36199 |
| (c) A state community college district as defined in section 3358.01 of the Revised Code. | 36200 36201 |
| (7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code. | 36202 36203 |
| (8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires. | 36204 36205 |
| (B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor <u>director</u> to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state | 36206 36207 36208 36209 36210 36211 36212 36213 36214 36215 36216 |

share of instruction, for the payment of bond service charges on 36217
such obligations. 36218

The board of trustees shall deliver to the ~~chancellor~~ 36219
director a copy of the resolution and any additional pertinent 36220
information the ~~chancellor~~ director may require. 36221

The ~~chancellor~~ director and the office of budget and 36222
management, and the issuing authority in the case of obligations 36223
to be issued by the issuing authority, shall evaluate each request 36224
received from a community or technical college district under this 36225
section. The ~~chancellor~~ director, with the advice and consent of 36226
the director of budget and management and the issuing authority in 36227
the case of obligations to be issued by the issuing authority, 36228
shall approve each request if all of the following conditions are 36229
met: 36230

(1) Approval of the request will enhance the marketability of 36231
the obligations for which the request is made; 36232

(2) The ~~chancellor~~ director and the office of budget and 36233
management, and the issuing authority in the case of obligations 36234
to be issued by the issuing authority, have no reason to believe 36235
the requesting community or technical college district or the 36236
community or technical college it operates will be unable to pay 36237
when due the bond service charges on the obligations for which the 36238
request is made, and bond service charges on those obligations are 36239
therefore not anticipated to be paid pursuant to this section from 36240
the allocated state share of instruction for purposes of Section 36241
17 of Article VIII, Ohio Constitution. 36242

(3) Any other pertinent conditions established in rules 36243
adopted under division (H) of this section. 36244

(C) If the ~~chancellor~~ director approves the request of a 36245
community or technical college district to withhold and deposit 36246
funds pursuant to this section, the ~~chancellor~~ director shall 36247

enter into a written agreement with the district and the primary 36248
paying agent or fiscal agent for the obligations, which agreement 36249
shall provide for the withholding of funds pursuant to this 36250
section for the payment of bond service charges on those 36251
obligations. The agreement may also include both of the following: 36252

(1) Provisions for certification by the district to the 36253
~~chancellor~~ director, prior to the deadline for payment of the 36254
applicable bond service charges, whether the district and the 36255
community or technical college it operates are able to pay those 36256
bond service charges when due; 36257

(2) Requirements that the district or the community or 36258
technical college it operates deposits amounts for the payment of 36259
those bond service charges with the primary paying agent or fiscal 36260
agent for the obligations prior to the date on which the bond 36261
service charges are due to the owners or holders of the 36262
obligations. 36263

(D) Whenever a district or the community or technical college 36264
it operates notifies the ~~chancellor~~ director that it will not be 36265
able to pay the bond service charges when they are due, subject to 36266
the withholding provisions of this section, or whenever the 36267
applicable paying agent or fiscal agent notifies the ~~chancellor~~ 36268
director that it has not timely received from a district or from 36269
the college it operates the full amount needed for payment of the 36270
bond service charges when due to the holders or owners of such 36271
obligations, the ~~chancellor~~ director shall immediately contact the 36272
district or college and the paying agent or fiscal agent to 36273
confirm that the district and the college are not able to make the 36274
required payment by the date on which it is due. 36275

If the ~~chancellor~~ director confirms that the district and the 36276
college are not able to make the payment and the payment will not 36277
be made pursuant to a credit enhancement facility, the ~~chancellor~~ 36278
director shall promptly pay to the applicable primary paying agent 36279

or fiscal agent the lesser of the amount due for bond service 36280
charges or the amount of the next periodic distribution scheduled 36281
to be made to the district or to the college in respect of its 36282
allocated state share of instruction. If this amount is 36283
insufficient to pay the total amount then due the agent for the 36284
payment of bond service charges, the ~~chancellor~~ director shall 36285
continue to pay to the agent from each periodic distribution 36286
thereafter, and until the full amount due the agent for unpaid 36287
bond service charges is paid in full, the lesser of the remaining 36288
amount due the agent for bond service charges or the amount of the 36289
next periodic distribution scheduled to be made to the district or 36290
college in respect of its allocated state share of instruction. 36291

(E) The ~~chancellor~~ director may make any payments under this 36292
section by direct deposit of funds by electronic transfer. 36293

Any amount received by a paying agent or fiscal agent under 36294
this section shall be applied only to the payment of bond service 36295
charges on the obligations of the community or technical college 36296
district or community or technical college subject to this section 36297
or to the reimbursement of the provider of a credit enhancement 36298
facility that has paid the bond service charges. 36299

(F) The ~~chancellor~~ director may make payments under this 36300
section to paying agents or fiscal agents during any fiscal 36301
biennium of the state only from and to the extent that money is 36302
appropriated to the ~~board of regents~~ department by the general 36303
assembly for distribution during such biennium for the state share 36304
of instruction and only to the extent that a portion of the state 36305
share of instruction has been allocated to the community or 36306
technical college district or community or technical college. 36307
Obligations of the issuing authority or of a community or 36308
technical college district to which this section is made 36309
applicable do not constitute an obligation or a debt or a pledge 36310
of the faith, credit, or taxing power of the state, and the 36311

holders or owners of those obligations have no right to have 36312
excises or taxes levied or appropriations made by the general 36313
assembly for the payment of bond service charges on the 36314
obligations, and the obligations shall contain a statement to that 36315
effect. The agreement for or the actual withholding and payment of 36316
money under this section does not constitute the assumption by the 36317
state of any debt of a community or technical college district or 36318
a community or technical college, and bond service charges on the 36319
related obligations are not anticipated to be paid from the state 36320
general revenue fund for purposes of Section 17 of Article VIII, 36321
Ohio Constitution. 36322

(G) In the case of obligations subject to the withholding 36323
provisions of this section, the issuing community or technical 36324
college district, or the issuing authority in the case of 36325
obligations issued by the issuing authority, shall appoint a 36326
paying agent or fiscal agent who is not an officer or employee of 36327
the district or college. 36328

(H) The ~~chancellor~~ director, with the advice and consent of 36329
the office of budget and management, may adopt reasonable rules 36330
not inconsistent with this section for the implementation of this 36331
section to secure payment of bond service charges on obligations 36332
issued by a community or technical college district or by the 36333
issuing authority for the benefit of a community or technical 36334
college district or the community or technical college it 36335
operates. Those rules shall include criteria for the evaluation 36336
and approval or denial of community or technical college district 36337
requests for withholding under this section. 36338

(I) The authority granted by this section is in addition to 36339
and not a limitation on any other authorizations granted by or 36340
pursuant to law for the same or similar purposes. 36341

Sec. 3333.61. The ~~chancellor of the Ohio board of regents~~ 36342

director of higher education shall establish and administer the 36343
Ohio innovation partnership, which shall consist of the choose 36344
Ohio first scholarship program and the Ohio research scholars 36345
program. Under the programs, the ~~chancellor~~ director, subject to 36346
approval by the controlling board, shall make awards to state 36347
universities or colleges for programs and initiatives that recruit 36348
students and scientists in the fields of science, technology, 36349
engineering, mathematics, medicine, and dentistry to state 36350
universities or colleges, in order to enhance regional educational 36351
and economic strengths and meet the needs of the state's regional 36352
economies. Awards may be granted for programs and initiatives to 36353
be implemented by a state university or college alone or in 36354
collaboration with other state institutions of higher education, 36355
nonpublic Ohio universities and colleges, or other public or 36356
private Ohio entities. If the ~~chancellor~~ director makes an award 36357
to a program or initiative that is intended to be implemented by a 36358
state university or college in collaboration with other state 36359
institutions of higher education or nonpublic Ohio universities or 36360
colleges, the ~~chancellor~~ director may provide that some portion of 36361
the award be received directly by the collaborating universities 36362
or colleges consistent with all terms of the Ohio innovation 36363
partnership. 36364

The choose Ohio first scholarship program shall assign a 36365
number of scholarships to state universities and colleges to 36366
recruit Ohio residents as undergraduate, or as provided in section 36367
3333.66 of the Revised Code graduate, students in the fields of 36368
science, technology, engineering, mathematics, medicine, and 36369
dentistry, or in science, technology, engineering, mathematics, 36370
medical, or dental education. Choose Ohio first scholarships shall 36371
be awarded to each participating eligible student as a grant to 36372
the state university or college the student is attending and shall 36373
be reflected on the student's tuition bill. Choose Ohio first 36374
scholarships are student-centered grants from the state to 36375

students to use to attend a university or college and are not 36376
grants from the state to universities or colleges. 36377

Notwithstanding any other provision of this section or 36378
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 36379
four-year Ohio institution of higher education may submit a 36380
proposal for choose Ohio first scholarships or Ohio research 36381
scholars grants. If the ~~chancellor~~ director awards a nonpublic 36382
institution scholarships or grants, the nonpublic institution 36383
shall comply with all requirements of this section, sections 36384
3333.62 to 3333.69 of the Revised Code, and the rules adopted 36385
under this section that apply to state universities or colleges 36386
awarded choose Ohio first scholarships or Ohio research scholars 36387
grants. 36388

The Ohio research scholars program shall award grants to use 36389
in recruiting scientists to the faculties of state universities or 36390
colleges. 36391

The ~~chancellor~~ director shall adopt rules in accordance with 36392
Chapter 119. of the Revised Code to administer the programs. 36393

Sec. 3333.611. (A) All of the following individuals shall 36394
jointly develop a proposal for the creation of a primary care 36395
medical student component of the choose Ohio first scholarship 36396
program operated under section 3333.61 of the Revised Code under 36397
which scholarships are annually made available and awarded to 36398
medical students who meet the requirements specified in division 36399
(D) of this section: 36400

(1) The dean of the Ohio state university school of medicine; 36401

(2) The dean of the Case western reserve university school of 36402
medicine; 36403

(3) The dean of the university of Toledo college of medicine; 36404

(4) The president and dean of the northeast Ohio medical 36405

university; 36406

(5) The dean of the university of Cincinnati college of medicine; 36407
36408

(6) The dean of the Boonshoft school of medicine at Wright state university; 36409
36410

(7) The dean of the Ohio university college of osteopathic medicine. 36411
36412

(B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal: 36413
36414

(1) Establishing a scholarship of sufficient size to permit annually not more than fifty medical students to receive scholarships; 36415
36416
36417

(2) Specifying that a scholarship, once granted, may be provided to a medical student for not more than four years. 36418
36419

(C) The individuals specified in division (A) of this section shall submit the proposal for the component to the ~~chancellor of the Ohio board of regents~~ director of higher education not later than March 6, 2011. The ~~chancellor~~ director shall review the proposal and determine whether to implement the component as part of the program. 36420
36421
36422
36423
36424
36425

(D) To be eligible for a scholarship made available under the component, a medical student shall meet all of the following requirements: 36426
36427
36428

(1) Participate in identified patient centered medical home model training opportunities during medical school; 36429
36430

(2) Commit to a post-residency primary care practice in this state for not less than three years; 36431
36432

(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship. 36433
36434
36435

Sec. 3333.612. (A) All of the following individuals shall 36436
jointly develop a proposal for the creation of a primary care 36437
nursing student component of the choose Ohio first scholarship 36438
program operated under section 3333.61 of the Revised Code under 36439
which scholarships are annually made available and awarded to 36440
advanced practice nursing students who meet the requirements 36441
specified in division (D) of this section: 36442

(1) The dean of the college of nursing at the university of 36443
Toledo; 36444

(2) The dean of the Wright state university college of 36445
nursing and health; 36446

(3) The dean of the college of nursing at Kent state 36447
university; 36448

(4) The dean of the university of Akron college of nursing; 36449

(5) The director of the school of nursing at Ohio university. 36450

(B) The individuals specified in division (A) of this section 36451
shall consider including the following provisions in the proposal: 36452

(1) Establishing a scholarship of sufficient size to permit 36453
annually not more than thirty advanced practice nursing students 36454
to receive scholarships; 36455

(2) Specifying that a scholarship, once granted, may be 36456
provided to an advanced practice nursing student for not more than 36457
three years. 36458

(C) The individuals specified in division (A) of this section 36459
shall submit the proposal for the component to the ~~chancellor of~~ 36460
~~the Ohio board of regents~~ director of higher education not later 36461
than six months after ~~the effective date of this section~~ September 36462
6, 2010. The ~~chancellor~~ director shall review the proposal and 36463
determine whether to implement the component as part of the 36464
program. 36465

(D) To be eligible for a scholarship made available under the component, an advanced practice nursing student shall meet all of the following requirements:

(1) Participate in identified patient centered medical home model training opportunities during nursing school;

(2) Commit to an advanced practice nursing primary care practice in this state after completing nursing school for not less than three years;

(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship.

Sec. 3333.613. There is hereby created in the state treasury the choose Ohio first scholarship reserve fund. ~~Not later than the first day of July~~ As soon as possible following the end of each fiscal year, the ~~chancellor of the Ohio board of regents~~ director of higher education shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the choose Ohio first scholarship program created in section 3333.61 of the Revised Code. Upon receipt of the certification, the director of budget and management may transfer an amount not exceeding the certified amount from the general revenue fund to the choose Ohio first scholarship reserve fund. Moneys in the choose Ohio first scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose.

The director of budget and management may transfer any unencumbered balance from the choose Ohio first scholarship reserve fund to the general revenue fund.

If it is determined that general revenue fund appropriations

are insufficient to meet the obligations for the choose Ohio first 36496
scholarship in a fiscal year, the director of budget and 36497
management may transfer funds from the choose Ohio first 36498
scholarship reserve fund to the general revenue fund in order to 36499
meet those obligations. The amount transferred is hereby 36500
appropriated. If the funds transferred from the choose Ohio first 36501
scholarship reserve fund are not needed, the director of budget 36502
and management may transfer the unexpended balance from the 36503
general revenue fund back to the choose Ohio first scholarship 36504
reserve fund. 36505

Sec. 3333.62. ~~The chancellor of the Ohio board of regents~~ 36506
director of higher education shall establish a competitive process 36507
for making awards under the choose Ohio first scholarship program 36508
and the Ohio research scholars program. The ~~chancellor~~ director, 36509
on completion of that process, shall make a recommendation to the 36510
controlling board asking for approval of each award selected by 36511
the ~~chancellor~~ director. 36512

Any state university or college may apply for one or more 36513
awards under one or both programs. The state university or college 36514
shall submit a proposal and other documentation required by the 36515
~~chancellor~~ director, in the form and manner prescribed by the 36516
~~chancellor~~ director, for each award it seeks. A proposal may 36517
propose an initiative to be implemented solely by the state 36518
university or college or in collaboration with other state 36519
institutions of higher education, nonpublic Ohio universities or 36520
colleges, or other public or nonpublic Ohio entities. A single 36521
proposal may seek an award under one or both programs. 36522

The ~~chancellor~~ director shall determine which proposals will 36523
receive awards each fiscal year, and the amount of each award, on 36524
the basis of the merit of each proposal, which the ~~chancellor~~ 36525
director, subject to approval by the controlling board, shall 36526

| | |
|---|--|
| determine based on one or more of the following criteria: | 36527 |
| (A) The quality of the program that is the subject of the proposal and the extent to which additional resources will enhance its quality; | 36528 36529 36530 |
| (B) The extent to which the proposal is integrated with the strengths of the regional economy; | 36531 36532 |
| (C) The extent to which the proposal is integrated with centers of research excellence within the private sector; | 36533 36534 |
| (D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage; | 36535 36536 36537 |
| (E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education; | 36538 36539 |
| (F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission; | 36540 36541 36542 |
| (G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs; | 36543 36544 |
| (H) The extent to which the proposal meets a statewide educational need; | 36545 36546 |
| (I) The demonstrated productivity or future capacity of the students or scientists to be recruited; | 36547 36548 |
| (J) The extent to which the proposal will create additional capacity in educational or economic areas of need; | 36549 36550 |
| (K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine; | 36551 36552 36553 36554 36555 36556 |

(L) The extent to which the proposal encourages students 36557
enrolled in state universities to transfer into science, 36558
technology, engineering, mathematics, or medicine programs; 36559

(M) The extent to which the proposal facilitates the 36560
completion of a baccalaureate degree in a cost-effective manner, 36561
for example, by facilitating students' completing two years at a 36562
two-year institution and two years at a state university or 36563
college; 36564

(N) The extent to which the proposal allows attendance at a 36565
state university or college of students who otherwise could not 36566
afford to attend; 36567

(O) The extent to which other institutional, public, or 36568
private resources pledged to the proposal will be deployed to 36569
assist in sustaining students' scholarships over their academic 36570
careers; 36571

(P) The extent to which the proposal increases the likelihood 36572
that students will successfully complete their degree programs in 36573
science, technology, engineering, mathematics, or medicine or in 36574
science, technology, engineering, mathematics, or medical 36575
education; 36576

(Q) The extent to which the proposal ensures that a student 36577
who is awarded a scholarship is appropriately qualified and 36578
prepared to successfully complete a degree program in science, 36579
technology, engineering, mathematics, or medicine or in science, 36580
technology, engineering, mathematics, or medical education; 36581

(R) The extent to which the proposal will increase the number 36582
of women participating in the choose Ohio first scholarship 36583
program. 36584

Sec. 3333.63. ~~The chancellor of the Ohio board of regents~~ 36585
director of higher education shall conduct at least one public 36586

meeting annually, prior to deciding awards under the Ohio 36587
innovation partnership. At the meeting, an employee of the 36588
~~chancellor~~ director shall summarize the proposals submitted for 36589
consideration, and each state university or college that has a 36590
proposal pending shall have the opportunity to review the summary 36591
of their proposal prepared by the ~~chancellor's~~ director's staff 36592
and answer questions or respond to concerns about the proposal 36593
raised by the ~~chancellor's~~ director's staff. 36594

Sec. 3333.64. The ~~chancellor of the Ohio board of regents~~ 36595
director of higher education shall endeavor to make awards under 36596
the choose Ohio first scholarship program and the Ohio research 36597
scholars program such that the aggregate, statewide amount of 36598
other institutional, public, and private money pledged to the 36599
proposals in each fiscal year equals at least one hundred per cent 36600
of the aggregate amount of the money awarded under both programs 36601
that year. The ~~chancellor~~ director shall endeavor to make awards 36602
under the choose Ohio first scholarship program in such a way that 36603
at least fifty per cent of the students receiving the scholarships 36604
are involved in a co-op or internship program in a private 36605
industry or a university laboratory. The value of institutional, 36606
public, or private industry co-ops and internships shall count 36607
toward the statewide aggregate amount of other institutional, 36608
public, or private money specified in this paragraph. 36609

The ~~chancellor~~ director also shall endeavor to distribute 36610
awards in such a way that all regions of the state benefit from 36611
the economic development impact of the programs and shall 36612
guarantee that students from all regions of the state are able to 36613
participate in the scholarship program. 36614

Sec. 3333.65. The ~~chancellor of the Ohio board of regents~~ 36615
director of higher education shall require each state university 36616
or college that the controlling board approves to receive an award 36617

under the Ohio innovation partnership to enter into an agreement 36618
governing the use of the award. The agreement shall contain terms 36619
the ~~chancellor~~ director determines to be necessary, which shall 36620
include performance measures, reporting requirements, and an 36621
obligation to fulfill pledges of other institutional, public, or 36622
nonpublic resources for the proposal. 36623

The ~~chancellor~~ director may require a state university or 36624
college that violates the terms of its agreement to repay the 36625
award plus interest at the rate required by section 5703.47 of the 36626
Revised Code to the ~~chancellor~~ director. 36627

If the ~~chancellor~~ director makes an award to a program or 36628
initiative that is intended to be implemented by a state 36629
university or college in collaboration with other state 36630
institutions of higher education or nonpublic Ohio universities or 36631
colleges, the ~~chancellor~~ director may enter into an agreement with 36632
the collaborating universities or colleges that permits awards to 36633
be received directly by the collaborating universities or colleges 36634
consistent with the terms of the program or initiative. In that 36635
case, the ~~chancellor~~ director shall incorporate into the agreement 36636
terms consistent with the requirements of this section. 36637

Sec. 3333.66. (A)(1) Except as provided in division (A)(2) of 36639
this section, in each academic year, no student who receives a 36640
choose Ohio first scholarship shall receive less than one thousand 36641
five hundred dollars or more than one-half of the highest in-state 36642
undergraduate instructional and general fees charged by all state 36643
universities. For this purpose, if Miami university is 36644
implementing the pilot tuition restructuring plan originally 36645
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 36646
university's instructional and general fees shall be considered to 36647
be the average full-time in-state undergraduate instructional and 36648

general fee amount after taking into account the Ohio resident and 36649
Ohio leader scholarships and any other credit provided to all Ohio 36650
residents. 36651

(2) The ~~chancellor of the Ohio board of regents~~ director of 36652
higher education may authorize a state university or college or a 36653
nonpublic Ohio institution of higher education to award a choose 36654
Ohio first scholarship in an amount greater than one-half of the 36655
highest in-state undergraduate instructional and general fees 36656
charged by all state universities to either of the following: 36657

(a) Any undergraduate student who qualifies for a scholarship 36658
and is enrolled in a program leading to a teaching profession in 36659
science, technology, engineering, mathematics, or medicine; 36660

(b) Any graduate student who qualifies for a scholarship, if 36661
any initiatives are selected for award under division (B) of this 36662
section. 36663

(B) The ~~chancellor~~ director shall encourage state 36664
universities and colleges, alone or in collaboration with other 36665
state institutions of higher education, nonpublic Ohio 36666
universities and colleges, or other public or private Ohio 36667
entities, to submit proposals under the choose Ohio first 36668
scholarship program for initiatives that recruit either of the 36669
following: 36670

(1) Ohio residents who enrolled in colleges and universities 36671
in other states or other countries to return to Ohio and enroll in 36672
state universities or colleges as graduate students in the fields 36673
of science, technology, engineering, mathematics, and medicine, or 36674
in the fields of science, technology, engineering, mathematics, or 36675
medical education. If such proposals are submitted and meet the 36676
~~chancellor's~~ director's competitive criteria for awards, the 36677
~~chancellor~~ director, subject to approval by the controlling board, 36678
shall give at least one of the proposals preference for an award. 36679

(2) Graduates, or undergraduates who will graduate in time to participate in the program described in this division by the subsequent school year, from an Ohio college or university who received, or will receive, a degree in science, technology, engineering, mathematics, or medicine to participate in a graduate-level teacher education masters program in one of those fields that requires the student to establish a domicile in the state and to commit to teach for a minimum of three years in a hard-to-staff school district in the state upon completion of the master's degree program. The ~~chancellor~~ director may require a college or university to give priority to qualified candidates who graduated from a high school in this state.

"Hard-to-staff" shall be as defined by the department of education.

(C) The general assembly intends that money appropriated for the choose Ohio first scholarship program in each fiscal year be used for scholarships in the following academic year.

Sec. 3333.67. Each state university or college that receives an award under the Ohio research scholars program shall deposit the amount it receives into a new or existing endowment fund. The university or college shall maintain the amount received and use income generated from that amount, and other institutional, public, or nonpublic resources, to finance the proposal approved by the ~~chancellor of the Ohio board of regents~~ director of higher education and the controlling board.

Sec. 3333.68. When making an award under the Ohio innovation partnership, the ~~chancellor of the Ohio board of regents~~ director of higher education, subject to approval by the controlling board, may commit to giving a state university's or college's proposal preference for future awards after the current fiscal year or

fiscal biennium. A proposal's eligibility for future awards 36710
remains conditional on all of the following: 36711

(A) Future appropriations of the general assembly; 36712

(B) The university's or college's adherence to the agreement 36713
entered into under section 3333.65 of the Revised Code, including 36714
its fulfillment of pledges of other institutional, public, or 36715
nonpublic resources; 36716

(C) With respect to the choose Ohio first scholarship 36717
program, a demonstration that the students receiving the 36718
scholarship are satisfied with the state universities or colleges 36719
selected by the ~~chancellor~~ director to offer the scholarships. 36720

The ~~chancellor~~ director and the controlling board shall not 36721
commit to awarding any proposal for more than five fiscal years at 36722
a time. However, when a commitment for future awards expires, a 36723
state university or college may reapply. 36724

Sec. 3333.69. The ~~chancellor of the Ohio board of regents~~ 36725
director of higher education shall monitor each initiative for 36726
which an award is granted under the Ohio innovation partnership to 36727
ensure the following: 36728

(A) Fiscal accountability, so that the award is used in 36729
accordance with the agreement entered into under section 3333.65 36730
of the Revised Code; 36731

(B) Operating progress, so that the initiative is managed to 36732
achieve the goals stated in the proposal and in the agreement, and 36733
so that problems may be promptly identified and remedied; 36734

(C) Desired outcomes, so that the initiative contributes to 36735
the programs' goals of enhancing regional educational and economic 36736
strengths and meeting regional economic needs. 36737

Sec. 3333.70. (A) The director of higher education shall 36738

establish and administer the Ohio higher education innovation 36739
grant program to promote educational excellence and economic 36740
efficiency throughout the state in order to stabilize or reduce 36741
student tuition rates at institutions of higher education. Under 36742
the program, the director shall award grants to state institutions 36743
of higher education, as defined in section 3345.011 of the Revised 36744
Code, and private nonprofit institutions for innovative projects 36745
that incorporate academic achievement and economic efficiencies. 36746
State institutions of higher education and private nonprofit 36747
institutions may apply for grants and initiate collaboration with 36748
other institutions of higher education, either public or private, 36749
on such projects. 36750

(B) The director shall adopt rules to administer the program 36751
including, but not limited to, requirements that each grant 36752
application provides for all of the following: 36753

(1) A system by which to measure academic achievement and 36754
reductions in expenditures, both in funding and administration; 36755

(2) Demonstration of how the project will be sustained beyond 36756
the grant period and continue to provide substantial value and 36757
lasting impact; 36758

(3) Proof of commitment from all parties responsible for the 36759
implementation of the project; 36760

(4) Implementation of an ongoing evaluation process and 36761
improvement plans, as necessary. 36762

(C) As used in this section, "private nonprofit institution" 36763
means a nonprofit institution in this state that has a certificate 36764
of authorization pursuant to Chapter 1713. of the Revised Code. 36765

Sec. 3333.71. As used in sections 3333.71 to 3333.79 of the 36766
Revised Code: 36767

(A) "Cooperative education program" means a partnership 36768

between students, institutions of higher education, and employers 36769
that formally integrates students' academic study with work 36770
experience in cooperating employer organizations and that meets 36771
all of the following conditions: 36772

(1) Alternates or combines periods of academic study and work 36773
experience in appropriate fields as an integral part of student 36774
education; 36775

(2) Provides students with compensation from the cooperative 36776
employer in the form of wages or salaries for work performed; 36777

(3) Evaluates each participating student's performance in the 36778
cooperative position, both from the perspective of the student's 36779
institution of higher education and the student's cooperative 36780
employer; 36781

(4) Provides participating students with academic credit from 36782
the institution of higher education upon successful completion of 36783
their cooperative education; 36784

(5) Is part of an overall degree or certificate program for 36785
which a percentage of the total program acceptable to the 36786
~~chancellor of the Ohio board of regents~~ director of higher 36787
education involves cooperative education. 36788

(B) "Internship program" means a partnership between 36789
students, institutions of higher education, and employers that 36790
formally integrates students' academic study with work or 36791
community service experience and that does both of the following: 36792

(1) Offers internships of specified and definite duration; 36793

(2) Evaluates each participating student's performance in the 36794
internship position, both from the perspective of the student's 36795
institution of higher education and the student's internship 36796
employer. 36797

An internship program may provide participating students with 36798

academic credit upon successful completion of the internship, and 36799
may provide students with compensation in the form of wages or 36800
salaries, stipends, or scholarships. 36801

(C) "Nonpublic university or college" means a nonprofit 36802
institution holding a certificate of authorization issued under 36803
Chapter 1713. of the Revised Code. 36804

(D) "State institution of higher education" has the same 36805
meaning as in section 3345.011 of the Revised Code. 36806

Sec. 3333.72. The ~~chancellor of the Ohio board of regents~~ 36807
director of higher education shall establish and administer the 36808
Ohio co-op/internship program to promote and encourage cooperative 36809
education programs or internship programs at Ohio institutions of 36810
higher education for the purpose of recruiting Ohio students to 36811
stay in the state, and recruiting Ohio residents who left Ohio to 36812
attend out-of-state institutions of higher education back to Ohio 36813
institutions of higher education, to participate in high quality 36814
academic programs that use cooperative education programs or 36815
significant internship programs, in order to support the growth of 36816
Ohio's businesses by providing businesses with Ohio's most 36817
talented students and providing Ohio graduates with job 36818
opportunities with Ohio's growing companies. 36819

The ~~chancellor~~ director, subject to approval by the 36820
controlling board, shall make awards to state institutions of 36821
higher education for new or existing programs and initiatives 36822
meeting the goals of the Ohio co-op/internship program. Awards may 36823
be granted for programs and initiatives to be implemented by a 36824
state institution of higher education alone or in collaboration 36825
with other state institutions of higher education or nonpublic 36826
Ohio universities and colleges. If the ~~chancellor~~ director makes 36827
an award to a program or initiative that is intended to be 36828
implemented by a state institution of higher education in 36829

collaboration with other state institutions of higher education or 36830
nonpublic Ohio universities or colleges, the ~~chancellor~~ director 36831
may provide that some portion of the award be received directly by 36832
the collaborating universities or colleges consistent with all 36833
terms of the Ohio co-op/internship program. 36834

The Ohio co-op/internship program shall support the creation 36835
and maintenance of high quality academic programs that utilize an 36836
intensive cooperative education or internship program for students 36837
at state institutions of higher education, or assign a number of 36838
scholarships to institutions to recruit Ohio residents as students 36839
in a high quality academic program, or both. If scholarships are 36840
included in an award to an institution of higher education, the 36841
scholarships shall be awarded to each participating eligible 36842
student as a grant to the state institution of higher education 36843
the student is attending and shall be reflected on the student's 36844
tuition bill. 36845

Notwithstanding any other provision of this section or 36846
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four-year 36847
nonpublic university or college may submit a proposal as lead 36848
applicant or co-lead applicant for an award under the Ohio 36849
co-op/internship program if the proposal is to be implemented in 36850
collaboration with a state institution of higher education. If the 36851
~~chancellor~~ director grants a nonpublic university or college an 36852
award, the nonpublic university or college shall comply with all 36853
requirements of this section, sections 3333.73 to 3333.79 of the 36854
Revised Code, and the rules adopted under this section that apply 36855
to state institutions of higher education that receive awards 36856
under the program. 36857

The ~~chancellor~~ director shall adopt rules in accordance with 36858
Chapter 119. of the Revised Code to administer the Ohio 36859
co-op/internship program. 36860

Sec. 3333.73. The ~~chancellor of the Ohio board of regents~~ 36861
director of higher education shall establish a competitive process 36862
for making awards under the Ohio co-op/internship program. The 36863
~~chancellor~~ director, on completion of that process, shall make a 36864
recommendation to the controlling board asking for approval of 36865
each award selected by the ~~chancellor~~ director. 36866

The state institution of higher education shall submit a 36867
proposal and other documentation required by the ~~chancellor~~ 36868
director, in the form and manner prescribed by the ~~chancellor~~ 36869
director, for each award it seeks. A proposal may propose an 36870
initiative to be implemented solely by the state institution of 36871
higher education or in collaboration with other state institutions 36872
of higher education or nonpublic Ohio universities or colleges. 36873

The ~~chancellor~~ director shall determine which proposals will 36874
receive awards each fiscal year, and the amount of each award, on 36875
the basis of the merit of each proposal, which the ~~chancellor~~ 36876
director, subject to approval by the controlling board, shall 36877
determine based on one or more of the following criteria: 36878

(A) The extent to which the proposal will keep Ohio students 36879
in Ohio institutions of higher education; 36880

(B) The extent to which the proposal will attract Ohio 36881
residents who left Ohio to attend out-of-state institutions of 36882
higher education to return to Ohio institutions of higher 36883
education; 36884

(C) The extent to which the proposal will increase the number 36885
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 36886

(D) The quality of the program that is the subject of the 36887
proposal and the extent to which additional resources will enhance 36888
its quality; 36889

(E) The extent to which the proposal is integrated with the 36890

strengths of the regional economy; 36891

(F) The extent to which the proposal supports the workforce 36892
policies of the governor's office of workforce transformation to 36893
meet the workforce needs of the state and to provide a student 36894
participating in the program with the skills needed for workplace 36895
success; 36896

(G) The extent to which the proposal facilitates the 36897
development of high quality academic programs with a cooperative 36898
education program or a significant internship program at state 36899
institutions of higher education; 36900

(H) The extent to which the proposal is integrated with 36901
supporting private companies to fill potential job growth, is 36902
responsive to the needs of employers, aligns with the skills 36903
identified by employers as necessary to fill high-demand job 36904
openings, particularly job openings in targeted industry sectors 36905
as identified by the governor's office of workforce 36906
transformation; 36907

(I) The amount of other institutional, public, or private 36908
resources, whether monetary or nonmonetary, the proposal pledges 36909
to leverage that are in addition to the monetary cost-sharing 36910
requirement prescribed in section 3333.74 of the Revised Code; 36911

(J) The extent to which the proposal is collaborative with 36912
other Ohio institutions of higher education; 36913

(K) The extent to which the proposal is integrated with the 36914
institution's mission; 36915

(L) The extent to which the proposal meets a statewide 36916
educational need at the undergraduate or graduate level; 36917

(M) The demonstrated productivity or future capacity of the 36918
students to be recruited; 36919

(N) The extent to which the proposal will create additional 36920

capacity in a high quality academic program with a cooperative 36921
education program or significant internship program; 36922

(O) The extent to which the proposal will encourage students 36923
who received degrees from two-year institutions to pursue 36924
baccalaureate degrees; 36925

(P) The extent to which the proposal facilitates the 36926
completion of a baccalaureate degree in a cost-effective manner; 36927

(Q) The extent to which other institutional, public, or 36928
private resources that are pledged to the proposal, in addition to 36929
the monetary cost-sharing requirement prescribed in section 36930
3333.74 of the Revised Code, will be deployed to assist in 36931
sustaining the academic program of excellence; 36932

(R) The extent to which the proposal increases the likelihood 36933
that students will successfully complete their degree programs or 36934
certificate programs; 36935

(S) The extent to which the proposal ensures that a student 36936
participating in the high quality academic program funded by the 36937
Ohio co-op/internship program is appropriately qualified and 36938
prepared to successfully transition into professions in Ohio's 36939
growing companies and industries. 36940

Sec. 3333.731. (A) The co-op/internship program advisory 36941
committee is hereby created. The committee shall consist of the 36942
following members: 36943

(1) Five members appointed by the governor, two of whom shall 36944
represent academia, two of whom shall be representatives of 36945
private industry, and one of whom shall be a member of the public; 36946

(2) The director of development, or the director's designee; 36947

(3) Five members appointed by the president of the senate, 36948
three of whom shall be members of the senate, but not more than 36949
two from the same political party, one of whom shall represent 36950

academia, and one of whom shall be a member of the public; 36951

(4) Five members appointed by the speaker of the house of 36952
representatives, three of whom shall be members of the house of 36953
representatives, but not more than two from the same political 36954
party, one of whom shall represent private industry, and one of 36955
whom shall be a member of the public. 36956

(B) Members of the committee who are members of the general 36957
assembly shall serve for terms of four years or until their 36958
legislative terms end, whichever is sooner. The director of 36959
development or the director's designee shall serve as an 36960
ex-officio, voting member. Otherwise, initial members shall serve 36961
the following terms: 36962

(1) Of the initial members appointed by the governor, the 36963
member representing the public and one member representing 36964
academia shall serve for terms of one year; one member 36965
representing private industry shall serve for a term of two years; 36966
and one member representing private industry and one member 36967
representing academia shall serve for terms of three years. 36968

(2) The member representing academia and the representative 36969
of the public initially appointed by the president of the senate 36970
shall serve for terms of two years. 36971

(3) The member representing private industry initially 36972
appointed by the speaker of the house of representatives shall 36973
serve for a term of one year. 36974

(4) The representative of the public initially appointed by 36975
the speaker of the house of representatives shall serve for a term 36976
of three years. 36977

Thereafter, terms shall be for three years, with each term 36978
ending on the same day of the same month as did the term that it 36979
succeeds. Each member shall serve from the date of appointment 36980
until the end of the term for which the member was appointed. 36981

Members may be reappointed. Vacancies shall be filled in the same 36982
manner as provided for original appointments. Any member appointed 36983
to fill a vacancy occurring prior to the expiration date of the 36984
term for which the member was appointed shall hold office for the 36985
remainder of that term. A member shall continue to serve after the 36986
expiration date of the member's term until the member's successor 36987
is appointed or until a period of sixty days has elapsed, 36988
whichever occurs first. The appointing authority may remove a 36989
member from the committee for failure to attend two consecutive 36990
meetings without showing good cause for the absences. 36991

(C) The committee annually shall select a chairperson and a 36992
vice-chairperson. Only the members who represent academia and 36993
private industry may serve as chairperson and vice-chairperson. 36994
For this purpose, any committee member appointed as a member of 36995
the public who is a trustee, officer, employee, or student of an 36996
institution of higher education shall be included among the 36997
representatives of academia who may serve as chairperson or 36998
vice-chairperson, and any committee member appointed as a member 36999
of the public who is a director, officer, or employee of a private 37000
business shall be included among the representatives of private 37001
industry who may serve as chairperson or vice-chairperson. The 37002
committee annually shall rotate the selection of the chairperson 37003
between these two groups and shall select a member of the other 37004
group to serve as vice-chairperson. 37005

The committee annually shall select one of its members to 37006
serve as secretary to keep a record of the committee's 37007
proceedings. 37008

(D) A majority vote of the members of the full committee is 37009
necessary to take action on any matter. The committee may adopt 37010
bylaws governing its operation, including bylaws that establish 37011
the frequency of meetings. 37012

(E) Members of the committee shall serve without 37013

compensation. 37014

(F) A member of the committee shall not participate in 37015
discussions or votes concerning a proposed initiative or an actual 37016
award under the Ohio co-op/internship program that involves an 37017
institution of higher education of which the member is a trustee, 37018
officer, employee, or student; an organization of which the member 37019
is a trustee, director, officer, or employee; or a business of 37020
which the member is a director, officer, or employee or a 37021
shareholder of more than five per cent of the business' stock. 37022

(G) The committee shall advise the ~~chancellor of the Ohio~~ 37023
~~board of regents~~ director of higher education on growing 37024
industries well-suited for awards under the Ohio co-op/internship 37025
program. The ~~chancellor~~ director shall consult with the committee 37026
and request the committee's advice at each of the following times: 37027

(1) Prior to issuing each request for applications under the 37028
program; 37029

(2) While the ~~chancellor~~ director is reviewing applications 37030
and before deciding on awards to submit for the controlling 37031
board's approval; 37032

(3) After deciding on awards to submit for the controlling 37033
board's approval and prior to submitting them. 37034

The committee shall advise the ~~chancellor~~ director on other 37035
matters the ~~chancellor~~ director considers appropriate. 37036

(H) The ~~chancellor~~ director shall provide meeting space for 37037
the committee. The committee shall be assisted in its duties by 37038
the ~~chancellor's~~ director's staff. 37039

(I) Sections 101.82 to 101.87 of the Revised Code do not 37040
apply to the committee. 37041

Sec. 3333.74. (A) Except as provided in division (B) of this 37042
section, each award under the Ohio co-op/internship program shall 37043

require a pledge of private funds equal to the following: 37044

(1) In the case of a program, initiative, or scholarships for 37045
undergraduate students, at least one hundred per cent of the money 37046
awarded; 37047

(2) In the case of a program, initiative, or scholarships for 37048
graduate students, at least one hundred fifty per cent of the 37049
money awarded. 37050

(B) The ~~chancellor of the Ohio board of regents~~ director of 37051
higher education may waive the requirement of division (A) of this 37052
section if the ~~chancellor~~ director finds that exceptional 37053
circumstances exist to do so, provided that the ~~chancellor~~ 37054
director reviews the proposal with the advisory committee 37055
established under section 3333.731 of the Revised Code and 37056
provides an explanation for the waiver to the controlling board. 37057

(C) The ~~chancellor~~ director shall endeavor to distribute 37058
awards in such a way that a wide range of disciplines is supported 37059
and that all regions of the state benefit from the economic 37060
development impact of the program. 37061

Sec. 3333.75. The ~~chancellor of the Ohio board of regents~~ 37062
director of higher education shall require each state institution 37063
of higher education that the controlling board approves to receive 37064
an award under the Ohio co-op/internship program to enter into an 37065
agreement governing the use of the award. The agreement shall 37066
contain terms the ~~chancellor~~ director determines to be necessary, 37067
which shall include performance measures, reporting requirements, 37068
and an obligation to fulfill pledges of other institutional, 37069
public, or nonpublic resources for the proposal. 37070

The ~~chancellor~~ director may require a state institution of 37071
higher education that violates the terms of its agreement to repay 37072
the award plus interest at the rate required by section 5703.47 of 37073

the Revised Code to the ~~chancellor~~ director. 37074

If the ~~chancellor~~ director makes an award to a program or 37075
initiative that is intended to be implemented by a state 37076
institution of higher education in collaboration with other state 37077
institutions of higher education or nonpublic Ohio universities or 37078
colleges, the ~~chancellor~~ director may enter into an agreement with 37079
the collaborating universities or colleges that permits awards to 37080
be received directly by the collaborating universities or colleges 37081
consistent with the terms of the program or initiative. In that 37082
case, the ~~chancellor~~ director shall incorporate into the agreement 37083
terms consistent with the requirements of this section. 37084
37085

Sec. 3333.76. The ~~chancellor of the Ohio board of regents~~ 37086
director of higher education shall encourage state institutions of 37087
higher education, alone or in collaboration with other state 37088
institutions of higher education or nonpublic Ohio universities 37089
and colleges, to submit proposals under the Ohio co-op/internship 37090
program for initiatives that recruit Ohio residents enrolled in 37091
colleges and universities in other states or other countries to 37092
return to Ohio and enroll in state institutions of higher 37093
education or nonpublic Ohio universities and colleges as graduate 37094
students in a high quality academic program that uses a 37095
cooperative education program, a significant internship program in 37096
a private industry or institutional laboratory, or a similar model 37097
involving a variation of cooperative education or internship 37098
programs common to graduate education, and is in an educational 37099
area, industry, or industry sector of need. 37100

The ~~chancellor~~ director may encourage state institutions of 37101
higher education, alone or in collaboration with other state 37102
institutions of higher education or nonpublic Ohio universities 37103
and colleges, to submit proposals for initiatives that recruit 37104

Ohio residents who have received baccalaureate degrees to remain 37105
in Ohio and enroll in state institutions of higher education or 37106
nonpublic Ohio universities and colleges as graduate students in a 37107
high quality academic program of the type described in the 37108
preceding paragraph. 37109

Sec. 3333.77. When making an award under the Ohio 37110
co-op/internship program, the ~~chancellor of the Ohio board of~~ 37111
~~regents~~ director of higher education, subject to approval by the 37112
controlling board, may commit to giving a state institution of 37113
higher education's proposal preference for future awards after the 37114
current fiscal year or fiscal biennium. A proposal's eligibility 37115
for future awards remains conditional on all of the following: 37116

(A) Future appropriations of the general assembly; 37117

(B) The institution's adherence to the agreement entered into 37118
under section 3333.75 of the Revised Code, including its 37119
fulfillment of pledges of other institutional, public, or 37120
nonpublic resources; 37121

(C) A demonstration that the students participating in the 37122
programs and initiatives or receiving scholarships financed by the 37123
awards are satisfied with the institutions selected by the 37124
~~chancellor~~ director to offer the programs, initiatives, or 37125
scholarships financed by the awards. 37126

The ~~chancellor~~ director and the controlling board shall not 37127
commit to awarding any proposal for a period that exceeds five 37128
fiscal years. However, when an award, or the commitment for an 37129
award, expires, a state institution of higher education may apply 37130
for a new award. 37131

Sec. 3333.78. The ~~chancellor of the Ohio board of regents~~ 37132
director of higher education shall monitor each initiative for 37133
which an award is granted under the Ohio co-op/internship program 37134

to ensure the following: 37135

(A) Fiscal accountability, so that the award is used in 37136
accordance with the agreement entered into under section 3333.75 37137
of the Revised Code; 37138

(B) Operating progress, so that the initiative is managed to 37139
achieve the goals stated in the proposal and in the agreement, and 37140
so that problems may be promptly identified and remedied; 37141

(C) Desired outcomes, so that the initiative contributes to 37142
the program's goal of retaining Ohio's students after graduation. 37143

Sec. 3333.79. (A) As used in this section, "minority" has the 37144
same meaning as in section 184.17 of the Revised Code. The term 37145
also includes an individual who is economically disadvantaged. 37146

(B) The ~~chancellor of the board of regents~~ director of higher 37147
education shall conduct outreach activities in Ohio that seek to 37148
include minorities in the Ohio co-op/internship program 37149
established under section 3333.72 of the Revised Code. The 37150
outreach activities shall include the following, when appropriate: 37151

(1) Identifying and partnering with historically black 37152
colleges and universities; 37153

(2) Working with all institutions of higher education in the 37154
state to support minority faculty and students involved in 37155
cooperative and intern programs; 37156

(3) Developing a plan to contact by telephone minorities and 37157
other economically disadvantaged individuals to notify them of 37158
opportunities to participate in the co-op/internship program; 37159

(4) Identifying minority professional and trade associations 37160
and economic development assistance organizations and notifying 37161
them of the co-op/internship program; 37162

(5) Partnering with regional technology councils to foster 37163

local efforts to support minority participation in the 37164
co-op/internship program. 37165

(C) To the extent possible, outreach activities described in 37166
this section shall be conducted in conjunction with the EDGE 37167
program created in section 123.152 of the Revised Code. 37168

Sec. 3333.82. (A) The ~~chancellor of the Ohio board of regents~~ 37169
director of higher education shall establish a clearinghouse of 37170
digital texts, interactive distance learning courses, and other 37171
distance learning courses delivered via a computer-based method 37172
offered by school districts, community schools, STEM schools, 37173
state institutions of higher education, private colleges and 37174
universities, and other nonprofit and for-profit course providers 37175
for sharing with other school districts, community schools, STEM 37176
schools, state institutions of higher education, private colleges 37177
and universities, and individuals for the fee set pursuant to 37178
section 3333.84 of the Revised Code. The director shall not be 37179
responsible for the content of digital texts or courses offered 37180
through the clearinghouse; however, all such digital texts and 37181
courses shall be delivered only in accordance with technical 37182
specifications approved by the ~~chancellor~~ director and on a common 37183
statewide platform administered by the ~~chancellor~~ director. The 37184
~~chancellor~~ director may provide professional development and 37185
training on the use of the distance learning clearinghouse. 37186

The clearinghouse's distance learning program for students in 37187
grades kindergarten to twelve shall be based on the following 37188
principles: 37189
37190

(1) All Ohio students shall have access to high quality 37191
digital texts and distance learning courses at any point in their 37192
educational careers. 37193

(2) All students shall be able to customize their education 37194

using digital texts and distance learning courses offered through 37195
the clearinghouse and no student shall be denied access to any 37196
digital text or course in the clearinghouse in which the student 37197
is eligible to enroll. 37198

(3) Students may take distance learning courses for all or 37199
any portion of their curriculum requirements and may utilize a 37200
combination of digital texts and distance learning courses and 37201
courses taught in a traditional classroom setting. 37202

(4) Students may earn an unlimited number of academic credits 37203
through distance learning courses. 37204

(5) Students may take distance learning courses at any time 37205
of the calendar year. 37206

(6) Student advancement to higher coursework shall be based 37207
on a demonstration of subject area competency instead of 37208
completion of any particular number of hours of instruction. 37209

(B) To offer digital texts or a course through the 37210
clearinghouse, a provider shall apply to the ~~chancellor~~ director 37211
in a form and manner prescribed by the ~~chancellor~~ director. The 37212
application for each digital text or course shall describe the 37213
digital text or course of study in as much detail as required by 37214
the ~~chancellor~~ director, whether an instructor is provided, the 37215
qualification and credentials of the instructor, the number of 37216
hours of instruction, and any other information required by the 37217
~~chancellor~~ director. The ~~chancellor~~ director may require course 37218
providers to include in their applications information recommended 37219
by the state board of education under former section 3353.30 of 37220
the Revised Code. 37221

(C) The ~~chancellor~~ director shall review the technical 37222
specifications of each application submitted under division (B) of 37223
this section. In reviewing applications, the ~~chancellor~~ director 37224
may consult with the department of education; however, the 37225

responsibility to either approve or not approve a digital text or 37226
course for the clearinghouse belongs to the ~~chancellor~~ director. 37227
The ~~chancellor~~ director may request additional information from a 37228
provider that submits an application under division (B) of this 37229
section, if the ~~chancellor~~ director determines that such 37230
information is necessary. The ~~chancellor~~ director may negotiate 37231
changes in the proposal to offer a digital text or course, if the 37232
~~chancellor~~ director determines that changes are necessary in order 37233
to approve the digital text or course. 37234

(D) The ~~chancellor~~ director shall catalog each digital text 37235
or course approved for the clearinghouse, through a print or 37236
electronic medium, displaying the following: 37237

(1) Information necessary for a student and the student's 37238
parent, guardian, or custodian and the student's school district, 37239
community school, STEM school, college, or university to decide 37240
whether to enroll in or subscribe to the course; 37241

(2) Instructions for enrolling in that digital text or 37242
course, including deadlines for enrollment. 37243

(E) Any expenses related to the installation of a course into 37244
the common statewide platform shall be borne by the course 37245
provider. 37246

(F) The ~~chancellor~~ director may contract with an entity to 37247
perform any or all of the ~~chancellor's~~ director's duties under 37248
sections 3333.81 to 3333.88 of the Revised Code. 37249

Sec. 3333.83. (A) Each school district, community school, and 37250
STEM school shall encourage students to take advantage of the 37251
distance learning opportunities offered through the clearinghouse 37252
and shall assist any student electing to participate in the 37253
clearinghouse with the selection and scheduling of courses that 37254
satisfy the district's or school's curriculum requirements and 37255

promote the student's post-secondary college or career plans. 37256

(B) For each student enrolled in a school operated by a 37257
school district or in a community school or STEM school who is 37258
enrolling in a course provided through the clearinghouse by 37259
another school district, community school, or STEM school, the 37260
student's school district, community school, or STEM school shall 37261
transmit the student's name to the course provider. 37262

The course provider may request from the student's school 37263
district, community school, or STEM school other information from 37264
the student's school record. The district or school shall provide 37265
the requested information only in accordance with section 3319.321 37266
of the Revised Code. 37267

(C) The student's school district, community school, or STEM 37268
school shall determine the manner in which and facilities at which 37269
the student shall participate in the course consistent with 37270
specifications for technology and connectivity adopted by the 37271
~~ehancellor of the Ohio board of regents~~ director of higher 37272
education. 37273

(D) A student may withdraw from a course prior to the end of 37274
the course only by a date and in a manner prescribed by the 37275
student's school district, community school, or STEM school. 37276

(E) A student who is enrolled in a school operated by a 37277
school district or in a community school or STEM school and who 37278
takes a course through the clearinghouse shall be counted in the 37279
formula ADM of a school district under section 3317.03 of the 37280
Revised Code as if the student were taking the course from the 37281
student's school district, community school, or STEM school. 37282

Sec. 3333.84. (A) The fee charged for any digital ~~texts~~ text 37283
or course offered through the clearinghouse shall be set by the 37284
provider. 37285

(B) The ~~chancellor of the Ohio board of regents~~ director of higher education shall prescribe the manner in which the fee for a digital ~~texts~~ text or course shall be collected or deducted from the school district, school, college or university, or individual subscribing to the digital ~~texts~~ text or course and in which manner the fee shall be paid to the provider.

(C) The ~~chancellor~~ director may retain a percentage of the fee charged for a digital ~~texts~~ text or course to offset the cost of maintaining and operating the clearinghouse, including the payment of compensation for an entity or a private entity that is under contract with the ~~chancellor~~ director under division (F) of section 3333.82 of the Revised Code. The percentage retained shall be determined by the ~~chancellor~~ director.

(D) Nothing in this section shall be construed to require the school district, community school, or STEM school in which a student is enrolled to pay the fee charged for a digital ~~texts~~ text or course taken by the student.

Sec. 3333.86. The ~~chancellor of the Ohio board of regents~~ director of higher education may determine the manner in which a course included in the clearinghouse may be offered as an advanced standing program as defined in section 3313.6013 of the Revised Code, may be offered to students who are enrolled in nonpublic schools or are instructed at home pursuant to section 3321.04 of the Revised Code, or may be offered at times outside the normal school day or school week, including any necessary additional fees and methods of payment for a course so offered.

Sec. 3333.87. The ~~chancellor of the Ohio board of regents~~ director of higher education and the state board of education jointly, and in consultation with the director of the governor's office of 21st century education, shall adopt rules in accordance

with Chapter 119. of the Revised Code prescribing procedures for 37316
the implementation of sections 3333.81 to 3333.86 of the Revised 37317
Code. 37318

Sec. 3333.90. (A) The ~~chancellor of the Ohio board of regents~~ 37319
director of higher education shall establish a course and program 37320
sharing network that enables members of the university system of 37321
Ohio and adult career centers to share curricula for existing 37322
courses and academic programs with one another. The purpose of the 37323
network shall be to increase course availability across the state 37324
and to avoid unnecessary course duplication through the sharing of 37325
existing curricula. 37326

(B) The ~~chancellor~~ director shall adopt rules to administer 37327
the course and program sharing network established under this 37328
section. 37329

(C) As used in this section, "member of the university system 37330
of Ohio" has the same meaning as in section 3345.011 of the 37331
Revised Code. 37332

Sec. 3333.91. Not later than December 31, 2014, the 37333
governor's office of workforce transformation, in collaboration 37334
with the ~~chancellor of the Ohio board of regents~~ director of 37335
higher education, the superintendent of public instruction, and 37336
the department of job and family services, shall develop and 37337
submit to the appropriate federal agency a single, state unified 37338
plan for the adult basic and literacy education program 37339
administered by the United States secretary of education, the 37340
"Carl D. Perkins Vocational and Technical Education Act," 20 37341
U.S.C. 2301, et seq., as amended, and the "Workforce Investment 37342
Act of 1998," 29 U.S.C. 2801, et seq., as amended. Following the 37343
plan's initial submission to the appropriate federal agency, the 37344
governor's office of workforce transformation may update it as 37345

necessary. If the plan is updated, the governor's office of 37346
workforce transformation shall submit the updated plan to the 37347
appropriate federal agency. 37348

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs" 37349
has the same meaning as in section 6301.01 of the Revised Code. 37350

(B)(1) Beginning January 1, 2016, each participant in an 37351
adult basic and literacy education funded training or education 37352
program shall create an account with OhioMeansJobs at the twelfth 37353
week of the program. 37354

(2) Beginning January 1, 2016, each participant in an Ohio 37355
technical center funded training or education program shall create 37356
an account with OhioMeansJobs at the time of enrollment in the 37357
program. 37358

(C) Division (B) of this section does not apply to any 37359
individual who is legally prohibited from using a computer, has a 37360
physical or visual impairment that makes the individual unable to 37361
use a computer, or has a limited ability to read, write, speak, or 37362
understand a language in which OhioMeansJobs is available. 37363

Sec. 3334.08. (A) Subject to division (B) of this section, in 37364
addition to any other powers conferred by this chapter, the Ohio 37365
tuition trust authority may do any of the following: 37366

(1) Impose reasonable residency requirements for 37367
beneficiaries of tuition units; 37368

(2) Impose reasonable limits on the number of tuition unit 37369
participants; 37370

(3) Impose and collect administrative fees and charges in 37371
connection with any transaction under this chapter; 37372

(4) Purchase insurance from insurers licensed to do business 37373

in this state providing for coverage against any loss in 37374
connection with the authority's property, assets, or activities or 37375
to further ensure the value of tuition units; 37376

(5) Indemnify or purchase policies of insurance on behalf of 37377
members, officers, and employees of the authority from insurers 37378
licensed to do business in this state providing for coverage for 37379
any liability incurred in connection with any civil action, 37380
demand, or claim against a director, officer, or employee by 37381
reason of an act or omission by the director, officer, or employee 37382
that was not manifestly outside the scope of the employment or 37383
official duties of the director, officer, or employee or with 37384
malicious purpose, in bad faith, or in a wanton or reckless 37385
manner; 37386

(6) Make, execute, and deliver contracts, conveyances, and 37387
other instruments necessary to the exercise and discharge of the 37388
powers and duties of the authority; 37389

(7) Promote, advertise, and publicize the Ohio college 37390
savings program and the variable college savings program; 37391

(8) Adopt rules under section 111.15 of the Revised Code for 37392
the implementation of the Ohio college savings program; 37393

(9) Contract, for the provision of all or part of the 37394
services necessary for the management and operation of the Ohio 37395
college savings program and the variable college savings program, 37396
with a bank, trust company, savings and loan association, 37397
insurance company, or licensed dealer in securities if the bank, 37398
company, association, or dealer is authorized to do business in 37399
this state and information about the contract is filed with the 37400
controlling board pursuant to division (D)(6) of section 127.16 of 37401
the Revised Code; provided, however, that any funds of the Ohio 37402
college savings program and the variable college savings program 37403
that are not needed for immediate use shall be deposited by the 37404

treasurer of state in the same manner provided under Chapter 135. 37405
of the Revised Code for public moneys of the state. All interest 37406
earned on those deposits shall be credited to the Ohio college 37407
savings program or the variable college savings program, as 37408
applicable. 37409

(10) Contract for other services, or for goods, needed by the 37410
authority in the conduct of its business, including but not 37411
limited to credit card services; 37412

(11) Employ an executive director and other personnel as 37413
necessary to carry out its responsibilities under this chapter, 37414
and fix the compensation of these persons. All employees of the 37415
authority shall be in the unclassified civil service and shall be 37416
eligible for membership in the public employees retirement system. 37417
In the hiring of the executive director, the Ohio tuition trust 37418
authority shall obtain the advice and consent of the Ohio tuition 37419
trust board created in section 3334.03 of the Revised Code, 37420
provided that the executive director shall not be hired unless a 37421
majority of the board votes in favor of the hiring. In addition, 37422
the board may remove the executive director at any time subject to 37423
the advice and consent of the ~~chancellor of the Ohio board of~~ 37424
~~regents~~ director of higher education. 37425

(12) Contract with financial consultants, actuaries, 37426
auditors, and other consultants as necessary to carry out its 37427
responsibilities under this chapter; 37428

(13) Enter into agreements with any agency of the state or 37429
its political subdivisions or with private employers under which 37430
an employee may agree to have a designated amount deducted in each 37431
payroll period from the wages or salary due the employee for the 37432
purpose of purchasing tuition units pursuant to a tuition payment 37433
contract or making contributions pursuant to a variable college 37434
savings program contract; 37435

- (14) Enter into an agreement with the treasurer of state 37436
under which the treasurer of state will receive, and credit to the 37437
Ohio tuition trust fund or variable college savings program fund, 37438
from any bank or savings and loan association authorized to do 37439
business in this state, amounts that a depositor of the bank or 37440
association authorizes the bank or association to withdraw 37441
periodically from the depositor's account for the purpose of 37442
purchasing tuition units pursuant to a tuition payment contract or 37443
making contributions pursuant to a variable college savings 37444
program contract; 37445
- (15) Solicit and accept gifts, grants, and loans from any 37446
person or governmental agency and participate in any governmental 37447
program; 37448
- (16) Impose limits on the number of units which may be 37449
purchased on behalf of or assigned or awarded to any beneficiary 37450
and on the total amount of contributions that may be made on 37451
behalf of a beneficiary; 37452
- (17) Impose restrictions on the substitution of another 37453
individual for the original beneficiary under the Ohio college 37454
savings program; 37455
- (18) Impose a limit on the age of a beneficiary, above which 37456
tuition units may not be purchased on behalf of that beneficiary; 37457
- (19) Enter into a cooperative agreement with the treasurer of 37458
state to provide for the direct disbursement of payments under 37459
tuition payment or variable college savings program contracts; 37460
- (20) Determine the other higher education expenses for which 37461
tuition units or contributions may be used; 37462
- (21) Terminate any tuition payment or variable college 37463
savings program contract if no purchases or contributions are made 37464
for a period of three years or more and there are fewer than a 37465
total of five tuition units or less than a dollar amount set by 37466

rule on account, provided that notice of a possible termination 37467
shall be provided in advance, explaining any options to prevent 37468
termination, and a reasonable amount of time shall be provided 37469
within which to act to prevent a termination; 37470

(22) Maintain a separate account for each tuition payment or 37471
variable college savings program contract; 37472

(23) Perform all acts necessary and proper to carry out the 37473
duties and responsibilities of the authority pursuant to this 37474
chapter. 37475

(B) The authority shall adopt rules under section 111.15 of 37476
the Revised Code for the implementation and administration of the 37477
variable college savings program. The rules shall provide 37478
taxpayers with the maximum tax advantages and flexibility 37479
consistent with section 529 of the Internal Revenue Code and 37480
regulations adopted thereunder with regard to disposition of 37481
contributions and earnings, designation of beneficiaries, and 37482
rollover of account assets to other programs. 37483

(C) Except as otherwise specified in this chapter, the 37484
provisions of Chapters 123., ~~125.~~, and 4117. of the Revised Code 37485
shall not apply to the authority and Chapter 125. of the Revised 37486
Code shall not apply to contracts approved under the powers of the 37487
Ohio tuition trust authority board under section 3334.03 of the 37488
Revised Code. ~~The department of administrative services shall,~~ 37489
~~upon the request of the authority, act as the authority's agent~~ 37490
~~for the purchase of equipment, supplies, insurance, or services,~~ 37491
~~or the performance of administrative services pursuant to Chapter~~ 37492
~~125. of the Revised Code.~~ 37493

Sec. 3335.361. Any policy or guideline established by OSU 37494
extension that requires volunteers for 4-H programs to be 37495
fingerprinted shall do both of the following: 37496

(A) Require only individuals who become volunteers for those 37497
programs on or after the effective date of this section to be 37498
fingerprinted; 37499

(B) Require those individuals to be fingerprinted only one 37500
time. 37501

OSU extension shall modify any policy or guideline regarding 37502
fingerprinting of volunteers for 4-H programs that has been 37503
established prior to the effective date of this section to comply 37504
with this section. 37505

Sec. 3337.10. There is hereby established the Ohio university 37506
college of osteopathic medicine the purpose of which shall be to 37507
provide instruction in the practice of osteopathic medicine. The 37508
college shall be a component college of Ohio university. The 37509
clinical instruction portions of the medical program shall be 37510
provided through the facilities of existing osteopathic and joint 37511
staff hospitals. ~~The college shall have an advisory committee of~~ 37512
~~ten members, which shall consist of the president of Ohio~~ 37513
~~university or the president's designee and nine members appointed~~ 37514
~~by the governor with the advice and consent of the senate. Within~~ 37515
~~one hundred twenty days of November 17, 1975, the governor shall~~ 37516
~~make initial appointments to the advisory committee. Of these,~~ 37517
~~three shall be for terms ending two years after November 17, 1975,~~ 37518
~~three shall be for terms ending four years after that date, and~~ 37519
~~three shall be for terms ending six years after that date.~~ 37520
~~Thereafter, terms of office shall be for six years, each term~~ 37521
~~ending on the same day of the same month of the year as did the~~ 37522
~~term that it succeeds. Each member shall hold office from the date~~ 37523
~~of appointment until the end of the term for which the member was~~ 37524
~~appointed. Any member appointed to fill a vacancy occurring prior~~ 37525
~~to the expiration of the term for which the member's predecessor~~ 37526
~~was appointed shall hold office for the remainder of such term.~~ 37527

~~Any member shall continue in office subsequent to the expiration 37528
date of the member's term until the member's successor takes 37529
office, or until a period of sixty days has elapsed, whichever 37530
occurs first. 37531~~

Sec. 3345.022. The board of trustees of any college or 37532
university supported in part or in whole by state funds, or two or 37533
more such boards, may enter into a contract, upon such terms as 37534
shall be determined to be in the best interests of students, for 37535
the provision of legal services to students through a group legal 37536
services insurance plan approved by the superintendent of 37537
insurance or through a prepaid legal services plan established by 37538
attorneys admitted to the practice of law in this state. The fees 37539
or charges to students who participate in the plan shall be 37540
established by the board or boards and shall be sufficient to 37541
defray the college's or university's cost of administering the 37542
plan. No student shall be required to pay any such fee or charge 37543
unless ~~he~~ the student elects to participate in the plan, and no 37544
revenue from any other student fees or charges shall be used to 37545
finance any portion of the cost of any plan or the college's or 37546
university's cost of administering the plan. Legal representation 37547
under the plan shall be limited to services determined by the 37548
board to be reasonably related to student welfare, to the 37549
advancement or successful completion of student education, or to 37550
serve a public purpose within the powers of the college or 37551
university. 37552

A plan shall not provide or pay for the cost of 37553
representation of a student in an action against a state officer 37554
or agency arising out of the performance of the duties of the 37555
officer or agency, against a law enforcement officer arising out 37556
of the performance of the duties of the officer, against a college 37557
or university participating in the plan, against a student of such 37558
a college or university, or against the director of higher 37559

education or a member of the board of regents or of the board of 37560
trustees, faculty, or staff of such a college or university, if 37561
the cause of action arises out of the performance of the duties of 37562
the office of the member or in the course of the member's 37563
employment by the college or university. As used in this section, 37564
"law enforcement officer" means a sheriff, deputy sheriff, 37565
constable, marshal, deputy marshal, municipal police officer, 37566
state highway patrol trooper, or state university law enforcement 37567
officer appointed under section 3345.04 of the Revised Code. 37568

Sec. 3345.05. (A) All registration fees, nonresident tuition 37569
fees, academic fees for the support of off-campus instruction, 37570
laboratory and course fees when so assessed and collected, student 37571
health fees for the support of a student health service, all other 37572
fees, deposits, charges, receipts, and income from all or part of 37573
the students, all subsidy or other payments from state 37574
appropriations, and all other fees, deposits, charges, receipts, 37575
income, and revenue received by each state institution of higher 37576
education, the Ohio state university hospitals and their ancillary 37577
facilities, the Ohio agricultural research and development center, 37578
and OSU extension shall be held and administered by the respective 37579
boards of trustees of the state institution of higher education; 37580
provided, that such fees, deposits, charges, receipts, income and 37581
revenue, to the extent required by resolutions, trust agreements, 37582
indentures, leases, and agreements adopted, made, or entered into 37583
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 37584
Revised Code, shall be held, administered, transferred, and 37585
applied in accordance therewith. 37586

(B) The ~~Ohio board of regents~~ director of higher education 37587
shall require annual reporting by the Ohio agricultural research 37588
and development center and by each university and college 37589
receiving state aid in such form and detail as determined by the 37590
~~board~~ director of higher education in consultation with such 37591

center, universities and colleges, and the director of budget and 37592
management. 37593

(C) Notwithstanding any provision of the Revised Code to the 37594
contrary, the title to investments made by the board of trustees 37595
of a state institution of higher education with funds derived from 37596
any of the sources described in division (A) of this section shall 37597
not be vested in the state or the political subdivision but shall 37598
be held in trust by the board. Such investments shall be made 37599
pursuant to an investment policy adopted by the board in public 37600
session that requires all fiduciaries to discharge their duties 37601
with the care, skill, prudence, and diligence under the 37602
circumstances then prevailing that a prudent person acting in like 37603
capacity and familiar with such matters would use in the conduct 37604
of an enterprise of a like character and with like aims. The 37605
policy also shall require at least the following: 37606

(1) A stipulation that investment of at least twenty-five per 37607
cent of the average amount of the investment portfolio over the 37608
course of the previous fiscal year be invested in securities of 37609
the United States government or of its agencies or 37610
instrumentalities, the treasurer of state's pooled investment 37611
program, obligations of this state or any political subdivision of 37612
this state, certificates of deposit of any national bank located 37613
in this state, written repurchase agreements with any eligible 37614
Ohio financial institution that is a member of the federal reserve 37615
system or federal home loan bank, money market funds, or bankers 37616
acceptances maturing in two hundred seventy days or less which are 37617
eligible for purchase by the federal reserve system, as a reserve; 37618

(2) Eligible funds above those that meet the conditions of 37619
division (C)(1) of this section may be pooled with other 37620
institutional funds and invested in accordance with section 37621
1715.52 of the Revised Code. 37622

(3) The establishment of an investment committee. 37623

(D) The investment committee established under division 37624
(C)(3) of this section shall meet at least quarterly. The 37625
committee shall review and recommend revisions to the board's 37626
investment policy and shall advise the board on its investments 37627
made under division (C) of this section in an effort to assist it 37628
in meeting its obligations as a fiduciary as described in division 37629
(C) of this section. The committee shall be authorized to retain 37630
the services of an investment advisor who meets both of the 37631
following qualifications: 37632

(1) The advisor is either: 37633

(a) Licensed by the division of securities under section 37634
1707.141 of the Revised Code; 37635

(b) Registered with the securities and exchange commission. 37636

(2) The advisor either: 37637

(a) Has experience in the management of investments of public 37638
funds, especially in the investment of state-government investment 37639
portfolios; 37640

(b) Is an eligible institution referenced in section 135.03 37641
of the Revised Code. 37642

(E) As used in this section, "state institution of higher 37643
education" means a state institution of higher education as 37644
defined in section 3345.011 of the Revised Code. 37645

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 37646
section, a graduate of the twelfth grade shall be entitled to 37647
admission without examination to any college or university which 37648
is supported wholly or in part by the state, but for unconditional 37649
admission may be required to complete such units not included in 37650
the graduate's high school course as may be prescribed, not less 37651
than two years prior to the graduate's entrance, by the faculty of 37652
the institution. 37653

(B) Beginning with the 2014-2015 academic year, each state university listed in section 3345.011 of the Revised Code, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the requirements for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies:

(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The university shall grant credit for successful completion of those courses pursuant to any applicable articulation and transfer policy of the ~~Ohio board of regents~~ director of higher education or any agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. The university may count college credit that the student earned while in high school through the college credit plus program under Chapter 3365. of the Revised Code, or through other advanced standing programs, toward the requirements of division (B)(1) of this section if the credit may be applied toward a degree.

(2) The person qualified to graduate from high school under division (D) or (F) of section 3313.603 of the Revised Code and has successfully completed the topics or courses that the person lacked to graduate under division (C) of that section at any post-secondary institution or at a summer program at the state university. A state university may admit a person for enrollment

contingent upon completion of such topics or courses or summer program. 37686
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(3) The person met the high school graduation requirements by successfully completing the person's individualized education program developed under section 3323.08 of the Revised Code. 37688
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(4) The person is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code, or has graduated from a nonchartered, nonpublic school in Ohio, and demonstrates mastery of the academic content and skills in reading, writing, and mathematics needed to successfully complete introductory level coursework at an institution of higher education and to avoid remedial coursework. 37691
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(5) The person is a high school student participating in the college credit plus program under Chapter 3365. of the Revised Code or another advanced standing program. 37698
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(C) A state university subject to division (B) of this section may delay admission for or admit conditionally an undergraduate student who has successfully completed the requirements prescribed in division (C) of section 3313.603 of the Revised Code if the university determines the student requires academic remedial or developmental coursework. The university may delay admission pending, or make admission conditional upon, the student's successful completion of the academic remedial or developmental coursework at a university branch, community college, state community college, or technical college. 37701
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(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent. 37711
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Sec. 3345.061. (A) Ohio's two-year institutions of higher 37715

education are respected points of entry for students embarking on 37716
post-secondary careers and courses completed at those institutions 37717
are transferable to state universities in accordance with 37718
articulation and transfer agreements developed under sections 37719
3333.16, 3333.161, and 3333.162 of the Revised Code. 37720

(B) Beginning with undergraduate students who commence 37721
undergraduate studies in the 2014-2015 academic year, no state 37722
university listed in section 3345.011 of the Revised Code, except 37723
Central state university, Shawnee state university, and Youngstown 37724
state university, shall receive any state operating subsidies for 37725
any academic remedial or developmental courses for undergraduate 37726
students, including courses prescribed in division (C) of section 37727
3313.603 of the Revised Code, offered at its main campus, except 37728
as provided in divisions (B)(1) to (4) of this section. 37729

(1) In the 2014-2015 and 2015-2016 academic years, a state 37730
university may receive state operating subsidies for academic 37731
remedial or developmental courses for not more than three per cent 37732
of the total undergraduate credit hours provided by the university 37733
at its main campus. 37734

(2) In the 2016-2017 academic year, a state university may 37735
receive state operating subsidies for academic remedial or 37736
developmental courses for not more than fifteen per cent of the 37737
first-year students who have graduated from high school within the 37738
previous twelve months and who are enrolled in the university at 37739
its main campus, as calculated on a full-time-equivalent basis. 37740

(3) In the 2017-2018 academic year, a state university may 37741
receive state operating subsidies for academic remedial or 37742
developmental courses for not more than ten per cent of the 37743
first-year students who have graduated from high school within the 37744
previous twelve months and who are enrolled in the university at 37745
its main campus, as calculated on a full-time-equivalent basis. 37746

(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

Each state university may continue to offer academic remedial and developmental courses at its main campus beyond the extent for which state operating subsidies may be paid under this division and may continue to offer such courses beyond the 2018-2019 academic year. However, the university shall not receive any state operating subsidies for such courses above the maximum amounts permitted in this division.

(C) Except as otherwise provided in division (B) of this section, beginning with students who commence undergraduate studies in the 2014-2015 academic year, state operating subsidies for academic remedial or developmental courses offered by state institutions of higher education may be paid only to Central state university, Shawnee state university, Youngstown state university, any university branch, any community college, any state community college, or any technical college.

(D) Each state university shall grant credit for academic remedial or developmental courses successfully completed at an institution described in division (C) of this section pursuant to any applicable articulation and transfer agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code.

(E) The ~~chancellor of the Ohio board of regents~~ director of higher education shall do all of the following:

(1) Withhold state operating subsidies for academic remedial

or developmental courses provided by a state university as 37778
required in order to conform to divisions (B) and (C) of this 37779
section; 37780

(2) Adopt uniform statewide standards for academic remedial 37781
and developmental courses offered by all state institutions of 37782
higher education; 37783

(3) Encourage and assist in the design and establishment of 37784
academic remedial and developmental courses by institutions of 37785
higher education; 37786

(4) Define "academic year" for purposes of this section and 37787
section 3345.06 of the Revised Code; 37788

(5) Encourage and assist in the development of articulation 37789
and transfer agreements between state universities and other 37790
institutions of higher education in accordance with policies and 37791
procedures adopted under sections 3333.16, 3333.161, and 3333.162 37792
of the Revised Code. 37793

(F) Not later than December 31, 2012, the presidents, or 37794
equivalent position, of all state institutions of higher 37795
education, or their designees, jointly shall establish uniform 37796
statewide standards in mathematics, science, reading, and writing 37797
each student enrolled in a state institution of higher education 37798
must meet to be considered in remediation-free status. The 37799
presidents also shall establish assessments, if they deem 37800
necessary, to determine if a student meets the standards adopted 37801
under this division. Each institution is responsible for assessing 37802
the needs of its enrolled students in the manner adopted by the 37803
presidents. The board of trustees or managing authority of each 37804
state institution of higher education shall adopt the 37805
remediation-free status standard, and any related assessments, 37806
into the institution's policies. 37807

The ~~chancellor~~ director shall assist in coordinating the work 37808

of the presidents under this division. The ~~chancellor~~ director 37809
shall monitor the standards in mathematics, science, reading, and 37810
writing established under division (F) of this section to ensure 37811
that the standards adequately demonstrate a student's 37812
remediation-free status. 37813

(G) Each year, not later than a date established by the 37814
~~chancellor~~ director, each state institution of higher education 37815
shall report to the governor, the general assembly, the ~~chancellor~~ 37816
director, and the superintendent of public instruction all of the 37817
following for the prior academic year: 37818

(1) The institution's aggregate costs for providing academic 37819
remedial or developmental courses; 37820

(2) The amount of those costs disaggregated according to the 37821
city, local, or exempted village school districts from which the 37822
students taking those courses received their high school diplomas; 37823

(3) Any other information with respect to academic remedial 37824
and developmental courses that the ~~chancellor~~ director considers 37825
appropriate. 37826

(H) Not later than December 31, 2011, and the thirty-first 37827
day of each December thereafter, the ~~chancellor~~ director and the 37828
superintendent of public instruction shall issue a report 37829
recommending policies and strategies for reducing the need for 37830
academic remediation and developmental courses at state 37831
institutions of higher education. 37832

(I) As used in this section, "state institution of higher 37833
education" has the same meaning as in section 3345.011 of the 37834
Revised Code. 37835

Sec. 3345.32. (A) As used in this section: 37836

(1) "State university or college" means the institutions 37837
described in section 3345.27 of the Revised Code and the northeast 37838

Ohio medical university. 37839

(2) "Resident" has the meaning specified by rule of the 37840
~~chancellor of the Ohio board of regents~~ director of higher 37841
education. 37842

(3) "Statement of selective service status" means a statement 37843
certifying one of the following: 37844

(a) That the individual filing the statement has registered 37845
with the selective service system in accordance with the "Military 37846
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as 37847
amended; 37848

(b) That the individual filing the statement is not required 37849
to register with the selective service for one of the following 37850
reasons: 37851

(i) The individual is under eighteen or over twenty-six years 37852
of age. 37853

(ii) The individual is on active duty with the armed forces 37854
of the United States other than for training in a reserve or 37855
national guard unit. 37856

(iii) The individual is a nonimmigrant alien lawfully in the 37857
United States in accordance with section 101 (a)(15) of the 37858
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 37859

(iv) The individual is not a citizen of the United States and 37860
is a permanent resident of the Trust Territory of the Pacific 37861
Islands or the Northern Mariana Islands. 37862

(4) "Institution of higher education" means any eligible 37863
institution approved by the United States department of education 37864
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as 37865
amended, or any institution whose students are eligible for 37866
financial assistance under any of the programs described by 37867
division (E) of this section. 37868

(B) The ~~chancellor~~ director shall, by rule, specify the form 37869
of statements of selective service status to be filed in 37870
compliance with divisions (C) to (E) of this section. Each 37871
statement of selective service status shall contain a section 37872
wherein a male student born after December 31, 1959, certifies 37873
that the student has registered with the selective service system 37874
in accordance with the "Military Selective Service Act," 62 Stat. 37875
604, 50 U.S.C. App. 453, as amended. For those students not 37876
required to register with the selective service, as specified in 37877
divisions (A)(2)(b)(i) to (iv) of this section, a section shall be 37878
provided on the statement of selective service status for the 37879
certification of nonregistration and for an explanation of the 37880
reason for the exemption. The ~~chancellor~~ director may require that 37881
such statements be accompanied by documentation specified by rule 37882
of the ~~chancellor~~ director. 37883

(C) A state university or college that enrolls in any course, 37884
class, or program a male student born after December 31, 1959, who 37885
has not filed a statement of selective service status with the 37886
university or college shall, regardless of the student's 37887
residency, charge the student any tuition surcharge charged 37888
students who are not residents of this state. 37889

(D) No male born after December 31, 1959, shall be eligible 37890
to receive any loan, grant, scholarship, or other financial 37891
assistance for educational expenses granted under section 3315.33, 37892
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 37893
5910.032, or 5919.34 of the Revised Code, financed by an award 37894
under the choose Ohio first scholarship program established under 37895
section 3333.61 of the Revised Code, or financed by an award under 37896
the Ohio co-op/internship program established under section 37897
3333.72 of the Revised Code, unless that person has filed a 37898
statement of selective service status with that person's 37899
institution of higher education. 37900

(E) If an institution of higher education receives a statement from an individual certifying that the individual has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended, or that the individual is exempt from registration for a reason other than that the individual is under eighteen years of age, the institution shall not require the individual to file any further statements. If it receives a statement certifying that the individual is not required to register because the individual is under eighteen years of age, the institution shall require the individual to file a new statement of selective service status each time the individual seeks to enroll for a new academic term or makes application for a new loan or loan guarantee or for any form of financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than that the individual is under eighteen years of age.

Sec. 3345.35. Not later than January 1, 2016, and by the first day of January of every fifth year thereafter, the board of trustees of each state institution of higher education, as defined in section 3345.011 of the Revised Code, shall evaluate all courses and programs the institution offers based on enrollment and student performance in each course or program. For courses with low enrollment, as defined by the director of higher education, the board of trustees shall evaluate the benefits of collaboration with other institutions of higher education, based on geographic region, to deliver the course.

Each board of trustees shall submit its findings under this section to the director not later than thirty days after the completion of the evaluations.

Sec. 3345.38. (A) The board of trustees of each state institution of higher education shall adopt and implement a policy to grant undergraduate course credit to a student who has successfully completed an international baccalaureate diploma program. 37932
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(B) The policy adopted by each institution under this section shall do all of the following: 37937
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(1) Establish conditions for granting course credit, including the minimum scores required on examinations constituting the international baccalaureate diploma program in order to receive credit; 37939
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(2) Identify specific course credit or other academic requirements of the institution, including the number of credit hours or other course credit that the institution will grant to a student who completes the diploma program. 37943
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(C) As used in this section: 37947

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 37948
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(2) "International baccalaureate diploma program" means the curriculum and examinations leading to an international baccalaureate diploma awarded by the international baccalaureate organization. 37950
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Sec. 3345.421. Not later than December 31, 2014, the board of trustees of each state institution of higher education, as defined in section 3345.011 of the Revised Code, shall do all of the following: 37954
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(A) Designate at least one person employed by the institution to serve as the contact person for veterans and service member affairs. Such a person shall assist and advise veterans and 37958
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service members on issues related to earning college credit for 37961
military training, experience, and coursework. 37962

(B) Adopt a policy regarding the support and assistance the 37963
institution will provide to veterans and service members. 37964

(C) Allow for the establishment of a student-led group on 37965
campus for student service members and veterans and encourage 37966
other service member- and veteran-friendly organizations. 37967

(D) Integrate existing career services to create and 37968
encourage meaningful collaborative relationships between student 37969
service members and veterans and alumni of the institution, that 37970
links student service members and veterans with prospective 37971
employers, and that provides student service members and veterans 37972
with social opportunities; and, if the institution has career 37973
services programs, encourage the responsible office to seek and 37974
promote partnership opportunities for internships and employment 37975
of student service members and veterans with state, local, 37976
national, and international employers. 37977

(E) Survey student service members and veterans to identify 37978
their needs and challenges and make the survey available to 37979
faculty and staff at the state institution of higher education. 37980
And periodically conduct follow-up surveys, at a frequency 37981
determined by the board, to gauge the institution's progress 37982
toward meeting identified needs and challenges. 37983

~~The chancellor of the Ohio board of regents~~ director of 37984
higher education shall provide guidance to state institutions of 37985
higher education in their compliance with this section, including 37986
the recommendation of standardized policies on support and 37987
assistance to veterans and service members. 37988

The person or persons designated under division (A) of this 37989
section shall not be a person currently designated by the 37990
institution as a veterans administration certifying official. 37991

Sec. 3345.45. On or before January 1, 1994, the ~~Ohio board of~~ 37992
~~regents~~ director of higher education jointly with all state 37993
universities, as defined in section 3345.011 of the Revised Code, 37994
shall develop standards for instructional workloads for full-time 37995
and part-time faculty in keeping with the universities' missions 37996
and with special emphasis on the undergraduate learning 37997
experience. The standards shall contain clear guidelines for 37998
institutions to determine a range of acceptable undergraduate 37999
teaching by faculty. 38000

On or before June 30, 1994, the board of trustees of each 38001
state university shall take formal action to adopt a faculty 38002
workload policy consistent with the standards developed under this 38003
section. Notwithstanding section 4117.08 of the Revised Code, the 38004
policies adopted under this section are not appropriate subjects 38005
for collective bargaining. Notwithstanding division (A) of section 38006
4117.10 of the Revised Code, any policy adopted under this section 38007
by a board of trustees prevails over any conflicting provisions of 38008
any collective bargaining agreement between an employees 38009
organization and that board of trustees. 38010

Sec. 3345.46. (A) As used in this section: 38011

(1) "Full course load" shall be defined by the board of 38012
trustees of each state institution of higher education. 38013

(2) "Overload fee" means a fee or increased tuition rate 38014
charged to students who enroll in courses for a total number of 38015
credit hours in excess of a full course load. 38016

(3) "State institution of higher education" has the same 38017
meaning as in section 3345.011 of the Revised Code. 38018

(B) No state institution of higher education shall charge an 38019
overload fee to any student for courses in which that student is 38020
enrolled that exceed the full course load per semester or per 38021

quarter, whichever is applicable, except as follows: 38022

(1) If a student is enrolled in more than eighteen credit 38023
hours per semester, or the equivalent number of credit hours per 38024
quarter as determined by the board of trustees of the institution, 38025
the institution may charge an overload fee to the student for only 38026
those credit hours taken in excess of eighteen credit hours per 38027
semester, or the equivalent number of credit hours per quarter, 38028
whichever is applicable. 38029

(2) If a student is enrolled in a course load that exceeds 38030
the full course load but is less than or equal to eighteen credit 38031
hours per semester, or the equivalent number of credit hours per 38032
quarter, whichever is applicable, the institution may charge an 38033
overload fee to any student for a course from which the student 38034
withdraws prior to a date specified by the board of trustees of 38035
the state institution. 38036

Sec. 3345.48. (A) As used in this section: 38037

(1) "Cohort" means a group of students who will complete 38038
their bachelor's degree requirements and graduate from a state 38039
university at the same time. A cohort may include transfer 38040
students and other selected undergraduate student academic 38041
programs as determined by the board of trustees of a state 38042
university. 38043

(2) "Eligible student" means an undergraduate student who: 38044

(a) Is enrolled full-time in a bachelor's degree program at a 38045
state university; 38046

(b) Is a resident of this state, as defined by the ~~chancellor~~ 38047
~~of the Ohio board of regents~~ director of higher education under 38048
section 3333.31 of the Revised Code. 38049

(3) "State university" has the same meaning as in section 38050
3345.011 of the Revised Code. 38051

(B) The board of trustees of a state university may establish 38052
an undergraduate tuition guarantee program that allows eligible 38053
students in the same cohort to pay a fixed rate for general and 38054
instructional fees for four years. A board of trustees may include 38055
room and board and any additional fees in the program. 38056

If the board of trustees chooses to establish such a program, 38057
the board shall adopt rules for the program that include, but are 38058
not limited to, all of the following: 38059

(1) The number of credit hours required to earn an 38060
undergraduate degree in each major; 38061

(2) A guarantee that the general and instructional fees for 38062
each student in the cohort shall remain constant for four years so 38063
long as the student complies with the requirements of the program, 38064
except that, notwithstanding any law to the contrary, the board 38065
may increase the guaranteed amount by up to six per cent above 38066
what has been charged in the previous academic year one time for 38067
the first cohort enrolled under the tuition guarantee program. If 38068
the board of trustees determines that economic conditions or other 38069
circumstances require an increase for the first cohort of above 38070
six per cent, the board shall submit a request to increase the 38071
amount by a specified percentage to the ~~chancellor~~ director. The 38072
~~chancellor~~ director, based on information the ~~chancellor~~ director 38073
requires from the board of trustees, shall approve or disapprove 38074
such a request. Thereafter, the board of trustees may increase the 38075
guaranteed amount by up to the sum of the following above what has 38076
been charged in the previous academic year one time per subsequent 38077
cohort: 38078

(a) The average rate of inflation, as measured by the 38079
consumer price index prepared by the bureau of labor statistics of 38080
the United States department of labor (all urban consumers, all 38081
items), for the previous sixty-month period; and 38082

(b) The percentage amount the general assembly restrains 38083
increases on in-state undergraduate instructional and general fees 38084
for the applicable fiscal year. If the general assembly does not 38085
enact a limit on the increase of in-state undergraduate 38086
instructional and general fees, then no limit shall apply under 38087
this division for the cohort that first enrolls in any academic 38088
year for which the general assembly does not prescribe a limit. 38089

If, beginning with the academic year that starts four years 38090
after ~~the effective date of this section~~ September 29, 2013, the 38091
board of trustees determines that the general and instructional 38092
fees charged under the tuition guarantee have fallen significantly 38093
lower than those of other state universities, the board of 38094
trustees may submit a request to increase the amount charged to a 38095
cohort by a specified percentage to the ~~chancellor~~ director, who 38096
shall approve or disapprove such a request. 38097

(3) A benchmark by which the board sets annual increases in 38098
general and instructional fees. This benchmark and any subsequent 38099
change to the benchmark shall be subject to approval of the 38100
~~chancellor~~ director. 38101

(4) Eligibility requirements for students to participate in 38102
the program; 38103

(5) Student rights and privileges under the program; 38104

(6) Consequences to the university for students unable to 38105
complete a degree program within four years, as follows: 38106

(a) For a student who could not complete the program in four 38107
years due to a lack of available classes or space in classes 38108
provided by the university, the university shall provide the 38109
necessary course or courses for completion to the student free of 38110
charge. 38111

(b) For a student who could not complete the program in four 38112
years due to military service or other circumstances beyond a 38113

student's control, as determined by the board of trustees, the 38114
university shall provide the necessary course or courses for 38115
completion to the student at the student's initial cohort rate. 38116

(c) For a student who did not complete the program in four 38117
years for any other reason, as determined by the board of 38118
trustees, the university shall provide the necessary course or 38119
courses for completion to the student at a rate determined through 38120
a method established by the board under division (B)(7) of this 38121
section. 38122

(7) Guidelines for adjusting a student's annual charges if 38123
the student, due to circumstances under the student's control, is 38124
unable to complete a degree program within four years; 38125

(8) A requirement that the rules adopted under division (B) 38126
of this section be published or posted in the university handbook, 38127
course catalog, and web site. 38128

(C) If a board of trustees implements a program under this 38129
section, the board shall submit the rules adopted under division 38130
(B) of this section to the ~~chancellor~~ director for approval before 38131
beginning implementation of the program. 38132

The ~~chancellor~~ director shall not unreasonably withhold 38133
approval of a program if the program conforms in principle with 38134
the parameters and guidelines of this section. 38135

(D) A board of trustees of a state university may establish 38136
an undergraduate tuition guarantee program for nonresident 38137
students. 38138

(E) Within five years after ~~the effective date of this~~ 38139
~~section~~ September 29, 2013, the ~~chancellor~~ director shall publish 38140
on the ~~board of regents~~ director's web site a report that includes 38141
all of the following: 38142

(1) The state universities that have adopted an undergraduate 38143

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|--|--|
| tuition guarantee program under this section; | 38144 |
| (2) The details of each undergraduate tuition guarantee program established under this section; | 38145 38146 |
| (3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities. | 38147 38148 38149 |
| <u>(F) Except as provided in this section, no other limitation on the increase of in-state undergraduate instructional and general fees shall apply to a state university that has established an undergraduate tuition guarantee program under this section.</u> | 38150 38151 38152 38153 38154 |
| Sec. 3345.50. Notwithstanding anything to the contrary in sections 123.01 and 123.10 of the Revised Code, a state university, a state community college, or the northeast Ohio medical university not certified pursuant to section 123.24 of the Revised Code may administer any capital facilities project for the construction, reconstruction, improvement, renovation, enlargement, or alteration of a public improvement under its jurisdiction for which the total amount of funds expected to be appropriated by the general assembly does not exceed four million dollars without the supervision, control, or approval of the Ohio facilities construction commission as specified in those sections, if both of the following occur: | 38155 38156 38157 38158 38159 38160 38161 38162 38163 38164 38165 38166 |
| (A) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the institution notifies the chancellor of the Ohio board of regents <u>director of higher education</u> in writing of its intent to administer the capital facilities project; | 38167 38168 38169 38170 38171 38172 |
| (B) The board of trustees complies with the guidelines | 38173 |

established pursuant to section 153.16 of the Revised Code and all 38174
laws that govern the selection of consultants, preparation and 38175
approval of contract documents, receipt of bids, and award of 38176
contracts with respect to the project. 38177

The ~~chancellor~~ director shall adopt rules in accordance with 38178
Chapter 119. of the Revised Code that establish criteria for the 38179
administration by any such institution of higher education of a 38180
capital facilities project for which the total amount of funds 38181
expected to be appropriated by the general assembly exceeds four 38182
million dollars. The criteria, to be developed with the Ohio 38183
facilities construction commission and higher education 38184
representatives selected by the ~~chancellor~~ director, shall include 38185
such matters as the adequacy of the staffing levels and expertise 38186
needed for the institution to administer the project, past 38187
performance of the institution in administering such projects, and 38188
the amount of institutional or other nonstate money to be used in 38189
financing the project. The ~~chancellor~~ director and the Ohio 38190
facilities construction commission shall approve the request of 38191
any such institution of higher education that seeks to administer 38192
any such capital facilities project and meets the criteria set 38193
forth in the rules and in the requirements of division (B) of this 38194
section. 38195

Sec. 3345.51. (A) Notwithstanding anything to the contrary in 38196
sections 123.20 and 123.21 of the Revised Code, a state 38197
university, the northeast Ohio medical university, or a state 38198
community college may administer any capital facilities project 38199
for the construction, reconstruction, improvement, renovation, 38200
enlargement, or alteration of a public improvement under its 38201
jurisdiction for which funds are appropriated by the general 38202
assembly without the supervision, control, or approval of the Ohio 38203
facilities construction commission as specified in those sections, 38204
if all of the following occur: 38205

(1) The institution is certified by the commission under section 123.24 of the Revised Code; 38206
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(2) Within sixty days after the effective date of the section of an act in which the general assembly initially makes an appropriation for the project, the board of trustees of the institution notifies the ~~chancellor of the Ohio board of regents~~ director of higher education in writing of its request to administer the capital facilities project and the ~~chancellor~~ director approves that request pursuant to division (B) of this section; 38208
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(3) The board of trustees passes a resolution stating its intent to comply with section 153.13 of the Revised Code and the guidelines established pursuant to section 153.16 of the Revised Code and all laws that govern the selection of consultants, preparation and approval of contract documents, receipt of bids, and award of contracts with respect to the project. 38216
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(B) The ~~chancellor~~ director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish criteria for the administration by any such institution of higher education of a capital facilities project for which the general assembly appropriates funds. The criteria, to be developed with the commission and higher education representatives selected by the ~~chancellor~~ director, shall include such matters as the adequacy of the staffing levels and expertise needed for the institution to administer the project, past performance of the institution in administering such projects, and the amount of institutional or other nonstate money to be used in financing the project. The ~~chancellor~~ director shall approve the request of any such institution of higher education that seeks to administer any such capital facilities project and meets the criteria set forth in the rules and the requirements of division (A) of this section. 38222
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(C) Any institution that administers a capital facilities 38237

project under this section shall conduct biennial audits for the 38238
duration of the project to ensure that the institution is 38239
complying with Chapters 9., 123., and 153. of the Revised Code and 38240
that the institution is using its certification issued under 38241
section 123.24 of the Revised Code appropriately. The ~~chancellor~~ 38242
director, in consultation with higher education representatives 38243
selected by the ~~chancellor~~ director, shall adopt rules in 38244
accordance with Chapter 119. of the Revised Code that establish 38245
criteria for the conduct of the audits. The criteria shall include 38246
documentation necessary to determine compliance with Chapters 9., 38247
123., and 153. of the Revised Code and a method to determine 38248
whether an institution is using its certification issued under 38249
section 123.24 of the Revised Code appropriately. 38250

(D) The ~~chancellor~~ director, in consultation with higher 38251
education representatives selected by the ~~chancellor~~ director, 38252
shall adopt rules in accordance with Chapter 119. of the Revised 38253
Code establishing criteria for monitoring capital facilities 38254
projects administered by institutions under this section. The 38255
criteria shall include the following: 38256

(1) Conditions under which the ~~chancellor~~ director may revoke 38257
the authority of an institution to administer a capital facilities 38258
project under this section, including the failure of an 38259
institution to maintain a sufficient number of employees who have 38260
successfully completed the certification program under section 38261
123.24 of the Revised Code; 38262

(2) A process for institutions to remedy any problems found 38263
by an audit conducted pursuant to division (C) of this section, 38264
including the improper use of state funds or violations of Chapter 38265
9., 123., or 153. of the Revised Code. 38266

(E) If the ~~chancellor~~ director revokes an institution's 38267
authority to administer a capital facilities project, the 38268
commission shall administer the capital facilities project. The 38269

~~chancellor~~ director also may require an institution, for which the 38270
~~chancellor~~ director revoked authority to administer a capital 38271
facilities project, to acquire a new local administration 38272
competency certification pursuant to section 123.24 of the Revised 38273
Code. 38274

Sec. 3345.54. (A) As used in this section: 38275

(1) "Auxiliary facilities" has the same meaning as in section 38276
3345.12 of the Revised Code. 38277

(2) "Conduit entity" means an organization described in 38278
section 501(c)(3) of the Internal Revenue Code qualified as a 38279
public charity under section 509(a)(2) or 509(a)(3) of the 38280
Internal Revenue Code, or any other appropriate legal entity 38281
selected by the state institution, whose corporate purpose allows 38282
it to perform the functions and obligations of a conduit entity 38283
pursuant to the terms of a financing agreement. 38284

(3) "Conveyed property" means auxiliary facilities conveyed 38285
by a state institution to a conduit entity pursuant to a financing 38286
agreement. 38287

(4) "Financing agreement" means a contract described in 38288
division (C) of this section. 38289

(5) "Independent funding source" means a private entity that 38290
enters into a financing agreement with a conduit entity and a 38291
state institution. 38292

(6) "State institution" means a state institution of higher 38293
education as defined in section 3345.011 of the Revised Code. 38294

(B) The board of trustees of a state institution, with the 38295
approval of the ~~chancellor of the Ohio board of regents~~ director 38296
of higher education and the controlling board, may enter into a 38297
financing agreement with a conduit entity and an independent 38298
funding source selected either through a competitive selection 38299

process or by direct negotiations, and may convey to the conduit 38300
entity title to any auxiliary facilities owned by the state 38301
institution pursuant to the terms of a financing agreement. 38302

(C) A financing agreement under this section is a written 38303
contract entered into among a state institution, a conduit entity, 38304
and an independent funding source that provides for: 38305

(1) The conveyance of auxiliary facilities owned by a state 38306
institution to the conduit entity for consideration deemed 38307
adequate by the state institution; 38308

(2) The lease of the conveyed property by the conduit entity 38309
to the independent funding source and leaseback of the conveyed 38310
property to the conduit entity for a term not to exceed 38311
ninety-nine years; 38312

(3) Such other terms and conditions that may be negotiated 38313
and agreed upon by the parties, including, but not limited to, 38314
terms regarding: 38315

(a) Payment to the state institution by the conduit entity of 38316
revenues received by it from the operations of the conveyed 38317
property in excess of the payments it is required to make to the 38318
independent funding source under the lease-leaseback arrangement 38319
described in division (C)(2) of this section; 38320

(b) Pledge, assignment, or creation of a lien in favor of the 38321
independent funding source by the conduit entity of any revenues 38322
derived from the conveyed property; 38323

(c) Reverter or conveyance of title to the conveyed property 38324
to the state institution when the conveyed property is no longer 38325
subject to a lease with the independent funding source. 38326

(4) Terms and conditions required by the ~~chancellor~~ director 38327
or the controlling board as a condition of approval of the 38328
financing agreement. 38329

(D) The state institution and the conduit entity may enter 38330
into such other management agreements or other contracts regarding 38331
the conveyed property the parties deem appropriate, including 38332
agreements pursuant to which the state institution may maintain or 38333
administer the conveyed property and collect and disburse revenues 38334
from the conveyed property on behalf of the conduit entity. 38335

(E) The parties may modify or extend the term of the 38336
financing agreement with the approval of the ~~chancellor~~ director 38337
and the controlling board. 38338

(F) The conveyed property shall retain its exemption from 38339
property taxes and assessments as though title to the conveyed 38340
property were held by the state institution during any part of a 38341
tax year that title is held by the state institution or the 38342
conduit entity and, if held by the conduit entity, remains subject 38343
to the lease-leaseback arrangement described in division (C)(2) of 38344
this section. However, as a condition of the continued exemption 38345
of the conveyed property during the term of the lease-leaseback 38346
arrangement the conduit entity shall apply for and maintain the 38347
exemption as provided by law. 38348

(G) Nothing in this section is intended to abrogate, amend, 38349
limit, or replace any existing authority state institutions may 38350
have with respect to the conveyance, lease, lease-leaseback, 38351
finance, or acquisition of auxiliary facilities including, but not 38352
limited to, authority granted under sections 3345.07, 3345.11, and 38353
3345.12 of the Revised Code. 38354

Sec. 3345.692. (A) Not later than September 15, 2010, and the 38355
fifteenth day of September each year thereafter, a state 38356
institution of higher education shall prepare and submit to the 38357
~~chancellor of the board of regents~~ director of higher education a 38358
report that describes the number and types of biobased products 38359
purchased under section 125.092 of the Revised Code and the amount 38360

of money spent by the state institution of higher education for 38361
those biobased products. 38362

(B) As used in this section, "state institution of higher 38363
education" has the same meaning as in section 3345.011 of the 38364
Revised Code. 38365

Sec. 3345.70. (A) Whenever the board of trustees of a state 38366
university, as defined under section 3345.011 of the Revised Code, 38367
declares that the university is in a state of fiscal exigency, the 38368
board shall do all of the following until it declares that the 38369
university is no longer in such a state: 38370

(1) File quarterly reports on an annualized budget, comparing 38371
the budget to actual spending with projected expenses for the 38372
remainder of the year. Such reports shall include narrative 38373
explanations as appropriate. 38374

(2) Place all residence hall and meal fees in a rotary 38375
account dedicated to the upkeep and maintenance of the dormitory 38376
buildings and to fund meal programs; 38377

(3) Place moneys for the operation of residence hall and meal 38378
programs in separately maintained auxiliary funds in the 38379
university accounting system; 38380

(4) File the minutes from their board of trustees meetings 38381
with the ~~board of regents~~ director of higher education within 38382
thirty days of their meetings. 38383

(B) No state university described under division (A) of this 38384
section shall do any of the following: 38385

(1) Use state funds for the purpose of providing grants or 38386
scholarships to out-of-state students; 38387

(2) Use state funds to subsidize off-campus housing or 38388
subsidize transportation to and from off-campus housing. 38389

(C) The requirements of divisions (A)(2) and (3) of this section are subject to the provisions of any applicable bond proceedings as defined under division (A)(9) of section 3345.12 of the Revised Code and to any applicable pledge made as authorized by division (R) of section 3345.12 of the Revised Code.

Sec. 3345.72. (A) The office of budget and management shall work with the auditor of state, the ~~Ohio board of regents~~ director of higher education, and two representatives of state universities and colleges appointed by the ~~chancellor of the board of regents~~ director to develop rules under this division, and shall adopt the rules in accordance with section 111.15 of the Revised Code. One of the ~~chancellor's~~ director's appointments shall represent a four-year institution and one a two-year institution. The rules shall include all of the following:

(1) Criteria for determining when to declare a state university or college under a fiscal watch, which criteria shall include all of the following:

(a) A requirement for the submission of a quarterly report from each state university or college, within thirty days after the end of each calendar quarter, to the ~~board of regents~~ director of higher education, the director of budget and management, ~~the legislative budget office~~ of the legislative service commission, and the chairpersons and ranking minority members of the finance committees of the house of representatives and the senate;

(b) A requirement that each state university and college shall prepare at the end of each fiscal year a financial statement consistent with audit requirements prescribed by the auditor of state, and shall submit the financial statement to the auditor of state within four months after the end of the fiscal year;

(c) A requirement that the auditor of state shall send written notice to the agencies and persons mentioned in division

(A)(1)(a) of this section if a state university or college fails 38421
to submit its financial statement within the time required under 38422
division (A)(1)(b) of this section; 38423

(d) A requirement that the auditor of state shall send 38424
written notice to the agencies and persons mentioned in division 38425
(A)(1)(a) of this section if an audit of a state university or 38426
college reveals any of the following: 38427

(i) Substantive audit findings, such as an inability to make 38428
timely payments to vendors, delays in pension retirement 38429
contributions, or requests for advanced state funding; 38430

(ii) A significant variance between budgeted and actual 38431
spending for a fiscal year; 38432

(iii) A significant operating budget deficit for a fiscal 38433
year. 38434

(2) Actions to be taken by the board of trustees of a state 38435
university or college while under a fiscal watch; 38436

(3) Criteria for determining when to declare the termination 38437
of the fiscal watch of a state university or college; 38438

(4) The fiscal information to be reported to the ~~board of~~ 38439
~~regents~~ director of higher education by each state university or 38440
college under a fiscal watch for purposes of making determinations 38441
under division (D) of this section and division (A) of section 38442
3345.74 of the Revised Code, and the frequency and deadlines for 38443
reporting this information. 38444

(B) The ~~board of regents~~ director shall adopt a resolution 38445
declaring a state university or college to be in a state of fiscal 38446
watch if the ~~board of regents~~ director determines that the 38447
criteria adopted under division (A)(1) of this section are 38448
satisfied with respect to that state university or college. For 38449
purposes of making this determination, the ~~board of regents~~ 38450

director shall establish a financial tracking system and shall use 38451
the system to regularly assess each state university or college 38452
with respect to the criteria adopted under division (A)(1) of this 38453
section. 38454

(C) While a state university or college is under a fiscal 38455
watch, the board of trustees of the university or college shall 38456
take the actions and report the fiscal information prescribed 38457
under divisions (A)(2) and (4) of this section. 38458

(D) The ~~board of regents~~ director shall adopt a resolution 38459
declaring the termination of the fiscal watch of a state 38460
university or college if the ~~board of regents~~ director determines 38461
that the criteria adopted under division (A)(3) of this section 38462
are satisfied with respect to that state university or college. 38463

(E) In making assessments and determinations under division 38464
(B) or (D) of this section, the ~~board of regents~~ director shall 38465
use financial reports required under section 3345.05 of the 38466
Revised Code or any other documents, records, or information 38467
available to ~~it~~ the director or the auditor of state related to 38468
the criteria adopted under division (A)(1) or (3) of this section. 38469
In making determinations under division (D) of this section, the 38470
~~board of regents~~ director shall also use the fiscal information 38471
reported under division (C) of this section. 38472

(F) The ~~board of regents~~ director of higher education shall 38473
certify each action taken under division (B) or (D) of this 38474
section to the governor, the director of budget and management, 38475
the speaker and minority leader of the house of representatives, 38476
the president and minority leader of the senate, ~~the legislative~~ 38477
~~budget office of~~ the legislative service commission, and the 38478
chairpersons and ranking minority members of the finance 38479
committees of the house and senate. 38480

(G) A determination by the ~~board of regents~~ director of 38481

higher education under this section that a fiscal watch exists or 38482
does not exist, or that a fiscal watch is terminated or is not 38483
terminated, is final and conclusive and not appealable. 38484

(H) If a state university or college fails to submit the 38485
quarterly report required under division (A)(1) of this section 38486
within thirty days after the end of a calendar quarter, the ~~board~~ 38487
~~of regents~~ director shall withhold payment of any instructional 38488
subsidies to the university or college until it submits the 38489
report. Upon submission of the report, the ~~board of regents~~ 38490
director shall pay the withheld subsidies to the university or 38491
college. 38492

Sec. 3345.73. The office of budget and management shall work 38493
with the auditor of state, the ~~Ohio board of regents~~ director of 38494
higher education, and two representatives of state universities 38495
and colleges appointed by the ~~chancellor of the board of regents~~ 38496
director to develop rules under this section, and shall adopt the 38497
rules in accordance with section 111.15 of the Revised Code. One 38498
of the ~~chancellor's~~ director's appointments shall represent a 38499
four-year institution and one a two-year institution. The rules 38500
shall establish the following: 38501

(A) The financial indicators and the standards for using 38502
those indicators that the ~~board of regents~~ director is to employ 38503
to determine whether a university or college under a fiscal watch 38504
is experiencing sufficient fiscal difficulties to warrant 38505
appointing a conservator under section 3345.74 of the Revised 38506
Code; 38507

(B) The financial indicators and the standards for using 38508
those indicators that a governance authority established for a 38509
state university or college under section 3345.75 of the Revised 38510
Code is to employ to determine whether the university or college 38511
is experiencing sufficient fiscal stability to warrant terminating 38512

that governance authority in accordance with section 3345.76 of 38513
the Revised Code. 38514

The indicators and standards adopted under this section shall 38515
be designed so as to take into account at least the revenues, 38516
expenditures, assets, liabilities, and fund balances of a state 38517
university or college, and shall be designed so as to indicate the 38518
financial performance and position of a state university or 38519
college. 38520

Sec. 3345.74. (A) The ~~Ohio board of regents~~ director of 38521
higher education at least annually shall apply the indicators and 38522
standards adopted under division (A) of section 3345.73 of the 38523
Revised Code to determine whether a state university or college 38524
under a fiscal watch is experiencing sufficient fiscal 38525
difficulties to warrant the appointment of a conservator under 38526
this section. Upon making a determination that appointment of a 38527
conservator is warranted, the ~~board of regents~~ director shall 38528
request from the office of budget and management, which shall 38529
provide, certification that sufficient fiscal difficulties exist 38530
to warrant appointment of a conservator. The ~~board of regents~~ 38531
director shall then certify this determination to the governor. 38532

Notwithstanding section 3333.021 of the Revised Code, that 38533
section does not apply to certification by the ~~board of regents~~ 38534
director under this section or to the declaration of a fiscal 38535
watch under section 3345.72 of the Revised Code. 38536

A determination by the ~~board of regents~~ director under this 38537
division that sufficient fiscal difficulties exist or do not exist 38538
to warrant appointing a conservator is final and conclusive and 38539
not appealable. 38540

(B) The governor may appoint a conservator for any state 38541
university or college under a fiscal watch, upon certification by 38542
the ~~Ohio board of regents~~ director under division (A) of this 38543

section that the appointment is warranted. The governor shall 38544
consult with the speaker ~~and~~ and minority leader of the house of 38545
representatives and the president and minority leader of the 38546
senate before making the appointment. From the time a conservator 38547
is appointed until the time the governor issues an order 38548
terminating the governance authority under division (B) of section 38549
3345.76 of the Revised Code, the governor may remove any member of 38550
the board of trustees of the state university or college from 38551
office and not fill the vacancy. 38552

(C) Upon appointment of a conservator under this section for 38553
a state university or college, all of the following shall occur 38554
effective immediately: 38555

(1) All duties, responsibilities, and powers of the board of 38556
trustees of the university or college are suspended; 38557

(2) The management and control of the state university or 38558
college is assumed by the conservator; 38559

(3) Notwithstanding any section of the Revised Code, all 38560
duties, responsibilities, and powers assigned by law to the board 38561
of trustees are assigned to the conservator, and the conservator 38562
becomes the successor to, assumes the lawful obligations of, and 38563
otherwise constitutes the continuation of the board of trustees 38564
for purposes of all pending legal actions, contracts or other 38565
agreements, and obligations of the university or college; 38566

(4) Wherever the board of trustees is referred to in any 38567
contract or legal document, the reference is deemed to refer to 38568
the conservator. No validation, cure, right, privilege, remedy, 38569
obligation, or liability is lost or impaired by reason of the 38570
assumption of the board's authority by the conservator under this 38571
section and any such validation, cure, right, privilege, remedy, 38572
obligation, or liability shall be administered by the conservator. 38573
No action or proceeding pending on the effective date of the 38574

assumption by the conservator of the board's authority is affected 38575
by that assumption and any such action or proceeding shall be 38576
prosecuted or defended in the name of the conservator. 38577

(5) The conservator assumes custody of all equipment, 38578
records, files, effects, and all other property real or personal 38579
of the state university or college; 38580

(6) All authority and duties of the president or chief 38581
executive officer, and the pay of the president or chief executive 38582
officer, are suspended. 38583

(D) The conservator for a state university or college shall 38584
conduct a preliminary performance evaluation of the president or 38585
chief executive officer of the university or college and provide a 38586
copy of findings and any recommendations to the governance 38587
authority established for the university or college under section 38588
3345.75 of the Revised Code. 38589

(E) A conservator appointed under this section shall be 38590
immune, indemnified, and held harmless from civil liability, 38591
including any cause of action, legal, equitable, or otherwise, for 38592
any action taken or duties performed by the conservator in good 38593
faith and in furtherance of the performance of the duties of the 38594
conservator under this section. 38595

(F) The governor shall set the compensation for a conservator 38596
appointed for a state university or college. The expenses and 38597
compensation of the conservator and others employed by the 38598
conservator shall be paid out of the operating funds and revenues 38599
of that university or college. 38600

Sec. 3345.75. (A) Not later than thirty days after the date 38601
of the appointment of a conservator for a state university or 38602
college under section 3345.74 of the Revised Code, the governor 38603
shall appoint, with the advice and consent of the senate, a 38604

governance authority for the university or college consisting of 38605
five members. The members shall serve at the pleasure of the 38606
governor and any vacancies shall be filled in the same manner as 38607
an original appointment. 38608

The governor shall designate one of the members of the 38609
governance authority as the chairperson and shall call the first 38610
meeting of the authority. A majority of the members of a 38611
governance authority constitutes a quorum and the affirmative vote 38612
of a majority of the members shall be necessary for any action 38613
taken by an authority. Meetings of a governance authority shall be 38614
called in the manner and at the times prescribed by the authority, 38615
but the authority shall meet at least four times annually and at 38616
other times necessary for the best interest of the university or 38617
college. A governance authority may adopt procedures for the 38618
conduct of its business. 38619

The members of a governance authority shall not receive 38620
compensation for their services, but shall be paid their 38621
reasonable and necessary expenses while engaged in the discharge 38622
of their official duties. 38623

(B)(1) A governance authority established under this section 38624
shall appoint an executive director who shall serve at the 38625
pleasure of the authority and with the compensation and other 38626
terms and conditions established by it. With the approval of the 38627
chairperson of the authority, the executive director may appoint 38628
additional personnel as the director considers appropriate. The 38629
executive director shall oversee the day-to-day operation of the 38630
university or college under the direction and supervision of the 38631
authority. 38632

(2) The governance authority shall conduct a final 38633
performance evaluation of the president or chief executive officer 38634
of the university or college. Following the evaluation, the 38635
governance authority may reinstate any duties, authority, or pay 38636

previously suspended under division (C)(6) of section 3345.74 of 38637
the Revised Code, or may terminate the president or chief 38638
executive officer in accordance with the terms of the person's 38639
employment contract. 38640

(C) Upon appointment of all members of a governance authority 38641
under this section and upon the effective date for the 38642
commencement of the duties of the executive director appointed by 38643
that authority under this section, all authority, 38644
responsibilities, duties, and references assumed by or conferred 38645
upon the conservator under divisions (C)(2) to (6) of section 38646
3345.74 of the Revised Code terminate and all of the following 38647
shall occur, effective immediately: 38648

(1) The management and control of the state university or 38649
college is assumed by the governance authority; 38650

(2) Notwithstanding any section of the Revised Code, all 38651
duties, responsibilities, and powers assigned by law to the board 38652
of trustees or to the conservator are assigned to the governance 38653
authority and the governance authority becomes the successor to, 38654
assumes the lawful obligations of, and otherwise constitutes the 38655
continuation of the board of trustees and the conservator for 38656
purposes of all pending legal actions, contracts or other 38657
agreements, and obligations of the university or college; 38658

(3) Wherever the board of trustees or conservator is referred 38659
to in any contract or legal document, the reference is deemed to 38660
refer to the governance authority. No validation, cure, right, 38661
privilege, remedy, obligation, or liability is lost or impaired by 38662
reason of the assumption of the authority of the board of trustees 38663
and the conservator by the governance authority under this section 38664
and any such validation, cure, right, privilege, remedy, 38665
obligation, or liability shall be administered by the governance 38666
authority. No action or proceeding pending on the effective date 38667
of the assumption by the governance authority of the authority of 38668

the board of trustees and the conservator is affected by that 38669
assumption and any such action or proceeding shall be prosecuted 38670
or defended in the name of the governance authority. 38671

(4) The governance authority assumes custody of all 38672
equipment, records, files, effects, and all other property real or 38673
personal of the state university or college. 38674

(D) A governance authority and executive director appointed 38675
under this section shall be immune, indemnified, and held harmless 38676
from civil liability, including any cause of action, legal, 38677
equitable, or otherwise, for any action taken or duties performed 38678
by the governance authority and executive director in good faith 38679
and in furtherance of the performance of the duties of the 38680
governance authority and executive director under this section. 38681

(E) The expenses of a governance authority and the expenses 38682
and compensation of an executive director appointed for a state 38683
university or college under this section and others employed by 38684
the executive director under this section shall be paid out of the 38685
operating funds and revenues of that university or college. 38686

(F) A governance authority appointed under this section shall 38687
prepare, in accordance with rules adopted by the office of budget 38688
and management, and submit to the ~~board of regents~~ director of 38689
higher education, the governor, the speaker and minority leader of 38690
the house of representatives, and the president and minority 38691
leader of the senate a quarterly report setting forth all of the 38692
following: 38693

(1) The general condition of the university or college; 38694

(2) The amounts of receipts and disbursements and the items 38695
for which the disbursements were made; 38696

(3) The numbers of professors, officers, teachers, and other 38697
employees and the position and compensation of each and the 38698
numbers of students by courses of instruction; 38699

| | |
|---|--|
| (4) An estimate of expenses for the ensuing quarter; | 38700 |
| (5) A statement of the general progress of the university or college with indication of any improvements and specification of any experiments with institutional reform and the costs and results of those experiments; | 38701 38702 38703 38704 |
| (6) Any other matters the governance authority considers useful to report. | 38705 38706 |
| (G) The attorney general shall be the legal adviser to the conservator and the governance authority, and the attorney general may employ special counsel to aid the conservator or governance authority with respect to any legal matter on behalf of the institution. The conservator and the governance authority may as otherwise provided by law request the attorney general to bring or defend suits or proceedings in the name of the institution. | 38707 38708 38709 38710 38711 38712 38713 |
| Sec. 3345.76. (A) A governance authority appointed for a state university or college under section 3345.75 of the Revised Code at least annually shall apply the indicators and standards adopted under division (B) of section 3345.73 of the Revised Code to determine whether the university or college is experiencing sufficient fiscal stability to warrant terminating that governance authority in accordance with this section. Upon making a determination that termination of the governance authority is warranted, the governance authority shall certify this determination to the governor. | 38714 38715 38716 38717 38718 38719 38720 38721 38722 38723 |
| A determination by a governance authority under this division that sufficient fiscal stability exists or does not exist to warrant terminating that governance authority is final and conclusive and not appealable. | 38724 38725 38726 38727 |
| (B) The governor may issue an order, effective as provided under division (D) of this section, terminating the governance | 38728 38729 |

authority appointed under section 3345.75 of the Revised Code, 38730
upon the occurrence of either of the following: 38731

(1) Certification by the governance authority for that state 38732
university or college the termination of that governance authority 38733
is warranted; 38734

(2) A finding that in the governor's opinion termination of 38735
the governance authority is in the best interests of the state, 38736
that state university or college, and the students of that state 38737
university or college. 38738

(C) Upon issuance of an order under division (B) of this 38739
section, the governor shall fill each vacancy on the board of 38740
trustees of the university or college for the unexpired portion of 38741
the member's term or, if the term for the member has already 38742
expired, for the unexpired portion of the succeeding term. 38743

(D) Thirty days after the date on which the ~~Ohio board of~~ 38744
~~regents~~ director of higher education determines that all vacancies 38745
on the board of trustees have been filled, all authority, 38746
responsibilities, duties, and references assumed by or conferred 38747
upon the governance authority of that university or college under 38748
division (C) of section 3345.75 of the Revised Code terminate and 38749
all of the following shall occur: 38750

(1) The management and control of the state university or 38751
college by the board of trustees shall be resumed; 38752

(2) The board becomes the successor to, assumes the lawful 38753
obligations of, and otherwise constitutes the continuation of the 38754
conservator and the governance authority for purposes of all 38755
pending legal actions, contracts or other agreements, and 38756
obligations of the university or college; 38757

(3) Wherever the conservator or the governance authority is 38758
referred to in any contract or legal document, the reference is 38759
deemed to refer to the board of trustees. No validation, cure, 38760

right, privilege, remedy, obligation, or liability is lost or 38761
impaired by reason of the resumption by the board of trustees of 38762
the authority of the conservator and the governance authority, and 38763
any such validation, cure, right, privilege, remedy, obligation, 38764
or liability shall be administered by the board of trustees. No 38765
action or proceeding pending on the effective date of the 38766
resumption by the board of trustees of the authority of the 38767
conservator and the governance authority is affected by that 38768
resumption, and any such action or proceeding shall be prosecuted 38769
or defended in the name of the board of trustees. 38770

(4) The board of trustees resumes custody of all equipment, 38771
records, files, effects, and all other property real or personal 38772
of the state university or college; 38773

(5) Employment of the executive director appointed for the 38774
university or college under section 3345.75 of the Revised Code is 38775
terminated; 38776

(6) The duties, authority, and pay of the president or chief 38777
executive officer of the university or college suspended under 38778
division (C)(6) of section 3345.74 and not reinstated under 38779
division (B)(2) of section 3345.75 of the Revised Code are 38780
reinstated to the person holding that position, unless otherwise 38781
provided for by the board of trustees. 38782

Sec. 3345.81. Not later than June 30, 2014, the board of 38783
trustees of each institution of higher education, as defined by 38784
section 3345.12 of the Revised Code, shall adopt an 38785
institution-specific strategic completion plan designed to 38786
increase the number of degrees and certificates awarded to 38787
students. The plan shall be consistent with the mission and 38788
strategic priorities of the institution, include measureable 38789
student completion goals, and align with the state's workforce 38790
development priorities. Upon adoption by the board of trustees, 38791

each institution of higher education shall provide a copy of its 38792
plan to the ~~chancellor of the Ohio board of regents~~ director of 38793
higher education. 38794

The board of trustees of each institution of higher education 38795
shall update its plan at least once every two years and provide a 38796
copy of their updated plan to the ~~chancellor~~ director upon 38797
adoption. 38798

Sec. 3354.01. As used in sections 3354.01 to 3354.18~~7~~ 38799
~~inclusive~~, of the Revised Code: 38800

(A) "Community college district" means a political 38801
subdivision of the state and a body corporate with all the powers 38802
of a corporation, comprised of the territory of one or more 38803
contiguous counties having together a total population of not less 38804
than seventy-five thousand preceding the establishment of such 38805
district, and organized for the purpose of establishing, owning, 38806
and operating a community college within the territory of such 38807
district. 38808

(B) "Contiguous counties" means counties so located that each 38809
such county shares at least one boundary in common with at least 38810
one other such county in the group of counties referred to as 38811
being "contiguous." 38812

(C) "Community college" means a public institution of 38813
education beyond the high school organized for the principal 38814
purpose of providing for the people of the community college 38815
district wherein such college is situated the instructional 38816
programs defined in this section as "arts and sciences" and 38817
"technical," or either, and may include the "adult-education" 38818
program as defined in this section~~7~~. Except for bachelor's 38819
programs offered under section 3354.071 of the Revised Code, 38820
instructional programs shall not ~~exceeding~~ exceed two years~~1~~ in 38821

duration. 38822

A university maintained and operated by a municipality 38823
located in a county having a total population equal to the 38824
requirement for a community college district as set forth in 38825
division (A) of section 3354.01 of the Revised Code and is found 38826
by the ~~Ohio board of regents~~ director of higher education to offer 38827
instructional programs which are needed in the community and which 38828
are equivalent to those required of community colleges shall be, 38829
for the purposes of receiving state or federal financial aid only, 38830
considered a community college and shall receive the same state 38831
financial assistance granted to community colleges but only in 38832
respect to students enrolled in their first and second year of 38833
post high school education in the kinds of instructional programs 38834
offered by the municipal university. 38835

(D) "Arts and sciences program" means a both of the 38836
following: 38837

(1) A curricular program of two years or less duration, 38838
provided within a community college, planned and intended to 38839
enable students to gain academic credit for courses generally 38840
comparable to courses offered in the first two years in accredited 38841
colleges and universities in the state, and designed either to 38842
enable students to transfer to such colleges and universities for 38843
the purpose of earning baccalaureate degrees or to enable students 38844
to terminate academic study after two years with a proportionate 38845
recognition of academic achievement. 38846

(2) A bachelor's degree program approved and offered under 38847
section 3354.071 of the Revised Code. 38848

(E) "Adult-education program" means the dissemination of post 38849
high school educational service and knowledge, by a community 38850
college, for the occupational, cultural, or general educational 38851
benefit of adult persons, such educational service and knowledge 38852

not being offered for the primary purpose of enabling such persons 38853
to obtain academic credit or other formal academic recognition. 38854

(F) "Charter amendment" means a change in the official plan 38855
of a community college for the purpose of acquiring additional 38856
lands or structures, disposing of or transferring lands or 38857
structures, erection of structures, or creating or abolishing of 38858
one or more academic departments corresponding to generally 38859
recognized fields of academic study. 38860

(G) "Technical program" means a post high school curricular 38861
program of two years or less duration, provided within a community 38862
college, planned and intended to enable students to gain academic 38863
credit for courses designed to prepare such students to meet the 38864
occupational requirements of the community. 38865

(H) "Operating costs" means all expenses for all purposes of 38866
the community college district except expenditures for permanent 38867
improvements having an estimated life of usefulness of five years 38868
or more as certified by the fiscal officer of the community 38869
college district. 38870

Sec. 3354.071. (A) The board of trustees of any community 38871
college established under this chapter may apply to the director 38872
of higher education for approval to offer bachelor's degree 38873
programs in subject areas that are not either of the following: 38874

(1) The same or substantially similar subject areas currently 38875
offered at any state university, either on its main campus or a 38876
regional campus, or university branch, that is within thirty miles 38877
of the main campus of the community college, as determined by the 38878
director; 38879

(2) The same or substantially similar subject areas that a 38880
state university plans to offer on its main campus, regional 38881
campus, or university branch within one year of the date the 38882

community college submits its application for approval to the 38883
director. 38884

Before granting approval to a program under this section, the 38885
director shall determine and certify that there is a demonstrated 38886
need for such a program in the geographic area of the community 38887
college. If the director grants approval, the community college 38888
may offer such programs and award the appropriate bachelor's 38889
degrees to students upon completion of the programs. 38890

(B) As used in this section: 38891

(1) "State university" has the same meaning as in section 38892
3345.011 of the Revised Code. 38893

(2) "University branch" has the same meaning as in section 38894
3355.01 of the Revised Code. 38895

Sec. 3354.09. The board of trustees of a community college 38896
district may: 38897

(A) Own and operate a community college, pursuant to an 38898
official plan prepared and approved in accordance with section 38899
3354.07 of the Revised Code, or enter into a contract with a 38900
generally accredited public university or college for operation of 38901
such community college by such university or college pursuant to 38902
an official plan prepared and approved in accordance with section 38903
3354.07 of the Revised Code; 38904

(B) Hold, encumber, control, acquire by donation, purchase, 38905
or condemnation, construct, own, lease, use, and sell real and 38906
personal property as is necessary for the conduct of the program 38907
of the community college on whatever terms and for whatever 38908
consideration may be appropriate for the purpose of the college; 38909

(C) Accept gifts, grants, bequests, and devises absolutely or 38910
in trust for support of the college during the existence of the 38911
college; 38912

(D) Appoint the administrative officers, faculty, and staff, 38913
necessary and proper for such community college, and fix their 38914
compensation except in instances in which the board of trustees 38915
has delegated such powers to a college or university operating 38916
such community college pursuant to a contract entered into by the 38917
board of trustees of the district; 38918

(E) Provide for a community college necessary lands, 38919
buildings or other structures, equipment, means, and appliances; 38920

(F) Develop and adopt, pursuant to the official plan, the 38921
curricular programs identified in section 3354.01 of the Revised 38922
Code as arts and sciences programs and technical programs, or 38923
either. Such programs may include adult-education programs. 38924

(G) Except as provided in sections 3333.17 and 3333.32 of the 38925
Revised Code, establish schedules of fees and tuition for students 38926
who are residents of the district, residents of Ohio but not of 38927
the district, and students who are nonresidents of Ohio. The 38928
establishment of rules governing the determination of residence 38929
shall be subject to approval of the ~~Ohio board of regents~~ director 38930
of higher education. Students who are nonresidents of Ohio shall 38931
be required to pay higher rates of fees and tuition than the rates 38932
required of students who are residents of Ohio but not of the 38933
district, and students who are residents of the district shall pay 38934
a smaller tuition and fee rate than the rate for either category 38935
of nonresident students. 38936

(H) Authorize, approve, ratify, or confirm any agreement 38937
relating to any such community college with the United States 38938
government, acting through any agency of such government 38939
designated or created to aid in the financing of such projects, or 38940
with any person or agency offering grants in aid in financing such 38941
educational facilities or the operation of such facilities except 38942
as prohibited in division (K) of this section. 38943

Such agreement may include a provision for repayment of 38944
advances, grants, or loans made to any community college district 38945
from funds which may become available to it. 38946

When the United States government or its agent makes a grant 38947
of money to any community college district to aid in paying the 38948
cost of any projects of such district, or enters into an agreement 38949
with the community college district for the making of any such 38950
grant of money, the amount thereof is deemed appropriated for such 38951
purpose by the community college district and is deemed in process 38952
of collection within the meaning of section 5705.41 of the Revised 38953
Code. 38954

(I) Grant appropriate certificates of achievement or degrees 38955
to students successfully completing the community college 38956
programs; 38957

(J) Prescribe rules for the effective operation of a 38958
community college and exercise such other powers as are necessary 38959
for the efficient management of such college; 38960

(K) Receive and expend gifts or grants from the state for the 38961
payment of operating costs, for the acquisition, construction, or 38962
improvement of buildings or other structures, or for the 38963
acquisition or use of land. In no event shall state gifts or 38964
grants be expended for the support of adult-education programs. 38965
Gifts or grants from the state for operating costs shall not in 38966
any biennium exceed the amount recommended by the ~~Ohio board of~~ 38967
~~regents~~ director of higher education to the governor as provided 38968
in Chapter 3333. of the Revised Code. Such gifts or grants shall 38969
be distributed to such districts in equal quarter-annual payments, 38970
unless otherwise provided or authorized in any act appropriating 38971
moneys for such purposes, on or before the last day of February, 38972
May, August, and November in each year. 38973

(L) Retain consultants in the fields of education, planning, 38974

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| architecture, law, engineering, or other fields of professional skill; | 38975 38976 |
| (M) Purchase: | 38977 |
| (1) A policy or policies of insurance insuring the district against loss of or damage to property, whether real, personal, or mixed, which is owned by the district or leased by it as lessee or which is in the process of construction by or for the district; | 38978 38979 38980 38981 |
| (2) A policy or policies of fidelity insurance in such amounts and covering such trustees, officers, and employees of the district as it considers necessary or desirable; | 38982 38983 38984 |
| (3) A policy or policies of liability insurance from an insurer or insurers licensed to do business in this state insuring its members, officers, and employees against all civil liability arising from an act or omission by the member, officer, or employee when the member, officer, or employee is not acting manifestly outside the scope of employment or official responsibilities with the institution, with malicious purpose or bad faith, or in a wanton or reckless manner, or may otherwise provide for the indemnification of such persons against such liability. All or any portion of the cost, premium, or charge for such a policy or policies or indemnification payment may be paid from any funds under the institution's control. The policy or policies of liability insurance or the indemnification policy of the institution may cover any risks including, but not limited to, damages resulting from injury to property or person, professional liability, and other special risks, including legal fees and expenses incurred in the defense or settlement of claims for such damages. | 38985 38986 38987 38988 38989 38990 38991 38992 38993 38994 38995 38996 38997 38998 38999 39000 39001 39002 |
| (4) A policy or policies of insurance insuring the district against any liabilities to which it may be subject on account of damage or injury to persons or property, including liability for | 39003 39004 39005 |

wrongful death. 39006

(N) Designate one or more employees of the institution as 39007
state university law enforcement officers, to serve and have 39008
duties as prescribed in section 3345.04 of the Revised Code. 39009

Any instrument by which real property is acquired pursuant to 39010
this section shall identify the agency of the state that has the 39011
use and benefit of the real property as specified in section 39012
5301.012 of the Revised Code. 39013

Sec. 3357.01. As used in this chapter: 39014

(A) "Technical college" means an institution of education 39015
beyond the high school, including an institution of higher 39016
education, organized for the principal purpose of providing for 39017
the residents of the technical college district, wherein such 39018
college is situated, any one or more of the instructional programs 39019
defined in this section as "technical college," or 39020
"adult-education technical programs," normally not exceeding two 39021
years' duration and not leading to a baccalaureate degree, except 39022
as provided in section 3357.071 of the Revised Code. 39023

(B) "Technical college district" means a political 39024
subdivision of the state and a body corporate with all the powers 39025
of a corporation, comprised of the territory of a city school 39026
district or a county, or two or more contiguous school districts 39027
or counties, which meets the standards prescribed by the ~~Ohio~~ 39028
~~board of regents~~ director of higher education pursuant to section 39029
3357.02 of the Revised Code, and which is organized for the 39030
purpose of establishing, owning, and operating one or more 39031
technical colleges within the territory of such district. 39032

(C) "Contiguous school districts or counties" means school 39033
districts or counties so located that each such school district or 39034
county shares at least one boundary or a portion thereof in common 39035

with at least one other such school district or county in the 39036
group of school districts or counties referred to as being 39037
"contiguous." 39038

(D) "Technical college program" means a post high school 39039
curricular program provided within a technical college, planned 39040
and intended to qualify students, after satisfactory completion of 39041
such a program normally two years in duration, to pursue careers 39042
in which they provide immediate technical assistance to 39043
professional or managerial persons generally required to hold 39044
baccalaureate or higher academic degrees in technical or 39045
professional fields. The technical and professional fields 39046
referred to in this section include, but are not limited to, 39047
engineering and physical, medical, or other sciences. 39048

(E) "Adult-education technical program" means the 39049
dissemination of post high school technical education service and 39050
knowledge, for the occupational, or general educational benefit of 39051
adult persons. 39052

(F) "Charter amendment" means a change in the official plan 39053
of a technical college for the purpose of acquiring additional 39054
lands or structures, disposing of or transferring lands or 39055
structures, erecting structures, creating or abolishing technical 39056
college or adult education technical curricular programs. 39057

(G) "Baccalaureate-oriented associate degree program" means a 39058
curricular program of not more than two years' duration that is 39059
planned and intended to enable students to gain academic credit 39060
for courses comparable to first- and second-year courses offered 39061
by accredited colleges and universities. The purpose of 39062
baccalaureate-oriented associate degree coursework in technical 39063
colleges is to enable students to transfer to colleges and 39064
universities and earn baccalaureate degrees or to enable students 39065
to terminate academic study after two years with a proportionate 39066
recognition of academic achievement through receipt of an 39067

associate degree. 39068

Sec. 3357.071. (A) The board of trustees of any technical college established under this chapter may apply to the director of higher education for approval to offer bachelor's degree programs in subject areas that are not either of the following: 39069
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(1) The same or substantially similar subject areas currently offered at any state university, either on its main campus or a regional campus, or university branch, that is within thirty miles of the main campus of the technical college, as determined by the director; 39073
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(2) The same or substantially similar subject areas that a state university plans to offer on its main campus, regional campus, or university branch within one year of the date the technical college submits its application for approval to the director. 39078
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Before granting approval to a program under this section, the director shall determine and certify that there is a demonstrated need for such a program in the geographic area of the technical college. If the director grants approval, the technical college may offer such programs and award the appropriate bachelor's degrees to students upon completion of the programs. 39083
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(B) As used in this section: 39089

(1) "State university" has the same meaning as in section 3345.011 of the Revised Code. 39090
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(2) "University branch" has the same meaning as in section 3355.01 of the Revised Code. 39092
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Sec. 3357.09. The board of trustees of a technical college district may: 39094
39095

(A) Own and operate a technical college, pursuant to an 39096

official plan prepared and approved in accordance with section 39097
3357.07 of the Revised Code; 39098

(B) Hold, encumber, control, acquire by donation, purchase, 39099
or condemnation, construct, own, lease, use, and sell, real and 39100
personal property as necessary for the conduct of the program of 39101
the technical college on whatever terms and for whatever 39102
consideration may be appropriate for the purposes of the 39103
institution; 39104

(C) Accept gifts, grants, bequests, and devises absolutely or 39105
in trust for support of the technical college; 39106

(D) Appoint the president, faculty, and such other employees 39107
as necessary and proper for such technical college, and fix their 39108
compensation; 39109

(E) Provide for a technical college necessary lands, 39110
buildings or other structures, equipment, means, and appliances; 39111

(F) Develop and adopt, pursuant to the official plan, any one 39112
or more of the curricular programs identified in section 3357.01 39113
of the Revised Code as technical-college programs, or 39114
adult-education technical programs, and bachelor's degree programs 39115
approved and offered under section 3357.071 of the Revised Code; 39116

(G) Except as provided in sections 3333.17 and 3333.32 of the 39117
Revised Code, establish schedules of fees and tuition for: 39118
students who are residents of the district; students who are 39119
residents of Ohio but not of the district; students who are 39120
nonresidents of Ohio. The establishment of rules governing the 39121
determination of residence shall be subject to approval of the 39122
~~Ohio board of regents~~ director of higher education. Students who 39123
are nonresidents of Ohio shall be required to pay higher rates of 39124
fees and tuition than the rates required of students who are 39125
residents of Ohio but not of the district, and students who are 39126
residents of the district shall pay smaller tuition and fee rates 39127

than the rates for either of the above categories of nonresident 39128
students, except that students who are residents of Ohio but not 39129
of the district shall be required to pay higher fees and tuition 39130
than students who are residents of the district only when a 39131
district tax levy has been adopted and is in effect under the 39132
authority of section 3357.11, 5705.19, or 5705.191 of the Revised 39133
Code. 39134

(H) Authorize, approve, ratify, or confirm, with approval of 39135
the ~~Ohio board of regents~~ director of higher education, any 39136
agreement with the United States government, acting through any 39137
agency designated to aid in the financing of technical college 39138
projects, or with any person, organization, or agency offering 39139
grants-in-aid for technical college facilities or operation; 39140

(I) Receive assistance for the cost of equipment and for the 39141
operation of such technical colleges from moneys appropriated for 39142
technical education or for matching of Title VIII of the "National 39143
Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. 39144
Moneys shall be distributed by the ~~Ohio board of regents~~ director 39145
of higher education in accordance with rules which the ~~board~~ 39146
director shall establish governing its allocations to technical 39147
colleges chartered under section 3357.07 of the Revised Code. 39148

(J) Grant appropriate associate degrees to students 39149
successfully completing the technical college programs, 39150
appropriate bachelor's degrees to students successfully completing 39151
bachelor's degree programs, and certificates of achievement to 39152
those students who complete other programs; 39153

(K) Prescribe rules for the effective operation of a 39154
technical college, and exercise such other powers as are necessary 39155
for the efficient management of such college; 39156

(L) Enter into contracts and conduct technical college 39157
programs or technical courses outside the technical college 39158

district; 39159

(M) Enter into contracts with the board of education of any 39160
local, exempted village, or city school district or the governing 39161
board of any educational service center to permit the school 39162
district or service center to use the facilities of the technical 39163
college district; 39164

(N) Designate one or more employees of the institution as 39165
state university law enforcement officers, to serve and have 39166
duties as prescribed in section 3345.04 of the Revised Code; 39167

(O) Subject to the approval of the ~~Ohio board of regents~~ 39168
director of higher education, offer technical college programs or 39169
technical courses for credit at locations outside the technical 39170
college district. For purposes of computing state aid, students 39171
enrolled in such courses shall be deemed to be students enrolled 39172
in programs and courses at off-campus locations in the district. 39173

(P) Purchase a policy or policies of liability insurance from 39174
an insurer or insurers licensed to do business in this state 39175
insuring its members, officers, and employees against all civil 39176
liability arising from an act or omission by the member, officer, 39177
or employee, when the member, officer, or employee is not acting 39178
manifestly outside the scope of the member's, officer's, or 39179
employee's employment or official responsibilities with the 39180
institution, with malicious purpose or bad faith, or in a wanton 39181
or reckless manner, or may otherwise provide for the 39182
indemnification of such persons against such liability. All or any 39183
portion of the cost, premium, or charge for such a policy or 39184
policies or indemnification payment may be paid from any funds 39185
under the institution's control. The policy or policies of 39186
liability insurance or the indemnification policy of the 39187
institution may cover any risks including, but not limited to, 39188
damages resulting from injury to property or person, professional 39189
liability, and other special risks, including legal fees and 39190

expenses incurred in the defense or settlement of claims for such 39191
damages. 39192

Any instrument by which real property is acquired pursuant to 39193
this section shall identify the agency of the state that has the 39194
use and benefit of the real property as specified in section 39195
5301.012 of the Revised Code. 39196

Sec. 3357.19. The ~~Ohio board of regents~~ director of higher 39197
education shall: 39198

(A) Promulgate rules, regulations, and standards in 39199
conformity with Chapter 119. of the Revised Code relative to the 39200
qualifications of teaching personnel in technical colleges, and 39201
require conformity to all such rules, regulations, and standards 39202
as a condition upon the issuance of a charter to any technical 39203
college and upon the continued operation of such colleges; 39204

(B) Promulgate rules, regulations, and standards relative to 39205
the quality and content of instructional courses in technical 39206
colleges, and relative to the awarding of certificates of 39207
achievement or ~~associate~~ degrees to students in such colleges, and 39208
require conformity to all such rules, regulations, and standards 39209
as a condition upon the issuance of a charter to any technical 39210
college and upon the continued operation of such college; 39211

(C) Conduct studies and examinations of the operation and 39212
facilities of technical colleges, and require reports from such 39213
colleges, from time to time as the ~~board~~ director deems necessary, 39214
and revoke or suspend pursuant to Chapter 119. of the Revised 39215
Code, the charter of any technical college found to be in 39216
substantial violation of law, of rules, regulations, or standards 39217
of the ~~board~~ director, or of the approved official plan of such 39218
college; 39219

(D) Employ such professional, administrative, clerical, or 39220

secretarial personnel as may be found necessary to assist the 39221
~~board~~ director in the performance of ~~its~~ the director's duties; 39222

(E) Perform biennial examinations of the budget requirements 39223
of the technical colleges in the state, and present 39224
recommendations to the governor with respect to such budget 39225
requirements; 39226

(F) Perform research studies relative to technical college 39227
education. 39228

Sec. 3358.01. As used in sections 3358.01 to 3358.10 of the 39229
Revised Code: 39230

(A) "State community college district" means a political 39231
subdivision composed of the territory of a county, or of two or 39232
more contiguous counties, in either case having a total population 39233
of at least one hundred fifty thousand, and organized for the 39234
purpose of establishing, owning, and operating a state community 39235
college within the district or a political subdivision created 39236
pursuant to division (A) of section 3358.02 of the Revised Code. 39237

(B) "State community college" means a two-year institution, 39238
offering a baccalaureate-oriented program, technical education 39239
program, or an adult continuing education program. The extent to 39240
which the college offers baccalaureate-oriented and technical 39241
programs shall be determined in its charter. However, a state 39242
community college may offer bachelor's degree programs pursuant to 39243
section 3358.071 of the Revised Code. 39244

(C) "Baccalaureate-oriented program" means a curricular 39245
program of not more than two years' duration that is planned and 39246
intended to enable students to gain academic credit for courses 39247
comparable to first- and second-year courses offered by accredited 39248
colleges and universities. The purpose of baccalaureate-oriented 39249
coursework in state community colleges is to enable students to 39250

transfer to colleges and universities and earn baccalaureate 39251
degrees or to enable students to terminate academic study after 39252
two years with a proportionate recognition of academic achievement 39253
through receipt of an associate degree. 39254

(D) "Technical education program" means a post high school 39255
program of not more than two years' duration that is planned and 39256
intended to prepare students to pursue employment or improve 39257
technical knowledge in careers generally but not exclusively at 39258
the semiprofessional level. Technical education programs include, 39259
but are not limited to, programs in the technologies of business, 39260
engineering, health, natural science, and public service and are 39261
programs which, after two years of academic study, result in 39262
proportionate recognition of academic achievement through receipt 39263
of an associate degree. 39264

(E) "Adult continuing education program" means the offering 39265
of short courses, seminars, workshops, exhibits, performances, and 39266
other educational activities for the general educational or 39267
occupational benefit of adults. 39268

Sec. 3358.071. (A) The board of trustees of any state 39269
community college established under this chapter may apply to the 39270
director of higher education for approval to offer bachelor's 39271
degree programs in subject areas that are not either of the 39272
following: 39273

(1) The same or substantially similar subject areas currently 39274
offered at any state university, either on its main campus or a 39275
regional campus, or university branch, that is within thirty miles 39276
of the main campus of the state community college, as determined 39277
by the director; 39278

(2) The same or substantially similar subject areas that a 39279
state university plans to offer on its main campus, regional 39280
campus, or university branch within one year of the date the state 39281

community college submits its application for approval to the 39282
director. 39283

Before granting approval to a program under this section, the 39284
director shall determine and certify that there is a demonstrated 39285
need for such a program in the geographic area of the state 39286
community college. If the director grants approval, the state 39287
community college may offer such programs and award the 39288
appropriate bachelor's degrees to students upon completion of the 39289
programs. 39290

(B) As used in this section: 39291

(1) "State university" has the same meaning as in section 39292
3345.011 of the Revised Code. 39293

(2) "University branch" has the same meaning as in section 39294
3355.01 of the Revised Code. 39295

Sec. 3358.08. The board of trustees of a state community 39296
college district may: 39297

(A) Own and operate a state community college; 39298

(B) Hold, encumber, control, acquire by donation, purchase or 39299
condemn, construct, own, lease, use, and sell, real and personal 39300
property as necessary for the conduct of the program of the state 39301
community college on whatever terms and for whatever consideration 39302
may be appropriate for the purpose of the institution; 39303

(C) Accept gifts, grants, bequests, and devises absolute or 39304
in trust for support of the state community college; 39305

(D) Employ a president, and appoint or approve the 39306
appointment of other necessary administrative officers, full-time 39307
faculty members, and operating staff. The board may delegate the 39308
appointment of operating staff and part-time faculty members to 39309
the college president. The board shall fix the rate of 39310
compensation of the president and all officers and full-time 39311

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| employees as are necessary and proper for state community colleges. | 39312 39313 |
| (E) Provide for the state community college necessary lands, buildings, or other structures, equipment, means, and appliances; | 39314 39315 |
| (F) Establish within the maximum amounts permitted by law, schedules of fees and tuition for students who are Ohio residents and students who are not; | 39316 39317 39318 |
| (G) Grant appropriate associate degrees to students successfully completing the state community college's programs, and certificates of achievement to students who complete other programs; | 39319 39320 39321 39322 |
| (H) Prescribe policies for the effective operation of the state community college and exercise such other powers as are necessary for the efficient management of the college; | 39323 39324 39325 |
| (I) Enter into contracts with neighboring colleges and universities for the conduct of state community college programs or technical courses outside the state community college district; | 39326 39327 39328 |
| (J) Purchase: | 39329 |
| (1) A policy or policies of insurance insuring the district against loss or damage to property, whether real, personal, or mixed, which is owned by the district or leased by it as lessee or which is in the process of construction by or for the district; | 39330 39331 39332 39333 |
| (2) A policy or policies of fidelity insurance in such amounts and covering such trustees, officers, and employees of the district as the board may consider necessary or desirable; | 39334 39335 39336 |
| (3) A policy or policies of liability insurance from an insurer or insurers licensed to do business in this state insuring its members, officers, and employees against all civil liability arising from an act or omission by the member, officer, or employee, when the member, officer, or employee is not acting | 39337 39338 39339 39340 39341 |

manifestly outside the scope of employment or official 39342
responsibilities with the institution, with malicious purpose or 39343
bad faith, or in a wanton or reckless manner, or may otherwise 39344
provide for the indemnification of such persons against such 39345
liability. All or any portion of the cost, premium, or charge for 39346
such a policy or policies or indemnification payment may be paid 39347
from any funds under the institution's control. The policy or 39348
policies of liability insurance or the indemnification policy of 39349
the institution may cover any risks including, but not limited to, 39350
damages resulting from injury to property or person, professional 39351
liability, and other special risks, including legal fees and 39352
expenses incurred in the defense or settlement claims of such 39353
damages. 39354

(4) A policy or policies of insurance insuring the district 39355
against any liabilities to which it may be subject on account of 39356
damage or injury to persons or property, including liability for 39357
wrongful death. 39358

Any instrument by which real property is acquired pursuant to 39359
this section shall identify the agency of the state that has the 39360
use and benefit of the real property as specified in section 39361
5301.012 of the Revised Code. 39362

Sec. 3365.02. (A) There is hereby established the college 39363
credit plus program under which, beginning with the 2015-2016 39364
school year, a secondary grade student who is a resident of this 39365
state may enroll at a college, on a full- or part-time basis, and 39366
complete nonsectarian, nonremedial courses for high school and 39367
college credit. The program shall govern arrangements in which a 39368
secondary grade student enrolls in a college and, upon successful 39369
completion of coursework taken under the program, receives 39370
transcripted credit from the college, ~~except for any of the.~~ The 39371
following are not governed by the college credit plus program: 39372

(1) An agreement governing an early college high school program that meets any of the exemption criteria under division (E) of section 3313.6013 of the Revised Code;

(2) An advanced placement course or international baccalaureate diploma course, as described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code;

(3) ~~Until July 1, 2016, a~~ A career-technical education program that is approved by the department of education under section 3317.161 of the Revised Code and grants articulated credit to students participating in that program. However, any portion of an approved program that results in the conferral of transcribed credit upon the completion of the course shall be governed by the college credit plus program.

(B) Any student enrolled in a public or nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; any student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter.

(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or private college that chooses to participate in the program shall also be subject to the requirements of this chapter.

If a nonpublic secondary school chooses not to participate in the program, the school shall not be subject to the requirements of this chapter. Additionally, the school shall not be subject to any rule adopted by the director of higher education or the state board of education for purposes of the college credit plus program.

(D) The ~~chancellor of the Ohio board of regents~~ director, in accordance with Chapter 119. of the Revised Code and in consultation with the superintendent of public instruction, shall adopt rules governing the program.

Sec. 3365.07. The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that participant is awarded funding according to rules adopted by the ~~chancellor of the Ohio board of regents~~ director of higher education, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code. The program shall be the sole mechanism by which state funds are paid to colleges for students to earn ~~college-level~~ transcribed credit for college courses while enrolled in both a secondary school and a college, with the exception of ~~the programs listed~~ state funds paid to colleges according to an agreement described in division (A)(1) of section 3365.02 of the Revised Code.

(A) For each public or nonpublic secondary school participant enrolled in a public college:

(1) If no agreement has been entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable amount as follows:

(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the default ceiling amount;

(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, fifty per cent of the default ceiling amount;

(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the ~~chancellor of the Ohio board of regents~~ director of higher education, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the ~~chancellor~~ director of higher education, and not more than the default ceiling amount. The ~~chancellor~~ director shall approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A)(2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A)(1)(a) of this section,

depending upon the method of delivery and instruction. 39467

(b) In accordance with division (A)(1)(b) of this section, 39468
the participant's secondary school shall pay for textbooks, and 39469
the college shall waive payment of all other fees related to 39470
participation in the program. 39471

(3) No participant that is enrolled in a public college shall 39472
be charged for any tuition, textbooks, or other fees related to 39473
participation in the program. 39474

(B) For each public secondary school participant enrolled in 39475
a private college: 39476

(1) If no agreement has been entered into under division 39477
(B)(2) of this section, the department shall pay to the college 39478
the applicable amount calculated in the same manner as in division 39479
(A)(1)(a) of this section. 39480

(2) The governing entity of a participant's secondary school 39481
and the college may enter into an agreement to establish an 39482
alternative payment structure for tuition, textbooks, and fees. 39483
Under such an agreement, payments shall be not less than the 39484
default floor amount, unless approved by the ~~chancellor~~ director 39485
of higher education, and not more than the default ceiling amount. 39486

If an agreement is entered into under division (B)(2) of this 39487
section, both of the following shall apply: 39488

(a) The department shall make a payment to the college for 39489
each participant that is equal to the default floor amount, unless 39490
approved by the ~~chancellor~~ director to pay an amount below the 39491
default floor amount. The ~~chancellor~~ director shall approve an 39492
agreement that includes a payment below the default floor amount, 39493
as long as the provisions of the agreement comply with all other 39494
requirements of this chapter to ensure program quality. 39495

(b) Payment for costs for the participant that exceed the 39496

amount paid by the department pursuant to division (B)(2)(a) of 39497
this section shall be negotiated by the school and the college. 39498
The agreement may include a stipulation permitting the charging of 39499
a participant. 39500

However, under no circumstances shall: 39501

(i) Payments for a participant made by the department under 39502
~~this~~ division (B)(2) of this section exceed the default ceiling 39503
amount; 39504

(ii) The amount charged to a participant under division 39505
(B)(2) of this section exceed the difference between the maximum 39506
per participant charge amount and the default floor amount; 39507

(iii) The sum of the payments made by the department for a 39508
participant and the amount charged to that participant under 39509
division (B)(2) of this section exceed the following amounts, as 39510
applicable: 39511

(I) For a participant enrolled in a college course delivered 39512
on the college campus, at another location operated by the 39513
college, or online, the maximum per participant charge amount; 39514

(II) For a participant enrolled in a college course delivered 39515
at the participant's secondary school but taught by college 39516
faculty, one hundred twenty-five dollars; 39517

(III) For a participant enrolled in a college course 39518
delivered at the participant's secondary school and taught by a 39519
high school teacher who has met the credential requirements 39520
established for purposes of the program in rules adopted by the 39521
~~chancellor of the Ohio board of regents~~ director of higher 39522
education, one hundred dollars. 39523

(iv) A participant that is identified as economically 39524
disadvantaged according to rules adopted by the department be 39525
charged under division (B)(2) of this section for any tuition, 39526

textbooks, or other fees related to participation in the program. 39527

(C) For each nonpublic secondary school participant enrolled 39528
in a private or eligible out-of-state college, the department 39529
shall pay to the college the applicable amount calculated in the 39530
same manner as in division (A)(1)(a) of this section. Payment for 39531
costs for the participant that exceed the amount paid by the 39532
department shall be negotiated by the governing body of the 39533
nonpublic secondary school and the college. 39534

However, under no circumstances shall: 39535

(1) The payments for a participant made by the department 39536
under this division exceed the default ceiling amount. 39537

(2) Any nonpublic secondary school participant, who is 39538
enrolled in that secondary school with a scholarship awarded under 39539
either the educational choice scholarship pilot program, as 39540
prescribed by sections 3310.01 to 3310.17, or the pilot project 39541
scholarship program, as prescribed by sections 3313.974 to 39542
3313.979 of the Revised Code, and who qualifies as a low-income 39543
student under either of those programs, be charged for any 39544
tuition, textbooks, or other fees related to participation in the 39545
college credit plus program. 39546

(D) For each nonchartered nonpublic secondary school 39547
participant and each home-instructed participant enrolled in a 39548
public, private, or eligible out-of-state college, the department 39549
shall pay to the college the default ceiling amount, if that 39550
participant is enrolled in a college course delivered on the 39551
college campus, at another location operated by the college, or 39552
online. 39553

(E) Not later than thirty days after the end of each term, 39554
each college expecting to receive payment for the costs of a 39555
participant under this section shall notify the department of the 39556
number of enrolled credit hours for each participant. 39557

(F) Each January and July, or as soon as possible thereafter, 39558
the department shall make the applicable payments under this 39559
section to each college, which provided proper notification to the 39560
department under division (E) of this section, for the number of 39561
enrolled credit hours for participants enrolled in the college 39562
under division (B) of section 3365.06 of the Revised Code. The 39563
department shall not make any payments to a college under this 39564
section if a participant withdrew from a course prior to the date 39565
on which a withdrawal from the course would have negatively 39566
affected the participant's transcribed grade, as prescribed by 39567
the college's established withdrawal policy. 39568

(1) Payments made for public secondary school participants 39569
under this section shall be deducted from the school foundation 39570
payments made to the participant's school district or, if the 39571
participant is enrolled in a community school, a STEM school, or a 39572
college-preparatory boarding school, from the payments made to 39573
that school under section 3314.08, 3326.33, or 3328.34 of the 39574
Revised Code. If the participant is enrolled in a joint vocational 39575
school district, a portion of the amount shall be deducted from 39576
the payments to the joint vocational school district and a portion 39577
shall be deducted from the payments to the participant's city, 39578
local, or exempted village school district in accordance with the 39579
full-time equivalency of the student's enrollment in each 39580
district. Amounts deducted under division (F)(1) of this section 39581
shall be calculated in accordance with rules adopted by the 39582
~~chancellor~~ director of higher education, in consultation with the 39583
state superintendent, pursuant to division (B) of section 3365.071 39584
of the Revised Code. 39585

(2) Payments made for nonpublic secondary school 39586
participants, nonchartered nonpublic secondary school 39587
participants, and home-instructed participants under this section 39588
shall be deducted from moneys appropriated by the general assembly 39589

for such purpose. Payments shall be allocated and distributed in 39590
accordance with rules adopted by the ~~chancellor~~ director, in 39591
consultation with the state superintendent, pursuant to division 39592
(A) of section 3365.071 of the Revised Code. 39593

(G) Any public college that enrolls a student under division 39594
(B) of section 3365.06 of the Revised Code may include that 39595
student in the calculation used to determine its state share of 39596
instruction funds appropriated to the ~~Ohio board of regents~~ 39597
department of higher education by the general assembly. 39598

Sec. 3365.14. (A) Notwithstanding anything to the contrary in 39599
the Revised Code, all public and participating private colleges, 39600
and eligible out-of-state colleges participating in the program, 39601
shall offer an associate degree pathway that enables participants 39602
to earn an associate degree upon completion of the pathway. In 39603
order to complete the pathway and earn an associate degree, 39604
participants shall be required to earn at least sixty, but not 39605
more than seventy-two, credit hours, or the equivalent number of 39606
hours for colleges operating on a quarter schedule. 39607

(B) Participants enrolled in the associate degree pathway 39608
under this section may enroll in more than sixty credit hours, or 39609
the equivalent number of quarter hours, over a period of two 39610
school years. However, no participant shall enroll in more than 39611
seventy-two credit hours, or the equivalent number of quarter 39612
hours, over that same period. 39613

(C) If a participant enrolls in the pathway under this 39614
section and elects to have the college reimbursed under section 39615
3365.07 of the Revised Code for courses taken under the program, 39616
the department shall reimburse the college in the same manner as 39617
for other participants in accordance with that section. However, 39618
the director of higher education, in accordance with Chapter 119. 39619
of the Revised Code and in consultation with the superintendent of 39620

public instruction, shall adopt rules prescribing a method to 39621
calculate payments made for participants under this section that 39622
reflects the increased number of credit hours required under the 39623
pathway. 39624

Sec. 3365.15. ~~The chancellor of the Ohio board of regents~~ 39625
director of higher education and the superintendent of public 39626
instruction jointly shall do all of the following: 39627

(A) Adopt data reporting guidelines specifying the types of 39628
data that public and participating nonpublic secondary schools and 39629
public and participating private colleges, including eligible 39630
out-of-state colleges participating in the program, must annually 39631
collect, report, and track under division (G) of section 3365.04 39632
and division (H) of section 3365.05 of the Revised Code. The types 39633
of data shall include all of the following: 39634

(1) For each secondary school and college: 39635

(a) The number of participants disaggregated by grade level, 39636
socioeconomic status, race, gender, and disability; 39637

(b) The number of completed courses and credit hours, 39638
disaggregated by the college in which participants were enrolled; 39639

(c) The number of courses in which participants enrolled, 39640
disaggregated by subject area and level of difficulty. 39641

(2) For each secondary school, the number of students who 39642
were denied participation in the program under division (A)(1)(a) 39643
or (C) of section 3365.03 or section 3365.031 or 3365.032 of the 39644
Revised Code. Each participating nonpublic secondary school shall 39645
also include the number of students who were denied participation 39646
due to the student not being awarded funding by the department of 39647
education pursuant to section 3365.071 of the Revised Code. 39648

(3) For each college: 39649

(a) The number of students who applied to enroll in the 39650

college under the program but were not granted admission; 39651

(b) The average number of completed courses per participant; 39652

(c) The average grade point average for participants in 39653
college courses under the program. 39654

The guidelines adopted under this division shall also include 39655
policies and procedures for the collection, reporting, and 39656
tracking of such data. 39657

(B) Annually compile the data required under division (A) of 39658
this section. Not later than the thirty-first day of December of 39659
each year, the data from the previous school year shall be posted 39660
in a prominent location on both the ~~board of regents'~~ director of 39661
higher education's and the department of education's web sites. 39662

(C) Submit a biennial report detailing the status of the 39663
college credit plus program, including an analysis of quality 39664
assurance measures related to the program, to the governor, the 39665
president of the senate, the speaker of the house of 39666
representatives, and the chairpersons of the education committees 39667
of the senate and house of representatives. The first report shall 39668
be submitted not later than December 31, 2017, and each subsequent 39669
report shall be submitted not later than the thirty-first day of 39670
December every two years thereafter. 39671

(D) Establish a college credit plus advisory committee to 39672
assist in the development of performance metrics and the 39673
monitoring of the program's progress. At least one member of the 39674
advisory committee shall be a school guidance counselor. 39675

The ~~chancellor~~ director shall also, in consultation with the 39676
superintendent, create a standard packet of information for the 39677
college credit plus program directed toward students and parents 39678
that are interested in the program. 39679

Sec. 3381.01. As used in sections 3381.01 to 3381.22 of the 39680

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| Revised Code: | 39681 |
| (A) "Arts or cultural organization" means: | 39682 |
| (1) Any corporation, organization, association, or institution that: | 39683 39684 |
| (a) Provides programs or activities in areas directly concerned with the arts or cultural heritage; and | 39685 39686 |
| (b) Is not for profit and whose net earnings may not lawfully inure to the benefit of any private shareholder, member, or individual. | 39687 39688 39689 |
| (2) Any arts or cultural councils that satisfy the requirement of division (A)(1)(b) of this section. | 39690 39691 |
| (B) "Arts or cultural heritage" includes, but is not limited to, literature, theater, music, dance, ballet, painting, sculpture, photography, motion pictures, architecture, archaeology, history, natural history, or the natural sciences. | 39692 39693 39694 39695 |
| (C) "Arts and cultural district" means the territory of the counties, municipal corporations, or townships that have created a regional arts and cultural district under section 3381.03 or 3381.04 of the Revised Code. | 39696 39697 39698 39699 |
| (D) "Regional arts and cultural district" or "district" means a regional arts and cultural district created under section 3381.03 or , <u>3381.04, or 3381.041</u> of the Revised Code. | 39700 39701 39702 |
| (E) "Artistic or cultural facility" or "facility" includes, but is not limited to, a performing arts center, a concert hall, a museum, a living arts center, and other property, improvements, or facilities used in connection therewith. | 39703 39704 39705 39706 |
| (F) "Qualifying arts or cultural organization" means any arts or cultural organization whose income is exempt from federal income taxation, has been in existence for at least three years or is a successor to an arts or cultural organization which had been | 39707 39708 39709 39710 |

in existence for at least five years, and has a permanent and 39711
viable base of operations within an arts and cultural district. 39712

Sec. 3381.041. (A) In lieu of the procedure set forth in 39713
section 3381.03 of the Revised Code, the board of commissioners of 39714
any county with a population of not less than three hundred 39715
seventy-five thousand and not greater than three hundred ninety 39716
thousand may create a regional arts and cultural district by 39717
adoption of a resolution by the board of county commissioners of 39718
that county if a district created under that section does not then 39719
exist in the county. The resolution shall state all of the 39720
following: 39721

(1) That the purpose of the district shall be to promote 39722
arts, culture, and excellence within the community with an 39723
emphasis on outreach to children; 39724

(2) That the territory of the district shall be coextensive 39725
with the territory of the county; 39726

(3) The official name by which the district shall be known; 39727

(4) The location of the principal office of the district or 39728
the manner in which the location shall be selected. 39729

(B) The district shall be created upon the adoption of the 39730
resolution by the board of county commissioners. Upon the adoption 39731
of the resolution, the county, the townships in the county, and 39732
the territory of municipal corporations to the extent situated in 39733
the county shall not thereafter be a part of any other regional 39734
arts and cultural district. 39735

(C) The board of trustees of any regional arts and cultural 39736
district formed under this section shall be comprised of five 39737
members appointed by the board of county commissioners. 39738

(D)(1) For one or more of the purposes for which a tax may be 39739
levied under section 3381.16 of the Revised Code and for the 39740

purposes of paying the expenses of administering the tax and the 39741
expenses charged by a board of elections to hold an election on a 39742
question submitted under this section, a board of county 39743
commissioners that creates a regional arts and culture district 39744
under this section may levy a tax not to exceed three dollars on 39745
each gallon of spirituous liquor sold or purchased by liquor 39746
permit holders for resale, and sold at retail by the state or 39747
pursuant to a transfer agreement entered into under Chapter 4313. 39748
of the Revised Code, in the county. The tax shall be levied on the 39749
number of gallons so sold. The tax may be levied for any number of 39750
years not exceeding twenty. 39751

The tax shall be levied pursuant to a resolution of the board 39752
of county commissioners approved by a majority of the electors in 39753
the county voting on the question of levying the tax, which 39754
resolution shall specify the rate of the tax, the number of years 39755
the tax will be levied, and the purposes for which the tax is 39756
levied. The election may be held on the date of a general or 39757
special election held not sooner than ninety days after the date 39758
the board certifies its resolution to the board of elections. If 39759
approved by the electors, the tax takes effect on the first day of 39760
the month specified in the resolution but not sooner than the 39761
first day of the month that is at least sixty days after the 39762
certification of the election results by the board of elections. A 39763
copy of the resolution levying the tax shall be certified to the 39764
division of liquor control at least sixty days before the date on 39765
which the tax is to become effective. 39766

(2) A resolution adopted under division (D) of this section 39767
may be joined on the ballot as a single question with a resolution 39768
adopted under section 4301.425 or 5743.021 of the Revised Code to 39769
levy a tax for the same purposes, and for the purpose of paying 39770
the expenses of administering that tax. 39771

(3) The form of the ballot in an election held pursuant to 39772

this section or section 4301.425 or 5743.021 of the Revised Code 39773
shall be as follows or in any form acceptable to the secretary of 39774
state: 39775

"For the purpose of (insert the purpose or 39776
purposes of the tax), shall (an) excise tax(es) be levied 39777
throughout County for the benefit of the 39778
(name of the regional arts and culture district) at the rate of 39779
..... (dollars on each gallon of spirituous liquor sold in the 39780
county , cents per gallon on the sale of beer at wholesale 39781
in the county, cents per gallon on the sale of wine and 39782
mixed beverages at wholesale in the county, cents per 39783
gallon on the sale of cider at wholesale in the county, or 39784
mills per cigarette on the sale of cigarettes at wholesale in the 39785
county), for years? 39786

Yes 39787

No " 39788

The board of county commissioners shall adjust the ballot 39789
language based on whether the tax authorized under division (D) of 39790
this section is combined with a tax authorized under section 39791
4301.425 or 5743.021 of the Revised Code. 39792

Sec. 3701.045. (A) The department of health, in consultation 39793
with the children's trust fund board established under section 39794
3109.15 of the Revised Code and any bodies acting as child 39795
fatality review boards on October 5, 2000, shall adopt rules in 39796
accordance with Chapter 119. of the Revised Code that establish a 39797
procedure for county or regional child fatality review boards to 39798
follow in conducting a review of the death of a child. The rules 39799
shall do all of the following: 39800

(1) Establish the format for the annual reports required by 39801
section 307.626 of the Revised Code; 39802

(2) Establish guidelines for a county or regional child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(3) Establish guidelines for a county or regional child fatality review board to follow in creating and maintaining the comprehensive database of child deaths required by section 307.623 of the Revised Code, including provisions establishing uniform record-keeping procedures;

(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.

(B) On or before the thirtieth day of September of each year, the department of health and the children's trust fund board jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by county or regional child fatality review boards in their annual reports for the previous calendar year, and recommendations for any changes to law and policy that might prevent future deaths. The department and the children's trust fund board jointly shall provide a copy of the report to the governor, the speaker of the house of representatives, the

president of the senate, the minority leaders of the house of 39835
representatives and the senate, each county or regional child 39836
fatality review board, and each county or regional family and 39837
children first council. 39838

Sec. 3701.60. Every hospital agency as defined in section 39839
140.01 of the Revised Code, ~~shall~~ may offer a uterine cytologic 39840
examination for cancer to every female in-patient ~~eighteen~~ 39841
twenty-one years ~~or~~ of age or over unless contrary orders are 39842
given by the attending physician or unless the examination has 39843
been performed within the preceding year. Any female in-patient 39844
may refuse ~~such the~~ examination. ~~The~~ If the examination is 39845
offered, the hospital agency shall ~~in all cases~~ maintain records 39846
to show the examination results ~~of the examination,~~ or that the 39847
examination ~~was not applicable or~~ was refused. 39848

Sec. 3701.65. (A) There is hereby created in the state 39849
treasury the "choose life" fund. The fund shall consist of the 39850
contributions that are paid to the registrar of motor vehicles by 39851
applicants who voluntarily elect to obtain "choose life" license 39852
plates pursuant to section 4503.91 of the Revised Code and any 39853
money returned to the fund under division (E)(1)(d) of this 39854
section. All investment earnings of the fund shall be credited to 39855
the fund. 39856

(B)(1) At least annually, the director of health shall 39857
distribute the money in the fund to any private, nonprofit 39858
organization that is eligible to receive funds under this section 39859
and that applies for funding under division (C) of this section. 39860

(2) The director shall ~~distribute~~ allocate the funds ~~based on~~ 39861
~~the county in which the organization applying for funding is~~ 39862
~~located and~~ to each county in proportion to the number of "choose 39863
life" license plates issued during the preceding year to vehicles 39864

registered in each county. The director shall distribute funds 39865
allocated for a county ~~to one or more eligible organizations~~ 39866
~~located in contiguous counties if no eligible organization located~~ 39867
~~within the county applies for funding. Within each county,~~ 39868
~~eligible organizations that apply for funding shall share equally~~ 39869
~~in the funds available for distribution to organizations located~~ 39870
~~within that county as follows:~~ 39871

(a) To one or more eligible organizations located within the 39872
county; 39873

(b) If no eligible organization located within the county 39874
applies for funding, to one or more eligible organizations located 39875
in contiguous counties; 39876

(c) If no eligible organization located within the county or 39877
a contiguous county applies for funding, to one or more eligible 39878
organizations within any other county. 39879

(3) The director shall ensure that any funds allocated for a 39880
county are distributed equally among eligible organizations that 39881
apply for funding within the county. 39882

(C) Any organization seeking funds under this section 39883
annually shall apply for distribution of the funds based on the 39884
county in which the organization is located. An organization also 39885
may apply for funding in a ~~contiguous~~ county in which it is not 39886
located if it demonstrates that it provides services for pregnant 39887
women residing in that ~~contiguous~~ county. The director shall 39888
develop an application form and may determine the schedule and 39889
procedures that an organization shall follow when annually 39890
applying for funds. The application shall inform the applicant of 39891
the conditions for receiving and using funds under division (E) of 39892
this section. The application shall require evidence that the 39893
organization meets all of the following requirements: 39894

(1) Is a private, nonprofit organization; 39895

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|---|---|
| (2) Is committed to counseling pregnant women about the option of adoption; | 39896 39897 |
| (3) Provides services within the state to pregnant women who are planning to place their children for adoption, including counseling and meeting the material needs of the women; | 39898 39899 39900 |
| (4) Does not charge women for any services received; | 39901 |
| (5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising; | 39902 39903 39904 39905 |
| (6) Does not discriminate in its provision of any services on the basis of race, religion, color, age, marital status, national origin, handicap, gender, or age; | 39906 39907 39908 |
| <u>(7) If the organization is applying for funding in a county in which it is not located, provides services for pregnant women residing in that county.</u> | 39909 39910 39911 |
| (D) The director shall not distribute funds to an organization that does not provide verifiable evidence of the requirements specified in the application under division (C) of this section and shall not provide additional funds to any organization that fails to comply with division (E) of this section in regard to its previous receipt of funds under this section. | 39912 39913 39914 39915 39916 39917 39918 |
| (E)(1) An organization receiving funds under this section shall do all of the following: | 39919 39920 |
| (a) Use not more than sixty per cent of the funds distributed to it for the material needs of pregnant women who are planning to place their children for adoption or for infants awaiting placement with adoptive parents, including clothing, housing, medical care, food, utilities, and transportation; | 39921 39922 39923 39924 39925 |

(b) Use not more than forty per cent of the funds distributed to it for counseling, training, or advertising;

(c) Not use any of the funds distributed to it for administrative expenses, legal expenses, or capital expenditures;

(d) Annually return to the fund created under division (A) of this section any unused money that exceeds ten per cent of the money distributed to the organization.

(2) The organization annually shall submit to the director an audited financial statement verifying its compliance with division (E)(1) of this section.

(F) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules to implement this section.

It is not the intent of the general assembly that the department create a new position within the department to implement and administer this section. It is the intent of the general assembly that the implementation and administration of this section be accomplished by existing department personnel.

Sec. 3701.70. (A) The director of health shall establish guidelines for a state-level review of deaths of children under eighteen years of age who, at the time of death, were residents of this state.

(B) The purpose of a review conducted pursuant to guidelines adopted under this section is to decrease the incidence of preventable child deaths by doing all of the following:

(1) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities that serve families and children;

(2) Maintaining a comprehensive database of child deaths that occur in this state in order to develop an understanding of the causes and incidence of those deaths;

(3) Recommending and developing plans for implementing state and local service and program changes and changes to the groups, professions, agencies, or entities that serve families and children that might prevent child deaths. 39956
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(C) The guidelines shall provide that the director may not conduct a review while an investigation of the child's death or prosecution of a person for causing the death is pending, unless the prosecuting attorney agrees to allow the review. At the director's request, the law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney, on the conclusion of the prosecution, shall notify the director of the conclusion. 39960
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Sec. 3701.701. (A)(1) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, public children services agency, private child placing agency, or agency that provides services specifically to individuals or families, law enforcement agency, or other public or private entity that provided services to a child whose death is being reviewed by the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, on the request of the director, shall submit to the director a summary sheet of information. 39968
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(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the child's medical record created by the health care entity. 39978
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(b) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the child that the individual or entity develops in the normal course of business. 39982
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(c) On the request of the director, an individual or entity 39986

may, at the individual's or entity's discretion, make any 39987
additional information, documents, or reports available to the 39988
director. 39989

(2) Notwithstanding section 3701.243 and any other section of 39990
the Revised Code pertaining to confidentiality, in the case of a 39991
child one year of age or younger whose death is being reviewed by 39992
the director, on the request of the director, a health care entity 39993
that provided services to the child's mother shall submit to the 39994
director a summary sheet of information available and reasonably 39995
drawn from the mother's medical record created by the health care 39996
entity. Before submitting the summary sheet, the health care 39997
entity shall attempt to obtain the mother's consent to do so, but 39998
lack of consent shall not preclude the entity from submitting the 39999
summary sheet. 40000

(3) For purposes of the review, the director shall have 40001
access to confidential information provided to the director under 40002
this section or division (H)(4) of section 2151.421 of the Revised 40003
Code, and the director shall preserve the confidentiality of that 40004
information. 40005

(B) Notwithstanding division (A) of this section, no person, 40006
entity, law enforcement agency, or prosecuting attorney shall 40007
provide any information regarding the death of a child to the 40008
director pursuant to guidelines established under section 3701.70 40009
of the Revised Code while an investigation of the death or 40010
prosecution of a person for causing the death is pending, unless 40011
the prosecuting attorney agrees to allow the review. 40012

Sec. 3701.702. (A) An individual or public or private entity 40013
providing information, documents, or reports to the director of 40014
health pursuant to guidelines established under section 3701.70 of 40015
the Revised Code is immune from civil liability for injury, death, 40016
or loss to person or property that otherwise might be incurred or 40017

imposed as a result of providing the information, document, or reports to the director. 40018
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(B) Each person participating in a review conducted pursuant to guidelines established under section 3701.70 of the Revised Code is immune from civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the person's participation in the review. 40020
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Sec. 3701.703. (A) Except as provided in division (B) of this section and sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, all statements made by persons participating in a review conducted pursuant to those guidelines, and all work products of the director are confidential and shall be used by the director only in the exercise of the proper functions of the department of health. 40025
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(B) The director may disclose the confidential information described in division (A) of this section to a fetal and infant mortality review team. 40034
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(C) No person shall knowingly permit or encourage the unauthorized dissemination of the confidential information described in division (A) of this section. 40037
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(D) Whoever violates division (C) of this section is guilty of a misdemeanor of the second degree. 40040
40041

Sec. 3701.834. There is hereby created in the state treasury the public health emergency preparedness fund. All federal funds the department of health receives to conduct public health emergency preparedness and response activities shall be credited to the fund. The department shall use money in the fund to pay 40042
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expenses related to public health emergency preparedness and 40047
response activities. 40048

Sec. 3702.74. (A) A primary care physician who has signed a 40049
letter of intent under section 3702.73 of the Revised Code and the 40050
director of health may enter into a contract for the physician's 40051
participation in the physician loan repayment program. The 40052
physician's employer or other funding source may also be a party 40053
to the contract. 40054

(B) The contract shall include all of the following 40055
obligations: 40056

(1) The primary care physician agrees to provide primary care 40057
services in the health resource shortage area identified in the 40058
letter of intent for the number of hours and duration specified in 40059
the contract; 40060

(2) When providing primary care services in the health 40061
resource shortage area, the primary care physician agrees to do 40062
all of the following: 40063

(a) Provide primary care services in an outpatient or 40064
ambulatory setting approved by the department of health; 40065

(b) Provide primary care services without regard to a 40066
patient's ability to pay; 40067

(c) Meet the requirements for a medicaid provider agreement 40068
and enter into the agreement with the department of medicaid to 40069
provide primary care services to medicaid recipients. 40070

(3) The department of health agrees, as provided in section 40071
3702.75 of the Revised Code, to repay, so long as the primary care 40072
physician performs the service obligation agreed to under division 40073
(B)(1) of this section, all or part of the principal and interest 40074
of a government or other educational loan taken by the primary 40075

care physician for expenses described in section 3702.75 of the Revised Code; 40076
40077

(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the service obligation agreed to under division (B)(1) of this section. 40078
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(C) The contract shall include the following terms as agreed upon by the parties: 40083
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(1) The primary care physician's required length of service in the health resource shortage area, which must be at least two years; 40085
40086
40087

(2) The number of weekly hours the primary care physician will be engaged in full-time practice or part-time practice in the health resource shortage area; 40088
40089
40090

(3) The maximum amount that the department will repay on behalf of the primary care physician; 40091
40092

(4) The extent to which the primary care physician's teaching activities will be counted toward the physician's full-time practice or part-time practice hours under the contract. 40093
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(D) If the amount specified in division (C)(3) of this section includes federal funds ~~from the bureau of clinician recruitment and service in the United States department of health and human services~~, the amount of state funds repaid on the individual's behalf shall be the same as the amount of those federal funds. 40096
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Sec. 3702.91. (A) As used in this section: 40102

(1) "Full-time practice" and "part-time practice" have the same meanings as in section 3702.71 of the Revised Code; 40103
40104

(2) "Teaching activities" means ~~supervising~~ providing 40105
clinical education to dental students and dental residents and 40106
dental health profession students at the service site specified in 40107
the ~~letter of intent~~ contract described in division (B) of this 40108
section ~~3702.90 of the Revised Code.~~ 40109

(B) An individual who has signed a letter of intent may enter 40110
into a contract with the director of health for participation in 40111
the dentist loan repayment program. The dentist's employer or 40112
other funding source may also be a party to the contract. 40113

(C) The contract shall include all of the following 40114
obligations: 40115

(1) The individual agrees to provide dental services in the 40116
dental health resource shortage area identified in the letter of 40117
intent for the number of hours and duration specified in the 40118
contract. 40119

(2) When providing dental services in the dental health 40120
resource shortage area, the individual agrees to do all of the 40121
following: 40122

(a) Provide dental services in a service site approved by the 40123
department of health; 40124

(b) Provide dental services without regard to a patient's 40125
ability to pay; 40126

(c) Meet the requirements for a medicaid provider agreement 40127
and enter into the agreement with the department of medicaid to 40128
provide dental services to medicaid recipients. 40129

(3) The department of health agrees, as provided in section 40130
3702.85 of the Revised Code, to repay, so long as the individual 40131
performs the service obligation agreed to under division (C)(1) of 40132
this section, all or part of the principal and interest of a 40133
government or other educational loan taken by the individual for 40134

expenses described in section 3702.85 of the Revised Code. 40135

(4) The individual agrees to pay the department of health an 40136
amount established by rules adopted under section 3702.86 of the 40137
Revised Code, if the individual fails to complete the service 40138
obligation agreed to under division (C)(1) of this section. 40139

(D) The contract shall include the following terms as agreed 40140
upon by the parties: 40141

(1) The individual's required length of service in the dental 40142
health resource shortage area, which must be at least two years; 40143

(2) The number of weekly hours the individual will be engaged 40144
in full-time practice or part-time practice; 40145

(3) The maximum amount that the department will repay on 40146
behalf of the individual; 40147

(4) The extent to which the individual's teaching activities 40148
will be counted toward the individual's full-time practice or 40149
part-time practice hours under the contract. 40150

(E) If the amount specified in division (D)(3) of this 40151
section includes federal funds ~~from the bureau of clinician~~ 40152
~~recruitment and service in the United States department of health~~ 40153
~~and human services~~, the amount of state funds repaid on the 40154
individual's behalf shall be the same as the amount of those 40155
federal funds. 40156

Sec. 3704.05. (A) No person shall cause, permit, or allow 40157
emission of an air contaminant in violation of any rule adopted by 40158
the director of environmental protection under division (E) of 40159
section 3704.03 of the Revised Code unless the person is the 40160
holder of a variance that is issued under division (H) of that 40161
section and consistent with the federal Clean Air Act permitting 40162
the emission of the contaminant in excess of that permitted by the 40163
rule or the person is the holder of an operating permit that 40164

includes a compliance schedule issued pursuant to rules adopted 40165
under division (G) of section 3704.03 of the Revised Code. 40166

(B) No person who is the holder of a variance issued under 40167
division (H) of section 3704.03 of the Revised Code shall cause, 40168
permit, or allow emission of an air contaminant or contaminants 40169
listed therein in violation of the conditions of the variance or 40170
fail to obey an order of the director issued under authority of 40171
that division. 40172

(C) No person who is the holder of a permit issued under 40173
division (F) or (G) of section 3704.03 of the Revised Code shall 40174
violate any of its terms or conditions. 40175

(D) No person shall fail to install and maintain monitoring 40176
devices or to submit reports or other information as may be 40177
required under division (I) of section 3704.03 of the Revised 40178
Code. 40179

(E) No person to whom a permit or variance has been issued 40180
shall refuse entry to an authorized representative of the director 40181
or the environmental protection agency as provided in division 40182
~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart 40183
the person in making an investigation. 40184

(F) No person shall fail to submit plans and specifications 40185
as required by section 3704.03 of the Revised Code. 40186

(G) No person shall violate any order, rule, or determination 40187
of the director issued, adopted, or made under this chapter. 40188

(H) No person shall do any of the following: 40189

(1) Falsify any plans, specifications, data, reports, 40190
records, or other information required to be kept or submitted to 40191
the director by this chapter or rules adopted under it; 40192

(2) Make any false material statement, representation, or 40193
certification in any form, notice, or report required by the Title 40194

V permit program; 40195

(3) Render inaccurate any monitoring device required by a 40196
Title V permit. 40197

Violation of division (H)(1), (2), or (3) of this section is 40198
not also falsification under section 2921.13 of the Revised Code. 40199

(I) No person shall knowingly falsify an inspection 40200
certificate submitted to another under section 3704.14 or Chapter 40201
4503. of Revised Code. Violation of this division is not also 40202
falsification under section 2921.13 of the Revised Code. 40203

(J) No person shall do either of the following: 40204

(1) With regard to the Title V permit program, fail to pay 40205
any administrative penalty assessed in accordance with rules 40206
adopted under division (S) of section 3704.03 of the Revised Code 40207
or any fee assessed under section 3745.11 of the Revised Code; 40208

(2) Violate any applicable requirement of a Title V permit or 40209
any permit condition, except for an emergency as defined in 40 40210
C.F.R. 70.6 (g), or filing requirement of the Title V permit 40211
program, any duty to allow or carry out inspection, entry, or 40212
monitoring activities, or any rule adopted or order issued by the 40213
director pursuant to the Title V permit program. 40214

(K) On and after the three hundred sixty-sixth day following 40215
the administrator's final approval of the Title V permit program, 40216
or on and after the three hundred sixty-sixth day following the 40217
commencement of operation of a new major source required to comply 40218
with section 112(g) or part C or D of Title I of the federal Clean 40219
Air Act, whichever is later, no person shall operate any such 40220
source that is required to obtain a Title V permit under section 40221
3704.036 of the Revised Code or rules adopted under it unless such 40222
a permit has been issued authorizing operation of the source or 40223
unless a complete and timely application for the issuance, 40224
renewal, or modification of a Title V permit for the source has 40225

been submitted to the director under that section. 40226

Sec. 3704.14. (A)(1) If the director of environmental 40227
protection determines that implementation of a motor vehicle 40228
inspection and maintenance program is necessary for the state to 40229
effectively comply with the federal Clean Air Act after June 30, 40230
~~2011~~ 2015, the director may provide for the implementation of the 40231
program in those counties in this state in which such a program is 40232
federally mandated. Upon making such a determination, the director 40233
of environmental protection may request the director of 40234
administrative services to extend the terms of the contract that 40235
was entered into under the authority of Am. Sub. H.B. ~~±~~ 153 of the 40236
~~128th~~ 129th general assembly. Upon receiving the request, the 40237
director of administrative services shall extend the contract, 40238
beginning on July 1, ~~2011~~ 2015, in accordance with this section. 40239
The contract shall be extended for a period of up to ~~twelve~~ 40240
twenty-four months with the contractor who conducted the motor 40241
vehicle inspection and maintenance program under that contract. 40242

(2) Prior to the expiration of the contract extension that is 40243
authorized by division (A)(1) of this section, the director of 40244
environmental protection shall request the director of 40245
administrative services to enter into a contract with a vendor to 40246
operate a decentralized motor vehicle inspection and maintenance 40247
program in each county in this state in which such a program is 40248
federally mandated through June 30, ~~2015~~ 2019, with an option for 40249
the state to renew the contract for a period of up to twenty-four 40250
months through June 30, ~~2017~~ 2021. The contract shall ensure that 40251
the decentralized motor vehicle inspection and maintenance program 40252
achieves at least the same emission reductions as achieved by the 40253
program operated under the authority of the contract that was 40254
extended under division (A)(1) of this section. The director of 40255
administrative services shall select a vendor through a 40256
competitive selection process in compliance with Chapter 125. of 40257

the Revised Code. 40258

(3) Notwithstanding any law to the contrary, the director of 40259
administrative services shall ensure that a competitive selection 40260
process regarding a contract to operate a decentralized motor 40261
vehicle inspection and maintenance program in this state 40262
incorporates the following, which shall be included in the 40263
contract: 40264

(a) For purposes of expanding the number of testing locations 40265
for consumer convenience, a requirement that the vendor utilize 40266
established local businesses, auto repair facilities, or leased 40267
properties to operate state-approved inspection and maintenance 40268
testing facilities; 40269

(b) A requirement that the vendor selected to operate the 40270
program provide notification of the program's requirements to each 40271
owner of a motor vehicle that is required to be inspected under 40272
the program. The contract shall require the notification to be 40273
provided not later than sixty days prior to the date by which the 40274
owner of the motor vehicle is required to have the motor vehicle 40275
inspected. The director of environmental protection and the vendor 40276
shall jointly agree on the content of the notice. However, the 40277
notice shall include at a minimum the locations of all inspection 40278
facilities within a specified distance of the address that is 40279
listed on the owner's motor vehicle registration; 40280

(c) A requirement that the vendor comply with testing 40281
methodology and supply the required equipment approved by the 40282
director of environmental protection as specified in the 40283
competitive selection process in compliance with Chapter 125. of 40284
the Revised Code. 40285

(4) A decentralized motor vehicle inspection and maintenance 40286
program operated under this section shall comply with division (B) 40287
of this section. The director of environmental protection shall 40288

administer the decentralized motor vehicle inspection and 40289
maintenance program operated under this section. 40290

(B) The decentralized motor vehicle inspection and 40291
maintenance program authorized by this section, at a minimum, 40292
shall do all of the following: 40293

(1) Comply with the federal Clean Air Act; 40294

(2) Provide for the issuance of inspection certificates; 40295

(3) Provide for a new car exemption for motor vehicles four 40296
years old or newer and provide that a new motor vehicle is exempt 40297
for four years regardless of whether legal title to the motor 40298
vehicle is transferred during that period. 40299

(C) The director of environmental protection shall adopt 40300
rules in accordance with Chapter 119. of the Revised Code that the 40301
director determines are necessary to implement this section. The 40302
director may continue to implement and enforce rules pertaining to 40303
the motor vehicle inspection and maintenance program previously 40304
implemented under former section 3704.14 of the Revised Code as 40305
that section existed prior to its repeal and reenactment by Am. 40306
Sub. H.B. 66 of the 126th general assembly, provided that the 40307
rules do not conflict with this section. 40308

(D) There is hereby created in the state treasury the auto 40309
emissions test fund, which shall consist of money received by the 40310
director from any cash transfers, state and local grants, and 40311
other contributions that are received for the purpose of funding 40312
the program established under this section. The director of 40313
environmental protection shall use money in the fund solely for 40314
the implementation, supervision, administration, operation, and 40315
enforcement of the motor vehicle inspection and maintenance 40316
program established under this section. Money in the fund shall 40317
not be used for either of the following: 40318

(1) To pay for the inspection costs incurred by a motor 40319

vehicle dealer so that the dealer may provide inspection 40320
certificates to an individual purchasing a motor vehicle from the 40321
dealer when that individual resides in a county that is subject to 40322
the motor vehicle inspection and maintenance program; 40323

(2) To provide payment for more than one free passing 40324
emissions inspection or a total of three emissions inspections for 40325
a motor vehicle in any three-hundred-sixty-five-day period. The 40326
owner or lessee of a motor vehicle is responsible for inspection 40327
fees that are related to emissions inspections beyond one free 40328
passing emissions inspection or three total emissions inspections 40329
in any three-hundred-sixty-five-day period. Inspection fees that 40330
are charged by a contractor conducting emissions inspections under 40331
a motor vehicle inspection and maintenance program shall be 40332
approved by the director of environmental protection. 40333

(E) The motor vehicle inspection and maintenance program 40334
established under this section expires upon the termination of all 40335
contracts entered into under this section and shall not be 40336
implemented beyond the final date on which termination occurs. 40337

Sec. 3705.08. (A) The director of health, by rule, shall 40338
prescribe the form of records and certificates required by this 40339
chapter. Records and certificates shall include the items and 40340
information prescribed by the director, including the items 40341
recommended by the national center for health statistics of the 40342
United States department of health and human services, subject to 40343
approval of and modification by the director. 40344

(B) All birth certificates shall include a statement setting 40345
forth the names of the child's parents and a line for the mother's 40346
and the father's signature. 40347

(C) All death certificates shall include, in the medical 40348
certification portion of the certificate, a space to indicate, if 40349
the deceased individual is female and the manner of death is 40350

determined to be a suspicious or violent death, whether any of the 40351
following conditions apply to the individual: 40352

(1) Not pregnant within the past year; 40353

(2) Pregnant at the time of death; 40354

(3) Not pregnant, but had been pregnant within forty-two days 40355
prior to the time of death; 40356

(4) Not pregnant, but had been pregnant within forty-three 40357
days to one year prior to the time of death; 40358

(5) Unknown whether pregnant within the past year. 40359

(D)(1) The director shall prescribe methods, forms, and 40360
blanks and shall furnish necessary postage, forms, and blanks for 40361
obtaining registration of births, deaths, and other vital 40362
statistics in each registration district, and for preserving the 40363
records of the office of vital statistics, and no forms or blanks 40364
shall be used other than those prescribed by the director. 40365

(2) All birth, fetal death, and death records and 40366
certificates shall be ~~printed legibly or typewritten in unfading~~ 40367
~~black ink and~~ signed. Except as provided in division (G) of 40368
section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, 40369
division (D) of section 3705.15, or section 3705.16 of the Revised 40370
Code, ~~a signature required on~~ a birth, fetal death, or death 40371
certificate shall be written signed by the person required to sign 40372
~~and a facsimile signature shall not be used~~ the certificate. 40373

(3) All vital records shall contain the date received for 40374
registration. 40375

(4) Information and signatures required in certificates, 40376
records, or reports authorized by this chapter may be filed and 40377
registered by photographic, electronic, or other means as 40378
prescribed by the director. 40379

Sec. 3705.231. (A) A local registrar shall issue, on receipt 40380
of a signed application for a birth or death record and the fee 40381
specified in division (B) of this section, a noncertified copy of 40382
a birth or death record, and the birth or death record shall 40383
contain at least the name, sex, date of birth or death, 40384
registration date, and place of birth or death of the person to 40385
whose birth or death the record attests and shall attest that the 40386
person's birth or death has been registered. 40387

(B) A local registrar may charge a fee for providing a 40388
noncertified copy, not to exceed twenty-five cents per page when 40389
provided in black and white, or, if a local registrar offers to 40390
provide a color copy, a reasonable amount not to exceed the amount 40391
the department expends in producing the color copy. 40392

Sec. 3714.051. (A)(1) Not later than one hundred eighty days 40393
after ~~the effective date of this section~~ December 22, 2005, and in 40394
accordance with rules adopted under section 3714.02 of the Revised 40395
Code, the director of environmental protection shall establish a 40396
program for the issuance of permits to install for new 40397
construction and demolition debris facilities. 40398

(2) On and after ~~the effective date of this section~~ December 40399
22, 2005, no person shall establish a new construction and 40400
demolition debris facility without first obtaining a permit to 40401
install issued by the board of health of the health district in 40402
which the facility is or is to be located or from the director if 40403
the facility is or is to be located in a health district that is 40404
not on the approved list under section 3714.09 of the Revised Code 40405
or if a board of health requests the director to issue the permit 40406
to install under division (G) of this section. 40407

(B) The director, the director's authorized representative, a 40408
board of health, or an authorized representative of the board may 40409

assist an applicant for a permit to install during the permitting 40410
process by providing guidance and technical assistance. 40411

(C) An applicant for a permit to install shall submit an 40412
application to a board of health or the director, as applicable, 40413
on a form that the director prescribes. The applicant shall 40414
include with the application all of the following: 40415

(1) The name and address of the applicant, of all partners if 40416
the applicant is a partnership or of all officers and directors if 40417
the applicant is a corporation, and of any other person who has a 40418
right to control or in fact controls management of the applicant 40419
or the selection of officers, directors, or managers of the 40420
applicant; 40421

(2) The designs and plans for the construction and demolition 40422
debris facility that include the location or proposed location of 40423
the facility, design and construction plans and specifications, 40424
anticipated beginning and ending dates for work performed, and any 40425
other related information that the director requires by rule; 40426

(3) The information required under section 3714.052 of the 40427
Revised Code; 40428

(4) An application fee of two thousand dollars. A board of 40429
health shall deposit money collected under division (C)(4) of this 40430
section into the special fund of the health district created under 40431
section 3714.07 of the Revised Code. The director shall transmit 40432
money collected under division (C)(4) of this section to the 40433
treasurer of state to be credited to the ~~construction and~~ 40434
~~demolition debris facility oversight~~ waste management fund created 40435
in ~~that~~ section 3734.061 of the Revised Code. Not later than six 40436
months after a facility that is issued a permit to install begins 40437
accepting construction and demolition debris for disposal, a board 40438
of health or the director, as applicable, shall refund the 40439
application fee received under division (C)(4) of this section to 40440

the person that submitted the application for the permit to 40441
install. 40442

(5) Any other information required by the director in 40443
accordance with rules adopted under section 3714.02 of the Revised 40444
Code. 40445

(D) A permit to install may be issued with terms and 40446
conditions that a board of health or the director, as applicable, 40447
finds necessary to ensure that the facility will comply with this 40448
chapter and rules adopted under it and to protect public health 40449
and safety and the environment. 40450

(E) A permit to install shall expire after a time period 40451
specified by the director or board of health, as applicable, in 40452
accordance with rules adopted under section 3714.02 of the Revised 40453
Code unless the applicant has undertaken a continuing program of 40454
construction or has entered into a binding contractual obligation 40455
to undertake and complete a continuing program of construction 40456
within a reasonable time, in which case the director or board, as 40457
applicable, may extend the expiration date of a permit to install 40458
upon request of the applicant. 40459

(F) The director or a board of health, as applicable, may 40460
issue, deny, modify, suspend, or revoke a permit to install in 40461
accordance with rules. 40462

(G) A board of health shall notify the director of its 40463
receipt of an application for a permit to install. A board of 40464
health, or its authorized representative, may request the director 40465
to review an application, or part of an application, for a permit 40466
to install and also may request that the director issue or deny it 40467
when the board determines that additional expertise is required. 40468
The director shall comply with such a request. 40469

Upon a board of health's issuance of a permit to install for 40470
a new construction and demolition debris facility under this 40471

section, the board shall mail a copy of the permit to the director 40472
together with approved plans, specifications, and information 40473
regarding the facility. 40474

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 40475
health and the environmental protection agency in administering 40476
and enforcing this chapter and rules adopted under it, there is 40477
hereby levied a fee of thirty cents per cubic yard or sixty cents 40478
per ton, as applicable, on both of the following: 40479

(a) The disposal of construction and demolition debris at a 40480
construction and demolition debris facility that is licensed under 40481
this chapter or at a solid waste facility that is licensed under 40482
Chapter 3734. of the Revised Code; 40483

(b) The disposal of asbestos or asbestos-containing materials 40484
or products at a construction and demolition debris facility that 40485
is licensed under this chapter or at a solid waste facility that 40486
is licensed under Chapter 3734. of the Revised Code. 40487

(2) The owner or operator of a construction and demolition 40488
debris facility or a solid waste facility shall determine if cubic 40489
yards or tons will be used as the unit of measurement. If basing 40490
the fee on cubic yards, the owner or operator shall utilize either 40491
the maximum cubic yard capacity of the container, or the hauling 40492
volume of the vehicle, that transports the construction and 40493
demolition debris to the facility or the cubic yards actually 40494
logged for disposal by the owner or operator in accordance with 40495
rules adopted under section 3714.02 of the Revised Code. If basing 40496
the fee on tonnage, the owner or operator shall use certified 40497
scales to determine the tonnage of construction and demolition 40498
debris that is disposed of. 40499

(3) The owner or operator of a construction and demolition 40500
debris facility or a solid waste facility shall calculate the 40501
amount of money generated from the fee levied under division 40502

(A)(1) of this section and shall hold that amount as a trustee for the health district having jurisdiction over the facility, if that district is on the approved list under section 3714.09 of the Revised Code, or for the state. The owner or operator shall prepare and file with the appropriate board of health or the director of environmental protection monthly returns indicating the total volume or weight, as applicable, of construction and demolition debris and asbestos or asbestos-containing materials or products disposed of at the facility and the total amount of money generated during that month from the fee levied under division (A)(1) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products. Not later than thirty days after the last day of the month to which the return applies, the owner or operator shall mail to the board of health or the director the return for that month together with the amount of money calculated under division (A)(3) of this section on the disposal of construction and demolition debris and asbestos or asbestos-containing materials or products during that month or may submit the return and money electronically in a manner approved by the director. The owner or operator may request, in writing, an extension of not more than thirty days after the last day of the month to which the return applies. A request for extension may be denied. If the owner or operator submits the money late, the owner or operator shall pay a penalty of ten per cent of the amount of the money due for each month that it is late.

(4) Of the money that is submitted by a construction and demolition debris facility or a solid waste facility on a per cubic yard or per ton basis under this section, a board of health shall transmit three cents per cubic yard or six cents per ton, as applicable, to the director not later than forty-five days after the receipt of the money. The money retained by a board of health under this section shall be paid into a special fund, which is

hereby created in each health district, and used solely for the 40536
following purposes: 40537

(a) To administer and enforce this chapter and rules adopted 40538
under it; 40539

(b) To abate abandoned accumulations of construction and 40540
demolition debris as provided in section 3714.074 of the Revised 40541
Code. 40542

The director shall transmit all money received under this 40543
section to the treasurer of state to be ~~credited~~ deposited in the 40544
state treasury to the ~~construction and demolition debris facility~~ 40545
~~oversight credit of the waste management~~ fund, ~~which is hereby~~ 40546
created in ~~the state treasury~~ section 3734.061 of the Revised 40547
Code. ~~The fund shall be administered by the director, and money~~ 40548
~~credited to the fund shall be used exclusively for the~~ 40549
~~administration and enforcement of this chapter and rules adopted~~ 40550
~~under it.~~ 40551

(B) The board of health of a health district or the director 40552
may enter into an agreement with the owner or operator of a 40553
construction and demolition debris facility or a solid waste 40554
facility for the quarterly payment of money generated from the 40555
disposal fee as calculated in division (A)(3) of this section. The 40556
board of health shall notify the director of any such agreement. 40557
Not later than forty-five days after receipt of the quarterly 40558
payment, the board of health shall transmit the amount established 40559
in division (A)(4) of this section to the director. The money 40560
retained by the board of health shall be deposited in the special 40561
fund of the district as required under that division. Upon receipt 40562
of the money from a board of health, the director shall transmit 40563
the money to the treasurer of state to be credited to the 40564
~~construction and demolition debris facility oversight~~ waste 40565
management fund. 40566

(C) If a construction and demolition debris facility or a solid waste facility is located within the territorial boundaries of a municipal corporation or the unincorporated area of a township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A)(1) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of section 3734.57 of the Revised Code.

The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money generated from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as

appropriate, shall maintain separate records of the money received 40599
under this division. 40600

The legislative authority of a municipal corporation or 40601
township may cease appropriating money under this division by 40602
repealing the ordinance or resolution that was enacted or adopted 40603
under this division. 40604

The director shall adopt rules in accordance with Chapter 40605
119. of the Revised Code establishing requirements for prorating 40606
the amount of the fee that may be appropriated under this division 40607
by a municipal corporation or township in which only a portion of 40608
a construction and demolition debris facility is located within 40609
the territorial boundaries of the municipal corporation or 40610
township. 40611

(D) The board of county commissioners of a county in which a 40612
construction and demolition debris facility or a solid waste 40613
facility is located may appropriate up to three cents per cubic 40614
yard or up to six cents per ton of the disposal fee required to be 40615
paid by the facility under division (A)(1) of this section for the 40616
same purposes that a solid waste management district may levy a 40617
fee under division (B) of section 3734.57 of the Revised Code. 40618

The board of county commissioners may appropriate the money 40619
from the fee by adopting a resolution establishing the amount of 40620
the fee to be appropriated. Upon doing so, the board of county 40621
commissioners shall mail a certified copy of the resolution to the 40622
board of health of the health district in which the construction 40623
and demolition debris facility or the solid waste facility is 40624
located or, if the facility is located in a health district that 40625
is not on the approved list under section 3714.09 of the Revised 40626
Code, to the director. Upon receipt of the copy of the resolution 40627
and not later than forty-five days after receipt of money 40628
generated from the fee, the board of health or the director, as 40629
applicable, shall transmit to the treasurer of the county that 40630

portion of the money generated from the disposal fee by the owner 40631
or operator of the facility that is required by the resolution to 40632
be paid to that county. 40633

Money received by a county treasurer under this division 40634
shall be paid into the general fund of the county. The county 40635
treasurer shall maintain separate records of the money received 40636
under this division. 40637

A board of county commissioners may cease appropriating money 40638
under this division by repealing the resolution that was adopted 40639
under this division. 40640

(E)(1) This section does not apply to the disposal of 40641
construction and demolition debris at a solid waste facility that 40642
is licensed under Chapter 3734. of the Revised Code if there is no 40643
construction and demolition debris facility licensed under this 40644
chapter within thirty-five miles of the solid waste facility as 40645
determined by a facility's property boundaries. 40646

(2) This section does not apply to the disposal of 40647
construction and demolition debris at a solid waste facility that 40648
is licensed under Chapter 3734. of the Revised Code if the owner 40649
or operator of the facility chooses to collect fees on the 40650
disposal of the construction and demolition debris and asbestos or 40651
asbestos-containing materials or products that are identical to 40652
the fees that are collected under Chapters 343. and 3734. of the 40653
Revised Code on the disposal of solid wastes at that facility. 40654

(3) This section does not apply to the disposal of source 40655
separated materials that are exclusively composed of reinforced or 40656
nonreinforced concrete, asphalt, clay tile, building or paving 40657
brick, or building or paving stone at a construction and 40658
demolition debris facility that is licensed under this chapter 40659
when either of the following applies: 40660

(a) The materials are placed within the limits of 40661

construction and demolition debris placement at the facility as 40662
specified in the license issued to the facility under section 40663
3714.06 of the Revised Code, are not placed within the unloading 40664
zone of the facility, and are used as a fire prevention measure in 40665
accordance with rules adopted by the director under section 40666
3714.02 of the Revised Code. 40667

(b) The materials are not placed within the unloading zone of 40668
the facility or within the limits of construction and demolition 40669
debris placement at the facility as specified in the license 40670
issued to the facility under section 3714.06 of the Revised Code, 40671
but are used as fill material, either alone or in conjunction with 40672
clean soil, sand, gravel, or other clean aggregates, in legitimate 40673
fill operations for construction purposes at the facility or to 40674
bring the facility up to a consistent grade. 40675

Sec. 3714.08. (A) At least annually, the board of health of a 40676
health district or the director of environmental protection shall 40677
cause each construction and demolition debris facility for which 40678
the board or the director, as appropriate, issued a license under 40679
section 3714.06 of the Revised Code to be inspected and shall 40680
cause a record to be made of each inspection. The board or the 40681
director shall require each such facility to be in substantial 40682
compliance with this chapter and rules adopted under it. 40683

(B) Within thirty days after the issuance of a license, the 40684
board of health shall certify to the director of environmental 40685
protection that the construction and demolition debris facility 40686
has been inspected and is in substantial compliance with this 40687
chapter and rules adopted under it. Each board of health shall 40688
provide the director with such other information as ~~he~~ the 40689
director may require from time to time. 40690

(C) The board of health or its authorized representative and 40691
the director or ~~his~~ the director's authorized representative, upon 40692

proper identification and upon stating the purpose and necessity 40693
of an inspection, may enter at reasonable times upon any public or 40694
private property, real or personal, to inspect or investigate, 40695
obtain samples, and examine or copy records to determine 40696
compliance with this chapter and rules adopted under it. The board 40697
of health or its authorized representative or the director or ~~his~~ 40698
the director's authorized representative may apply for, and any 40699
judge of a court of record may issue, an appropriate search 40700
warrant necessary to achieve the purposes of this chapter and 40701
rules adopted under it within the court's territorial 40702
jurisdiction. If entry is refused or inspection or investigation 40703
is refused, hindered, or thwarted, the board of health or the 40704
director may suspend or revoke the construction and demolition 40705
debris facility's license. 40706

(D) If the entry authorized by division (C) of this section 40707
is refused or if the inspection or investigation so authorized is 40708
refused, hindered, or thwarted by intimidation or otherwise and if 40709
the director, the board of health, or authorized representative of 40710
either applies for and obtains a search warrant under division (C) 40711
of this section to conduct the inspection or investigation, the 40712
owner or operator of the premises where entry was refused or 40713
inspection or investigation was refused, hindered, or thwarted is 40714
liable to the director or board of health for the reasonable costs 40715
incurred by either for ~~the~~ all of the following: 40716

(1) The regular salaries and fringe benefit costs of 40717
personnel assigned to conduct the inspection or investigation from 40718
the time the entry, inspection, or investigation was refused, 40719
hindered, or thwarted until the search warrant is executed; ~~for~~ 40720
~~the~~ 40721

(2) The salary, fringe benefits, and travel expenses of the 40722
attorney general, prosecuting attorney of the county, or city 40723
director of law, or an authorized assistant, incurred in obtaining 40724

the search warrant; ~~and for expenses~~ 40725

(3) Expenses necessarily incurred for the assistance of local 40726
law enforcement officers in executing the search warrant. ~~In~~ 40727

In the application for a search warrant, the director or 40728
board of health may request and the court, in its order granting 40729
the search warrant, may order the owner or operator of the 40730
premises to reimburse the director or board of health for such of 40731
those costs as the court finds reasonable. From moneys recovered 40732
under this division, the director shall reimburse the attorney 40733
general for the costs incurred by ~~him~~ the attorney general or ~~his~~ 40734
the attorney general's authorized assistant in connection with 40735
proceedings for obtaining the search warrant, shall reimburse the 40736
political subdivision in which the premises is located for the 40737
assistance of its law enforcement officers in executing the search 40738
warrant, and shall deposit the remainder in the state treasury to 40739
the credit of the ~~construction and demolition debris facility~~ 40740
~~oversight~~ waste management fund created in section ~~3714.07~~ 40741
3734.061 of the Revised Code. From moneys recovered under this 40742
division, the board of health shall reimburse the prosecuting 40743
attorney of the county or the city director of law for the costs 40744
incurred by ~~him~~ the prosecuting attorney or the city director of 40745
law or ~~his~~ the authorized assistant of the prosecuting attorney or 40746
the city director of law in connection with proceedings for 40747
obtaining the search warrant, shall reimburse the political 40748
subdivision in which the premises is located for the assistance of 40749
its law enforcement officers in executing the search warrant, and 40750
shall deposit the remainder of any such moneys to the credit of 40751
the special fund of the health district created in section 3714.07 40752
of the Revised Code. 40753

Sec. 3714.09. (A) The director of environmental protection 40754
shall place each health district that is on the approved list 40755

under division (A) or (B) of section 3734.08 of the Revised Code 40756
on the approved list for the purposes of issuing permits to 40757
install and licenses under this chapter. Any survey or resurvey of 40758
any such health district conducted under section 3734.08 of the 40759
Revised Code shall also determine whether there is substantial 40760
compliance with this chapter. If the director removes any such 40761
health district from the approved list under division (B) of that 40762
section, the director shall also remove the health district from 40763
the approved list under this division and shall administer and 40764
enforce this chapter in the health district until the health 40765
district is placed on the approved list under division (B) of 40766
section 3734.08 of the Revised Code or division (B)(1) of this 40767
section. 40768

(B)(1) Upon the request of the board of health of a health 40769
district that is not on the approved list under division (A) or 40770
(B) of section 3734.08 of the Revised Code, the director may place 40771
the board on the approved list for the purpose of permitting and 40772
licensing construction and demolition debris facilities under this 40773
chapter if the director determines that the board is both capable 40774
of and willing to enforce all of the applicable requirements of 40775
this chapter and rules adopted under it. 40776

(2) The director shall annually survey each health district 40777
on the approved list under division (B)(1) of this section to 40778
determine whether there is substantial compliance with this 40779
chapter and rules adopted under it. Upon determining that there is 40780
substantial compliance, the director shall place the health 40781
district on the approved list under that division. The director 40782
shall make a resurvey when in the director's opinion a resurvey is 40783
necessary and shall remove from the approved list under division 40784
(B)(1) of this section any health district not substantially 40785
complying with this chapter and rules adopted under it. 40786

(3) If, after a survey or resurvey is made under division 40787

(B)(2) of this section, the director determines that a health district is not eligible to be placed on the approved list or to continue on that list, the director shall certify that fact to the board of health of the health district and shall administer and enforce this chapter and rules adopted under it in the health district until such time as the health district is placed on the approved list.

(4) Whenever the director is required to administer and enforce this chapter in any health district under division (A) or (B)(3) of this section, the director is hereby vested with all of the authority and all the duties granted to or imposed upon a board of health under this chapter and rules adopted under it within the health district. All disposal fees required to be paid to a board of health by section 3714.07 of the Revised Code and all such previous fees paid to the board, together with any money from construction and demolition debris facility license fees that were required to be paid to the board under section 3714.07 of the Revised Code as that section existed prior to April 15, 2005, that have not been expended or encumbered shall be paid to the director and deposited by the director in the state treasury to the credit of the ~~construction and demolition debris facility oversight~~ waste management fund created in section ~~3714.07~~ 3734.061 of the Revised Code.

(C) Nothing in this chapter limits the authority of the director to initiate and pursue any administrative remedy or to request the attorney general, the prosecuting attorney of the appropriate county, or the city director of law of the appropriate city to initiate and pursue any appropriate judicial remedy available under this chapter to enforce any provision of this chapter and any rules or terms or conditions of any permit or license or order adopted or issued under this chapter with respect to any construction and demolition debris facility regardless of

whether the facility is located in a health district that is on 40820
the approved list under this section. 40821

Sec. 3717.49. (A) A licensor may suspend or revoke a food 40822
service operation license on determining that the license holder 40823
is in violation of any requirement of this chapter or the rules 40824
adopted under it applicable to food service operations, including 40825
a violation evidenced by the documented failure to maintain 40826
sanitary conditions within the operation. 40827

(B) A licensor may revoke a food service operation license on 40828
determining that the license holder has three or more violations 40829
that occurred after the effective date of this amendment for 40830
failure to enforce or observe the prohibitions contained in 40831
section 3794.02 of the Revised Code within a two-year period or 40832
failure to pay a civil fine that occurred after the effective date 40833
of this amendment that is in excess of one thousand dollars 40834
associated with a violation of section 3794.02 of the Revised 40835
Code. A decision to revoke a food service operation license under 40836
this division may be appealed under division (C) or (D) of this 40837
section. 40838

(C)(1) Except in the case of a violation that presents an 40839
immediate danger to the public health, prior to initiating action 40840
to suspend or revoke a food service operation license, the 40841
licensor shall give the license holder written notice specifying 40842
each violation and a reasonable time within which each violation 40843
must be corrected to avoid suspension or revocation of the 40844
license. The licensor may extend the time specified in the notice 40845
for correcting a violation if the license holder is making a good 40846
faith effort to correct it. 40847

If the license holder fails to correct the violation in the 40848
time granted by the licensor, the licensor may initiate action to 40849
suspend or revoke the food service operation license by giving the 40850

license holder written notice of the proposed suspension or 40851
revocation. The licensor shall include in the notice a description 40852
of the procedure for appealing the proposed suspension or 40853
revocation. The license holder may appeal the proposed suspension 40854
or revocation by giving written notice to the licensor. The 40855
license holder shall specify in the notice whether a hearing is 40856
requested. The appeal shall be conducted in accordance with 40857
division ~~(B)~~(C)(3) of this section. 40858

Any action that may be taken by a licensor under division 40859
~~(B)~~(C)(1) of this section may be taken by a health commissioner or 40860
other person employed by the licensor if the person or health 40861
commissioner is authorized by the licensor to take the action. 40862

(2)(a) If actions are initiated to revoke or, except in the 40863
case of a violation that presents an immediate danger to the 40864
public health, to suspend a food service operation license, the 40865
licensor shall determine whether to revoke or suspend the license 40866
as follows: 40867

(i) If the licensor is a board of health, by a majority vote 40868
of the members of the board present at a meeting at which there is 40869
a quorum; 40870

(ii) If the director of health is acting as the licensor, by 40871
decision of the director. 40872

(b) If the licensor determines to revoke or suspend the 40873
license, the licensor shall issue an order revoking or suspending 40874
the license. 40875

(3) An appeal made under division ~~(B)~~(C)(1) of this section 40876
shall be conducted in accordance with procedures established in 40877
rules adopted by the director of health under section 3717.52 of 40878
the Revised Code. If a hearing is requested, it shall be held 40879
prior to the issuance of an order under division ~~(B)~~(C)(2) of this 40880
section, but may be conducted at the meeting at which issuance of 40881

the order is considered. 40882

~~(C)~~(D)(1) On determining that a license holder is in 40883
violation of any requirement of this chapter or the rules adopted 40884
under it applicable to food service operations and that the 40885
violation presents an immediate danger to the public health, the 40886
licensor may suspend the food service operation license without 40887
giving written notice or affording the license holder the 40888
opportunity to correct the violation. If the license holder is 40889
operating a mobile or catering food service operation, either the 40890
licensor that issued the license or the licensor for the health 40891
district in which the operation is being operated may suspend the 40892
license. 40893

A suspension under division ~~(C)~~(D)(1) of this section takes 40894
effect immediately and remains in effect until the licensor lifts 40895
the suspension. When a mobile food service operation license is 40896
suspended under this division, the licensor that suspended the 40897
license shall hold the license until the suspension is lifted and 40898
the licensor receives from the license holder written notice of 40899
the next location at which the license holder proposes to operate 40900
the food service operation. 40901

After suspending a license under division ~~(C)~~(D)(1) of this 40902
section, the licensor shall give the license holder written notice 40903
of the procedure for appealing the suspension. The license holder 40904
may appeal the suspension by giving written notice to the licensor 40905
and specifying in the notice whether a hearing is requested. The 40906
appeal shall be conducted in accordance with division ~~(C)~~(D)(2) of 40907
this section. 40908

Any action that may be taken by a licensor under division 40909
~~(C)~~(D)(1) of this section may be taken by a health commissioner if 40910
the health commissioner is authorized by the licensor to take the 40911
action. A health commissioner who suspends a license under this 40912
authority may, on determining that there is no longer an immediate 40913

danger to the public health, lift the suspension without 40914
consulting the licensor. 40915

(2)(a) If the license holder appeals a suspension under 40916
division ~~(C)~~(D)(1) of this section, the licensor shall determine 40917
whether the immediate danger to the public health continues to 40918
exist as follows: 40919

(i) If the licensor is a board of health, by majority vote of 40920
the members of the board present at a meeting at which there is a 40921
quorum; 40922

(ii) If the director of health is acting as the licensor, by 40923
decision of the director. 40924

(b) If the licensor determines that there is no longer an 40925
immediate danger to the public health, the licensor shall lift the 40926
suspension. If the licensor determines that the immediate danger 40927
continues to exist, the licensor shall issue an order continuing 40928
the suspension. 40929

(3) An appeal requested under division ~~(C)~~(D)(1) of this 40930
section shall be conducted in accordance with procedures 40931
established in rules adopted by the director of health under 40932
section 3717.52 of the Revised Code. If a hearing is requested, it 40933
shall be held not later than two business days after the request 40934
is received by the licensor. The hearing shall be held prior to 40935
the issuance of an order under division ~~(C)~~(D)(2) of this section, 40936
but may be conducted at the meeting at which issuance of the order 40937
is considered. In the case of a suspension of a mobile or catering 40938
food service operation license, the appeal shall be made to the 40939
licensor that suspended the license. 40940

~~(D)~~(E) A license holder may appeal an order issued under 40941
division (B) ~~or~~, (C), or (D) of this section as follows: 40942

(1) If the order was issued by a board of health, to the 40943
common pleas court of the county in which the licensor is located; 40944

(2) If the order was issued by the director of health, to the Franklin county court of common pleas.

Sec. 3727.70. (A)(1) Within two years of the effective date of this section, the director of the governor's office of health transformation shall create an annual hospital report card consisting of a public disclosure of data assembled pursuant to sections 3727.71 and 3727.72 of the Revised Code.

(2) The report card shall be made available on a public internet web site in a manner that allows members of the public to conduct a search and view and compare the information for specific hospitals. The web site shall include such additional information the director determines necessary to ensure that the web site enhances informed decision making among consumers, including appropriate guidance on how to use the data and an explanation of why data may vary between hospital facilities.

(B) Along with a hospital association selected under section 3727.72 of the Revised Code, the director shall develop a comprehensive hospital information system to provide for the collection, compilation, indexing, and utilization of hospital related data to be used to create the report card required under division (A) of this section.

(C) The director may contract with any individual or entity to carry out the duties described in this section.

Sec. 3727.71. (A) The director of the governor's office of health transformation shall do all of the following:

(1) Along with a hospital association selected under section 3727.72 of the Revised Code, develop a long-range plan to create the hospital report card required under section 3727.70 of the Revised Code;

(2) Do all of the following in developing the hospital report

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|---|--|
| <u>card:</u> | 40975 |
| <u>(a) Include data on all hospital patients regardless of the payer source and other information that may be required for purchasers to assess the value of the hospital health care services;</u> | 40976 40977 40978 40979 |
| <u>(b) Use standardized clinical outcomes measures recognized by national organizations that establish standards to measure the performance of health care providers;</u> | 40980 40981 40982 |
| <u>(c) Use data that is severity- and acuity- adjusted using statistical methods that show variation in reported outcomes, where applicable, and data that has passed standard edits;</u> | 40983 40984 40985 |
| <u>(d) Report the results with separate documents containing the technical specification and measures;</u> | 40986 40987 |
| <u>(e) Use standardized reporting;</u> | 40988 |
| <u>(f) Disclose the methodology of reporting.</u> | 40989 |
| <u>(3) Submit an initial plan and a report on the status of implementation to the governor, speaker of the house of representatives, and president of the senate with copies to all members of the general assembly and available to the public on an internet web site. The plan shall identify the process and time frames for implementation, barriers to implementation, and recommendations of changes in the law for the elimination of the barriers.</u> | 40990 40991 40992 40993 40994 40995 40996 40997 |
| <u>(4) Submit an annual update to the initial plan and status report required under division (A)(3) of this section;</u> | 40998 40999 |
| <u>(5) Establish procedures by which all licensed hospitals receive a draft of the annual report card and are given thirty days to submit written comments to the office of health transformation.</u> | 41000 41001 41002 41003 |
| <u>(B) The initial plan and status report described in division</u> | 41004 |

(A)(3) of this section shall be submitted within one year of the 41005
effective date of this section. 41006

Sec. 3727.72. (A) Within one year of the effective date of 41007
this section, the director of the governor's office of health 41008
transformation shall select a hospital association for assistance 41009
in developing the hospital report card required under section 41010
3727.70 of the Revised Code. 41011

(B) The selected association shall provide all of the 41012
following to the director: 41013

(1) A copy of the association's organizational documents and 41014
any other rules and regulations governing the association's 41015
activities; 41016

(2) A list of the association's members, including the name 41017
and address of a representative of the association who is a 41018
resident of this state upon whom notice or orders from the 41019
director may be served; 41020

(3) A plan to create the hospital report card, with specific 41021
reference to how the interests of health care consumers, including 41022
health plans and employers, will be considered in developing the 41023
hospital report card. 41024

(C) Within sixteen months of the effective date of this 41025
section, the association shall provide to the director the plan 41026
required under division (B)(3) of this section along with a status 41027
report of the development and implementation of the hospital 41028
report card. 41029

Sec. 3727.73. The director of the governor's office of health 41030
transformation may suspend or revoke the acceptance of a hospital 41031
association selected pursuant to section 3727.72 of the Revised 41032
Code for any of the following reasons: 41033

(A) It reasonably appears that the association will not be able to carry out the purposes of sections 3727.70 to 3727.75 of the Revised Code. 41034
41035
41036

(B) The association does not provide to the director the plan and report required under division (C) of section 3727.72 of the Revised Code. 41037
41038
41039

(C) The association fails to meet any other requirements established under sections 3727.70 to 3727.75 of the Revised Code. 41040
41041

Sec. 3727.74. (A) If the director of the governor's office of health transformation suspends or revokes the acceptance of a hospital association under section 3727.73 of the Revised Code, the Ohio commission for hospital statistics shall be created to carry out the purposes of sections 3727.70 to 3727.75 of the Revised Code. 41042
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(B) The director shall adopt rules establishing the creation, initial appointments, and operation of the commission. The rules shall specify all of the following: 41048
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41050

(1) The commission shall consist of nine members, who shall be appointed by the governor as follows: 41051
41052

(a) Three members representing hospitals registered under section 3701.07 of the Revised Code; 41053
41054

(b) Two members representing individuals authorized under Title XLVII of the Revised Code to practice a health care profession; 41055
41056
41057

(c) Four members representing consumers or businesses without any direct interest in registered hospitals. 41058
41059

(2) At no time shall the commission have more than five members of any one political party. 41060
41061

(3) Members of the commission shall serve without 41062

compensation but shall receive payment for their actual and 41063
necessary expenses incurred in the conduct of official business. 41064

(4) The commission shall annually elect the chair of the 41065
commission from its members. 41066

(5) A majority of the commission shall constitute a quorum. 41067

(6) The commission shall meet at least once during each 41068
calendar quarter. Meeting dates shall be set upon written request 41069
by three or more members of the commission or by a call of the 41070
chair upon five days' notice to the members. 41071

(7) Action of the commission shall not be taken except upon 41072
the affirmative vote of a majority of a quorum of the commission. 41073

(8) All meetings of the commission shall be open to the 41074
public. 41075

Sec. 3727.75. A hospital association or its employees, 41076
agents, or designees or the designees of the director of the 41077
governor's office of health transformation shall not be liable in 41078
a civil action for any actions taken or omitted in the performance 41079
of their powers and duties under sections 3727.70 to 3727.75 of 41080
the Revised Code. 41081

Sec. 3728.01. (A) There is hereby created the Ohio all-payer 41082
health claims database advisory committee, to be a part of the 41083
governor's office of health transformation. The committee shall 41084
provide recommendations for developing the Ohio all-payer health 41085
claims database. 41086

(B) The Ohio all-payer health claims database shall do all of 41087
the following: 41088

(1) Be available to the public while being disclosed in a 41089
form and manner that ensures the privacy and security of personal 41090
health information as required by state and federal law, as a 41091

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| <u>resource to the public to allow for continuous review of health</u> | 41092 |
| <u>care utilization, expenditures, and quality and safety performance</u> | 41093 |
| <u>in this state;</u> | 41094 |
| <u>(2) Be available to public and private entities engaged in</u> | 41095 |
| <u>efforts to improve health care;</u> | 41096 |
| <u>(3) Present data in a manner that allows for comparisons of</u> | 41097 |
| <u>geographic, demographic, and economic factors and institutional</u> | 41098 |
| <u>size;</u> | 41099 |
| <u>(4) Present data in a consumer-friendly manner.</u> | 41100 |
| <u>Sec. 3728.02. (A) Within forty-five days after the effective</u> | 41101 |
| <u>date of this section, the governor shall appoint the following</u> | 41102 |
| <u>members to the Ohio all-payer health claims database advisory</u> | 41103 |
| <u>committee:</u> | 41104 |
| <u>(1) One member of academia with experience in health care</u> | 41105 |
| <u>data and cost efficiency research;</u> | 41106 |
| <u>(2) One representative of the Ohio hospital association;</u> | 41107 |
| <u>(3) One representative of the Ohio state medical association;</u> | 41108 |
| <u>(4) One representative of the Ohio osteopathic association;</u> | 41109 |
| <u>(5) One representative of small businesses that purchase</u> | 41110 |
| <u>group health insurance for employees who is not a supplier or</u> | 41111 |
| <u>broker of health insurance;</u> | 41112 |
| <u>(6) One representative of large businesses that purchase</u> | 41113 |
| <u>health insurance for employees who is not a supplier or broker of</u> | 41114 |
| <u>health insurance;</u> | 41115 |
| <u>(7) One representative of self-insured businesses who is not</u> | 41116 |
| <u>a supplier or broker of health insurance;</u> | 41117 |
| <u>(8) One representative of an organization that processes</u> | 41118 |
| <u>insurance claims or certain aspects of employee benefit plans for</u> | 41119 |
| <u>a separate entity;</u> | 41120 |

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| <u>(9) One representative of a nonprofit organization that</u> | 41121 |
| <u>demonstrates experience working with employers to enhance value</u> | 41122 |
| <u>and affordability in health insurance;</u> | 41123 |
| <u>(10) One individual with a demonstrated record of advocating</u> | 41124 |
| <u>health care privacy issues on behalf of consumers;</u> | 41125 |
| <u>(11) One individual with a demonstrated record of advocating</u> | 41126 |
| <u>general health care issues on behalf of consumers;</u> | 41127 |
| <u>(12) The following two representatives of the Ohio</u> | 41128 |
| <u>association of health plans:</u> | 41129 |
| <u>(a) One representing for-profit insurers;</u> | 41130 |
| <u>(b) One representing nonprofit insurers.</u> | 41131 |
| <u>(13) One representative from the mental health and addiction</u> | 41132 |
| <u>field that has experience in behavioral health data collection;</u> | 41133 |
| <u>(14) One representative of the Ohio pharmacists association;</u> | 41134 |
| <u>(15) One representative of pharmacy benefit managers;</u> | 41135 |
| <u>(16) Two representatives of nonprofit organizations that</u> | 41136 |
| <u>facilitate health information exchange to improve health care</u> | 41137 |
| <u>within this state.</u> | 41138 |
| <u>(B) The following individuals shall serve as nonvoting</u> | 41139 |
| <u>members of the committee:</u> | 41140 |
| <u>(1) The director of the governor's office of health</u> | 41141 |
| <u>transformation;</u> | 41142 |
| <u>(2) The director of administrative services;</u> | 41143 |
| <u>(3) The superintendent of insurance or the superintendent's</u> | 41144 |
| <u>designee;</u> | 41145 |
| <u>(4) One representative from the office of information</u> | 41146 |
| <u>technology;</u> | 41147 |
| <u>(5) One member of the majority party of the house of</u> | 41148 |

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| <u>representatives;</u> | 41149 |
| <u>(6) One member of the minority party of the house of</u> | 41150 |
| <u>representatives;</u> | 41151 |
| <u>(7) One member of the majority party of the senate;</u> | 41152 |
| <u>(8) One member of the minority party of the senate.</u> | 41153 |
| <u>(C) At least two members of the committee shall reside in a</u> | 41154 |
| <u>rural community with a population of less than fifty thousand or</u> | 41155 |
| <u>who represent rural interests.</u> | 41156 |
| <u>(D) Appointments to the committee end on the date the</u> | 41157 |
| <u>committee ceases to exist pursuant to section 3728.08 of the</u> | 41158 |
| <u>Revised Code. If a vacancy occurs before the termination of the</u> | 41159 |
| <u>committee, a successor shall be appointed who has the</u> | 41160 |
| <u>qualifications the vacancy requires.</u> | 41161 |
| <u>Sec. 3728.03. Within six months after the creation of the</u> | 41162 |
| <u>Ohio all-payer health claims database advisory committee under</u> | 41163 |
| <u>section 3728.02 of the Revised Code, the committee shall make</u> | 41164 |
| <u>recommendations about establishing the Ohio all-payer health</u> | 41165 |
| <u>claims database to the director of the governor's office of health</u> | 41166 |
| <u>transformation that do all of the following:</u> | 41167 |
| <u>(A) Include specific strategies to measure and collect data</u> | 41168 |
| <u>related to health care safety and quality, utilization, health</u> | 41169 |
| <u>outcomes, and cost;</u> | 41170 |
| <u>(B) Focus on data elements that foster quality improvement</u> | 41171 |
| <u>and peer group comparisons;</u> | 41172 |
| <u>(C) Facilitate value-based, cost-effective purchasing of</u> | 41173 |
| <u>health care services by public and private purchasers and</u> | 41174 |
| <u>consumers;</u> | 41175 |
| <u>(D) Result in usable and comparable information that allows</u> | 41176 |
| <u>public and private health care purchasers, consumers, and data</u> | 41177 |

analysts to identify and compare health plans, health insurers, health care facilities, and health care providers regarding the provision of safe, cost-effective, high-quality health care services; 41178
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(E) Use and build upon existing data collection standards and methods to establish and maintain the database in a cost-effective and efficient manner; 41182
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(F) Are designed to measure the following performance domains: 41185
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(1) Safety; 41187

(2) Timeliness; 41188

(3) Effectiveness; 41189

(4) Efficiency; 41190

(5) Equity; 41191

(6) Patient-centeredness. 41192

(G) Incorporate and utilize claims, eligibility, and other publicly available data as needed to minimize the cost and administrative burden on data sources; 41193
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(H) Determine whether or not to include data on the uninsured; 41196
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(I) Discuss the harmonization of the Ohio database with the efforts of other states, regions, and the United States government concerning all-payer claims databases; 41198
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(J) Discuss the harmonization of the Ohio database with federal legislation concerning an all-payer claims database; 41201
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(K) Establish a limit on the number of times the administration may require submission of the required data elements; 41203
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(L) Establish a limit on the number of times the database 41206

administrator may change the required data elements for submission 41207
in a calendar year considering administrative costs, resources, 41208
and time required to fulfill the requests; 41209

(M) Discuss compliance with the "Health Insurance Portability 41210
and Accountability Act of 1996," 42 U.S.C. 1320d, as amended, and 41211
other proprietary information related to collection and release of 41212
data. 41213

(N) Determine how the ongoing oversight of the operations of 41214
the Ohio all-payer health claims database should function. 41215

Sec. 3728.04. Within six months of receiving the 41216
recommendations described in section 3728.03 of the Revised Code, 41217
the director of the governor's office of health transformation 41218
shall adopt rules that do all of the following: 41219

(A) Create the Ohio all-payer health claims database; 41220

(B) Define the data to be collected from payers and the 41221
method of collection, including mandatory and voluntary reporting 41222
of health care and health quality data. Medicaid-related data 41223
shall be mandatory. 41224

(C) Establish agreements for voluntary reporting of health 41225
care claims data from health care payers that are not subject to 41226
mandatory reporting requirements in order to ensure availability 41227
of the most comprehensive and system-wide data on health care 41228
costs and quality; 41229

(D) Establish agreements or make requests with the federal 41230
centers for medicare and medicaid services to obtain medicare 41231
health claims data; 41232

(E) Define the measures necessary to implement the reporting 41233
requirements in a manner that is cost-effective and reasonable for 41234
data sources and timely, relevant, and reliable for the public; 41235

(F) Define the data to be made available to the public with 41236

recommendations from the advisory committee in order to accomplish 41237
the purposes of this section, including conducting studies and 41238
reporting the results of the studies; 41239

(G) Establish processes to collect, aggregate, distribute, 41240
and publicly report performance data on quality, health outcomes, 41241
health disparities, cost, utilization, and pricing in a manner 41242
accessible for the public; 41243

(H) Establish procedures to protect patient privacy in 41244
compliance with state and federal privacy laws while preserving 41245
the ability to analyze data and share with providers and payers to 41246
ensure accuracy prior to the public release of information; 41247

(I) Establish fines for payers that do not comply with rules 41248
adopted under this section; 41249

(J) Establish procedures for the winding up of the 41250
committee's business and termination of the committee upon the 41251
successful creation of the database. 41252

Sec. 3728.05. The director of the governor's office of health 41253
transformation shall do all of the following with respect to the 41254
Ohio all-payer health claims database: 41255

(A) Provide leadership and coordination of public and private 41256
health care quality and performance measurements to ensure 41257
efficiency, cost-effectiveness, transparency, and informed choice 41258
by consumers and public and private purchasers; 41259

(B) Incorporate and utilize publicly available data other 41260
than administrative claims data if necessary to measure and 41261
analyze a significant health care quality, safety, or cost issue 41262
that cannot be adequately measured with administrative claims data 41263
alone; 41264

(C) Require payer data sources to submit data necessary to 41265
implement the all-payer claims database; 41266

(D) Determine the data elements to be collected for the database, the reporting formats for data submitted, and the use and reporting of any data submitted. Data collection shall align with national, regional, and other uniform all-payer claims database standards where possible. 41267
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(E) At the director's discretion, audit the accuracy of all data submitted; 41272
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(F) As necessary, contract with third parties to collect and process the health care data collected pursuant to this section. The contract shall prohibit the collection of unencrypted social security numbers and the use of the data for any purpose other than those specifically authorized by the contract and shall require the third party to transmit the data collected and processed under the contract to the director or other designated entity. 41274
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(G) At the director's discretion, share data regionally or help develop a multi-state effort, if recommended by the advisory committee under section 4728.03 of the Revised Code; 41282
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(H) Issue a report regarding the information kept in the database to the governor, speaker of the house of representatives, and president of the senate annually; 41285
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(I) Adopt any additional rules that are necessary to implement the requirements of sections 3728.01 to 3728.08 of the Revised Code. 41288
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Sec. 3728.06. (A) The Ohio all-payer health claims database fund is created in the state treasury. 41291
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(B) All fines collected under division (I) of section 3728.04 of the Revised Code shall be deposited in the fund and used to pay for the operating expenses of the Ohio all-payer health claims database when other funding is not available. 41293
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Sec. 3728.07. The collection, storage, and release of health care data and other information pursuant to sections 3728.01 to 3728.08 of the Revised Code shall be subject to the federal "Health Insurance Portability and Accountability Act of 1996," 42 U.S.C. 1320d, as amended.

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Sec. 3728.08. Pursuant to the rules adopted under section 3728.02 of the Revised Code, the Ohio all-payer health claims database advisory committee shall cease to exist upon the creation of the Ohio all-payer health claims database.

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Sec. 3734.01. As used in this chapter:

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(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in any city as authorized by section 3709.05 of the Revised Code.

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(B) "Director" means the director of environmental protection.

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(C) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code.

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(D) "Agency" means the environmental protection agency.

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(E) "Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of

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heat input in any month, spent nontoxic foundry sand, nontoxic, 41326
nonhazardous, unwanted fired and unfired, glazed and unglazed, 41327
structural shale and clay products, and slag and other substances 41328
that are not harmful or inimical to public health, and includes, 41329
but is not limited to, garbage, scrap tires, combustible and 41330
noncombustible material, street dirt, and debris. "Solid wastes" 41331
does not include any material that is an infectious waste or a 41332
hazardous waste. 41333

(F) "Disposal" means the discharge, deposit, injection, 41334
dumping, spilling, leaking, emitting, or placing of any solid 41335
wastes or hazardous waste into or on any land or ground or surface 41336
water or into the air, except if the disposition or placement 41337
constitutes storage or treatment or, if the solid wastes consist 41338
of scrap tires, the disposition or placement constitutes a 41339
beneficial use or occurs at a scrap tire recovery facility 41340
licensed under section 3734.81 of the Revised Code. 41341

(G) "Person" includes the state, any political subdivision 41342
and other state or local body, the United States and any agency or 41343
instrumentality thereof, and any legal entity defined as a person 41344
under section 1.59 of the Revised Code. 41345

(H) "Open burning" means the burning of solid wastes in an 41346
open area or burning of solid wastes in a type of chamber or 41347
vessel that is not approved or authorized in rules adopted by the 41348
director under section 3734.02 of the Revised Code or, if the 41349
solid wastes consist of scrap tires, in rules adopted under 41350
division (V) of this section or section 3734.73 of the Revised 41351
Code, or the burning of treated or untreated infectious wastes in 41352
an open area or in a type of chamber or vessel that is not 41353
approved in rules adopted by the director under section 3734.021 41354
of the Revised Code. 41355

(I) "Open dumping" means the depositing of solid wastes into 41356
a body or stream of water or onto the surface of the ground at a 41357

site that is not licensed as a solid waste facility under section 41358
3734.05 of the Revised Code or, if the solid wastes consist of 41359
scrap tires, as a scrap tire collection, storage, monocell, 41360
monofill, or recovery facility under section 3734.81 of the 41361
Revised Code; the depositing of solid wastes that consist of scrap 41362
tires onto the surface of the ground at a site or in a manner not 41363
specifically identified in divisions (C)(2) to (5), (7), or (10) 41364
of section 3734.85 of the Revised Code; the depositing of 41365
untreated infectious wastes into a body or stream of water or onto 41366
the surface of the ground; or the depositing of treated infectious 41367
wastes into a body or stream of water or onto the surface of the 41368
ground at a site that is not licensed as a solid waste facility 41369
under section 3734.05 of the Revised Code. 41370

(J) "Hazardous waste" means any waste or combination of 41371
wastes in solid, liquid, semisolid, or contained gaseous form that 41372
in the determination of the director, because of its quantity, 41373
concentration, or physical or chemical characteristics, may do 41374
either of the following: 41375

(1) Cause or significantly contribute to an increase in 41376
mortality or an increase in serious irreversible or incapacitating 41377
reversible illness; 41378

(2) Pose a substantial present or potential hazard to human 41379
health or safety or to the environment when improperly stored, 41380
treated, transported, disposed of, or otherwise managed. 41381

"Hazardous waste" includes any substance identified by 41382
regulation as hazardous waste under the "Resource Conservation and 41383
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 41384
amended, and does not include any substance that is subject to the 41385
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 41386
amended. 41387

(K) "Treat" or "treatment," when used in connection with 41388

hazardous waste, means any method, technique, or process designed 41389
to change the physical, chemical, or biological characteristics or 41390
composition of any hazardous waste; to neutralize the waste; to 41391
recover energy or material resources from the waste; to render the 41392
waste nonhazardous or less hazardous, safer to transport, store, 41393
or dispose of, or amenable for recovery, storage, further 41394
treatment, or disposal; or to reduce the volume of the waste. When 41395
used in connection with infectious wastes, "treat" or "treatment" 41396
means any method, technique, or process that renders the wastes 41397
noninfectious so that it is no longer an infectious waste and is 41398
no longer an infectious substance as defined in applicable federal 41399
law, including, without limitation, steam sterilization and 41400
incineration, and, in the instance of wastes identified in 41401
division (R)(7) of this section, to substantially reduce or 41402
eliminate the potential for the wastes to cause lacerations or 41403
puncture wounds. 41404

(L) "Manifest" means the form used for identifying the 41405
quantity, composition, origin, routing, and destination of 41406
hazardous waste during its transportation from the point of 41407
generation to the point of disposal, treatment, or storage. 41408

(M) "Storage," when used in connection with hazardous waste, 41409
means the holding of hazardous waste for a temporary period in 41410
such a manner that it remains retrievable and substantially 41411
unchanged physically and chemically and, at the end of the period, 41412
is treated; disposed of; stored elsewhere; or reused, recycled, or 41413
reclaimed in a beneficial manner. When used in connection with 41414
solid wastes that consist of scrap tires, "storage" means the 41415
holding of scrap tires for a temporary period in such a manner 41416
that they remain retrievable and, at the end of that period, are 41417
beneficially used; stored elsewhere; placed in a scrap tire 41418
monocell or monofill facility licensed under section 3734.81 of 41419
the Revised Code; processed at a scrap tire recovery facility 41420

licensed under that section or a solid waste incineration or 41421
energy recovery facility subject to regulation under this chapter; 41422
or transported to a scrap tire monocell, monofill, or recovery 41423
facility, any other solid waste facility authorized to dispose of 41424
scrap tires, or a facility that will beneficially use the scrap 41425
tires, that is located in another state and is operating in 41426
compliance with the laws of the state in which the facility is 41427
located. 41428

(N) "Facility" means any site, location, tract of land, 41429
installation, or building used for incineration, composting, 41430
sanitary landfilling, or other methods of disposal of solid wastes 41431
or, if the solid wastes consist of scrap tires, for the 41432
collection, storage, or processing of the solid wastes; for the 41433
transfer of solid wastes; for the treatment of infectious wastes; 41434
or for the storage, treatment, or disposal of hazardous waste. 41435

(O) "Closure" means the time at which a hazardous waste 41436
facility will no longer accept hazardous waste for treatment, 41437
storage, or disposal, the time at which a solid waste facility 41438
will no longer accept solid wastes for transfer or disposal or, if 41439
the solid wastes consist of scrap tires, for storage or 41440
processing, or the effective date of an order revoking the permit 41441
for a hazardous waste facility or the registration certificate, 41442
permit, or license for a solid waste facility, as applicable. 41443
"Closure" includes measures performed to protect public health or 41444
safety, to prevent air or water pollution, or to make the facility 41445
suitable for other uses, if any, including, but not limited to, 41446
the removal of processing residues resulting from solid wastes 41447
that consist of scrap tires; the establishment and maintenance of 41448
a suitable cover of soil and vegetation over cells in which 41449
hazardous waste or solid wastes are buried; minimization of 41450
erosion, the infiltration of surface water into such cells, the 41451
production of leachate, and the accumulation and runoff of 41452

contaminated surface water; the final construction of facilities 41453
for the collection and treatment of leachate and contaminated 41454
surface water runoff, except as otherwise provided in this 41455
division; the final construction of air and water quality 41456
monitoring facilities, except as otherwise provided in this 41457
division; the final construction of methane gas extraction and 41458
treatment systems; or the removal and proper disposal of hazardous 41459
waste or solid wastes from a facility when necessary to protect 41460
public health or safety or to abate or prevent air or water 41461
pollution. With regard to a solid waste facility that is a scrap 41462
tire facility, "closure" includes the final construction of 41463
facilities for the collection and treatment of leachate and 41464
contaminated surface water runoff and the final construction of 41465
air and water quality monitoring facilities only if those actions 41466
are determined to be necessary. 41467

(P) "Premises" means either of the following: 41468

(1) Geographically contiguous property owned by a generator; 41469

(2) Noncontiguous property that is owned by a generator and 41470
connected by a right-of-way that the generator controls and to 41471
which the public does not have access. Two or more pieces of 41472
property that are geographically contiguous and divided by public 41473
or private right-of-way or rights-of-way are a single premises. 41474

(Q) "Post-closure" means that period of time following 41475
closure during which a hazardous waste facility is required to be 41476
monitored and maintained under this chapter and rules adopted 41477
under it, including, without limitation, operation and maintenance 41478
of methane gas extraction and treatment systems, or the period of 41479
time after closure during which a scrap tire monocell or monofill 41480
facility licensed under section 3734.81 of the Revised Code is 41481
required to be monitored and maintained under this chapter and 41482
rules adopted under it. 41483

(R) "Infectious wastes" means any wastes or combination of wastes that include cultures and stocks of infectious agents and associated biologicals, human blood and blood products, and substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent, including all of the following:

(1) Laboratory wastes;

(2) Pathological wastes;

(3) Animal blood and blood products;

(4) Animal carcasses and parts;

(5) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Such waste materials from the rooms of humans do not include any wastes of patients who have been placed on blood and body fluid precautions under the universal precaution system established by the centers for disease control in the public health service of the United States department of health and human services, except to the extent specific wastes generated under the universal precautions system have been identified as infectious wastes by rules adopted under division (R)(7) of this section.

(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals;

(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because

they are contaminated with, or are likely to be contaminated with, 41515
infectious agents. 41516

As used in this division, "blood products" does not include 41517
patient care waste such as bandages or disposable gowns that are 41518
lightly soiled with blood or other body fluids unless those wastes 41519
are soiled to the extent that the generator of the wastes 41520
determines that they should be managed as infectious wastes. 41521

(S) "Infectious agent" means a type of microorganism, 41522
pathogen, virus, or proteinaceous infectious particle that can 41523
cause or significantly contribute to disease in or death of human 41524
beings. 41525

(T) "Zoonotic agent" means a type of microorganism, pathogen, 41526
or virus that causes disease in vertebrate animals, is 41527
transmissible to human beings, and can cause or significantly 41528
contribute to disease in or death of human beings. 41529

(U) "Solid waste transfer facility" means any site, location, 41530
tract of land, installation, or building that is used or intended 41531
to be used primarily for the purpose of transferring solid wastes 41532
that were generated off the premises of the facility from vehicles 41533
or containers into other vehicles for transportation to a solid 41534
waste disposal facility. "Solid waste transfer facility" does not 41535
include any facility that consists solely of portable containers 41536
that have an aggregate volume of fifty cubic yards or less nor any 41537
facility where legitimate recycling activities are conducted. 41538

(V) "Beneficially use" includes: 41539

(1) With regard to scrap tires, to use a scrap tire in a 41540
manner that results in a commodity for sale or exchange or in any 41541
other manner authorized as a beneficial use in rules adopted by 41542
the director in accordance with Chapter 119. of the Revised Code; 41543

(2) With regard to material from a horizontal well that has 41544
come in contact with a refined oil-based substance and that is not 41545

technologically enhanced naturally occurring radioactive material, 41546
to use the material in any manner authorized as a beneficial use 41547
in rules adopted by the director under section 3734.125 of the 41548
Revised Code. 41549

(W) "Commercial car," "commercial tractor," "farm machinery," 41550
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 41551
the same meanings as in section 4501.01 of the Revised Code. 41552

(X) "Construction equipment" means road rollers, traction 41553
engines, power shovels, power cranes, and other equipment used in 41554
construction work, or in mining or producing or processing 41555
aggregates, and not designed for or used in general highway 41556
transportation. 41557

(Y) "Motor vehicle salvage dealer" has the same meaning as in 41558
section 4738.01 of the Revised Code. 41559

(Z) "Scrap tire" means an unwanted or discarded tire. 41560

(AA) "Scrap tire collection facility" means any facility that 41561
meets all of the following qualifications: 41562

(1) The facility is used for the receipt and storage of whole 41563
scrap tires from the public prior to their transportation to a 41564
scrap tire storage, monocell, monofill, or recovery facility 41565
licensed under section 3734.81 of the Revised Code; a solid waste 41566
incineration or energy recovery facility subject to regulation 41567
under this chapter; a premises within the state where the scrap 41568
tires will be beneficially used; or a scrap tire storage, 41569
monocell, monofill, or recovery facility, any other solid waste 41570
disposal facility authorized to dispose of scrap tires, or a 41571
facility that will beneficially use the scrap tires, that is 41572
located in another state, and that is operating in compliance with 41573
the laws of the state in which the facility is located. 41574

(2) The facility exclusively stores scrap tires in portable 41575
containers. 41576

(3) The aggregate storage of the portable containers in which the scrap tires are stored does not exceed five thousand cubic feet. 41577
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(BB) "Scrap tire monocell facility" means an individual site within a solid waste landfill that is used exclusively for the environmentally sound storage or disposal of whole scrap tires or scrap tires that have been shredded, chipped, or otherwise mechanically processed. 41580
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(CC) "Scrap tire monofill facility" means an engineered facility used or intended to be used exclusively for the storage or disposal of scrap tires, including at least facilities for the submergence of whole scrap tires in a body of water. 41585
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(DD) "Scrap tire recovery facility" means any facility, or portion thereof, for the processing of scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires through a controlled combustion process, mechanical process, or chemical process. "Scrap tire recovery facility" includes any facility that uses the controlled combustion of scrap tires in a manufacturing process to produce process heat or steam or any facility that produces usable heat or electric power through the controlled combustion of scrap tires in combination with another fuel, but does not include any solid waste incineration or energy recovery facility that is designed, constructed, and used for the primary purpose of incinerating mixed municipal solid wastes and that burns scrap tires in conjunction with mixed municipal solid wastes, or any tire retreading business, tire manufacturing finishing center, or tire adjustment center having on the premises of the business a single, covered scrap tire storage area at which not more than four thousand scrap tires are stored. 41589
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(EE) "Scrap tire storage facility" means any facility where whole scrap tires are stored prior to their transportation to a 41607
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scrap tire monocell, monofill, or recovery facility licensed under 41609
section 3734.81 of the Revised Code; a solid waste incineration or 41610
energy recovery facility subject to regulation under this chapter; 41611
a premises within the state where the scrap tires will be 41612
beneficially used; or a scrap tire storage, monocell, monofill, or 41613
recovery facility, any other solid waste disposal facility 41614
authorized to dispose of scrap tires, or a facility that will 41615
beneficially use the scrap tires, that is located in another 41616
state, and that is operating in compliance with the laws of the 41617
state in which the facility is located. 41618

(FF) "Used oil" means any oil that has been refined from 41619
crude oil, or any synthetic oil, that has been used and, as a 41620
result of that use, is contaminated by physical or chemical 41621
impurities. "Used oil" includes only those substances identified 41622
as used oil by the United States environmental protection agency 41623
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 41624
U.S.C.A. 6901a, as amended. 41625

(GG) "Accumulated speculatively" has the same meaning as in 41626
rules adopted by the director under section 3734.12 of the Revised 41627
Code. 41628

(HH) "Horizontal well" has the same meaning as in section 41629
1509.01 of the Revised Code. 41630

(II) "Technologically enhanced naturally occurring 41631
radioactive material" has the same meaning as in section 3748.01 41632
of the Revised Code. 41633

Sec. 3734.02. (A) The director of environmental protection, 41634
in accordance with Chapter 119. of the Revised Code, shall adopt 41635
and may amend, suspend, or rescind rules having uniform 41636
application throughout the state governing solid waste facilities 41637
and the inspections of and issuance of permits and licenses for 41638
all solid waste facilities in order to ensure that the facilities 41639

will be located, maintained, and operated, and will undergo 41640
closure and post-closure care, in a sanitary manner so as not to 41641
create a nuisance, cause or contribute to water pollution, create 41642
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 41643
257.3-8, as amended. The rules may include, without limitation, 41644
financial assurance requirements for closure and post-closure care 41645
and corrective action and requirements for taking corrective 41646
action in the event of the surface or subsurface discharge or 41647
migration of explosive gases or leachate from a solid waste 41648
facility, or of ground water contamination resulting from the 41649
transfer or disposal of solid wastes at a facility, beyond the 41650
boundaries of any area within a facility that is operating or is 41651
undergoing closure or post-closure care where solid wastes were 41652
disposed of or are being disposed of. The rules shall not concern 41653
or relate to personnel policies, salaries, wages, fringe benefits, 41654
or other conditions of employment of employees of persons owning 41655
or operating solid waste facilities. The director, in accordance 41656
with Chapter 119. of the Revised Code, shall adopt and may amend, 41657
suspend, or rescind rules governing the issuance, modification, 41658
revocation, suspension, or denial of variances from the director's 41659
solid waste rules, including, without limitation, rules adopted 41660
under this chapter governing the management of scrap tires. 41661

Variances shall be issued, modified, revoked, suspended, or 41662
rescinded in accordance with this division, rules adopted under 41663
it, and Chapter 3745. of the Revised Code. The director may order 41664
the person to whom a variance is issued to take such action within 41665
such time as the director may determine to be appropriate and 41666
reasonable to prevent the creation of a nuisance or a hazard to 41667
the public health or safety or the environment. Applications for 41668
variances shall contain such detail plans, specifications, and 41669
information regarding objectives, procedures, controls, and other 41670
pertinent data as the director may require. The director shall 41671
grant a variance only if the applicant demonstrates to the 41672

director's satisfaction that construction and operation of the 41673
solid waste facility in the manner allowed by the variance and any 41674
terms or conditions imposed as part of the variance will not 41675
create a nuisance or a hazard to the public health or safety or 41676
the environment. In granting any variance, the director shall 41677
state the specific provision or provisions whose terms are to be 41678
varied and also shall state specific terms or conditions imposed 41679
upon the applicant in place of the provision or provisions. ~~The~~ 41680

The director may hold a public hearing on an application for 41681
a variance or renewal of a variance at a location in the county 41682
where the operations that are the subject of the application for 41683
the variance are conducted. The director shall give not less than 41684
twenty days' notice of the hearing to the applicant by certified 41685
mail or by another type of mail accompanied by a receipt and shall 41686
publish at least one notice of the hearing in a newspaper with 41687
general circulation in the county where the hearing is to be held. 41688
The director shall make available for public inspection at the 41689
principal office of the environmental protection agency a current 41690
list of pending applications for variances and a current schedule 41691
of pending variance hearings. The director shall make a complete 41692
stenographic record of testimony and other evidence submitted at 41693
the hearing. ~~Within~~ 41694

Within ten days after the hearing, the director shall make a 41695
written determination to issue, renew, or deny the variance and 41696
shall enter the determination and the basis for it into the record 41697
of the hearing. The director shall issue, renew, or deny an 41698
application for a variance or renewal of a variance within six 41699
months of the date upon which the director receives a complete 41700
application with all pertinent information and data required. No 41701
variance shall be issued, revoked, modified, or denied until the 41702
director has considered the relative interests of the applicant, 41703
other persons and property affected by the variance, and the 41704

general public. Any variance granted under this division shall be 41705
for a period specified by the director and may be renewed from 41706
time to time on such terms and for such periods as the director 41707
determines to be appropriate. No application shall be denied and 41708
no variance shall be revoked or modified without a written order 41709
stating the findings upon which the denial, revocation, or 41710
modification is based. A copy of the order shall be sent to the 41711
applicant or variance holder by certified mail or by another type 41712
of mail accompanied by a receipt. 41713

(B) The director shall prescribe and furnish the forms 41714
necessary to administer and enforce this chapter. The director may 41715
cooperate with and enter into agreements with other state, local, 41716
or federal agencies to carry out the purposes of this chapter. The 41717
director may exercise all incidental powers necessary to carry out 41718
the purposes of this chapter. 41719

~~The director may use moneys in the infectious waste 41720
management fund created in section 3734.021 of the Revised Code 41721
exclusively for administering and enforcing the provisions of this 41722
chapter governing the management of infectious wastes. 41723~~

(C) Except as provided in this division and divisions (N)(2) 41724
and (3) of this section, no person shall establish a new solid 41725
waste facility or infectious waste treatment facility, or modify 41726
an existing solid waste facility or infectious waste treatment 41727
facility, without submitting an application for a permit with 41728
accompanying detail plans, specifications, and information 41729
regarding the facility and method of operation and receiving a 41730
permit issued by the director, except that no permit shall be 41731
required under this division to install or operate a solid waste 41732
facility for sewage sludge treatment or disposal when the 41733
treatment or disposal is authorized by a current permit issued 41734
under Chapter 3704. or 6111. of the Revised Code. 41735

No person shall continue to operate a solid waste facility 41736

for which the director has denied a permit for which an 41737
application was required under division (A)(3) of section 3734.05 41738
of the Revised Code, or for which the director has disapproved 41739
plans and specifications required to be filed by an order issued 41740
under division (A)(5) of that section, after the date prescribed 41741
for commencement of closure of the facility in the order issued 41742
under division (A)(6) of section 3734.05 of the Revised Code 41743
denying the permit application or approval. 41744

On and after the effective date of the rules adopted under 41745
division (A) of this section and division (D) of section 3734.12 41746
of the Revised Code governing solid waste transfer facilities, no 41747
person shall establish a new, or modify an existing, solid waste 41748
transfer facility without first submitting an application for a 41749
permit with accompanying engineering detail plans, specifications, 41750
and information regarding the facility and its method of operation 41751
to the director and receiving a permit issued by the director. 41752

No person shall establish a new compost facility or continue 41753
to operate an existing compost facility that accepts exclusively 41754
source separated yard wastes without submitting a completed 41755
registration for the facility to the director in accordance with 41756
rules adopted under divisions (A) and (N)(3) of this section. 41757

This division does not apply to a generator of infectious 41758
wastes that does any of the following: 41759

(1) Treats, by methods, techniques, and practices established 41760
by rules adopted under division (B)(2)(a) of section 3734.021 of 41761
the Revised Code, any of the following: 41762

(a) Infectious wastes that are generated on any premises that 41763
are owned or operated by the generator; 41764

(b) Infectious wastes that are generated by a generator who 41765
has staff privileges at a hospital as defined in section 3727.01 41766
of the Revised Code; 41767

(c) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code. 41768
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(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code; 41771
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(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following: 41774
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(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 41776
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(b) Chapter 918. of the Revised Code; 41778

(c) Chapter 953. of the Revised Code. 41779

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code. 41780
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(E)(1) As used in this division: 41797

(a) "On-site facility" means a facility that stores, treats, 41798
or disposes of hazardous waste that is generated on the premises 41799
of the facility. 41800

(b) "Off-site facility" means a facility that stores, treats, 41801
or disposes of hazardous waste that is generated off the premises 41802
of the facility and includes such a facility that is also an 41803
on-site facility. 41804

(c) "Satellite facility" means any of the following: 41805

(i) An on-site facility that also receives hazardous waste 41806
from other premises owned by the same person who generates the 41807
waste on the facility premises; 41808

(ii) An off-site facility operated so that all of the 41809
hazardous waste it receives is generated on one or more premises 41810
owned by the person who owns the facility; 41811

(iii) An on-site facility that also receives hazardous waste 41812
that is transported uninterruptedly and directly to the facility 41813
through a pipeline from a generator who is not the owner of the 41814
facility. 41815

(2) Except as provided in division (E)(3) of this section, no 41816
person shall establish or operate a hazardous waste facility, or 41817
use a solid waste facility for the storage, treatment, or disposal 41818
of any hazardous waste, without a hazardous waste facility 41819
installation and operation permit issued in accordance with 41820
section 3734.05 of the Revised Code and subject to the payment of 41821
an application fee not to exceed one thousand five hundred 41822
dollars, payable upon application for a hazardous waste facility 41823
installation and operation permit and upon application for a 41824
renewal permit issued under division (H) of section 3734.05 of the 41825
Revised Code, to be credited to the hazardous waste facility 41826
management fund created in section 3734.18 of the Revised Code. 41827
The term of a hazardous waste facility installation and operation 41828

permit shall not exceed ten years. 41829

In addition to the application fee, there is hereby levied an 41830
annual permit fee to be paid by the permit holder upon the 41831
anniversaries of the date of issuance of the hazardous waste 41832
facility installation and operation permit and of any subsequent 41833
renewal permits and to be credited to the hazardous waste facility 41834
management fund. Annual permit fees totaling forty thousand 41835
dollars or more for any one facility may be paid on a quarterly 41836
basis with the first quarterly payment each year being due on the 41837
anniversary of the date of issuance of the hazardous waste 41838
facility installation and operation permit and of any subsequent 41839
renewal permits. The annual permit fee shall be determined for 41840
each permit holder by the director in accordance with the 41841
following schedule: 41842

| TYPE OF BASIC | | | | 41843 |
|--------------------------------|------------------------|--------|--|-------|
| MANAGEMENT UNIT | TYPE OF FACILITY | FEE | | 41844 |
| Storage facility using: 41845 | | | | |
| Containers | On-site, off-site, and | | | 41846 |
| | satellite | \$ 500 | | 41847 |
| Tanks | On-site, off-site, and | | | 41848 |
| | satellite | 500 | | 41849 |
| Waste pile | On-site, off-site, and | | | 41850 |
| | satellite | 3,000 | | 41851 |
| Surface impoundment | On-site and satellite | 8,000 | | 41852 |
| | Off-site | 10,000 | | 41853 |
| Disposal facility using: 41854 | | | | |
| Deep well injection | On-site and satellite | 15,000 | | 41855 |
| | Off-site | 25,000 | | 41856 |
| Landfill | On-site and satellite | 25,000 | | 41857 |
| | Off-site | 40,000 | | 41858 |
| Land application | On-site and satellite | 2,500 | | 41859 |
| | Off-site | 5,000 | | 41860 |

| | | | |
|---------------------------|------------------------|--------|-------|
| Surface impoundment | On-site and satellite | 10,000 | 41861 |
| | Off-site | 20,000 | 41862 |
| Treatment facility using: | | | 41863 |
| Tanks | On-site, off-site, and | | 41864 |
| | satellite | 700 | 41865 |
| Surface impoundment | On-site and satellite | 8,000 | 41866 |
| | Off-site | 10,000 | 41867 |
| Incinerator | On-site and satellite | 5,000 | 41868 |
| | Off-site | 10,000 | 41869 |
| Other forms | | | 41870 |
| of treatment | On-site, off-site, and | | 41871 |
| | satellite | 1,000 | 41872 |

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment

of a part of the appropriate fee indicated by the schedule that 41893
bears the same relationship to the total fee that the number of 41894
days remaining until the next anniversary date at which payment of 41895
the annual permit fee is due bears to three hundred sixty-five. 41896

The director, by rules adopted in accordance with Chapters 41897
119. and 3745. of the Revised Code, shall prescribe procedures for 41898
collecting the annual permit fee established by this division and 41899
may prescribe other requirements necessary to carry out this 41900
division. 41901

(3) The prohibition against establishing or operating a 41902
hazardous waste facility without a hazardous waste facility 41903
installation and operation permit does not apply to either of the 41904
following: 41905

(a) A facility that is operating in accordance with a permit 41906
renewal issued under division (H) of section 3734.05 of the 41907
Revised Code, a revision issued under division (I) of that section 41908
as it existed prior to August 20, 1996, or a modification issued 41909
by the director under division (I) of that section on and after 41910
August 20, 1996; 41911

(b) Except as provided in division (J) of section 3734.05 of 41912
the Revised Code, a facility that will operate or is operating in 41913
accordance with a permit by rule, or that is not subject to permit 41914
requirements, under rules adopted by the director. In accordance 41915
with Chapter 119. of the Revised Code, the director shall adopt, 41916
and subsequently may amend, suspend, or rescind, rules for the 41917
purposes of division (E)(3)(b) of this section. Any rules so 41918
adopted shall be consistent with and equivalent to regulations 41919
pertaining to interim status adopted under the "Resource 41920
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 41921
6921, as amended, except as otherwise provided in this chapter. 41922

If a modification is requested or proposed for a facility 41923

described in division (E)(3)(a) or (b) of this section, division 41924
(I)(7) of section 3734.05 of the Revised Code applies. 41925

(F) No person shall store, treat, or dispose of hazardous 41926
waste identified or listed under this chapter and rules adopted 41927
under it, regardless of whether generated on or off the premises 41928
where the waste is stored, treated, or disposed of, or transport 41929
or cause to be transported any hazardous waste identified or 41930
listed under this chapter and rules adopted under it to any other 41931
premises, except at or to any of the following: 41932

(1) A hazardous waste facility operating under a permit 41933
issued in accordance with this chapter; 41934

(2) A facility in another state operating under a license or 41935
permit issued in accordance with the "Resource Conservation and 41936
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 41937
amended; 41938

(3) A facility in another nation operating in accordance with 41939
the laws of that nation; 41940

(4) A facility holding a permit issued pursuant to Title I of 41941
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 41942
Stat. 1052, 33 U.S.C.A. 1401, as amended; 41943

(5) A hazardous waste facility as described in division 41944
(E)(3)(a) or (b) of this section. 41945

(G) The director, by order, may exempt any person generating, 41946
collecting, storing, treating, disposing of, or transporting solid 41947
wastes, infectious wastes, or hazardous waste, or processing solid 41948
wastes that consist of scrap tires, in such quantities or under 41949
such circumstances that, in the determination of the director, are 41950
unlikely to adversely affect the public health or safety or the 41951
environment from any requirement to obtain a registration 41952
certificate, permit, or license or comply with the manifest system 41953
or other requirements of this chapter. Such an exemption shall be 41954

consistent with and equivalent to any regulations adopted by the 41955
administrator of the United States environmental protection agency 41956
under the "Resource Conservation and Recovery Act of 1976," 90 41957
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 41958
provided in this chapter. 41959

(H) No person shall engage in filling, grading, excavating, 41960
building, drilling, or mining on land where a hazardous waste 41961
facility, or a solid waste facility, was operated without prior 41962
authorization from the director, who shall establish the procedure 41963
for granting such authorization by rules adopted in accordance 41964
with Chapter 119. of the Revised Code. 41965

A public utility that has main or distribution lines above or 41966
below the land surface located on an easement or right-of-way 41967
across land where a solid waste facility was operated may engage 41968
in any such activity within the easement or right-of-way without 41969
prior authorization from the director for purposes of performing 41970
emergency repair or emergency replacement of its lines; of the 41971
poles, towers, foundations, or other structures supporting or 41972
sustaining any such lines; or of the appurtenances to those 41973
structures, necessary to restore or maintain existing public 41974
utility service. A public utility may enter upon any such easement 41975
or right-of-way without prior authorization from the director for 41976
purposes of performing necessary or routine maintenance of those 41977
portions of its existing lines; of the existing poles, towers, 41978
foundations, or other structures sustaining or supporting its 41979
lines; or of the appurtenances to any such supporting or 41980
sustaining structure, located on or above the land surface on any 41981
such easement or right-of-way. Within twenty-four hours after 41982
commencing any such emergency repair, replacement, or maintenance 41983
work, the public utility shall notify the director or the 41984
director's authorized representative of those activities and shall 41985
provide such information regarding those activities as the 41986

director or the director's representative may request. Upon 41987
completion of the emergency repair, replacement, or maintenance 41988
activities, the public utility shall restore any land of the solid 41989
waste facility disturbed by those activities to the condition 41990
existing prior to the commencement of those activities. 41991

(I) No owner or operator of a hazardous waste facility, in 41992
the operation of the facility, shall cause, permit, or allow the 41993
emission therefrom of any particulate matter, dust, fumes, gas, 41994
mist, smoke, vapor, or odorous substance that, in the opinion of 41995
the director, unreasonably interferes with the comfortable 41996
enjoyment of life or property by persons living or working in the 41997
vicinity of the facility, or that is injurious to public health. 41998
Any such action is hereby declared to be a public nuisance. 41999

(J) Notwithstanding any other provision of this chapter, in 42000
the event the director finds an imminent and substantial danger to 42001
public health or safety or the environment that creates an 42002
emergency situation requiring the immediate treatment, storage, or 42003
disposal of hazardous waste, the director may issue a temporary 42004
emergency permit to allow the treatment, storage, or disposal of 42005
the hazardous waste at a facility that is not otherwise authorized 42006
by a hazardous waste facility installation and operation permit to 42007
treat, store, or dispose of the waste. The emergency permit shall 42008
not exceed ninety days in duration and shall not be renewed. The 42009
director shall adopt, and may amend, suspend, or rescind, rules in 42010
accordance with Chapter 119. of the Revised Code governing the 42011
issuance, modification, revocation, and denial of emergency 42012
permits. 42013

(K) Except for infectious wastes generated by a person who 42014
produces fewer than fifty pounds of infectious wastes at a 42015
premises during any one month, no owner or operator of a sanitary 42016
landfill shall knowingly accept for disposal, or dispose of, any 42017
infectious wastes that have not been treated to render them 42018

noninfectious. 42019

(L) The director, in accordance with Chapter 119. of the 42020
Revised Code, shall adopt, and may amend, suspend, or rescind, 42021
rules having uniform application throughout the state establishing 42022
a training and certification program that shall be required for 42023
employees of boards of health who are responsible for enforcing 42024
the solid waste and infectious waste provisions of this chapter 42025
and rules adopted under them and for persons who are responsible 42026
for the operation of solid waste facilities or infectious waste 42027
treatment facilities. The rules shall provide all of the 42028
following, without limitation: 42029

(1) The program shall be administered by the director and 42030
shall consist of a course on new solid waste and infectious waste 42031
technologies, enforcement procedures, and rules; 42032

(2) The course shall be offered on an annual basis; 42033

(3) Those persons who are required to take the course under 42034
division (L) of this section shall do so triennially; 42035

(4) Persons who successfully complete the course shall be 42036
certified by the director; 42037

(5) Certification shall be required for all employees of 42038
boards of health who are responsible for enforcing the solid waste 42039
or infectious waste provisions of this chapter and rules adopted 42040
under them and for all persons who are responsible for the 42041
operation of solid waste facilities or infectious waste treatment 42042
facilities; 42043

(6)(a) All employees of a board of health who, on the 42044
effective date of the rules adopted under this division, are 42045
responsible for enforcing the solid waste or infectious waste 42046
provisions of this chapter and the rules adopted under them shall 42047
complete the course and be certified by the director not later 42048
than January 1, 1995; 42049

(b) All employees of a board of health who, after the 42050
effective date of the rules adopted under division (L) of this 42051
section, become responsible for enforcing the solid waste or 42052
infectious waste provisions of this chapter and rules adopted 42053
under them and who do not hold a current and valid certification 42054
from the director at that time shall complete the course and be 42055
certified by the director within two years after becoming 42056
responsible for performing those activities. 42057

No person shall fail to obtain the certification required 42058
under this division. 42059

(M) The director shall not issue a permit under section 42060
3734.05 of the Revised Code to establish a solid waste facility, 42061
or to modify a solid waste facility operating on December 21, 42062
1988, in a manner that expands the disposal capacity or geographic 42063
area covered by the facility, that is or is to be located within 42064
the boundaries of a state park established or dedicated under 42065
Chapter 1541. of the Revised Code, a state park purchase area 42066
established under section 1541.02 of the Revised Code, any unit of 42067
the national park system, or any property that lies within the 42068
boundaries of a national park or recreation area, but that has not 42069
been acquired or is not administered by the secretary of the 42070
United States department of the interior, located in this state, 42071
or any candidate area located in this state and identified for 42072
potential inclusion in the national park system in the edition of 42073
the "national park system plan" submitted under paragraph (b) of 42074
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 42075
U.S.C.A. 1a-5, as amended, current at the time of filing of the 42076
application for the permit, unless the facility or proposed 42077
facility is or is to be used exclusively for the disposal of solid 42078
wastes generated within the park or recreation area and the 42079
director determines that the facility or proposed facility will 42080
not degrade any of the natural or cultural resources of the park 42081

or recreation area. The director shall not issue a variance under 42082
division (A) of this section and rules adopted under it, or issue 42083
an exemption order under division (G) of this section, that would 42084
authorize any such establishment or expansion of a solid waste 42085
facility within the boundaries of any such park or recreation 42086
area, state park purchase area, or candidate area, other than a 42087
solid waste facility exclusively for the disposal of solid wastes 42088
generated within the park or recreation area when the director 42089
determines that the facility will not degrade any of the natural 42090
or cultural resources of the park or recreation area. 42091

(N)(1) The rules adopted under division (A) of this section, 42092
other than those governing variances, do not apply to scrap tire 42093
collection, storage, monocell, monofill, and recovery facilities. 42094
Those facilities are subject to and governed by rules adopted 42095
under sections 3734.70 to 3734.73 of the Revised Code, as 42096
applicable. 42097

(2) Division (C) of this section does not apply to scrap tire 42098
collection, storage, monocell, monofill, and recovery facilities. 42099
The establishment and modification of those facilities are subject 42100
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 42101
Code, as applicable. 42102

(3) The director may adopt, amend, suspend, or rescind rules 42103
under division (A) of this section creating an alternative system 42104
for authorizing the establishment, operation, or modification of a 42105
solid waste compost facility in lieu of the requirement that a 42106
person seeking to establish, operate, or modify a solid waste 42107
compost facility apply for and receive a permit under division (C) 42108
of this section and section 3734.05 of the Revised Code and a 42109
license under division (A)(1) of that section. The rules may 42110
include requirements governing, without limitation, the 42111
classification of solid waste compost facilities, the submittal of 42112
operating records for solid waste compost facilities, and the 42113

creation of a registration or notification system in lieu of the 42114
issuance of permits and licenses for solid waste compost 42115
facilities. The rules shall specify the applicability of divisions 42116
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 42117
Code to a solid waste compost facility. 42118

(O)(1) As used in this division, "secondary aluminum waste" 42119
means waste material or byproducts, when disposed of, containing 42120
aluminum generated from secondary aluminum smelting operations and 42121
consisting of dross, salt cake, baghouse dust associated with 42122
aluminum recycling furnace operations, or dry-milled wastes. 42123

(2) The owner or operator of a sanitary landfill shall not 42124
dispose of municipal solid waste that has been commingled with 42125
secondary aluminum waste. 42126

(3) The owner or operator of a sanitary landfill may dispose 42127
of secondary aluminum waste, but only in a monocell or monofill 42128
that has been permitted for that purpose in accordance with this 42129
chapter and rules adopted under it. 42130

(P)(1) As used in divisions (P) and (Q) of this section: 42131

(a) "Natural background" means two picocuries per gram or the 42132
actual number of picocuries per gram as measured at an individual 42133
solid waste facility, subject to verification by the director of 42134
health. 42135

(b) "Drilling operation" includes a production operation as 42136
defined in section 1509.01 of the Revised Code. 42137

(2) The owner or operator of a solid waste facility shall not 42138
accept for transfer or disposal technologically enhanced naturally 42139
occurring radioactive material if that material contains or is 42140
contaminated with radium-226, radium-228, or any combination of 42141
radium-226 and radium-228 at concentrations equal to or greater 42142
than five picocuries per gram above natural background. 42143

(3) The owner or operator of a solid waste facility may 42144
receive and process for purposes other than transfer or disposal 42145
technologically enhanced naturally occurring radioactive material 42146
that contains or is contaminated with radium-226, radium-228, or 42147
any combination of radium-226 and radium-228 at concentrations 42148
equal to or greater than five picocuries per gram above natural 42149
background, provided that the owner or operator has obtained and 42150
maintains all other necessary authorizations, including any 42151
authorization required by rules adopted by the director of health 42152
under section 3748.04 of the Revised Code. 42153

(4) The director of environmental protection may adopt rules 42154
in accordance with Chapter 119. of the Revised Code governing the 42155
receipt, acceptance, processing, handling, management, and 42156
disposal by solid waste facilities of material that contains or is 42157
contaminated with radioactive material, including, without 42158
limitation, technologically enhanced naturally occurring 42159
radioactive material that contains or is contaminated with 42160
radium-226, radium-228, or any combination of radium-226 and 42161
radium-228 at concentrations less than five picocuries per gram 42162
above natural background. Rules adopted by the director may 42163
include at a minimum both of the following: 42164

(a) Requirements in accordance with which the owner or 42165
operator of a solid waste facility must monitor leachate and 42166
ground water for radium-226, radium-228, and other radionuclides; 42167

(b) Requirements in accordance with which the owner or 42168
operator of a solid waste facility must develop procedures to 42169
ensure that technologically enhanced naturally occurring 42170
radioactive material accepted at the facility neither contains nor 42171
is contaminated with radium-226, radium-228, or any combination of 42172
radium-226 and radium-228 at concentrations equal to or greater 42173
than five picocuries per gram above natural background. 42174

(Q) Notwithstanding any other provision of this section, the 42175

owner or operator of a solid waste facility shall not receive, 42176
accept, process, handle, manage, or dispose of technologically 42177
enhanced naturally occurring radioactive material associated with 42178
drilling operations without first obtaining representative 42179
analytical results to determine compliance with divisions (P)(2) 42180
and (3) of this section and rules adopted under it. 42181

Sec. 3734.021. (A) Infectious wastes shall be segregated, 42182
managed, treated, and disposed of in accordance with rules adopted 42183
under this section. 42184

(B) The director of environmental protection, in accordance 42185
with Chapter 119. of the Revised Code, shall adopt rules necessary 42186
or appropriate to protect human health or safety or the 42187
environment that do both of the following: 42188

(1) Establish standards for generators of infectious wastes 42189
that include, without limitation, the following requirements and 42190
authorizations that: 42191

(a) All generators of infectious wastes: 42192

(i) Either treat all specimen cultures and cultures of viable 42193
infectious agents on the premises where they are generated to 42194
render them noninfectious by methods, techniques, or practices 42195
prescribed by rules adopted under division (B)(2)(a) of this 42196
section before they are transported off that premises for disposal 42197
or ensure that such wastes are treated to render them 42198
noninfectious at an infectious waste treatment facility off that 42199
premises prior to disposal of the wastes; 42200

(ii) Transport and dispose of infectious wastes, if a 42201
generator produces fewer than fifty pounds of infectious wastes 42202
during any one month that are subject to and packaged and labeled 42203
in accordance with federal requirements, in the same manner as 42204
solid wastes. Such generators who treat specimen cultures and 42205

cultures of viable infectious agents on the premises where they 42206
are generated shall not be considered treatment facilities as 42207
"treatment" and "facility" are defined in section 3734.01 of the 42208
Revised Code. 42209

(iii) Dispose of infectious wastes subject to and treated in 42210
accordance with rules adopted under division (B)(1)(a)(i) of this 42211
section in the same manner as solid wastes; 42212

(iv) May take wastes generated in providing care to a patient 42213
by an emergency medical services organization, as defined in 42214
section 4765.01 of the Revised Code, to and leave them at a 42215
hospital, as defined in section 3727.01 of the Revised Code, for 42216
treatment at a treatment facility owned or operated by the 42217
hospital or, in conjunction with infectious wastes generated by 42218
the hospital, at another treatment facility regardless of whether 42219
the wastes were generated in providing care to the patient at the 42220
scene of an emergency or during the transportation of the patient 42221
to a hospital; 42222

(v) May take wastes generated by an individual for purposes 42223
of the individual's own care or treatment to and leave them at a 42224
hospital, as defined in section 3727.01 of the Revised Code, for 42225
treatment at a treatment facility owned or operated by the 42226
hospital or, in conjunction with infectious wastes generated by 42227
the hospital, at another treatment facility. 42228

(b) Each generator of fifty pounds or more of infectious 42229
wastes during any one month: 42230

(i) Register with the environmental protection agency as a 42231
generator of infectious wastes and obtain a registration 42232
certificate. The fee for issuance of a generator registration 42233
certificate is one hundred forty dollars payable at the time of 42234
application. The registration certificate applies to all the 42235
premises owned or operated by the generator in this state where 42236

infectious wastes are generated and shall list the address of each 42237
such premises. If a generator owns or operates facilities for the 42238
treatment of infectious wastes it generates, the certificate shall 42239
list the address and method of treatment used at each such 42240
facility. 42241

A generator registration certificate is valid for three years 42242
from the date of issuance and shall be renewed for a term of three 42243
years upon the generator's submission of an application for 42244
renewal and payment of a one hundred forty dollar renewal fee. 42245

The rules may establish a system of staggered renewal dates 42246
with approximately one-third of such certificates subject to 42247
renewal each year. The applicable renewal date shall be prescribed 42248
on each registration certificate. Registration fees shall be 42249
prorated according to the time remaining in the registration cycle 42250
to the nearest year. 42251

The registration and renewal fees collected under division 42252
(B)(1)(b)(i) of this section shall be ~~credited~~ deposited in the 42253
state treasury to the ~~infectious wastes management credit of the~~ 42254
waste management fund, hereby created in the state treasury 42255
section 3734.061 of the Revised Code. 42256

(ii) Segregate infectious wastes from other wastes at the 42257
point of generation. Nothing in this section and rules adopted 42258
under it prohibits a generator of infectious wastes from 42259
designating and managing any wastes, in addition to those defined 42260
as infectious wastes under section 3734.01 of the Revised Code, as 42261
infectious wastes. After designating any such other wastes as 42262
infectious, the generator shall manage those wastes in compliance 42263
with the requirements of this chapter and rules adopted under it 42264
applicable to the management of infectious wastes. 42265

(iii) Either treat the infectious wastes that it generates at 42266
a facility owned or operated by the generator by methods, 42267

techniques, or practices prescribed by rules adopted under 42268
division (B)(2)(a) of this section to render them noninfectious, 42269
or designate the wastes for treatment off that premises at an 42270
infectious waste treatment facility holding a license issued under 42271
division (B) of section 3734.05 of the Revised Code, at an 42272
infectious waste treatment facility that is located in another 42273
state that is in compliance with applicable state and federal 42274
laws, or at a treatment facility authorized by rules adopted under 42275
division (B)(2)(d) of this section, prior to disposal of the 42276
wastes. After being treated to render them noninfectious, the 42277
wastes shall be disposed of at a solid waste disposal facility 42278
holding a license issued under division (A) of section 3734.05 of 42279
the Revised Code or at a disposal facility in another state that 42280
is in compliance with applicable state and federal laws. 42281

(iv) Not compact or grind any type of infectious wastes prior 42282
to treatment in accordance with rules adopted under division 42283
(B)(2)(a) of this section; 42284

(v) May discharge untreated liquid or semiliquid infectious 42285
wastes consisting of blood, blood products, body fluids, and 42286
excreta into a disposal system, as defined in section 6111.01 of 42287
the Revised Code, unless the discharge of those wastes into a 42288
disposal system is inconsistent with the terms and conditions of 42289
the permit for the system issued under Chapter 6111. of the 42290
Revised Code; 42291

(vi) May transport or cause to be transported infectious 42292
wastes that have been treated to render them noninfectious in the 42293
same manner as solid wastes are transported. 42294

(2) Establish standards for owners and operators of 42295
infectious waste treatment facilities that include, without 42296
limitation, the following requirements and authorizations that: 42297

(a) Require treatment of all wastes received to be performed 42298

in accordance with methods, techniques, and practices approved by 42299
the director; 42300

(b) Govern the location, design, construction, and operation 42301
of infectious waste treatment facilities. The rules adopted under 42302
division (B)(2)(b) of this section shall require that a new 42303
infectious waste incineration facility be located so that the 42304
incinerator unit and all areas where infectious wastes are handled 42305
on the premises where the facility is proposed to be located are 42306
at least three hundred feet inside the property line of the tract 42307
of land on which the facility is proposed to be located and are at 42308
least one thousand feet from any domicile, school, prison, or jail 42309
that is in existence on the date on which the application for the 42310
permit to establish the incinerator is submitted under division 42311
(B)(2)(b) of section 3734.05 of the Revised Code. 42312

(c) Establish quality control and testing procedures to 42313
ensure compliance with the rules adopted under division (B)(2)(b) 42314
of this section; 42315

(d) Authorize infectious wastes to be treated at a facility 42316
that holds a license or renewal of a license to operate a 42317
crematory facility issued under Chapter 4717., and a permit issued 42318
under Chapter 3704., of the Revised Code to the extent that the 42319
treatment of those wastes is consistent with that permit and its 42320
terms and conditions. The rules adopted under divisions (B)(2)(b) 42321
and (c) of this section do not apply to a facility holding such a 42322
license and permit. 42323

In adopting the rules required by divisions (B)(2)(a) to (d) 42324
of this section, the director shall consider and, to the maximum 42325
feasible extent, utilize existing standards and guidelines 42326
established by professional and governmental organizations having 42327
expertise in the fields of infection control and infectious wastes 42328
management. 42329

(e) Require shipping papers to accompany shipments of wastes 42330
that have been treated to render them noninfectious. The shipping 42331
papers shall include only the following elements: 42332

(i) The name of the owner or operator of the facility where 42333
the wastes were treated and the address of the treatment facility; 42334
42335

(ii) A certification by the owner or operator of the 42336
treatment facility where the wastes were treated indicating that 42337
the wastes have been treated by the methods, techniques, and 42338
practices prescribed in rules adopted under division (B)(2)(a) of 42339
this section. 42340

(C) This section and rules adopted under it do not apply to 42341
the treatment or disposal of wastes consisting of dead animals or 42342
parts thereof, or the blood of animals: 42343

(1) By the owner of the animal after slaughter by the owner 42344
on the owner's premises to obtain meat for consumption by the 42345
owner and the members of the owner's household; 42346

(2) In accordance with Chapter 941. of the Revised Code; or 42347

(3) By persons who are subject to any of the following: 42348

(a) Inspection under the "Federal Meat Inspection Act," 81 42349
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 42350

(b) Chapter 918. of the Revised Code; 42351

(c) Chapter 953. of the Revised Code. 42352

(D) As used in this section, "generator" means a person who 42353
produces infectious wastes at a specific premises. 42354

(E) Rules adopted under this section shall not concern or 42355
relate to personnel policies, salaries, wages, fringe benefits, or 42356
other conditions of employment of employees of persons owning or 42357
operating infectious waste treatment facilities. 42358

(F)(1) The director, in accordance with Chapter 119. of the 42359
Revised Code, shall adopt rules governing the issuance, 42360
modification, revocation, suspension, and denial of variances from 42361
the rules adopted under division (B) of this section. Variances 42362
shall be issued, modified, revoked, suspended, or denied in 42363
accordance with division (F) of this section, rules adopted under 42364
it, and Chapter 3745. of the Revised Code. 42365

(2) A person who desires to obtain a variance or renew a 42366
variance from the rules adopted under division (B) of this section 42367
shall submit to the director an application as prescribed by the 42368
director. The application shall contain detail plans, 42369
specifications, and information regarding objectives, procedures, 42370
controls, and any other information that the director may require. 42371
The director shall issue, renew, or deny a variance or renewal of 42372
a variance within six months of the date on which the director 42373
receives a complete application with all required information and 42374
data. 42375

(3) The director may hold a public hearing on an application 42376
submitted under division (F) of this section for a variance at a 42377
location in the county in which the operations that are the 42378
subject of the application for a variance or renewal of variance 42379
are conducted. Not less than twenty days before the hearing, the 42380
director shall provide to the applicant notice of the hearing by 42381
certified mail or by another type of mail that is accompanied by a 42382
receipt and shall publish notice of the hearing at least one time 42383
in a newspaper of general circulation in the county in which the 42384
hearing is to be held. The director shall make a complete 42385
stenographic record of testimony and other evidence submitted at 42386
the hearing. Not later than ten days after the hearing, the 42387
director shall make a written determination to issue, renew, or 42388
deny the variance and shall enter the determination and the basis 42389
for it into the record of the hearing. 42390

(4) A variance shall not be issued, modified, revoked, or 42391
denied under division (F) of this section until the director has 42392
considered the relative interests of the applicant, other persons 42393
and property that will be affected by the variance, and the 42394
general public. The director shall grant a variance only if the 42395
applicant demonstrates to the director's satisfaction that the 42396
requested action will not create a nuisance or a hazard to the 42397
health or safety of the public or to the environment. In granting 42398
a variance, the director shall state the specific provision or 42399
provisions whose terms are to be varied and also shall state 42400
specific terms or conditions imposed on the applicant in place of 42401
the provision or provisions. 42402

(5) A variance granted under division (F) of this section 42403
shall be for a period specified by the director and may be renewed 42404
from time to time on terms and for periods that the director 42405
determines to be appropriate. The director may order the person to 42406
whom a variance has been issued to take action within the time 42407
that the director determines to be appropriate and reasonable to 42408
prevent the creation of a nuisance or a hazard to the health or 42409
safety of the public or to the environment. 42410

(6) An application submitted under division (F) of this 42411
section shall not be denied and a variance shall not be revoked or 42412
modified under that division without a written order of the 42413
director stating the findings on which the denial, revocation, or 42414
modification is based. A copy of the order shall be sent to the 42415
applicant or holder of a variance by certified mail or by another 42416
type of mail that is accompanied by a receipt. 42417

(7) The director shall make available for public inspection 42418
at the principal office of the environmental protection agency a 42419
current list of pending applications for variances submitted under 42420
division (F) of this section and a current schedule of pending 42421
variance hearings under it. 42422

Sec. 3734.061. (A) There is hereby created in the state 42423
treasury the waste management fund. The fund shall consist of 42424
money credited to it under division (C)(4) of section 3714.051, 42425
divisions (A)(4) and (B) of section 3714.07, division (D) of 42426
section 3714.08, division (B)(4) of section 3714.09, division (B) 42427
of section 3734.021, division (D)(4) of section 3734.07, division 42428
(B) of section 3734.551, and division (A)(2) of section 3734.57 of 42429
the Revised Code. 42430

(B) The director of environmental protection shall use money 42431
in the fund as follows: 42432

(1) Money credited to the fund under division (C)(4) of 42433
section 3714.051, divisions (A)(4) and (B) of section 3714.07, 42434
division (D) of section 3714.08, and division (B)(4) of section 42435
3714.09 of the Revised Code exclusively for the administration and 42436
enforcement of Chapter 3714. of the Revised Code and rules adopted 42437
under it; 42438

(2) Money credited to the fund under division (B) of section 42439
3734.551 and division (A)(2) of section 3734.57 of the Revised 42440
Code exclusively to pay the costs of administering and enforcing 42441
the laws pertaining to solid wastes, infectious wastes, and 42442
construction and demolition debris, including ground water 42443
evaluations related to solid wastes, infectious wastes, and 42444
construction and demolition debris, under this chapter and Chapter 42445
3714. of the Revised Code and any rules adopted under those 42446
chapters and addressing violations of Chapters 3704. and 6111. of 42447
the Revised Code at facilities; 42448

(3) Money credited to the fund under division (B) of section 42449
3734.021 and division (D)(4) of section 3734.07 of the Revised 42450
Code exclusively for the administration and enforcement of the 42451
provisions of this chapter governing the management of infectious 42452
wastes and rules adopted under them. 42453

Sec. 3734.07. (A) Before a license is initially issued and 42454
annually thereafter, or more often if necessary, the board of 42455
health shall cause each solid waste facility and infectious waste 42456
treatment facility to be inspected and a record to be made of each 42457
inspection and shall require each solid waste facility and 42458
infectious waste treatment facility in the health district to be 42459
in substantial compliance with this chapter and the rules adopted 42460
under it. 42461

(B) Within thirty days after the issuance of a license, the 42462
board of health shall certify to the director of environmental 42463
protection that the solid waste facility or infectious waste 42464
treatment facility has been inspected and is in substantial 42465
compliance with this chapter and the rules adopted under it. Each 42466
board of health shall provide the director with such other 42467
information as he may require from time to time. 42468

(C) The board of health or its authorized representative and 42469
the director or ~~his~~ the director's authorized representative, upon 42470
proper identification and upon stating the purpose and necessity 42471
of an inspection, may enter at reasonable times upon any private 42472
or public property, real or personal, to inspect or investigate, 42473
obtain samples, and examine or copy any records to determine 42474
compliance with this chapter and the rules adopted under it. The 42475
board of health or its authorized representative or the director 42476
or ~~his~~ the director's authorized representative may apply for, and 42477
any judge of a court of record may issue, an appropriate search 42478
warrant necessary to achieve the purposes of this chapter and the 42479
rules adopted under it within the court's territorial 42480
jurisdiction. If entry is refused or inspection or investigation 42481
is refused, hindered, or thwarted, the board of health may suspend 42482
or revoke the operating license of the solid waste facility or 42483
infectious waste treatment facility that refused entry, or the 42484
director may suspend or revoke the license or permit of the solid 42485

waste facility, hazardous waste facility, or infectious waste 42486
treatment facility that refused entry. 42487

(D) If the entry authorized by division (C) of this section 42488
is refused or if the inspection or investigation so authorized is 42489
refused, hindered, or thwarted by intimidation or otherwise and 42490
the director, board of health, or authorized representative of 42491
either applies for and obtains a search warrant under division (C) 42492
of this section to conduct the inspection or investigation, the 42493
owner or operator of the premises where entry was refused or 42494
inspection or investigation was refused, hindered, or thwarted is 42495
liable to the director or board of health for the reasonable costs 42496
incurred by either for the regular salaries and fringe benefit 42497
costs of personnel assigned to conduct the inspection or 42498
investigation from the time the entry, inspection, or 42499
investigation was refused, hindered, or thwarted until the search 42500
warrant is executed; for the salary, fringe benefits, and travel 42501
expenses of the attorney general, prosecuting attorney of the 42502
county, or city director of law, or an authorized assistant, 42503
incurred in obtaining the search warrant; and for expenses 42504
necessarily incurred for the assistance of local law enforcement 42505
officers in executing the search warrant. In the application for 42506
the search warrant, the director or board of health may request 42507
and the court, in its order granting the search warrant, may order 42508
the owner or operator of the premises to reimburse the director or 42509
board of health for such of those costs as the court finds 42510
reasonable. ~~From~~ 42511

From moneys recovered under this division, the director shall 42512
reimburse the attorney general for the costs incurred by ~~him~~ the 42513
attorney general or ~~his~~ the attorney general's authorized 42514
assistant in connection with proceedings for obtaining the search 42515
warrant; shall reimburse the political subdivision in which the 42516
premises is located for the assistance of its law enforcement 42517

officers in executing the search warrant; and shall deposit the 42518
remainder of any such moneys to the credit of the following, as 42519
applicable: 42520

(1) The hazardous waste facility management fund created in 42521
section 3734.18 of the Revised Code if the inspection or 42522
investigation pertained to compliance with the hazardous waste 42523
provisions of this chapter or a rule, order, or term or condition 42524
of a permit adopted or issued under them or with a rule adopted 42525
under section 3734.121 of the Revised Code ~~to the credit of the~~ 42526

(2) The general revenue fund if the inspection or 42527
investigation pertained to compliance with the solid waste 42528
provisions of this chapter or rules, orders, or terms and 42529
conditions of a permit, license, or variance adopted or issued 42530
under them, other than the provisions governing solid wastes that 42531
consist of scrap tires; ~~to the credit of the~~ 42532

(3) The scrap tire management fund created in section 3734.82 42533
of the Revised Code if the inspection or investigation pertained 42534
to compliance with the provisions of this chapter governing solid 42535
wastes that consist of scrap tires or rules, orders, or terms and 42536
conditions of a permit, license, or variance adopted or issued 42537
under them; ~~or to the credit of the infectious~~ 42538

(4) The waste management fund created in section ~~3734.021~~ 42539
3734.061 of the Revised Code if the inspection or investigation 42540
pertained to compliance with the infectious waste provisions of 42541
this chapter or rules, orders, or terms and conditions of a permit 42542
or license issued under them. ~~From~~ 42543

From moneys recovered under this division, the board of 42544
health shall reimburse the prosecuting attorney of the county or 42545
city director of law for the costs incurred by ~~him~~ the prosecuting 42546
attorney or city director of law or an authorized assistant in 42547
connection with proceedings for obtaining the search warrant; 42548

shall reimburse the political subdivision in which the premises is 42549
located for the assistance of its law enforcement officers in 42550
executing the search warrant; and shall deposit the remainder of 42551
any such moneys to the special infectious waste fund of the health 42552
district created under division (C) of section 3734.06 of the 42553
Revised Code if the inspection or investigation pertained to 42554
compliance with the infectious waste provisions of this chapter or 42555
rules, orders, or terms and conditions of a permit or license 42556
issued under them; to the credit of the special fund of the health 42557
district created under division (B) of section 3734.06 of the 42558
Revised Code if the inspection or investigation pertained to 42559
compliance with the solid waste provisions of this chapter or 42560
rules, orders, or terms and conditions of a permit, license, or 42561
variance adopted or issued under them, other than the provisions 42562
governing solid wastes that consist of scrap tires; or to the 42563
credit of the special fund of the health district created under 42564
division (F) of section 3734.82 of the Revised Code if the 42565
inspection or investigation pertained to compliance with the 42566
provisions of this chapter governing solid wastes that consist of 42567
scrap tires or rules, orders, or terms and conditions of a permit, 42568
license, or variance adopted or issued under them. 42569

Sec. 3734.49. (A) There is hereby created within the 42570
environmental protection agency the materials management advisory 42571
council consisting of the following eleven members who shall be 42572
appointed by the governor with the advice and consent of the 42573
senate: 42574

(1) One member who is an employee of a health district whose 42575
duties include enforcement of the solid waste provisions of this 42576
chapter; 42577

(2) One member representing the interests of counties; 42578

(3) One member representing the interests of municipal 42579

| | |
|---|---|
| <u>corporations;</u> | 42580 |
| <u>(4) One member representing the interests of townships;</u> | 42581 |
| <u>(5) One member representing the interests of solid waste management districts;</u> | 42582 42583 |
| <u>(6) One member representing a statewide environmental advocacy organization;</u> | 42584 42585 |
| <u>(7) One member representing the public;</u> | 42586 |
| <u>(8) Four members with knowledge of or experience in waste management, recycling, or litter prevention programs. Those members also shall represent a broad range of interests, including manufacturing, wholesale, retail, labor, raw materials, commercial recycling, and solid waste management.</u> | 42587 42588 42589 42590 42591 |
| <u>(B)(1) The governor shall make initial appointments to the advisory council not later than forty-five days after the effective date of this section.</u> | 42592 42593 42594 |
| <u>(2) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2016:</u> | 42595 42596 |
| <u>(a) The member representing the interests of counties;</u> | 42597 |
| <u>(b) The member representing the interests of solid waste management districts;</u> | 42598 42599 |
| <u>(c) Two of the members with knowledge of or experience in waste management, recycling, or litter prevention programs.</u> | 42600 42601 |
| <u>(3) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2017:</u> | 42602 42603 |
| <u>(a) The member who is an employee of a health district whose duties include enforcement of the solid waste provisions of this chapter;</u> | 42604 42605 42606 |
| <u>(b) The member representing the interests of municipal corporations;</u> | 42607 42608 |

(c) Two of the members with knowledge of or experience in 42609
waste management, recycling, or litter prevention programs. 42610

(4) The following initial members of the advisory council 42611
each shall be appointed for a term ending July 1, 2018: 42612

(a) The member representing the interests of townships; 42613

(b) The member representing a statewide environmental 42614
advocacy organization; 42615

(c) The member representing the public. 42616

Thereafter, terms of office shall be for three years. Each 42617
member shall hold office from the date of the member's appointment 42618
until the end of the term for which the member was appointed. In 42619
the event of death, removal, resignation, or incapacity of a 42620
member, the governor, with the advice and consent of the senate, 42621
shall appoint a successor who shall hold office for the remainder 42622
of the term for which the successor's predecessor was appointed. A 42623
member shall continue in office subsequent to the expiration date 42624
of the member's term until the member's successor takes office or 42625
until a period of sixty days has elapsed, whichever occurs first. 42626
Members may be reappointed. The governor at any time may remove a 42627
member for misfeasance, nonfeasance, or malfeasance in office. 42628

(C) The advisory council shall hold at least two meetings 42629
each year. Special meetings may be held at the request of the 42630
chairperson or a majority of the members. The director of 42631
environmental protection shall select from among the advisory 42632
council's members a chairperson. The advisory council annually 42633
shall select from among its members a vice-chairperson and a 42634
secretary to keep a record of its proceedings. Not later than two 42635
hundred days after the selection of the first chairperson of the 42636
advisory council, the advisory council shall adopt bylaws 42637
governing its procedural operations. A majority vote of the 42638
members of the advisory council is necessary to take action on any 42639

matter. 42640

(D) Membership on the advisory council does not constitute 42641
holding a public office or position of employment under the laws 42642
of this state and does not constitute grounds for removal of 42643
public officers or employees from their offices or positions of 42644
employment. 42645

(E) A member of the advisory council shall serve without 42646
compensation for attending advisory council meetings, but shall be 42647
reimbursed for all ordinary and necessary expenses incurred in the 42648
performance of duties as a member. 42649

(F) The advisory council shall do all of the following: 42650

(1) Advise and assist the director with preparation of the 42651
state solid waste management plan and periodic revisions to the 42652
plan under section 3734.50 of the Revised Code; 42653

(2) Approve or disapprove the draft state solid waste 42654
management plan and periodic revisions prior to adoption of the 42655
plan under section 3734.50 of the Revised Code; 42656

(3) Annually review implementation of the state solid waste 42657
management plan; 42658

(4) Prepare and submit an annual report to the general 42659
assembly on the state's solid waste management system and efforts 42660
towards achieving the goals, restrictions, and objectives 42661
established under divisions (A) to (C) of section 3734.50 of the 42662
Revised Code. The report may recommend legislative action. 42663

(5) Triennially advise the director in conducting a review of 42664
the progress made toward achieving the objectives, restrictions, 42665
and goals established under divisions (A) to (C) of section 42666
3734.50 of the Revised Code; 42667

(6) With the approval of the director, establish criteria by 42668
which to certify, and certify, agencies of the state and political 42669

subdivisions for receipt of grants for activities or projects that 42670
are intended to accomplish the purposes of any of the programs 42671
established under section 3736.02 or 3736.05 of the Revised Code; 42672

(7) Advise the director on establishing and implementing 42673
statewide source reduction, recycling, recycling market 42674
development, and litter prevention programs; 42675

(8) Research and respond to questions posed to the advisory 42676
council by the director; 42677

(9) Establish and develop formal and informal partnerships 42678
with other entities that foster a productive marketplace for the 42679
collection and use of recycled materials. 42680

Sec. 3734.50. The director of environmental protection, with 42681
the advice of the ~~solid waste~~ materials management advisory 42682
council created in section ~~3734.51~~ 3734.49 of the Revised Code, 42683
shall prepare a state solid waste management plan to do all of the 42684
following: 42685

(A) Reduce reliance on the use of landfills for management of 42686
solid wastes; 42687

(B) Establish objectives for solid waste reduction, 42688
recycling, reuse, and minimization and a schedule for implementing 42689
those objectives; 42690

(C) Establish restrictions on the types of solid wastes 42691
disposed of by landfilling for which alternative management 42692
methods are available, such as yard wastes, and a schedule for 42693
implementing those restrictions. The objectives under division (B) 42694
of this section and restrictions under this division need not be 42695
of uniform application throughout the state or as to categories of 42696
solid waste generators. Rather, in establishing those objectives 42697
and restrictions, the director shall take into consideration the 42698
feasibility of waste reduction, recycling, reuse, and minimization 42699

measures and landfilling restrictions in urban, suburban, and 42700
rural areas and also shall take into consideration the extent to 42701
which those measures have been implemented by specific categories 42702
of solid waste generators and political subdivisions prior to June 42703
24, 1988. 42704

(D) Establish revised general criteria for the location of 42705
solid waste facilities; 42706

(E) Examine alternative methods for disposal of fly ash and 42707
bottom ash resulting from the burning of mixed municipal solid 42708
wastes; 42709

(F) Establish a statewide strategy for managing scrap tires, 42710
which shall include identification of locations within the state 42711
that qualify as scrap tire facilities and accumulations. In 42712
developing the strategy, the director shall examine the 42713
feasibility of recycling or recovering materials or energy from 42714
scrap tires and landfilling scrap tires in abandoned coal strip 42715
mines as well as other methods for managing scrap tires. 42716

(G) Establish a strategy that contains specific 42717
recommendations for legislative and administrative action to 42718
promote markets for products containing recycled materials 42719
generally and for promoting the use by state government of 42720
products containing recycled materials; 42721

(H) Establish a program for the proper separation and 42722
disposal of hazardous waste generated by households. 42723

The director shall adopt the state solid waste management 42724
plan within one year after June 24, 1988. After completion of a 42725
draft plan, the director shall hold a public hearing on the draft 42726
plan at each of five different locations within the state. After 42727
receiving public comments on the draft plan, the director may make 42728
such revisions to it as ~~he~~ the director considers appropriate 42729
based on the comments received and shall submit the draft plan 42730

with any revisions to the advisory council for approval. If the 42731
advisory council approves the draft plan, the director shall adopt 42732
it as the state solid waste management plan. If the advisory 42733
council disapproves the draft plan, the director, with the advice 42734
of the advisory council, shall prepare a new draft plan and 42735
proceed in the same manner as for the initial draft plan to hold 42736
hearings on, revise, and submit the new draft plan to the advisory 42737
council for approval, and adopt the new draft plan. 42738

Not later than one year after adoption of the plan, the 42739
director shall adopt rules in accordance with Chapter 119. of the 42740
Revised Code establishing the objectives and restrictions of the 42741
state plan, and schedules for implementing them, under divisions 42742
(B) and (C) of this section as mandatory elements of the solid 42743
waste management plans of county and joint solid waste management 42744
districts under division (A) of section 3734.53 of the Revised 42745
Code. Within one year after adoption of the plan, the director 42746
shall adopt rules in accordance with Chapter 119. of the Revised 42747
Code, which rules are hereby deemed to constitute rules adopted 42748
under division (A) of section 3734.02 of the Revised Code, 42749
establishing revised general location criteria for solid waste 42750
facilities, other than solid waste transfer facilities, and 42751
standards for the disposal of fly ash and bottom ash resulting 42752
from the burning of mixed municipal solid waste. 42753

Triennially the director, with the advice of the advisory 42754
council, shall conduct a thorough review of the progress made 42755
toward achieving the goals set forth in divisions (A) to (H) of 42756
this section. Based upon the findings of ~~his~~ the review, the 42757
director, in accordance with the procedures of this section, may 42758
prepare and adopt a revised state solid waste management plan. If 42759
the revised plan modifies any of the objectives, restrictions, or 42760
implementation schedules established under division (B) or (C) of 42761
this section, the director, not later than one year after adoption 42762

of the revised plan, shall amend the existing rules adopted under 42763
this section in a manner consistent with those revisions. 42764

If any revision to the plan or enactment or amendment of a 42765
statute by the general assembly that takes effect on or after 42766
April 16, 1993, establishes a restriction on the landfilling or 42767
burning or other thermal processing in an incinerator or energy 42768
recovery facility of any type of solid waste with mixed municipal 42769
solid waste, or prescribes for a type of solid waste a management 42770
method alternative to landfilling or thermal processing with mixed 42771
municipal solid waste, the estimated reduction in the quantity of 42772
solid wastes being disposed of by landfilling or thermal 42773
processing that results from the implementation of the restriction 42774
or alternative management method within a county or joint solid 42775
waste management district constitutes a reduction in solid waste 42776
generation within the district for purposes of determining the 42777
district's compliance with the waste reduction objective 42778
established under division (C) of this section and any revisions 42779
thereof and the rules and amendments thereto adopted under this 42780
section to implement that objective. 42781

Sec. 3734.551. (A) The board of county commissioners of a 42782
county or board of directors of a joint solid waste management 42783
district that is ordered to implement an initial or amended solid 42784
waste management plan prepared by the director of environmental 42785
protection under section 3734.521, 3734.55, or 3734.56 of the 42786
Revised Code and that is levying fees under division (A) or (B) of 42787
section 3734.574 of the Revised Code shall reimburse the director 42788
from moneys in the special fund of the district created in 42789
division (G) of section 3734.57 of the Revised Code for the 42790
expenses incurred by the director in preparing and ordering the 42791
implementation of the plan or amended plan for all of the 42792
following purposes, as applicable: 42793

| | |
|---|--|
| (1) Postage; | 42794 |
| (2) Copying and duplicating; | 42795 |
| (3) Notices published in newspapers; | 42796 |
| (4) A court reporter to record testimony at public hearings and transcribe the record of those hearings; | 42797 42798 |
| (5) Facility rental for holding public information sessions or public hearings; | 42799 42800 |
| (6) Conducting a survey of industrial solid waste generators within the district and other primary data collection activities when the necessary data are not available from the district, including, without limitation, the costs of conducting the survey or data collection by contract; | 42801 42802 42803 42804 42805 |
| (7) Fuel, meals, and lodging for the staff of the environmental protection agency when travel to the district is necessary to conduct data collection and other plan preparation activities; | 42806 42807 42808 42809 |
| (8) Necessary long-distance telephone calls. | 42810 |
| (B) Upon ordering a district to implement a plan or amended plan under section 3734.521, 3734.55, or 3734.56 of the Revised Code, the director shall send to the board of county commissioners or directors an itemized demand for the expenses enumerated in division (A) of this section that were incurred by the director in preparing and ordering the implementation of the plan or amended plan. The board of county commissioners or directors shall pay to the director the amount stated in the demand within sixty days after receiving it. Moneys received by the director under this division shall be deposited in the state treasury to the credit of the solid waste <u>management</u> fund created in division (A) of section 3734.57 <u>3734.061</u> of the Revised Code. | 42811 42812 42813 42814 42815 42816 42817 42818 42819 42820 42821 42822 |
| Sec. 3734.57. (A) The following fees are hereby levied on the | 42823 |

transfer or disposal of solid wastes in this state: 42824

(1) ~~One-dollar~~ Ninety cents per ton through June 30, ~~2016~~ 42825
2018, ~~thirty per cent~~ twenty cents of the proceeds of which shall 42826
be deposited in the state treasury to the credit of the hazardous 42827
waste facility management fund created in section 3734.18 of the 42828
Revised Code and ~~seventy per cent~~ cents of the proceeds of which 42829
shall be deposited in the state treasury to the credit of the 42830
hazardous waste clean-up fund created in section 3734.28 of the 42831
Revised Code; 42832

(2) An additional ~~one-dollar~~ seventy-five cents per ton 42833
through June 30, ~~2016~~ 2018, the proceeds of which shall be 42834
deposited in the state treasury to the credit of the ~~solid waste~~ 42835
management fund, ~~which is hereby~~ created in section 3734.061 of 42836
the Revised Code. ~~The environmental protection agency shall use~~ 42837
~~money in the solid waste fund to pay the costs of administering~~ 42838
~~and enforcing the laws pertaining to solid wastes, infectious~~ 42839
~~wastes, and construction and demolition debris, including, without~~ 42840
~~limitation, ground water evaluations related to solid wastes,~~ 42841
~~infectious wastes, and construction and demolition debris, under~~ 42842
~~this chapter and Chapter 3714. of the Revised Code and any rules~~ 42843
~~adopted under them, providing compliance assistance to small~~ 42844
~~businesses, and paying a share of the administrative costs of the~~ 42845
~~environmental protection agency pursuant to section 3745.014 of~~ 42846
~~the Revised Code.~~ 42847

(3) An additional two dollars and ~~fifty~~ eighty-five cents per 42848
ton through June 30, ~~2016~~ 2018, the proceeds of which shall be 42849
deposited in the state treasury to the credit of the environmental 42850
protection fund created in section 3745.015 of the Revised Code; 42851

(4) An additional twenty-five cents per ton through June 30, 42852
~~2016~~ 2018, the proceeds of which shall be deposited in the state 42853
treasury to the credit of the soil and water conservation district 42854
assistance fund created in section 1515.14 of the Revised Code. 42855

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes received from transfer facilities located in this state during that month for which the fees were required to be collected by the

transfer facilities. The monthly returns shall be filed on a form 42889
prescribed by the director. Not later than thirty days after the 42890
last day of the month to which a return applies, the owner or 42891
operator shall mail to the director the return for that month 42892
together with the fees required to be collected under this 42893
division during that month as indicated on the return or may 42894
submit the return and fees electronically in a manner approved by 42895
the director. If the return is filed and the amount of the fees 42896
due is paid in a timely manner as required in this division, the 42897
owner or operator may retain a discount of three-fourths of one 42898
per cent of the total amount of the fees that are required to be 42899
paid as indicated on the return. 42900

The owner or operator may request an extension of not more 42901
than thirty days for filing the return and remitting the fees, 42902
provided that the owner or operator has submitted such a request 42903
in writing to the director together with a detailed description of 42904
why the extension is requested, the director has received the 42905
request not later than the day on which the return is required to 42906
be filed, and the director has approved the request. If the fees 42907
are not remitted within thirty days after the last day of the 42908
month to which the return applies or are not remitted by the last 42909
day of an extension approved by the director, the owner or 42910
operator shall not retain the three-fourths of one per cent 42911
discount and shall pay an additional ten per cent of the amount of 42912
the fees for each month that they are late. For purposes of 42913
calculating the late fee, the first month in which fees are late 42914
begins on the first day after the deadline has passed for timely 42915
submitting the return and fees, and one additional month shall be 42916
counted every thirty days thereafter. 42917

The owner or operator of a solid waste facility may request a 42918
refund or credit of fees levied under this division and remitted 42919
to the director that have not been paid to the owner or operator. 42920

Such a request shall be made only if the fees have not been 42921
collected by the owner or operator, have become a debt that has 42922
become worthless or uncollectable for a period of six months or 42923
more, and may be claimed as a deduction, including a deduction 42924
claimed if the owner or operator keeps accounts on an accrual 42925
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 42926
U.S.C. 166, as amended, and regulations adopted under it. Prior to 42927
making a request for a refund or credit, an owner or operator 42928
shall make reasonable efforts to collect the applicable fees. A 42929
request for a refund or credit shall not include any costs 42930
resulting from those efforts to collect unpaid fees. 42931

A request for a refund or credit of fees shall be made in 42932
writing, on a form prescribed by the director, and shall be 42933
supported by evidence that may be required in rules adopted by the 42934
director under this chapter. After reviewing the request, and if 42935
the request and evidence submitted with the request indicate that 42936
a refund or credit is warranted, the director shall grant a refund 42937
to the owner or operator or shall permit a credit to be taken by 42938
the owner or operator on a subsequent monthly return submitted by 42939
the owner or operator. The amount of a refund or credit shall not 42940
exceed an amount that is equal to ninety days' worth of fees owed 42941
to an owner or operator by a particular debtor of the owner or 42942
operator. A refund or credit shall not be granted by the director 42943
to an owner or operator more than once in any twelve-month period 42944
for fees owed to the owner or operator by a particular debtor. 42945

If, after receiving a refund or credit from the director, an 42946
owner or operator receives payment of all or part of the fees, the 42947
owner or operator shall remit the fees with the next monthly 42948
return submitted to the director together with a written 42949
explanation of the reason for the submittal. 42950

For purposes of computing the fees levied under this division 42951
or division (B) of this section, any solid waste transfer or 42952

disposal facility that does not use scales as a means of 42953
determining gate receipts shall use a conversion factor of three 42954
cubic yards per ton of solid waste or one cubic yard per ton for 42955
baled waste, as applicable. 42956

The fees levied under this division and divisions (B) and (C) 42957
of this section are in addition to all other applicable fees and 42958
taxes and shall be paid by the customer or a political subdivision 42959
to the owner or operator of a solid waste transfer or disposal 42960
facility. In the alternative, the fees shall be paid by a customer 42961
or political subdivision to a transporter of waste who 42962
subsequently transfers the fees to the owner or operator of such a 42963
facility. The fees shall be paid notwithstanding the existence of 42964
any provision in a contract that the customer or a political 42965
subdivision may have with the owner or operator or with a 42966
transporter of waste to the facility that would not require or 42967
allow such payment regardless of whether the contract was entered 42968
prior to or after October 16, 2009. For those purposes, "customer" 42969
means a person who contracts with, or utilizes the solid waste 42970
services of, the owner or operator of a solid waste transfer or 42971
disposal facility or a transporter of solid waste to such a 42972
facility. 42973

(B) For the purposes specified in division (G) of this 42974
section, the solid waste management policy committee of a county 42975
or joint solid waste management district may levy fees upon the 42976
following activities: 42977

(1) The disposal at a solid waste disposal facility located 42978
in the district of solid wastes generated within the district; 42979

(2) The disposal at a solid waste disposal facility within 42980
the district of solid wastes generated outside the boundaries of 42981
the district, but inside this state; 42982

(3) The disposal at a solid waste disposal facility within 42983

the district of solid wastes generated outside the boundaries of 42984
this state. 42985

The solid waste management plan of the county or joint 42986
district approved under section 3734.521 or 3734.55 of the Revised 42987
Code and any amendments to it, or the resolution adopted under 42988
this division, as appropriate, shall establish the rates of the 42989
fees levied under divisions (B)(1), (2), and (3) of this section, 42990
if any, and shall specify whether the fees are levied on the basis 42991
of tons or cubic yards as the unit of measurement. A solid waste 42992
management district that levies fees under this division on the 42993
basis of cubic yards shall do so in accordance with division (A) 42994
of this section. 42995

The fee levied under division (B)(1) of this section shall be 42996
not less than one dollar per ton nor more than two dollars per 42997
ton, the fee levied under division (B)(2) of this section shall be 42998
not less than two dollars per ton nor more than four dollars per 42999
ton, and the fee levied under division (B)(3) of this section 43000
shall be not more than the fee levied under division (B)(1) of 43001
this section. 43002

Prior to the approval of the solid waste management plan of a 43003
district under section 3734.55 of the Revised Code, the solid 43004
waste management policy committee of a district may levy fees 43005
under this division by adopting a resolution establishing the 43006
proposed amount of the fees. Upon adopting the resolution, the 43007
committee shall deliver a copy of the resolution to the board of 43008
county commissioners of each county forming the district and to 43009
the legislative authority of each municipal corporation and 43010
township under the jurisdiction of the district and shall prepare 43011
and publish the resolution and a notice of the time and location 43012
where a public hearing on the fees will be held. Upon adopting the 43013
resolution, the committee shall deliver written notice of the 43014
adoption of the resolution; of the amount of the proposed fees; 43015

and of the date, time, and location of the public hearing to the 43016
director and to the fifty industrial, commercial, or institutional 43017
generators of solid wastes within the district that generate the 43018
largest quantities of solid wastes, as determined by the 43019
committee, and to their local trade associations. The committee 43020
shall make good faith efforts to identify those generators within 43021
the district and their local trade associations, but the 43022
nonprovision of notice under this division to a particular 43023
generator or local trade association does not invalidate the 43024
proceedings under this division. The publication shall occur at 43025
least thirty days before the hearing. After the hearing, the 43026
committee may make such revisions to the proposed fees as it 43027
considers appropriate and thereafter, by resolution, shall adopt 43028
the revised fee schedule. Upon adopting the revised fee schedule, 43029
the committee shall deliver a copy of the resolution doing so to 43030
the board of county commissioners of each county forming the 43031
district and to the legislative authority of each municipal 43032
corporation and township under the jurisdiction of the district. 43033
Within sixty days after the delivery of a copy of the resolution 43034
adopting the proposed revised fees by the policy committee, each 43035
such board and legislative authority, by ordinance or resolution, 43036
shall approve or disapprove the revised fees and deliver a copy of 43037
the ordinance or resolution to the committee. If any such board or 43038
legislative authority fails to adopt and deliver to the policy 43039
committee an ordinance or resolution approving or disapproving the 43040
revised fees within sixty days after the policy committee 43041
delivered its resolution adopting the proposed revised fees, it 43042
shall be conclusively presumed that the board or legislative 43043
authority has approved the proposed revised fees. The committee 43044
shall determine if the resolution has been ratified in the same 43045
manner in which it determines if a draft solid waste management 43046
plan has been ratified under division (B) of section 3734.55 of 43047
the Revised Code. 43048

The committee may amend the schedule of fees levied pursuant 43049
to a resolution adopted and ratified under this division by 43050
adopting a resolution establishing the proposed amount of the 43051
amended fees. The committee may repeal the fees levied pursuant to 43052
such a resolution by adopting a resolution proposing to repeal 43053
them. Upon adopting such a resolution, the committee shall proceed 43054
to obtain ratification of the resolution in accordance with this 43055
division. 43056

Not later than fourteen days after declaring the new fees to 43057
be ratified or the fees to be repealed under this division, the 43058
committee shall notify by certified mail the owner or operator of 43059
each solid waste disposal facility that is required to collect the 43060
fees of the ratification and the amount of the fees or of the 43061
repeal of the fees. Collection of any fees shall commence or 43062
collection of repealed fees shall cease on the first day of the 43063
second month following the month in which notification is sent to 43064
the owner or operator. 43065

Fees levied under this division also may be established, 43066
amended, or repealed by a solid waste management policy committee 43067
through the adoption of a new district solid waste management 43068
plan, the adoption of an amended plan, or the amendment of the 43069
plan or amended plan in accordance with sections 3734.55 and 43070
3734.56 of the Revised Code or the adoption or amendment of a 43071
district plan in connection with a change in district composition 43072
under section 3734.521 of the Revised Code. 43073

Not later than fourteen days after the director issues an 43074
order approving a district's solid waste management plan, amended 43075
plan, or amendment to a plan or amended plan that establishes, 43076
amends, or repeals a schedule of fees levied by the district, the 43077
committee shall notify by certified mail the owner or operator of 43078
each solid waste disposal facility that is required to collect the 43079
fees of the approval of the plan or amended plan, or the amendment 43080

to the plan, as appropriate, and the amount of the fees, if any. 43081
In the case of an initial or amended plan approved under section 43082
3734.521 of the Revised Code in connection with a change in 43083
district composition, other than one involving the withdrawal of a 43084
county from a joint district, the committee, within fourteen days 43085
after the change takes effect pursuant to division (G) of that 43086
section, shall notify by certified mail the owner or operator of 43087
each solid waste disposal facility that is required to collect the 43088
fees that the change has taken effect and of the amount of the 43089
fees, if any. Collection of any fees shall commence or collection 43090
of repealed fees shall cease on the first day of the second month 43091
following the month in which notification is sent to the owner or 43092
operator. 43093

If, in the case of a change in district composition involving 43094
the withdrawal of a county from a joint district, the director 43095
completes the actions required under division (G)(1) or (3) of 43096
section 3734.521 of the Revised Code, as appropriate, forty-five 43097
days or more before the beginning of a calendar year, the policy 43098
committee of each of the districts resulting from the change that 43099
obtained the director's approval of an initial or amended plan in 43100
connection with the change, within fourteen days after the 43101
director's completion of the required actions, shall notify by 43102
certified mail the owner or operator of each solid waste disposal 43103
facility that is required to collect the district's fees that the 43104
change is to take effect on the first day of January immediately 43105
following the issuance of the notice and of the amount of the fees 43106
or amended fees levied under divisions (B)(1) to (3) of this 43107
section pursuant to the district's initial or amended plan as so 43108
approved or, if appropriate, the repeal of the district's fees by 43109
that initial or amended plan. Collection of any fees set forth in 43110
such a plan or amended plan shall commence on the first day of 43111
January immediately following the issuance of the notice. If such 43112
an initial or amended plan repeals a schedule of fees, collection 43113

of the fees shall cease on that first day of January. 43114

If, in the case of a change in district composition involving 43115
the withdrawal of a county from a joint district, the director 43116
completes the actions required under division (G)(1) or (3) of 43117
section 3734.521 of the Revised Code, as appropriate, less than 43118
forty-five days before the beginning of a calendar year, the 43119
director, on behalf of each of the districts resulting from the 43120
change that obtained the director's approval of an initial or 43121
amended plan in connection with the change proceedings, shall 43122
notify by certified mail the owner or operator of each solid waste 43123
disposal facility that is required to collect the district's fees 43124
that the change is to take effect on the first day of January 43125
immediately following the mailing of the notice and of the amount 43126
of the fees or amended fees levied under divisions (B)(1) to (3) 43127
of this section pursuant to the district's initial or amended plan 43128
as so approved or, if appropriate, the repeal of the district's 43129
fees by that initial or amended plan. Collection of any fees set 43130
forth in such a plan or amended plan shall commence on the first 43131
day of the second month following the month in which notification 43132
is sent to the owner or operator. If such an initial or amended 43133
plan repeals a schedule of fees, collection of the fees shall 43134
cease on the first day of the second month following the month in 43135
which notification is sent to the owner or operator. 43136

If the schedule of fees that a solid waste management 43137
district is levying under divisions (B)(1) to (3) of this section 43138
is amended or repealed, the fees in effect immediately prior to 43139
the amendment or repeal shall continue to be collected until 43140
collection of the amended fees commences or collection of the 43141
repealed fees ceases, as applicable, as specified in this 43142
division. In the case of a change in district composition, money 43143
so received from the collection of the fees of the former 43144
districts shall be divided among the resulting districts in 43145

accordance with division (B) of section 343.012 of the Revised Code and the agreements entered into under division (B) of section 343.01 of the Revised Code to establish the former and resulting districts and any amendments to those agreements.

For the purposes of the provisions of division (B) of this section establishing the times when newly established or amended fees levied by a district are required to commence and the collection of fees that have been amended or repealed is required to cease, "fees" or "schedule of fees" includes, in addition to fees levied under divisions (B)(1) to (3) of this section, those levied under section 3734.573 or 3734.574 of the Revised Code.

(C) For the purposes of defraying the added costs to a municipal corporation or township of maintaining roads and other public facilities and of providing emergency and other public services, and compensating a municipal corporation or township for reductions in real property tax revenues due to reductions in real property valuations resulting from the location and operation of a solid waste disposal facility within the municipal corporation or township, a municipal corporation or township in which such a solid waste disposal facility is located may levy a fee of not more than twenty-five cents per ton on the disposal of solid wastes at a solid waste disposal facility located within the boundaries of the municipal corporation or township regardless of where the wastes were generated.

The legislative authority of a municipal corporation or township may levy fees under this division by enacting an ordinance or adopting a resolution establishing the amount of the fees. Upon so doing the legislative authority shall mail a certified copy of the ordinance or resolution to the board of county commissioners or directors of the county or joint solid waste management district in which the municipal corporation or township is located or, if a regional solid waste management

authority has been formed under section 343.011 of the Revised 43178
Code, to the board of trustees of that regional authority, the 43179
owner or operator of each solid waste disposal facility in the 43180
municipal corporation or township that is required to collect the 43181
fee by the ordinance or resolution, and the director of 43182
environmental protection. Although the fees levied under this 43183
division are levied on the basis of tons as the unit of 43184
measurement, the legislative authority, in its ordinance or 43185
resolution levying the fees under this division, may direct that 43186
the fees be levied on the basis of cubic yards as the unit of 43187
measurement based upon a conversion factor of three cubic yards 43188
per ton generally or one cubic yard per ton for baled wastes. 43189

Not later than five days after enacting an ordinance or 43190
adopting a resolution under this division, the legislative 43191
authority shall so notify by certified mail the owner or operator 43192
of each solid waste disposal facility that is required to collect 43193
the fee. Collection of any fee levied on or after March 24, 1992, 43194
shall commence on the first day of the second month following the 43195
month in which notification is sent to the owner or operator. 43196

(D)(1) The fees levied under divisions (A), (B), and (C) of 43197
this section do not apply to the disposal of solid wastes that: 43198

(a) Are disposed of at a facility owned by the generator of 43199
the wastes when the solid waste facility exclusively disposes of 43200
solid wastes generated at one or more premises owned by the 43201
generator regardless of whether the facility is located on a 43202
premises where the wastes are generated; 43203

(b) Are generated from the combustion of coal, or from the 43204
combustion of primarily coal, regardless of whether the disposal 43205
facility is located on the premises where the wastes are 43206
generated; 43207

(c) Are asbestos or asbestos-containing materials or products 43208

disposed of at a construction and demolition debris facility that 43209
is licensed under Chapter 3714. of the Revised Code or at a solid 43210
waste facility that is licensed under this chapter. 43211

(2) Except as provided in section 3734.571 of the Revised 43212
Code, any fees levied under division (B)(1) of this section apply 43213
to solid wastes originating outside the boundaries of a county or 43214
joint district that are covered by an agreement for the joint use 43215
of solid waste facilities entered into under section 343.02 of the 43216
Revised Code by the board of county commissioners or board of 43217
directors of the county or joint district where the wastes are 43218
generated and disposed of. 43219

(3) When solid wastes, other than solid wastes that consist 43220
of scrap tires, are burned in a disposal facility that is an 43221
incinerator or energy recovery facility, the fees levied under 43222
divisions (A), (B), and (C) of this section shall be levied upon 43223
the disposal of the fly ash and bottom ash remaining after burning 43224
of the solid wastes and shall be collected by the owner or 43225
operator of the sanitary landfill where the ash is disposed of. 43226

(4) When solid wastes are delivered to a solid waste transfer 43227
facility, the fees levied under divisions (B) and (C) of this 43228
section shall be levied upon the disposal of solid wastes 43229
transported off the premises of the transfer facility for disposal 43230
and shall be collected by the owner or operator of the solid waste 43231
disposal facility where the wastes are disposed of. 43232

(5) The fees levied under divisions (A), (B), and (C) of this 43233
section do not apply to sewage sludge that is generated by a waste 43234
water treatment facility holding a national pollutant discharge 43235
elimination system permit and that is disposed of through 43236
incineration, land application, or composting or at another 43237
resource recovery or disposal facility that is not a landfill. 43238

(6) The fees levied under divisions (A), (B), and (C) of this 43239

section do not apply to solid wastes delivered to a solid waste 43240
composting facility for processing. When any unprocessed solid 43241
waste or compost product is transported off the premises of a 43242
composting facility and disposed of at a landfill, the fees levied 43243
under divisions (A), (B), and (C) of this section shall be 43244
collected by the owner or operator of the landfill where the 43245
unprocessed waste or compost product is disposed of. 43246

(7) When solid wastes that consist of scrap tires are 43247
processed at a scrap tire recovery facility, the fees levied under 43248
divisions (A), (B), and (C) of this section shall be levied upon 43249
the disposal of the fly ash and bottom ash or other solid wastes 43250
remaining after the processing of the scrap tires and shall be 43251
collected by the owner or operator of the solid waste disposal 43252
facility where the ash or other solid wastes are disposed of. 43253

(8) The director of environmental protection may issue an 43254
order exempting from the fees levied under this section solid 43255
wastes, including, but not limited to, scrap tires, that are 43256
generated, transferred, or disposed of as a result of a contract 43257
providing for the expenditure of public funds entered into by the 43258
administrator or regional administrator of the United States 43259
environmental protection agency, the director of environmental 43260
protection, or the director of administrative services on behalf 43261
of the director of environmental protection for the purpose of 43262
remediating conditions at a hazardous waste facility, solid waste 43263
facility, or other location at which the administrator or regional 43264
administrator or the director of environmental protection has 43265
reason to believe that there is a substantial threat to public 43266
health or safety or the environment or that the conditions are 43267
causing or contributing to air or water pollution or soil 43268
contamination. An order issued by the director of environmental 43269
protection under division (D)(8) of this section shall include a 43270
determination that the amount of the fees not received by a solid 43271

waste management district as a result of the order will not 43272
adversely impact the implementation and financing of the 43273
district's approved solid waste management plan and any approved 43274
amendments to the plan. Such an order is a final action of the 43275
director of environmental protection. 43276

(E) The fees levied under divisions (B) and (C) of this 43277
section shall be collected by the owner or operator of the solid 43278
waste disposal facility where the wastes are disposed of as a 43279
trustee for the county or joint district and municipal corporation 43280
or township where the wastes are disposed of. Moneys from the fees 43281
levied under division (B) of this section shall be forwarded to 43282
the board of county commissioners or board of directors of the 43283
district in accordance with rules adopted under division (H) of 43284
this section. Moneys from the fees levied under division (C) of 43285
this section shall be forwarded to the treasurer or such other 43286
officer of the municipal corporation as, by virtue of the charter, 43287
has the duties of the treasurer or to the fiscal officer of the 43288
township, as appropriate, in accordance with those rules. 43289

(F) Moneys received by the treasurer or other officer of the 43290
municipal corporation under division (E) of this section shall be 43291
paid into the general fund of the municipal corporation. Moneys 43292
received by the fiscal officer of the township under that division 43293
shall be paid into the general fund of the township. The treasurer 43294
or other officer of the municipal corporation or the township 43295
fiscal officer, as appropriate, shall maintain separate records of 43296
the moneys received from the fees levied under division (C) of 43297
this section. 43298

(G) Moneys received by the board of county commissioners or 43299
board of directors under division (E) of this section or section 43300
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 43301
shall be paid to the county treasurer, or other official acting in 43302
a similar capacity under a county charter, in a county district or 43303

to the county treasurer or other official designated by the board 43304
of directors in a joint district and kept in a separate and 43305
distinct fund to the credit of the district. If a regional solid 43306
waste management authority has been formed under section 343.011 43307
of the Revised Code, moneys received by the board of trustees of 43308
that regional authority under division (E) of this section shall 43309
be kept by the board in a separate and distinct fund to the credit 43310
of the district. Moneys in the special fund of the county or joint 43311
district arising from the fees levied under division (B) of this 43312
section and the fee levied under division (A) of section 3734.573 43313
of the Revised Code shall be expended by the board of county 43314
commissioners or directors of the district in accordance with the 43315
district's solid waste management plan or amended plan approved 43316
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 43317
exclusively for the following purposes: 43318

(1) Preparation of the solid waste management plan of the 43319
district under section 3734.54 of the Revised Code, monitoring 43320
implementation of the plan, and conducting the periodic review and 43321
amendment of the plan required by section 3734.56 of the Revised 43322
Code by the solid waste management policy committee; 43323

(2) Implementation of the approved solid waste management 43324
plan or amended plan of the district, including, without 43325
limitation, the development and implementation of solid waste 43326
recycling or reduction programs; 43327

(3) Providing financial assistance to boards of health within 43328
the district, if solid waste facilities are located within the 43329
district, for enforcement of this chapter and rules, orders, and 43330
terms and conditions of permits, licenses, and variances adopted 43331
or issued under it, other than the hazardous waste provisions of 43332
this chapter and rules adopted and orders and terms and conditions 43333
of permits issued under those provisions; 43334

(4) Providing financial assistance to each county within the 43335

district to defray the added costs of maintaining roads and other 43336
public facilities and of providing emergency and other public 43337
services resulting from the location and operation of a solid 43338
waste facility within the county under the district's approved 43339
solid waste management plan or amended plan; 43340

(5) Pursuant to contracts entered into with boards of health 43341
within the district, if solid waste facilities contained in the 43342
district's approved plan or amended plan are located within the 43343
district, for paying the costs incurred by those boards of health 43344
for collecting and analyzing samples from public or private water 43345
wells on lands adjacent to those facilities; 43346

(6) Developing and implementing a program for the inspection 43347
of solid wastes generated outside the boundaries of this state 43348
that are disposed of at solid waste facilities included in the 43349
district's approved solid waste management plan or amended plan; 43350

(7) Providing financial assistance to boards of health within 43351
the district for the enforcement of section 3734.03 of the Revised 43352
Code or to local law enforcement agencies having jurisdiction 43353
within the district for enforcing anti-littering laws and 43354
ordinances; 43355

(8) Providing financial assistance to boards of health of 43356
health districts within the district that are on the approved list 43357
under section 3734.08 of the Revised Code to defray the costs to 43358
the health districts for the participation of their employees 43359
responsible for enforcement of the solid waste provisions of this 43360
chapter and rules adopted and orders and terms and conditions of 43361
permits, licenses, and variances issued under those provisions in 43362
the training and certification program as required by rules 43363
adopted under division (L) of section 3734.02 of the Revised Code; 43364

(9) Providing financial assistance to individual municipal 43365
corporations and townships within the district to defray their 43366

added costs of maintaining roads and other public facilities and 43367
of providing emergency and other public services resulting from 43368
the location and operation within their boundaries of a 43369
composting, energy or resource recovery, incineration, or 43370
recycling facility that either is owned by the district or is 43371
furnishing solid waste management facility or recycling services 43372
to the district pursuant to a contract or agreement with the board 43373
of county commissioners or directors of the district; 43374

(10) Payment of any expenses that are agreed to, awarded, or 43375
ordered to be paid under section 3734.35 of the Revised Code and 43376
of any administrative costs incurred pursuant to that section. In 43377
the case of a joint solid waste management district, if the board 43378
of county commissioners of one of the counties in the district is 43379
negotiating on behalf of affected communities, as defined in that 43380
section, in that county, the board shall obtain the approval of 43381
the board of directors of the district in order to expend moneys 43382
for administrative costs incurred. 43383

Prior to the approval of the district's solid waste 43384
management plan under section 3734.55 of the Revised Code, moneys 43385
in the special fund of the district arising from the fees shall be 43386
expended for those purposes in the manner prescribed by the solid 43387
waste management policy committee by resolution. 43388

Notwithstanding division (G)(6) of this section as it existed 43389
prior to October 29, 1993, or any provision in a district's solid 43390
waste management plan prepared in accordance with division 43391
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 43392
prior to that date, any moneys arising from the fees levied under 43393
division (B)(3) of this section prior to January 1, 1994, may be 43394
expended for any of the purposes authorized in divisions (G)(1) to 43395
(10) of this section. 43396

(H) The director shall adopt rules in accordance with Chapter 43397
119. of the Revised Code prescribing procedures for collecting and 43398

forwarding the fees levied under divisions (B) and (C) of this 43399
section to the boards of county commissioners or directors of 43400
county or joint solid waste management districts and to the 43401
treasurers or other officers of municipal corporations and the 43402
fiscal officers of townships. The rules also shall prescribe the 43403
dates for forwarding the fees to the boards and officials and may 43404
prescribe any other requirements the director considers necessary 43405
or appropriate to implement and administer divisions (A), (B), and 43406
(C) of this section. 43407

Sec. 3734.822. (A) There is hereby created in the state 43408
treasury the scrap tire grant fund, consisting of moneys 43409
transferred to the fund under section 3734.82 of the Revised Code. 43410
The director of environmental protection may make grants from the 43411
fund for the following purposes: 43412

(1) Supporting market development activities for scrap tires 43413
and synthetic rubber from tire manufacturing processes and tire 43414
recycling processes; 43415

(2) Supporting scrap tire amnesty and cleanup events 43416
sponsored by solid waste management districts. 43417

Grants awarded under division (A)(1) of this section may be 43418
awarded to individuals, businesses, and entities certified under 43419
division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code. 43420

(B) Projects and activities that are eligible for grants 43421
under division (A)(1) of this section shall be evaluated for 43422
funding using, at a minimum, the following criteria: 43423

(1) The degree to which a proposed project contributes to the 43424
increased use of scrap tires generated in this state; 43425

(2) The degree of local financial support for a proposed 43426
project; 43427

(3) The technical merit and quality of a proposed project. 43428

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 43429
defray the cost of administering and enforcing the scrap tire 43430
provisions of this chapter, rules adopted under those provisions, 43431
and terms and conditions of orders, variances, and licenses issued 43432
under those provisions; to abate accumulations of scrap tires; to 43433
make grants supporting market development activities for scrap 43434
tires and synthetic rubber from tire manufacturing processes and 43435
tire recycling processes and to support scrap tire amnesty and 43436
cleanup events; to make loans to promote the recycling or recovery 43437
of energy from scrap tires; and to defray the costs of 43438
administering and enforcing sections 3734.90 to 3734.9014 of the 43439
Revised Code, a fee of fifty cents per tire is hereby levied on 43440
the sale of tires. The proceeds of the fee shall be deposited in 43441
the state treasury to the credit of the scrap tire management fund 43442
created in section 3734.82 of the Revised Code. The fee is levied 43443
from the first day of the calendar month that begins next after 43444
thirty days from October 29, 1993, through June 30, ~~2016~~ 2018. 43445

(2) Beginning on July 1, 2011, and ending on June 30, ~~2016~~ 43446
2018, there is hereby levied an additional fee of fifty cents per 43447
tire on the sale of tires the proceeds of which shall be deposited 43448
in the state treasury to the credit of the soil and water 43449
conservation district assistance fund created in section 1515.14 43450
of the Revised Code. 43451

(B) Only one sale of the same article shall be used in 43452
computing the amount of the fee due. 43453

Sec. 3736.03. (A) There is hereby created in the state 43454
treasury the recycling and litter prevention fund, consisting of 43455
moneys distributed to it from fees, including the fee levied under 43456
division (A)(2) of section 3714.073 of the Revised Code, gifts, 43457
donations, grants, reimbursements, and other sources, including 43458
investment earnings. 43459

(B) The director of environmental protection shall do all of the following: 43460
43461

(1) Use moneys credited to the fund exclusively for the purposes set forth in sections 3734.49, 3736.02, ~~3736.04~~, 3736.05, and 3745.014 of the Revised Code, with particular emphasis on programs relating to recycling; 43462
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43465

(2) Require recipients of grants under section 3736.05 of the Revised Code, as a condition of receiving and retaining them, to do all of the following: 43466
43467
43468

(a) Create a separate account for the grants and any cash donations received that qualify for the donor credit allowed by section 5733.064 of the Revised Code; 43469
43470
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(b) Make expenditures from the account exclusively for the purposes for which the grants were received; 43472
43473

(c) Use any auditing and accounting practices the director considers necessary regarding the account; 43474
43475

(d) Report to the director information regarding the amount and donor of cash donations received as described by section 5733.064 of the Revised Code; 43476
43477
43478

(e) Use grants received to supplement and not to replace any existing funding for such purposes. 43479
43480

(3) Report to the tax commissioner information the director receives pursuant to division (B)(2)(d) of this section. 43481
43482

Sec. 3736.05. (A) The director of environmental protection, pursuant to division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code, may make grants from the recycling and litter prevention fund created in section 3736.03 of the Revised Code to accomplish the purposes of the programs established under section 3736.02 of the Revised Code. 43483
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(B) Except as provided in division (C) of this section, the director may require any eligible applicant certified by the ~~recycling and litter prevention~~ materials management advisory council under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code that applies for a grant for an activity or project that is intended to further the purposes of any program established under division (A)(1), (2), or (4) of section 3736.02 of the Revised Code to provide a matching contribution of not more than fifty per cent of the grant.

(C) Notwithstanding division (B) of this section, any grant awarded under division (A) of this section to foster cooperative research and development regarding recycling or the cooperative establishment or expansion of private recycling facilities or programs shall be made in conjunction with a contribution to the project by a cooperating enterprise that maintains or proposes to maintain a relevant research and development or recycling facility or program in this state or by an agency of the state, provided that funding provided by a state agency shall not be provided from general revenue funds appropriated by the general assembly. No grant made under division (A) of this section for the purposes described in this division shall exceed the contribution made by the cooperating enterprise or state agency. The director may consider cooperating contributions in the form of state of the art new equipment or in other forms if the director determines that the contribution is essential to the successful implementation of the project.

Grants made under division (A) of this section for the purposes described in this division shall be made in such form and conditioned on such terms as the director considers to be appropriate.

(D)(1) The director may require any eligible applicant certified by the ~~recycling and litter prevention~~ advisory council

under division ~~(A)~~(F)(6) of section ~~3736.04~~ 3734.49 of the Revised Code that applies for a grant that is intended to further the purposes of the program established under division (A)(3) of section 3736.02 of the Revised Code, except any eligible applicant that is or is located in a county that has a per capita income equal to or below ninety per cent of the median county per capita income of the state as determined by the director using the most recently available figures from the United States census bureau, to provide a matching contribution as follows:

(a) Up to ten per cent of the grant from any eligible applicant that is or is located in a county that has a per capita income above ninety per cent of the median county per capita income of the state, but equal to or below one hundred per cent of the median county per capita income of the state;

(b) Up to twenty per cent of the grant from any eligible applicant that is or is located in a county that has a per capita income above the median county per capita income of the state.

(2) If the eligible applicant is a joint solid waste management district or is filing a joint application on behalf of two or more counties, the matching contribution required under division (D)(1) of this section shall be the average of the matching contributions of all of the counties covered by the application as determined in accordance with that division. The matching contribution of a county that has a per capita income equal to or below ninety per cent of the median county per capita income of the state shall be included as zero in calculating the average matching contribution.

(E) The director shall ensure that not less than fifty per cent of the moneys distributed as grants under this section shall be expended for the purposes of recycling and recycling market development.

(F) No information that is submitted to, acquired by, or 43552
exchanged with employees of the environmental protection agency 43553
who administer or provide services under this section and that is 43554
submitted, acquired, or exchanged in order to obtain a grant 43555
pursuant to division (A) of this section shall be used in any 43556
manner for the purpose of the enforcement of any requirement 43557
established in an environmental law or used as evidence in any 43558
judicial or administrative enforcement proceeding unless that 43559
information reveals a clear and immediate danger to the 43560
environment or to the health, safety, or welfare of the public. 43561

(G) Nothing in this section confers immunity on persons from 43562
enforcement that is based on information that is obtained by the 43563
director or the director's authorized representatives who are not 43564
employees of the agency who administer or provide services under 43565
this section. 43566

(H) As used in this section, "environmental law" means a law 43567
that is administered by the environmental protection agency. 43568

Sec. 3736.06. (A) Agencies of the state certified pursuant to 43569
section ~~3736.04~~ 3734.49 of the Revised Code as eligible to receive 43570
a grant shall designate an employee as the liaison with the 43571
director of environmental protection to cooperate with the 43572
director in carrying out the director's duties under this chapter. 43573

(B) The executive and legislative authorities of municipal 43574
corporations, counties, and townships and the boards of park 43575
commissioners of township park districts created under section 43576
511.18 of the Revised Code, boards of park commissioners of park 43577
districts created under section 1545.04 of the Revised Code, and 43578
boards of education of city, exempted village, local, and joint 43579
vocational school districts may participate in the programs 43580
established under section 3736.02 of the Revised Code. 43581

Sec. 3737.17. (A) As used in this section, a "qualifying small government" means any of the following:

(1) A township that has a population of not more than five thousand or, regardless of its population, is located in a county that has a population of less than one hundred thousand;

(2) A municipal corporation that has a population of not more than seven thousand five hundred;

(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section.

(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes:

(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services;

(2) To expedite projects for the construction or renovation of fire department buildings.

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than twenty years. A qualifying small government is not eligible to receive a loan for a project or purchase under the program unless the qualifying small government contributes to the project or purchase an amount equal to at least five per cent of the loan amount.

(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the

qualifying small government shall explain how it qualifies for the 43612
loan, describe the project or purchase for which it is requesting 43613
a loan, state the amount of the loan it requests, and state the 43614
amount it is prepared to contribute to the project or purchase. 43615
The qualifying small government shall provide additional 43616
information to support its application for a loan under the 43617
program as requested by the state fire marshal. 43618

(D) The state fire marshal, in accordance with Chapter 119. 43619
of the Revised Code, shall adopt rules for the administration of 43620
the small government fire department services revolving loan 43621
program. 43622

(E) There is hereby created in the state treasury the small 43623
government fire department services revolving loan fund, into 43624
which shall be deposited repayments by qualifying small 43625
governments of loans authorized under this section. The fund also 43626
shall consist of appropriated money. Investment earnings on money 43627
in the fund shall be credited to the fund. The state fire marshal 43628
shall use the money credited to the fund to make loans to 43629
qualifying small governments as described in this section. The 43630
state fire marshal may loan money from repaid loans credited to 43631
the fund at any time to qualifying small governments in accordance 43632
with this section. 43633

Sec. 3745.015. There is hereby created in the state treasury 43634
the environmental protection fund consisting of money credited to 43635
the fund under division (A)(3) of section 3734.57 of the Revised 43636
Code. The environmental protection agency shall use money in the 43637
fund to pay the agency's costs associated with administering and 43638
enforcing, or otherwise conducting activities under, this chapter 43639
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 43640
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 43641
6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 43642

the Revised Code, including providing compliance assistance to 43643
small businesses. 43644

Sec. 3745.11. (A) Applicants for and holders of permits, 43645
licenses, variances, plan approvals, and certifications issued by 43646
the director of environmental protection pursuant to Chapters 43647
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 43648
to the environmental protection agency for each such issuance and 43649
each application for an issuance as provided by this section. No 43650
fee shall be charged for any issuance for which no application has 43651
been submitted to the director. 43652

(B) Except as otherwise provided in division (C)(2) of this 43653
section, beginning July 1, 1994, each person who owns or operates 43654
an air contaminant source and who is required to apply for and 43655
obtain a Title V permit under section 3704.036 of the Revised Code 43656
shall pay the fees set forth in this division. For the purposes of 43657
this division, total emissions of air contaminants may be 43658
calculated using engineering calculations, emissions factors, 43659
material balance calculations, or performance testing procedures, 43660
as authorized by the director. 43661

The following fees shall be assessed on the total actual 43662
emissions from a source in tons per year of the regulated 43663
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 43664
organic compounds, and lead: 43665

(1) Fifteen dollars per ton on the total actual emissions of 43666
each such regulated pollutant during the period July through 43667
December 1993, to be collected no sooner than July 1, 1994; 43668

(2) Twenty dollars per ton on the total actual emissions of 43669
each such regulated pollutant during calendar year 1994, to be 43670
collected no sooner than April 15, 1995; 43671

(3) Twenty-five dollars per ton on the total actual emissions 43672

of each such regulated pollutant in calendar year 1995, and each 43673
subsequent calendar year, to be collected no sooner than the 43674
fifteenth day of April of the year next succeeding the calendar 43675
year in which the emissions occurred. 43676

The fees levied under this division do not apply to that 43677
portion of the emissions of a regulated pollutant at a facility 43678
that exceed four thousand tons during a calendar year. 43679

(C)(1) The fees assessed under division (B) of this section 43680
are for the purpose of providing funding for the Title V permit 43681
program. 43682

(2) The fees assessed under division (B) of this section do 43683
not apply to emissions from any electric generating unit 43684
designated as a Phase I unit under Title IV of the federal Clean 43685
Air Act prior to calendar year 2000. Those fees shall be assessed 43686
on the emissions from such a generating unit commencing in 43687
calendar year 2001 based upon the total actual emissions from the 43688
generating unit during calendar year 2000 and shall continue to be 43689
assessed each subsequent calendar year based on the total actual 43690
emissions from the generating unit during the preceding calendar 43691
year. 43692

(3) The director shall issue invoices to owners or operators 43693
of air contaminant sources who are required to pay a fee assessed 43694
under division (B) or (D) of this section. Any such invoice shall 43695
be issued no sooner than the applicable date when the fee first 43696
may be collected in a year under the applicable division, shall 43697
identify the nature and amount of the fee assessed, and shall 43698
indicate that the fee is required to be paid within thirty days 43699
after the issuance of the invoice. 43700

(D)(1) Except as provided in division (D)(3) of this section, 43701
from January 1, 1994, through December 31, 2003, each person who 43702
owns or operates an air contaminant source; who is required to 43703

apply for a permit to operate pursuant to rules adopted under 43704
division (G), or a variance pursuant to division (H), of section 43705
3704.03 of the Revised Code; and who is not required to apply for 43706
and obtain a Title V permit under section 3704.036 of the Revised 43707
Code shall pay a single fee based upon the sum of the actual 43708
annual emissions from the facility of the regulated pollutants 43709
particulate matter, sulfur dioxide, nitrogen oxides, organic 43710
compounds, and lead in accordance with the following schedule: 43711

| Total tons per year | | | 43712 |
|-------------------------------|--------------|--|-------|
| of regulated pollutants | Annual fee | | 43713 |
| emitted | per facility | | 43714 |
| More than 0, but less than 50 | \$ 75 | | 43715 |
| 50 or more, but less than 100 | 300 | | 43716 |
| 100 or more | 700 | | 43717 |

(2) Except as provided in division (D)(3) of this section, 43718
beginning January 1, 2004, each person who owns or operates an air 43719
contaminant source; who is required to apply for a permit to 43720
operate pursuant to rules adopted under division (G), or a 43721
variance pursuant to division (H), of section 3704.03 of the 43722
Revised Code; and who is not required to apply for and obtain a 43723
Title V permit under section 3704.03 of the Revised Code shall pay 43724
a single fee based upon the sum of the actual annual emissions 43725
from the facility of the regulated pollutants particulate matter, 43726
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 43727
accordance with the following schedule: 43728

| Total tons per year | | | 43729 |
|-------------------------------|--------------|--|-------|
| of regulated pollutants | Annual fee | | 43730 |
| emitted | per facility | | 43731 |
| More than 0, but less than 10 | \$ 100 | | 43732 |
| 10 or more, but less than 50 | 200 | | 43733 |
| 50 or more, but less than 100 | 300 | | 43734 |
| 100 or more | 700 | | 43735 |

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2016~~ 2018, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

| Combined total tons per year of all regulated pollutants emitted | Annual fee per facility |
|--|----------------------------|
| Less than 10 | \$ 170 |
| 10 or more, but less than 20 | 340 |
| 20 or more, but less than 30 | 670 |
| 30 or more, but less than 40 | 1,010 |
| 40 or more, but less than 50 | 1,340 |
| 50 or more, but less than 60 | 1,680 |
| 60 or more, but less than 70 | 2,010 |
| 70 or more, but less than 80 | 2,350 |
| 80 or more, but less than 90 | 2,680 |
| 90 or more, but less than 100 | 3,020 |
| 100 or more | 3,350 |

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed

under division (D)(3) of this section shall be collected no sooner 43768
than the fifteenth day of April, commencing in 2000. The fees 43769
assessed under division (D) of this section in a calendar year 43770
shall be based upon the sum of the actual emissions of those 43771
regulated pollutants during the preceding calendar year. For the 43772
purpose of division (D) of this section, emissions of air 43773
contaminants may be calculated using engineering calculations, 43774
emission factors, material balance calculations, or performance 43775
testing procedures, as authorized by the director. The director, 43776
by rule, may require persons who are required to pay the fees 43777
assessed under division (D) of this section to pay those fees 43778
biennially rather than annually. 43779

(E)(1) Consistent with the need to cover the reasonable costs 43780
of the Title V permit program, the director annually shall 43781
increase the fees prescribed in division (B) of this section by 43782
the percentage, if any, by which the consumer price index for the 43783
most recent calendar year ending before the beginning of a year 43784
exceeds the consumer price index for calendar year 1989. Upon 43785
calculating an increase in fees authorized by division (E)(1) of 43786
this section, the director shall compile revised fee schedules for 43787
the purposes of division (B) of this section and shall make the 43788
revised schedules available to persons required to pay the fees 43789
assessed under that division and to the public. 43790

(2) For the purposes of division (E)(1) of this section: 43791

(a) The consumer price index for any year is the average of 43792
the consumer price index for all urban consumers published by the 43793
United States department of labor as of the close of the 43794
twelve-month period ending on the thirty-first day of August of 43795
that year. 43796

(b) If the 1989 consumer price index is revised, the director 43797
shall use the revision of the consumer price index that is most 43798
consistent with that for calendar year 1989. 43799

(F) Each person who is issued a permit to install pursuant to 43800
rules adopted under division (F) of section 3704.03 of the Revised 43801
Code on or after July 1, 2003, shall pay the fees specified in the 43802
following schedules: 43803

(1) Fuel-burning equipment (boilers, furnaces, or process 43804
heaters used in the process of burning fuel for the primary 43805
purpose of producing heat or power by indirect heat transfer) 43806
Input capacity (maximum) 43807
(million British thermal units per hour) Permit to install 43808
Greater than 0, but less than 10 \$ 200 43809
10 or more, but less than 100 400 43810
100 or more, but less than 300 1000 43811
300 or more, but less than 500 2250 43812
500 or more, but less than 1000 3750 43813
1000 or more, but less than 5000 6000 43814
5000 or more 9000 43815

Units burning exclusively natural gas, number two fuel oil, 43816
or both shall be assessed a fee that is one-half the applicable 43817
amount shown in division (F)(1) of this section. 43818

(2) Combustion turbines and stationary internal combustion 43819
engines designed to generate electricity 43820
Generating capacity (mega watts) Permit to install 43821
0 or more, but less than 10 \$ 25 43822
10 or more, but less than 25 150 43823
25 or more, but less than 50 300 43824
50 or more, but less than 100 500 43825
100 or more, but less than 250 1000 43826
250 or more 2000 43827

(3) Incinerators 43828
Input capacity (pounds per hour) Permit to install 43829
0 to 100 \$ 100 43830

| | | |
|------------------|------|-------|
| 101 to 500 | 500 | 43831 |
| 501 to 2000 | 1000 | 43832 |
| 2001 to 20,000 | 1500 | 43833 |
| more than 20,000 | 3750 | 43834 |

(4)(a) Process 43835

| | | |
|---------------------------------------|-------------------|-------|
| Process weight rate (pounds per hour) | Permit to install | 43836 |
| 0 to 1000 | \$ 200 | 43837 |
| 1001 to 5000 | 500 | 43838 |
| 5001 to 10,000 | 750 | 43839 |
| 10,001 to 50,000 | 1000 | 43840 |
| more than 50,000 | 1250 | 43841 |

In any process where process weight rate cannot be 43842
ascertained, the minimum fee shall be assessed. A boiler, furnace, 43843
combustion turbine, stationary internal combustion engine, or 43844
process heater designed to provide direct heat or power to a 43845
process not designed to generate electricity shall be assessed a 43846
fee established in division (F)(4)(a) of this section. A 43847
combustion turbine or stationary internal combustion engine 43848
designed to generate electricity shall be assessed a fee 43849
established in division (F)(2) of this section. 43850

(b) Notwithstanding division (F)(4)(a) of this section, any 43851
person issued a permit to install pursuant to rules adopted under 43852
division (F) of section 3704.03 of the Revised Code shall pay the 43853
fees set forth in division (F)(4)(c) of this section for a process 43854
used in any of the following industries, as identified by the 43855
applicable two-digit, three-digit, or four-digit standard 43856
industrial classification code according to the Standard 43857
Industrial Classification Manual published by the United States 43858
office of management and budget in the executive office of the 43859
president, 1987, as revised: 43860

Major group 10, metal mining; 43861

Major group 12, coal mining; 43862

| | |
|---|-------------------------|
| Major group 14, mining and quarrying of nonmetallic minerals; | 43863 |
| Industry group 204, grain mill products; | 43864 |
| 2873 Nitrogen fertilizers; | 43865 |
| 2874 Phosphatic fertilizers; | 43866 |
| 3281 Cut stone and stone products; | 43867 |
| 3295 Minerals and earth, ground or otherwise treated; | 43868 |
| 4221 Grain elevators (storage only); | 43869 |
| 5159 Farm related raw materials; | 43870 |
| 5261 Retail nurseries and lawn and garden supply stores. | 43871 |
| (c) The fees set forth in the following schedule apply to the | 43872 |
| issuance of a permit to install pursuant to rules adopted under | 43873 |
| division (F) of section 3704.03 of the Revised Code for a process | 43874 |
| identified in division (F)(4)(b) of this section: | 43875 |
| Process weight rate (pounds per hour) | Permit to install 43876 |
| 0 to 10,000 | \$ 200 43877 |
| 10,001 to 50,000 | 400 43878 |
| 50,001 to 100,000 | 500 43879 |
| 100,001 to 200,000 | 600 43880 |
| 200,001 to 400,000 | 750 43881 |
| 400,001 or more | 900 43882 |
| (5) Storage tanks | 43883 |
| Gallons (maximum useful capacity) | Permit to install 43884 |
| 0 to 20,000 | \$ 100 43885 |
| 20,001 to 40,000 | 150 43886 |
| 40,001 to 100,000 | 250 43887 |
| 100,001 to 500,000 | 400 43888 |
| 500,001 or greater | 750 43889 |
| (6) Gasoline/fuel dispensing facilities | 43890 |

| | | |
|--|-------------------|-------|
| For each gasoline/fuel | | 43891 |
| dispensing facility (includes all | Permit to install | 43892 |
| units at the facility) | \$ 100 | 43893 |
| (7) Dry cleaning facilities | | 43894 |
| For each dry cleaning | | 43895 |
| facility (includes all units | Permit to install | 43896 |
| at the facility) | \$ 100 | 43897 |
| (8) Registration status | | 43898 |
| For each source covered | Permit to install | 43899 |
| by registration status | \$ 75 | 43900 |
| (G) An owner or operator who is responsible for an asbestos | | 43901 |
| demolition or renovation project pursuant to rules adopted under | | 43902 |
| section 3704.03 of the Revised Code shall pay the fees set forth | | 43903 |
| in the following schedule: | | 43904 |
| Action | Fee | 43905 |
| Each notification | \$75 | 43906 |
| Asbestos removal | \$3/unit | 43907 |
| Asbestos cleanup | \$4/cubic yard | 43908 |
| For purposes of this division, "unit" means any combination of | | 43909 |
| linear feet or square feet equal to fifty. | | 43910 |
| (H) A person who is issued an extension of time for a permit | | 43911 |
| to install an air contaminant source pursuant to rules adopted | | 43912 |
| under division (F) of section 3704.03 of the Revised Code shall | | 43913 |
| pay a fee equal to one-half the fee originally assessed for the | | 43914 |
| permit to install under this section, except that the fee for such | | 43915 |
| an extension shall not exceed two hundred dollars. | | 43916 |
| (I) A person who is issued a modification to a permit to | | 43917 |
| install an air contaminant source pursuant to rules adopted under | | 43918 |
| section 3704.03 of the Revised Code shall pay a fee equal to | | 43919 |
| one-half of the fee that would be assessed under this section to | | 43920 |
| obtain a permit to install the source. The fee assessed by this | | 43921 |

division only applies to modifications that are initiated by the 43922
owner or operator of the source and shall not exceed two thousand 43923
dollars. 43924

(J) Notwithstanding division (F) of this section, a person 43925
who applies for or obtains a permit to install pursuant to rules 43926
adopted under division (F) of section 3704.03 of the Revised Code 43927
after the date actual construction of the source began shall pay a 43928
fee for the permit to install that is equal to twice the fee that 43929
otherwise would be assessed under the applicable division unless 43930
the applicant received authorization to begin construction under 43931
division (W) of section 3704.03 of the Revised Code. This division 43932
only applies to sources for which actual construction of the 43933
source begins on or after July 1, 1993. The imposition or payment 43934
of the fee established in this division does not preclude the 43935
director from taking any administrative or judicial enforcement 43936
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 43937
of the Revised Code, or a rule adopted under any of them, in 43938
connection with a violation of rules adopted under division (F) of 43939
section 3704.03 of the Revised Code. 43940

As used in this division, "actual construction of the source" 43941
means the initiation of physical on-site construction activities 43942
in connection with improvements to the source that are permanent 43943
in nature, including, without limitation, the installation of 43944
building supports and foundations and the laying of underground 43945
pipework. 43946

(K)(1) Money received under division (B) of this section 43947
shall be deposited in the state treasury to the credit of the 43948
Title V clean air fund created in section 3704.035 of the Revised 43949
Code. Annually, fifty cents per ton of each fee assessed under 43950
division (B) of this section on actual emissions from a source and 43951
received by the environmental protection agency pursuant to that 43952
division shall be transferred using an interstate transfer voucher 43953

to the state treasury to the credit of the small business 43954
assistance fund created in section 3706.19 of the Revised Code. In 43955
addition, annually, the amount of money necessary for the 43956
operation of the office of ombudsperson as determined under 43957
division (B) of that section shall be transferred to the state 43958
treasury to the credit of the small business ombudsperson fund 43959
created by that section. 43960

(2) Money received by the agency pursuant to divisions (D), 43961
(F), (G), (H), (I), and (J) of this section shall be deposited in 43962
the state treasury to the credit of the non-Title V clean air fund 43963
created in section 3704.035 of the Revised Code. 43964

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 43965
or (c) of this section, a person issued a water discharge permit 43966
or renewal of a water discharge permit pursuant to Chapter 6111. 43967
of the Revised Code shall pay a fee based on each point source to 43968
which the issuance is applicable in accordance with the following 43969
schedule: 43970

| Design flow discharge (gallons per day) | Fee | |
|---|------|-------|
| 0 to 1000 | \$ 0 | 43972 |
| 1,001 to 5000 | 100 | 43973 |
| 5,001 to 50,000 | 200 | 43974 |
| 50,001 to 100,000 | 300 | 43975 |
| 100,001 to 300,000 | 525 | 43976 |
| over 300,000 | 750 | 43977 |

(b) Notwithstanding the fee schedule specified in division 43978
(L)(1)(a) of this section, the fee for a water discharge permit 43979
that is applicable to coal mining operations regulated under 43980
Chapter 1513. of the Revised Code shall be two hundred fifty 43981
dollars per mine. 43982

(c) Notwithstanding the fee schedule specified in division 43983
(L)(1)(a) of this section, the fee for a water discharge permit 43984
for a public discharger identified by I in the third character of 43985

the permittee's NPDES permit number shall not exceed seven hundred 43986
fifty dollars. 43987

(2) A person applying for a plan approval for a wastewater 43988
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 43989
of the Revised Code shall pay a fee of one hundred dollars plus 43990
sixty-five one-hundredths of one per cent of the estimated project 43991
cost through June 30, ~~2016~~ 2018, and one hundred dollars plus 43992
two-tenths of one per cent of the estimated project cost on and 43993
after July 1, ~~2016~~ 2018, except that the total fee shall not 43994
exceed fifteen thousand dollars through June 30, ~~2016~~ 2018, and 43995
five thousand dollars on and after July 1, ~~2016~~ 2018. The fee 43996
shall be paid at the time the application is submitted. 43997

(3) A person issued a modification of a water discharge 43998
permit shall pay a fee equal to one-half the fee that otherwise 43999
would be charged for a water discharge permit, except that the fee 44000
for the modification shall not exceed four hundred dollars. 44001

(4) A person who has entered into an agreement with the 44002
director under section 6111.14 of the Revised Code shall pay an 44003
administrative service fee for each plan submitted under that 44004
section for approval that shall not exceed the minimum amount 44005
necessary to pay administrative costs directly attributable to 44006
processing plan approvals. The director annually shall calculate 44007
the fee and shall notify all persons who have entered into 44008
agreements under that section, or who have applied for agreements, 44009
of the amount of the fee. 44010

(5)(a)(i) Not later than January 30, ~~2014~~ 2016, and January 44011
30, ~~2015~~ 2017, a person holding an NPDES discharge permit issued 44012
pursuant to Chapter 6111. of the Revised Code with an average 44013
daily discharge flow of five thousand gallons or more shall pay a 44014
nonrefundable annual discharge fee. Any person who fails to pay 44015
the fee at that time shall pay an additional amount that equals 44016
ten per cent of the required annual discharge fee. 44017

(ii) The billing year for the annual discharge fee 44018
established in division (L)(5)(a)(i) of this section shall consist 44019
of a twelve-month period beginning on the first day of January of 44020
the year preceding the date when the annual discharge fee is due. 44021
In the case of an existing source that permanently ceases to 44022
discharge during a billing year, the director shall reduce the 44023
annual discharge fee, including the surcharge applicable to 44024
certain industrial facilities pursuant to division (L)(5)(c) of 44025
this section, by one-twelfth for each full month during the 44026
billing year that the source was not discharging, but only if the 44027
person holding the NPDES discharge permit for the source notifies 44028
the director in writing, not later than the first day of October 44029
of the billing year, of the circumstances causing the cessation of 44030
discharge. 44031

(iii) The annual discharge fee established in division 44032
(L)(5)(a)(i) of this section, except for the surcharge applicable 44033
to certain industrial facilities pursuant to division (L)(5)(c) of 44034
this section, shall be based upon the average daily discharge flow 44035
in gallons per day calculated using first day of May through 44036
thirty-first day of October flow data for the period two years 44037
prior to the date on which the fee is due. In the case of NPDES 44038
discharge permits for new sources, the fee shall be calculated 44039
using the average daily design flow of the facility until actual 44040
average daily discharge flow values are available for the time 44041
period specified in division (L)(5)(a)(iii) of this section. The 44042
annual discharge fee may be prorated for a new source as described 44043
in division (L)(5)(a)(ii) of this section. 44044

(b) An NPDES permit holder that is a public discharger shall 44045
pay the fee specified in the following schedule: 44046

| | | |
|----------------|-----------------------------------|-------|
| Average daily | Fee due by | 44047 |
| discharge flow | January 30, | 44048 |
| | 2014 <u>2016</u> , and | 44049 |

| | | |
|---|-----------------------------------|-------|
| | January 30, 2015 | 44050 |
| | <u>2017</u> | |
| 5,000 to 49,999 | \$ 200 | 44051 |
| 50,000 to 100,000 | 500 | 44052 |
| 100,001 to 250,000 | 1,050 | 44053 |
| 250,001 to 1,000,000 | 2,600 | 44054 |
| 1,000,001 to 5,000,000 | 5,200 | 44055 |
| 5,000,001 to 10,000,000 | 10,350 | 44056 |
| 10,000,001 to 20,000,000 | 15,550 | 44057 |
| 20,000,001 to 50,000,000 | 25,900 | 44058 |
| 50,000,001 to 100,000,000 | 41,400 | 44059 |
| 100,000,001 or more | 62,100 | 44060 |
| Public dischargers owning or operating two or more publicly | | 44061 |
| owned treatment works serving the same political subdivision, as | | 44062 |
| "treatment works" is defined in section 6111.01 of the Revised | | 44063 |
| Code, and that serve exclusively political subdivisions having a | | 44064 |
| population of fewer than one hundred thousand shall pay an annual | | 44065 |
| discharge fee under division (L)(5)(b) of this section that is | | 44066 |
| based on the combined average daily discharge flow of the | | 44067 |
| treatment works. | | 44068 |
| (c) An NPDES permit holder that is an industrial discharger, | | 44069 |
| other than a coal mining operator identified by P in the third | | 44070 |
| character of the permittee's NPDES permit number, shall pay the | | 44071 |
| fee specified in the following schedule: | | 44072 |
| Average daily | Fee due by | 44073 |
| discharge flow | January 30, | 44074 |
| | 2014 <u>2016</u> , and | 44075 |
| | January 30, 2015 | 44076 |
| | <u>2017</u> | |
| 5,000 to 49,999 | \$ 250 | 44077 |
| 50,000 to 250,000 | 1,200 | 44078 |
| 250,001 to 1,000,000 | 2,950 | 44079 |

| | | |
|----------------------------|--------|-------|
| 1,000,001 to 5,000,000 | 5,850 | 44080 |
| 5,000,001 to 10,000,000 | 8,800 | 44081 |
| 10,000,001 to 20,000,000 | 11,700 | 44082 |
| 20,000,001 to 100,000,000 | 14,050 | 44083 |
| 100,000,001 to 250,000,000 | 16,400 | 44084 |
| 250,000,001 or more | 18,700 | 44085 |

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the

fee on the date specified in division (L)(6) of this section shall 44112
pay an additional amount per year equal to ten per cent of the 44113
annual fee that is unpaid. 44114

(7) The director shall transmit all moneys collected under 44115
division (L) of this section to the treasurer of state for deposit 44116
into the state treasury to the credit of the surface water 44117
protection fund created in section 6111.038 of the Revised Code. 44118

(8) As used in division (L) of this section: 44119

(a) "NPDES" means the federally approved national pollutant 44120
discharge elimination system program for issuing, modifying, 44121
revoking, reissuing, terminating, monitoring, and enforcing 44122
permits and imposing and enforcing pretreatment requirements under 44123
Chapter 6111. of the Revised Code and rules adopted under it. 44124

(b) "Public discharger" means any holder of an NPDES permit 44125
identified by P in the second character of the NPDES permit number 44126
assigned by the director. 44127

(c) "Industrial discharger" means any holder of an NPDES 44128
permit identified by I in the second character of the NPDES permit 44129
number assigned by the director. 44130

(d) "Major discharger" means any holder of an NPDES permit 44131
classified as major by the regional administrator of the United 44132
States environmental protection agency in conjunction with the 44133
director. 44134

(M) Through June 30, ~~2016~~ 2018, a person applying for a 44135
license or license renewal to operate a public water system under 44136
section 6109.21 of the Revised Code shall pay the appropriate fee 44137
established under this division at the time of application to the 44138
director. Any person who fails to pay the fee at that time shall 44139
pay an additional amount that equals ten per cent of the required 44140
fee. The director shall transmit all moneys collected under this 44141
division to the treasurer of state for deposit into the drinking 44142

water protection fund created in section 6109.30 of the Revised Code. 44143
44144

Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 44145
44146
44147

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is: 44148
44149
44150
44151
44152

| Number of service connections | Fee amount | |
|-------------------------------|-----------------------------|----------------|
| Not more than 49 | \$ 112 | 44153 44154 |
| 50 to 99 | 176 | 44155 |
| Number of service connections | Average cost per connection | |
| 100 to 2,499 | \$ 1.92 | 44156 44157 |
| 2,500 to 4,999 | 1.48 | 44158 |
| 5,000 to 7,499 | 1.42 | 44159 |
| 7,500 to 9,999 | 1.34 | 44160 |
| 10,000 to 14,999 | 1.16 | 44161 |
| 15,000 to 24,999 | 1.10 | 44162 |
| 25,000 to 49,999 | 1.04 | 44163 |
| 50,000 to 99,999 | .92 | 44164 |
| 100,000 to 149,999 | .86 | 44165 |
| 150,000 to 199,999 | .80 | 44166 |
| 200,000 or more | .76 | 44167 |

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis. 44168
44169
44170
44171

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water 44172
44173
44174

main to any building outlet. 44175

(2) For the initial license required under section 6109.21 of 44176
the Revised Code for any public water system that is not a 44177
community water system and serves a nontransient population, and 44178
for each license renewal required for such a system prior to 44179
January 31, ~~2016~~ 2018, the fee is: 44180

| Population served | Fee amount | |
|-------------------|------------|-------|
| Fewer than 150 | \$ 112 | 44182 |
| 150 to 299 | 176 | 44183 |
| 300 to 749 | 384 | 44184 |
| 750 to 1,499 | 628 | 44185 |
| 1,500 to 2,999 | 1,268 | 44186 |
| 3,000 to 7,499 | 2,816 | 44187 |
| 7,500 to 14,999 | 5,510 | 44188 |
| 15,000 to 22,499 | 9,048 | 44189 |
| 22,500 to 29,999 | 12,430 | 44190 |
| 30,000 or more | 16,820 | 44191 |

As used in division (M)(2) of this section, "population 44192
served" means the total number of individuals having access to the 44193
water supply during a twenty-four-hour period for at least sixty 44194
days during any calendar year. In the absence of a specific 44195
population count, that number shall be calculated at the rate of 44196
three individuals per service connection. 44197

(3) For the initial license required under section 6109.21 of 44198
the Revised Code for any public water system that is not a 44199
community water system and serves a transient population, and for 44200
each license renewal required for such a system prior to January 44201
31, ~~2016~~ 2018, the fee is: 44202

| Number of wells or sources, other than surface water, supplying system | Fee amount | |
|---|------------|-------|
| 1 | \$112 | 44204 |
| 2 | 112 | 44205 |

| | | |
|--|-----|-------|
| 3 | 176 | 44206 |
| 4 | 278 | 44207 |
| 5 | 568 | 44208 |
| System designated as using a | | 44209 |
| surface water source | 792 | 44210 |
| As used in division (M)(3) of this section, "number of wells | | 44211 |
| or sources, other than surface water, supplying system" means | | 44212 |
| those wells or sources that are physically connected to the | | 44213 |
| plumbing system serving the public water system. | | 44214 |
| (4) A public water system designated as using a surface water | | 44215 |
| source shall pay a fee of seven hundred ninety-two dollars or the | | 44216 |
| amount calculated under division (M)(1) or (2) of this section, | | 44217 |
| whichever is greater. | | 44218 |
| (5) An applicant for an initial license who is proposing to | | 44219 |
| operate a new public water supply system shall submit a fee that | | 44220 |
| equals a prorated amount of the appropriate fee for the remainder | | 44221 |
| of the licensing year. | | 44222 |
| (N)(1) A person applying for a plan approval for a public | | 44223 |
| water supply system under section 6109.07 of the Revised Code | | 44224 |
| shall pay a fee of one hundred fifty dollars plus thirty-five | | 44225 |
| hundredths of one per cent of the estimated project cost, except | | 44226 |
| that the total fee shall not exceed twenty thousand dollars | | 44227 |
| through June 30, 2016 <u>2018</u> , and fifteen thousand dollars on and | | 44228 |
| after July 1, 2016 <u>2018</u> . The fee shall be paid at the time the | | 44229 |
| application is submitted. | | 44230 |
| (2) A person who has entered into an agreement with the | | 44231 |
| director under division (A)(2) of section 6109.07 of the Revised | | 44232 |
| Code shall pay an administrative service fee for each plan | | 44233 |
| submitted under that section for approval that shall not exceed | | 44234 |
| the minimum amount necessary to pay administrative costs directly | | 44235 |
| attributable to processing plan approvals. The director annually | | 44236 |
| shall calculate the fee and shall notify all persons that have | | 44237 |

entered into agreements under that division, or who have applied 44238
for agreements, of the amount of the fee. 44239

(3) Through June 30, ~~2016~~ 2018, the following fee, on a per 44240
survey basis, shall be charged any person for services rendered by 44241
the state in the evaluation of laboratories and laboratory 44242
personnel for compliance with accepted analytical techniques and 44243
procedures established pursuant to Chapter 6109. of the Revised 44244
Code for determining the qualitative characteristics of water: 44245

| | | |
|--------------------|---------|-------|
| microbiological | | 44246 |
| MMO-MUG | \$2,000 | 44247 |
| MF | 2,100 | 44248 |
| MMO-MUG and MF | 2,550 | 44249 |
| organic chemical | 5,400 | 44250 |
| trace metals | 5,400 | 44251 |
| standard chemistry | 2,800 | 44252 |
| limited chemistry | 1,550 | 44253 |

On and after July 1, ~~2016~~ 2018, the following fee, on a per 44254
survey basis, shall be charged any such person: 44255

| | | |
|--------------------|----------|-------|
| microbiological | \$ 1,650 | 44256 |
| organic chemicals | 3,500 | 44257 |
| trace metals | 3,500 | 44258 |
| standard chemistry | 1,800 | 44259 |
| limited chemistry | 1,000 | 44260 |

The fee for those services shall be paid at the time the request 44261
for the survey is made. Through June 30, ~~2016~~ 2018, an individual 44262
laboratory shall not be assessed a fee under this division more 44263
than once in any three-year period unless the person requests the 44264
addition of analytical methods or analysts, in which case the 44265
person shall pay eighteen hundred dollars for each additional 44266
survey requested. 44267

As used in division (N)(3) of this section: 44268

- (a) "MF" means microfiltration. 44269
- (b) "MMO" means minimal medium ONPG. 44270
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 44271
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 44272

The director shall transmit all moneys collected under this 44273
division to the treasurer of state for deposit into the drinking 44274
water protection fund created in section 6109.30 of the Revised 44275
Code. 44276

(O) Any person applying to the director to take an 44277
examination for certification as an operator of a water supply 44278
system or wastewater system under Chapter 6109. or 6111. of the 44279
Revised Code that is administered by the director, at the time the 44280
application is submitted, shall pay a fee in accordance with the 44281
following schedule through November 30, ~~2016~~ 2018: 44282

| | | |
|--------------------|-------|-------|
| Class A operator | \$ 80 | 44283 |
| Class I operator | 105 | 44284 |
| Class II operator | 120 | 44285 |
| Class III operator | 130 | 44286 |
| Class IV operator | 145 | 44287 |

On and after December 1, ~~2016~~ 2018, the applicant shall pay a 44288
fee in accordance with the following schedule: 44289

| | | |
|--------------------|-------|-------|
| Class A operator | \$ 50 | 44290 |
| Class I operator | 70 | 44291 |
| Class II operator | 80 | 44292 |
| Class III operator | 90 | 44293 |
| Class IV operator | 100 | 44294 |

Any person applying to the director for certification as an 44295
operator of a water supply system or wastewater system who has 44296
passed an examination administered by an examination provider 44297
approved by the director shall pay a certification fee of 44298
forty-five dollars. 44299

A person shall pay a biennial certification renewal fee for 44300
each applicable class of certification in accordance with the 44301
following schedule: 44302

| | | |
|--------------------|------|-------|
| Class A operator | \$25 | 44303 |
| Class I operator | 35 | 44304 |
| Class II operator | 45 | 44305 |
| Class III operator | 55 | 44306 |
| Class IV operator | 65 | 44307 |

If a certification renewal fee is received by the director 44308
more than thirty days, but not more than one year after the 44309
expiration date of the certification, the person shall pay a 44310
certification renewal fee in accordance with the following 44311
schedule: 44312

| | | |
|--------------------|------|-------|
| Class A operator | \$45 | 44313 |
| Class I operator | 55 | 44314 |
| Class II operator | 65 | 44315 |
| Class III operator | 75 | 44316 |
| Class IV operator | 85 | 44317 |

A person who requests a replacement certificate shall pay a 44318
fee of twenty-five dollars at the time the request is made. 44319

Any person applying to be a water supply system or wastewater 44320
treatment system examination provider shall pay an application fee 44321
of five hundred dollars. Any person approved by the director as a 44322
water supply system or wastewater treatment system examination 44323
provider shall pay an annual fee that is equal to ten per cent of 44324
the fees that the provider assesses and collects for administering 44325
water supply system or wastewater treatment system certification 44326
examinations in this state for the calendar year. The fee shall be 44327
paid not later than forty-five days after the end of a calendar 44328
year. 44329

The director shall transmit all moneys collected under this 44330
division to the treasurer of state for deposit into the drinking 44331

water protection fund created in section 6109.30 of the Revised Code. 44332
44333

(P) Any person submitting an application for an industrial 44334
water pollution control certificate under section 6111.31 of the 44335
Revised Code, as that section existed before its repeal by H.B. 95 44336
of the 125th general assembly, shall pay a nonrefundable fee of 44337
five hundred dollars at the time the application is submitted. The 44338
director shall transmit all moneys collected under this division 44339
to the treasurer of state for deposit into the surface water 44340
protection fund created in section 6111.038 of the Revised Code. A 44341
person paying a certificate fee under this division shall not pay 44342
an application fee under division (S)(1) of this section. On and 44343
after June 26, 2003, persons shall file such applications and pay 44344
the fee as required under sections 5709.20 to 5709.27 of the 44345
Revised Code, and proceeds from the fee shall be credited as 44346
provided in section 5709.212 of the Revised Code. 44347

(Q) Except as otherwise provided in division (R) of this 44348
section, a person issued a permit by the director for a new solid 44349
waste disposal facility other than an incineration or composting 44350
facility, a new infectious waste treatment facility other than an 44351
incineration facility, or a modification of such an existing 44352
facility that includes an increase in the total disposal or 44353
treatment capacity of the facility pursuant to Chapter 3734. of 44354
the Revised Code shall pay a fee of ten dollars per thousand cubic 44355
yards of disposal or treatment capacity, or one thousand dollars, 44356
whichever is greater, except that the total fee for any such 44357
permit shall not exceed eighty thousand dollars. A person issued a 44358
modification of a permit for a solid waste disposal facility or an 44359
infectious waste treatment facility that does not involve an 44360
increase in the total disposal or treatment capacity of the 44361
facility shall pay a fee of one thousand dollars. A person issued 44362
a permit to install a new, or modify an existing, solid waste 44363

transfer facility under that chapter shall pay a fee of two 44364
thousand five hundred dollars. A person issued a permit to install 44365
a new or to modify an existing solid waste incineration or 44366
composting facility, or an existing infectious waste treatment 44367
facility using incineration as its principal method of treatment, 44368
under that chapter shall pay a fee of one thousand dollars. The 44369
increases in the permit fees under this division resulting from 44370
the amendments made by Amended Substitute House Bill 592 of the 44371
117th general assembly do not apply to any person who submitted an 44372
application for a permit to install a new, or modify an existing, 44373
solid waste disposal facility under that chapter prior to 44374
September 1, 1987; any such person shall pay the permit fee 44375
established in this division as it existed prior to June 24, 1988. 44376
In addition to the applicable permit fee under this division, a 44377
person issued a permit to install or modify a solid waste facility 44378
or an infectious waste treatment facility under that chapter who 44379
fails to pay the permit fee to the director in compliance with 44380
division (V) of this section shall pay an additional ten per cent 44381
of the amount of the fee for each week that the permit fee is 44382
late. 44383

Permit and late payment fees paid to the director under this 44384
division shall be credited to the general revenue fund. 44385

(R)(1) A person issued a registration certificate for a scrap 44386
tire collection facility under section 3734.75 of the Revised Code 44387
shall pay a fee of two hundred dollars, except that if the 44388
facility is owned or operated by a motor vehicle salvage dealer 44389
licensed under Chapter 4738. of the Revised Code, the person shall 44390
pay a fee of twenty-five dollars. 44391

(2) A person issued a registration certificate for a new 44392
scrap tire storage facility under section 3734.76 of the Revised 44393
Code shall pay a fee of three hundred dollars, except that if the 44394
facility is owned or operated by a motor vehicle salvage dealer 44395

licensed under Chapter 4738. of the Revised Code, the person shall 44396
pay a fee of twenty-five dollars. 44397

(3) A person issued a permit for a scrap tire storage 44398
facility under section 3734.76 of the Revised Code shall pay a fee 44399
of one thousand dollars, except that if the facility is owned or 44400
operated by a motor vehicle salvage dealer licensed under Chapter 44401
4738. of the Revised Code, the person shall pay a fee of fifty 44402
dollars. 44403

(4) A person issued a permit for a scrap tire monocell or 44404
monofill facility under section 3734.77 of the Revised Code shall 44405
pay a fee of ten dollars per thousand cubic yards of disposal 44406
capacity or one thousand dollars, whichever is greater, except 44407
that the total fee for any such permit shall not exceed eighty 44408
thousand dollars. 44409

(5) A person issued a registration certificate for a scrap 44410
tire recovery facility under section 3734.78 of the Revised Code 44411
shall pay a fee of one hundred dollars. 44412

(6) A person issued a permit for a scrap tire recovery 44413
facility under section 3734.78 of the Revised Code shall pay a fee 44414
of one thousand dollars. 44415

(7) In addition to the applicable registration certificate or 44416
permit fee under divisions (R)(1) to (6) of this section, a person 44417
issued a registration certificate or permit for any such scrap 44418
tire facility who fails to pay the registration certificate or 44419
permit fee to the director in compliance with division (V) of this 44420
section shall pay an additional ten per cent of the amount of the 44421
fee for each week that the fee is late. 44422

(8) The registration certificate, permit, and late payment 44423
fees paid to the director under divisions (R)(1) to (7) of this 44424
section shall be credited to the scrap tire management fund 44425
created in section 3734.82 of the Revised Code. 44426

(S)(1) Except as provided by divisions (L), (M), (N), (O), 44427
(P), and (S)(2) of this section, division (A)(2) of section 44428
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 44429
and rules adopted under division (T)(1) of this section, any 44430
person applying for a registration certificate under section 44431
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 44432
variance, or plan approval under Chapter 3734. of the Revised Code 44433
shall pay a nonrefundable fee of fifteen dollars at the time the 44434
application is submitted. 44435

Except as otherwise provided, any person applying for a 44436
permit, variance, or plan approval under Chapter 6109. or 6111. of 44437
the Revised Code shall pay a nonrefundable fee of one hundred 44438
dollars at the time the application is submitted through June 30, 44439
~~2016~~ 2018, and a nonrefundable fee of fifteen dollars at the time 44440
the application is submitted on and after July 1, ~~2016~~ 2018. 44441
Except as provided in division (S)(3) of this section, through 44442
June 30, ~~2016~~ 2018, any person applying for a national pollutant 44443
discharge elimination system permit under Chapter 6111. of the 44444
Revised Code shall pay a nonrefundable fee of two hundred dollars 44445
at the time of application for the permit. On and after July 1, 44446
~~2016~~ 2018, such a person shall pay a nonrefundable fee of fifteen 44447
dollars at the time of application. 44448

In addition to the application fee established under division 44449
(S)(1) of this section, any person applying for a national 44450
pollutant discharge elimination system general storm water 44451
construction permit shall pay a nonrefundable fee of twenty 44452
dollars per acre for each acre that is permitted above five acres 44453
at the time the application is submitted. However, the per acreage 44454
fee shall not exceed three hundred dollars. In addition, any 44455
person applying for a national pollutant discharge elimination 44456
system general storm water industrial permit shall pay a 44457
nonrefundable fee of one hundred fifty dollars at the time the 44458

application is submitted. 44459

The director shall transmit all moneys collected under 44460
division (S)(1) of this section pursuant to Chapter 6109. of the 44461
Revised Code to the treasurer of state for deposit into the 44462
drinking water protection fund created in section 6109.30 of the 44463
Revised Code. 44464

The director shall transmit all moneys collected under 44465
division (S)(1) of this section pursuant to Chapter 6111. of the 44466
Revised Code and under division (S)(3) of this section to the 44467
treasurer of state for deposit into the surface water protection 44468
fund created in section 6111.038 of the Revised Code. 44469

If a registration certificate is issued under section 44470
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 44471
the application fee paid shall be deducted from the amount of the 44472
registration certificate fee due under division (R)(1), (2), or 44473
(5) of this section, as applicable. 44474

If a person submits an electronic application for a 44475
registration certificate, permit, variance, or plan approval for 44476
which an application fee is established under division (S)(1) of 44477
this section, the person shall pay the applicable application fee 44478
as expeditiously as possible after the submission of the 44479
electronic application. An application for a registration 44480
certificate, permit, variance, or plan approval for which an 44481
application fee is established under division (S)(1) of this 44482
section shall not be reviewed or processed until the applicable 44483
application fee, and any other fees established under this 44484
division, are paid. 44485

(2) Division (S)(1) of this section does not apply to an 44486
application for a registration certificate for a scrap tire 44487
collection or storage facility submitted under section 3734.75 or 44488
3734.76 of the Revised Code, as applicable, if the owner or 44489

operator of the facility or proposed facility is a motor vehicle 44490
salvage dealer licensed under Chapter 4738. of the Revised Code. 44491

(3) A person applying for coverage under a national pollutant 44492
discharge elimination system general discharge permit for 44493
household sewage treatment systems shall pay the following fees: 44494

(a) A nonrefundable fee of two hundred dollars at the time of 44495
application for initial permit coverage; 44496

(b) A nonrefundable fee of one hundred dollars at the time of 44497
application for a renewal of permit coverage. 44498

(T) The director may adopt, amend, and rescind rules in 44499
accordance with Chapter 119. of the Revised Code that do all of 44500
the following: 44501

(1) Prescribe fees to be paid by applicants for and holders 44502
of any license, permit, variance, plan approval, or certification 44503
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 44504
the Revised Code that are not specifically established in this 44505
section. The fees shall be designed to defray the cost of 44506
processing, issuing, revoking, modifying, denying, and enforcing 44507
the licenses, permits, variances, plan approvals, and 44508
certifications. 44509

The director shall transmit all moneys collected under rules 44510
adopted under division (T)(1) of this section pursuant to Chapter 44511
6109. of the Revised Code to the treasurer of state for deposit 44512
into the drinking water protection fund created in section 6109.30 44513
of the Revised Code. 44514

The director shall transmit all moneys collected under rules 44515
adopted under division (T)(1) of this section pursuant to Chapter 44516
6111. of the Revised Code to the treasurer of state for deposit 44517
into the surface water protection fund created in section 6111.038 44518
of the Revised Code. 44519

(2) Exempt the state and political subdivisions thereof, 44520
including education facilities or medical facilities owned by the 44521
state or a political subdivision, or any person exempted from 44522
taxation by section 5709.07 or 5709.12 of the Revised Code, from 44523
any fee required by this section; 44524

(3) Provide for the waiver of any fee, or any part thereof, 44525
otherwise required by this section whenever the director 44526
determines that the imposition of the fee would constitute an 44527
unreasonable cost of doing business for any applicant, class of 44528
applicants, or other person subject to the fee; 44529

(4) Prescribe measures that the director considers necessary 44530
to carry out this section. 44531

(U) When the director reasonably demonstrates that the direct 44532
cost to the state associated with the issuance of a permit to 44533
install, license, variance, plan approval, or certification 44534
exceeds the fee for the issuance or review specified by this 44535
section, the director may condition the issuance or review on the 44536
payment by the person receiving the issuance or review of, in 44537
addition to the fee specified by this section, the amount, or any 44538
portion thereof, in excess of the fee specified under this 44539
section. The director shall not so condition issuances for which a 44540
fee is prescribed in division (L)(1)(b) of this section. 44541

(V) Except as provided in divisions (L), (M), and (P) of this 44542
section or unless otherwise prescribed by a rule of the director 44543
adopted pursuant to Chapter 119. of the Revised Code, all fees 44544
required by this section are payable within thirty days after the 44545
issuance of an invoice for the fee by the director or the 44546
effective date of the issuance of the license, permit, variance, 44547
plan approval, or certification. If payment is late, the person 44548
responsible for payment of the fee shall pay an additional ten per 44549
cent of the amount due for each month that it is late. 44550

(W) As used in this section, "fuel-burning equipment," 44551
"fuel-burning equipment input capacity," "incinerator," 44552
"incinerator input capacity," "process," "process weight rate," 44553
"storage tank," "gasoline dispensing facility," "dry cleaning 44554
facility," "design flow discharge," and "new source treatment 44555
works" have the meanings ascribed to those terms by applicable 44556
rules or standards adopted by the director under Chapter 3704. or 44557
6111. of the Revised Code. 44558

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 44559
(J) of this section, and in any other provision of this section 44560
pertaining to fees paid pursuant to Chapter 3704. of the Revised 44561
Code: 44562

(1) "Facility," "federal Clean Air Act," "person," and "Title 44563
V permit" have the same meanings as in section 3704.01 of the 44564
Revised Code. 44565

(2) "Title V permit program" means the following activities 44566
as necessary to meet the requirements of Title V of the federal 44567
Clean Air Act and 40 C.F.R. part 70, including at least: 44568

(a) Preparing and adopting, if applicable, generally 44569
applicable rules or guidance regarding the permit program or its 44570
implementation or enforcement; 44571

(b) Reviewing and acting on any application for a Title V 44572
permit, permit revision, or permit renewal, including the 44573
development of an applicable requirement as part of the processing 44574
of a permit, permit revision, or permit renewal; 44575

(c) Administering the permit program, including the 44576
supporting and tracking of permit applications, compliance 44577
certification, and related data entry; 44578

(d) Determining which sources are subject to the program and 44579
implementing and enforcing the terms of any Title V permit, not 44580
including any court actions or other formal enforcement actions; 44581

| | |
|---|--|
| (e) Emission and ambient monitoring; | 44582 |
| (f) Modeling, analyses, or demonstrations; | 44583 |
| (g) Preparing inventories and tracking emissions; | 44584 |
| (h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code. | 44585 44586 44587 44588 44589 44590 44591 |
| (3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. | 44592 44593 44594 |
| (Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the sewage sludge facility treats or disposes of in this state. The annual volume of sewage sludge treated or disposed of by a sewage sludge facility shall be calculated using the first day of January through the thirty-first day of December of the calendar year preceding the date on which payment of the fee is due. | 44595 44596 44597 44598 44599 44600 44601 44602 44603 44604 |
| (2)(a) Except as provided in division (Y)(2)(d) of this section, each sewage sludge facility shall pay a minimum annual sewage sludge fee of one hundred dollars. | 44605 44606 44607 |
| (b) The annual sludge fee required to be paid by a sewage sludge facility that treats or disposes of exceptional quality sludge in this state shall be thirty-five per cent less per dry ton of exceptional quality sludge than the fee assessed under division (Y)(1) of this section, subject to the following | 44608 44609 44610 44611 44612 |

exceptions: 44613

(i) Except as provided in division (Y)(2)(d) of this section, 44614
a sewage sludge facility that treats or disposes of exceptional 44615
quality sludge shall pay a minimum annual sewage sludge fee of one 44616
hundred dollars. 44617

(ii) A sewage sludge facility that treats or disposes of 44618
exceptional quality sludge shall not be required to pay the annual 44619
sludge fee for treatment or disposal in this state of exceptional 44620
quality sludge generated outside of this state and contained in 44621
bags or other containers not greater than one hundred pounds in 44622
capacity. 44623

A thirty-five per cent reduction for exceptional quality 44624
sludge applies to the maximum annual fees established under 44625
division (Y)(3) of this section. 44626

(c) A sewage sludge facility that transfers sewage sludge to 44627
another sewage sludge facility in this state for further treatment 44628
prior to disposal in this state shall not be required to pay the 44629
annual sludge fee for the tons of sewage sludge that have been 44630
transferred. In such a case, the sewage sludge facility that 44631
disposes of the sewage sludge shall pay the annual sludge fee. 44632
However, the facility transferring the sewage sludge shall pay the 44633
one-hundred-dollar minimum fee required under division (Y)(2)(a) 44634
of this section. 44635

In the case of a sewage sludge facility that treats sewage 44636
sludge in this state and transfers it out of this state to another 44637
entity for disposal, the sewage sludge facility in this state 44638
shall be required to pay the annual sludge fee for the tons of 44639
sewage sludge that have been transferred. 44640

(d) A sewage sludge facility that generates sewage sludge 44641
resulting from an average daily discharge flow of less than five 44642
thousand gallons per day is not subject to the fees assessed under 44643

division (Y) of this section. 44644

(3) No sewage sludge facility required to pay the annual 44645
sludge fee shall be required to pay more than the maximum annual 44646
fee for each disposal method that the sewage sludge facility uses. 44647
The maximum annual fee does not include the additional amount that 44648
may be charged under division (Y)(5) of this section for late 44649
payment of the annual sludge fee. The maximum annual fee for the 44650
following methods of disposal of sewage sludge is as follows: 44651

(a) Incineration: five thousand dollars; 44652

(b) Preexisting land reclamation project or disposal in a 44653
landfill: five thousand dollars; 44654

(c) Land application, land reclamation, surface disposal, or 44655
any other disposal method not specified in division (Y)(3)(a) or 44656
(b) of this section: twenty thousand dollars. 44657

(4)(a) In the case of an entity that generates sewage sludge 44658
or a sewage sludge facility that treats sewage sludge and 44659
transfers the sewage sludge to an incineration facility for 44660
disposal, the incineration facility, and not the entity generating 44661
the sewage sludge or the sewage sludge facility treating the 44662
sewage sludge, shall pay the annual sludge fee for the tons of 44663
sewage sludge that are transferred. However, the entity or 44664
facility generating or treating the sewage sludge shall pay the 44665
one-hundred-dollar minimum fee required under division (Y)(2)(a) 44666
of this section. 44667

(b) In the case of an entity that generates sewage sludge and 44668
transfers the sewage sludge to a landfill for disposal or to a 44669
sewage sludge facility for land reclamation or surface disposal, 44670
the entity generating the sewage sludge, and not the landfill or 44671
sewage sludge facility, shall pay the annual sludge fee for the 44672
tons of sewage sludge that are transferred. 44673

(5) Not later than the first day of April of the calendar 44674

year following March 17, 2000, and each first day of April 44675
thereafter, the director shall issue invoices to persons who are 44676
required to pay the annual sludge fee. The invoice shall identify 44677
the nature and amount of the annual sludge fee assessed and state 44678
the first day of May as the deadline for receipt by the director 44679
of objections regarding the amount of the fee and the first day of 44680
July as the deadline for payment of the fee. 44681

Not later than the first day of May following receipt of an 44682
invoice, a person required to pay the annual sludge fee may submit 44683
objections to the director concerning the accuracy of information 44684
regarding the number of dry tons of sewage sludge used to 44685
calculate the amount of the annual sludge fee or regarding whether 44686
the sewage sludge qualifies for the exceptional quality sludge 44687
discount established in division (Y)(2)(b) of this section. The 44688
director may consider the objections and adjust the amount of the 44689
fee to ensure that it is accurate. 44690

If the director does not adjust the amount of the annual 44691
sludge fee in response to a person's objections, the person may 44692
appeal the director's determination in accordance with Chapter 44693
119. of the Revised Code. 44694

Not later than the first day of June, the director shall 44695
notify the objecting person regarding whether the director has 44696
found the objections to be valid and the reasons for the finding. 44697
If the director finds the objections to be valid and adjusts the 44698
amount of the annual sludge fee accordingly, the director shall 44699
issue with the notification a new invoice to the person 44700
identifying the amount of the annual sludge fee assessed and 44701
stating the first day of July as the deadline for payment. 44702

Not later than the first day of July, any person who is 44703
required to do so shall pay the annual sludge fee. Any person who 44704
is required to pay the fee, but who fails to do so on or before 44705
that date shall pay an additional amount that equals ten per cent 44706

of the required annual sludge fee. 44707

(6) The director shall transmit all moneys collected under 44708
division (Y) of this section to the treasurer of state for deposit 44709
into the surface water protection fund created in section 6111.038 44710
of the Revised Code. The moneys shall be used to defray the costs 44711
of administering and enforcing provisions in Chapter 6111. of the 44712
Revised Code and rules adopted under it that govern the use, 44713
storage, treatment, or disposal of sewage sludge. 44714

(7) Beginning in fiscal year 2001, and every two years 44715
thereafter, the director shall review the total amount of moneys 44716
generated by the annual sludge fees to determine if that amount 44717
exceeded six hundred thousand dollars in either of the two 44718
preceding fiscal years. If the total amount of moneys in the fund 44719
exceeded six hundred thousand dollars in either fiscal year, the 44720
director, after review of the fee structure and consultation with 44721
affected persons, shall issue an order reducing the amount of the 44722
fees levied under division (Y) of this section so that the 44723
estimated amount of moneys resulting from the fees will not exceed 44724
six hundred thousand dollars in any fiscal year. 44725

If, upon review of the fees under division (Y)(7) of this 44726
section and after the fees have been reduced, the director 44727
determines that the total amount of moneys collected and 44728
accumulated is less than six hundred thousand dollars, the 44729
director, after review of the fee structure and consultation with 44730
affected persons, may issue an order increasing the amount of the 44731
fees levied under division (Y) of this section so that the 44732
estimated amount of moneys resulting from the fees will be 44733
approximately six hundred thousand dollars. Fees shall never be 44734
increased to an amount exceeding the amount specified in division 44735
(Y)(7) of this section. 44736

Notwithstanding section 119.06 of the Revised Code, the 44737
director may issue an order under division (Y)(7) of this section 44738

without the necessity to hold an adjudicatory hearing in 44739
connection with the order. The issuance of an order under this 44740
division is not an act or action for purposes of section 3745.04 44741
of the Revised Code. 44742

(8) As used in division (Y) of this section: 44743

(a) "Sewage sludge facility" means an entity that performs 44744
treatment on or is responsible for the disposal of sewage sludge. 44745

(b) "Sewage sludge" means a solid, semi-solid, or liquid 44746
residue generated during the treatment of domestic sewage in a 44747
treatment works as defined in section 6111.01 of the Revised Code. 44748
"Sewage sludge" includes, but is not limited to, scum or solids 44749
removed in primary, secondary, or advanced wastewater treatment 44750
processes. "Sewage sludge" does not include ash generated during 44751
the firing of sewage sludge in a sewage sludge incinerator, grit 44752
and screenings generated during preliminary treatment of domestic 44753
sewage in a treatment works, animal manure, residue generated 44754
during treatment of animal manure, or domestic septage. 44755

(c) "Exceptional quality sludge" means sewage sludge that 44756
meets all of the following qualifications: 44757

(i) Satisfies the class A pathogen standards in 40 C.F.R. 44758
503.32(a); 44759

(ii) Satisfies one of the vector attraction reduction 44760
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 44761

(iii) Does not exceed the ceiling concentration limitations 44762
for metals listed in table one of 40 C.F.R. 503.13; 44763

(iv) Does not exceed the concentration limitations for metals 44764
listed in table three of 40 C.F.R. 503.13. 44765

(d) "Treatment" means the preparation of sewage sludge for 44766
final use or disposal and includes, but is not limited to, 44767
thickening, stabilization, and dewatering of sewage sludge. 44768

(e) "Disposal" means the final use of sewage sludge, 44769
including, but not limited to, land application, land reclamation, 44770
surface disposal, or disposal in a landfill or an incinerator. 44771

(f) "Land application" means the spraying or spreading of 44772
sewage sludge onto the land surface, the injection of sewage 44773
sludge below the land surface, or the incorporation of sewage 44774
sludge into the soil for the purposes of conditioning the soil or 44775
fertilizing crops or vegetation grown in the soil. 44776

(g) "Land reclamation" means the returning of disturbed land 44777
to productive use. 44778

(h) "Surface disposal" means the placement of sludge on an 44779
area of land for disposal, including, but not limited to, 44780
monofills, surface impoundments, lagoons, waste piles, or 44781
dedicated disposal sites. 44782

(i) "Incinerator" means an entity that disposes of sewage 44783
sludge through the combustion of organic matter and inorganic 44784
matter in sewage sludge by high temperatures in an enclosed 44785
device. 44786

(j) "Incineration facility" includes all incinerators owned 44787
or operated by the same entity and located on a contiguous tract 44788
of land. Areas of land are considered to be contiguous even if 44789
they are separated by a public road or highway. 44790

(k) "Annual sludge fee" means the fee assessed under division 44791
(Y)(1) of this section. 44792

(l) "Landfill" means a sanitary landfill facility, as defined 44793
in rules adopted under section 3734.02 of the Revised Code, that 44794
is licensed under section 3734.05 of the Revised Code. 44795

(m) "Preexisting land reclamation project" means a 44796
property-specific land reclamation project that has been in 44797
continuous operation for not less than five years pursuant to 44798

approval of the activity by the director and includes the 44799
implementation of a community outreach program concerning the 44800
activity. 44801

Sec. 3750.081. (A) Notwithstanding any provision in this 44802
chapter to the contrary, an owner or operator of a facility that 44803
is regulated under Chapter 1509. of the Revised Code ~~who has filed~~ 44804
~~a log in accordance with section 1509.10 of the Revised Code and a~~ 44805
~~production statement in accordance with section 1509.11 of the~~ 44806
Revised Code shall be deemed to have satisfied all of the 44807
inventory, notification, listing, and other submission and filing 44808
requirements established under this chapter, except for the 44809
release reporting requirements established under section 3750.06 44810
of the Revised Code, by complying with the requirements 44811
established in section 1509.231 of the Revised Code. 44812

(B) The emergency response commission and every local 44813
emergency planning committee and fire department in this state 44814
shall establish a means by which to access, view, and retrieve 44815
information, ~~through the use of the internet or a computer disk,~~ 44816
from the electronic database maintained by the division of oil and 44817
gas resources management in the department of natural resources in 44818
accordance with section ~~1509.23~~ 1509.231 of the Revised Code. With 44819
respect to facilities regulated under Chapter 1509. of the Revised 44820
Code, the database shall be the means of providing and receiving 44821
the information described in division (A) of this section. 44822

Sec. 3750.13. (A)(1) Except as provided in division (A)(3) or 44823
(4) of this section, the owner or operator of a facility required 44824
to annually file an emergency and hazardous chemical inventory 44825
form under section 3750.08 of the Revised Code shall submit with 44826
the inventory form a filing fee of one hundred fifty dollars. In 44827
addition to the filing fee, the owner or operator shall submit 44828
with the inventory form the following additional fees for 44829

reporting inventories of the individual hazardous chemicals and 44830
extremely hazardous substances produced, used, or stored at the 44831
facility: 44832

(a) Except as provided in division (A)(1)(b) of this section, 44833
an additional fee of twenty dollars per hazardous chemical 44834
enumerated on the inventory form; 44835

(b) An additional fee of one hundred fifty dollars per 44836
extremely hazardous substance enumerated on the inventory form. 44837
The fee established in division (A)(1)(a) of this section does not 44838
apply to the reporting of the inventory of a hazardous chemical 44839
that is also an extremely hazardous substance to which the 44840
inventory reporting fee established in division (A)(1)(b) of this 44841
section applies. 44842

The total fees required to accompany any inventory form shall 44843
not exceed twenty-five hundred dollars. 44844

(2) An owner or operator of a facility who fails to submit 44845
such an inventory form within thirty days after the applicable 44846
filing date prescribed in section 3750.08 of the Revised Code 44847
shall submit with the inventory form a late filing fee in the 44848
amount of ten per cent per year of the total fees due under 44849
division (A)(1) or (4) of this section, in addition to the fees 44850
due under division (A)(1) or (4) of this section. 44851

(3) The owner or operator of a facility who, during the 44852
preceding year, was required to pay a fee to a municipal 44853
corporation pursuant to an ordinance, rule, or requirement that 44854
was in effect on the effective date of this section for the 44855
reporting or providing of the names or amounts of extremely 44856
hazardous substances or hazardous chemicals produced, used, or 44857
stored at the facility may claim a credit against the fees due 44858
under division (A)(1) or (4) of this section for the fees paid to 44859
the municipal corporation pursuant to its reporting requirement. 44860

The amount of the credit claimed in any reporting year shall not exceed the amount of the fees due under division (A)(1) or (4) of this section during that reporting year, and no unused portion of the credit shall be carried over to subsequent years. In order to claim a credit under this division, the owner or operator shall submit with the emergency and hazardous chemical inventory form a receipt issued by the municipal corporation or other documentation acceptable to the commission indicating the amount of the fee paid to the municipal corporation and the date on which the fee was paid.

(4) An owner or operator who is regulated under Chapter 1509. of the Revised Code and who submits information under section ~~1509.11~~ 1509.231 of the Revised Code for not more than twenty-five facilities shall submit to the emergency response commission on or before the first day of March a flat fee of fifty dollars if the facilities meet all of the following conditions:

(a) The facility exclusively stores crude oil or liquid hydrocarbons or other fluids resulting, obtained, or produced in connection with the production or storage of crude oil or natural gas.

(b) The crude oil, liquid hydrocarbons, or other fluids stored at the facility are conveyed directly to it through piping or tubing.

(c) The facility is located on the same site as, or on a site adjacent to, the well from which the crude oil, liquid hydrocarbons, or other fluids are produced or obtained.

(d) The facility is used for the storage of the crude oil, liquid hydrocarbons, or other fluids prior to their transportation off the premises of the facility for sale, use, or disposal.

An owner or operator who submits information for more than twenty-five facilities that meet all of the conditions prescribed

in divisions (A)(4)(a) to (d) of this section shall submit to the 44892
commission a base fee of fifty dollars and an additional filing 44893
fee of ten dollars for each facility reported in excess of 44894
twenty-five, but not exceeding a total fee of nine hundred 44895
dollars. 44896

As used in division (A)(4) of this section, "owner or 44897
operator" means the person who actually owns or operates any such 44898
facility and any other person who controls, is controlled by, or 44899
is under common control with the person who actually owns or 44900
operates the facility. 44901

(B) The emergency response commission and the local emergency 44902
planning committee of an emergency planning district may establish 44903
fees to be paid by persons, other than public officers or 44904
employees, obtaining copies of documents or information submitted 44905
to the commission or a committee under this chapter. The fees 44906
shall be established at a level calculated to defray the costs to 44907
the commission or committee for copying the documents or 44908
information, but shall not exceed the maximum fees established in 44909
rules adopted under division (B)(8) of section 3750.02 of the 44910
Revised Code. 44911

(C) Except as provided in this division and division (B) of 44912
this section, and except for fees authorized by section 3737.22 of 44913
the Revised Code or rules adopted under sections 3737.82 to 44914
3737.882 of the Revised Code and collected exclusively for either 44915
of those purposes, no committee or political subdivision shall 44916
levy any fee, tax, excise, or other charge to carry out the 44917
purposes of this chapter. A committee may charge the actual costs 44918
involved in accessing any computerized data base established by 44919
the commission under this chapter or by the United States 44920
environmental protection agency under the "Emergency Planning and 44921
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 44922
11001. 44923

(D) Moneys collected by the commission under this section 44924
shall be credited to the emergency planning and community 44925
right-to-know fund created in section 3750.14 of the Revised Code. 44926

Sec. 3769.03. The state racing commission shall prescribe the 44927
rules and conditions under which horse racing may be conducted and 44928
may issue, deny, suspend, diminish, or revoke permits to conduct 44929
horse racing as authorized by sections 3769.01 to 3769.14 of the 44930
Revised Code. The commission may impose, in addition to any other 44931
penalty imposed by the commission, fines in an amount not to 44932
exceed ten thousand dollars on any permit holder or any other 44933
person who violates the rules or orders of the commission. The 44934
commission may prescribe the forms of wagering that are 44935
permissible, the number of races, the procedures on wagering, and 44936
the wagering information to be provided to the public. 44937

The commission may require totalizator equipment to display 44938
the amount of wagering in each wagering pool. The commission shall 44939
initiate safeguards as necessary to account for the amount of 44940
money wagered at each track in each wagering pool. It may require 44941
permit holders to install equipment that will provide a complete 44942
check and analysis of the functioning of any computers and require 44943
safeguards on their performance. The commission shall require all 44944
permit holders, except those holding state fair, county fair, or 44945
other fair permits, to provide a photographic recording, approved 44946
by the commission, of the entire running of all races conducted by 44947
the permit holder. 44948

The state racing commission may issue, deny, suspend, or 44949
revoke licenses to those persons engaged in racing and to those 44950
employees of permit holders as is in the public interest for the 44951
purpose of maintaining a proper control over horse-racing 44952
meetings. The commission, as is in the public interest for the 44953
purpose of maintaining proper control over horse-racing meetings, 44954

also may rule any person off a permit holder's premises. License 44955
fees shall include registration fees and shall be set by the 44956
commission. Each license issued by the commission, unless revoked 44957
for cause, shall be for the period of one year from the first day 44958
of January of the year in which it is issued, except as otherwise 44959
provided in section 3769.07 of the Revised Code. Applicants for 44960
licenses issued by the commission shall submit their fingerprints 44961
to the commission, and the commission may forward the fingerprints 44962
to the federal bureau of investigation or to any other agency, or 44963
to both, for examination. 44964

There is hereby created in the state treasury the state 44965
racing commission operating fund. All license fees established and 44966
collected by the commission pursuant to this section, and the 44967
amounts specified in divisions (B) and (C) of section 3769.08 and 44968
division (A)~~(6)~~(5) of section 3769.087 of the Revised Code, shall 44969
be paid into the state treasury to the credit of the fund. Moneys 44970
in the fund shall be expended by the commission to defray its 44971
operating costs, salaries and expenses, and the cost of 44972
administering and enforcing this chapter. 44973

The commission may deny a permit to any permit holder that 44974
has defaulted in payments to the public, employees, or the 44975
horsemen and may deny a permit to any successor purchaser of a 44976
track for as long as any of those defaults have not been satisfied 44977
by either the seller or purchaser. 44978

The commission shall deny a permit to any permit holder that 44979
has defaulted in payments to the state or has defaulted in 44980
payments required under section 3769.089 or 3769.0810 of the 44981
Revised Code and shall deny a permit to any successor purchaser of 44982
a track for as long as those defaults have not been satisfied by 44983
either the seller or purchaser. 44984

Any violation of this chapter, of any rule of racing adopted 44985
by the commission, or of any law or rule with respect to racing in 44986

any jurisdiction shall be sufficient reason for a refusal to issue 44987
a license, or a suspension or revocation of any license issued, 44988
pursuant to this section. 44989

With respect to the issuance, denial, suspension, or 44990
revocation of a license to a participant in horse racing, the 44991
action of the commission shall be subject to Chapter 119. of the 44992
Revised Code. 44993

The commission may sue and be sued in its own name. Any 44994
action against the commission shall be brought in the court of 44995
common pleas of Franklin county. Any appeal from a determination 44996
or decision of the commission rendered in the exercise of its 44997
powers and duties under this chapter shall be brought in the court 44998
of common pleas of Franklin county. 44999

The commission, biennially, shall make a full report to the 45000
governor of its proceedings for the two-year period ending with 45001
the thirty-first day of December preceding the convening of the 45002
general assembly and shall include its recommendations in the 45003
report. The commission, semiannually, on the thirtieth day of June 45004
and on the thirty-first day of December of each year, shall make a 45005
report and accounting to the governor. 45006

Sec. 3769.08. (A) Any person holding a permit to conduct a 45007
horse-racing meeting may provide a place in the race meeting 45008
grounds or enclosure at which the permit holder may conduct and 45009
supervise the pari-mutuel system of wagering by patrons of legal 45010
age on the live racing programs and simulcast racing programs 45011
conducted by the permit holder. 45012

The pari-mutuel method of wagering upon the live racing 45013
programs and simulcast racing programs held at or conducted within 45014
such race track, and at the time of such horse-racing meeting, or 45015
at other times authorized by the state racing commission, shall 45016
not be unlawful. No other place, except that provided and 45017

designated by the permit holder and except as provided in section 45018
3769.26 of the Revised Code, nor any other method or system of 45019
betting or wagering on live racing programs and simulcast racing 45020
programs, except the pari-mutuel system, shall be used or 45021
permitted by the permit holder; nor, except as provided in section 45022
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 45023
system of wagering be conducted by the permit holder on any races 45024
except the races at the race track, grounds, or enclosure for 45025
which the person holds a permit. Each permit holder may retain as 45026
a commission an amount not to exceed eighteen per cent of the 45027
total of all moneys wagered on live racing programs and simulcast 45028
racing programs. 45029

The pari-mutuel wagering authorized by this section is 45030
subject to sections 3769.25 to 3769.28 of the Revised Code. 45031

(B) At the close of each racing day, each permit holder 45032
authorized to conduct thoroughbred racing, out of the amount 45033
retained on that day by the permit holder, shall pay in the manner 45034
prescribed under section 3769.103 of the Revised Code, as a tax, a 45035
sum equal to the following percentages of the total of all moneys 45036
wagered on live racing programs on that day and shall separately 45037
compute and pay in the manner prescribed under section 3769.103 of 45038
the Revised Code, as a tax, a sum equal to the following 45039
percentages of the total of all money wagered on simulcast racing 45040
programs on that day: 45041

(1) One per cent of the first two hundred thousand dollars 45042
wagered, or any part of that amount; 45043

(2) Two per cent of the next one hundred thousand dollars 45044
wagered, or any part of that amount; 45045

(3) Three per cent of the next one hundred thousand dollars 45046
wagered, or any part of that amount; 45047

(4) Four per cent of all sums over four hundred thousand 45048

dollars wagered. 45049

Except as otherwise provided in section 3769.089 of the 45050
Revised Code, each permit holder authorized to conduct 45051
thoroughbred racing shall use for purse money a sum equal to fifty 45052
per cent of the pari-mutuel revenues retained by the permit holder 45053
as a commission after payment of the state tax. This fifty per 45054
cent payment shall be in addition to the purse distribution from 45055
breakage specified in this section. 45056

Subject to division (M) of this section, from the moneys paid 45057
to the tax commissioner by thoroughbred racing permit holders, 45058
one-half of one per cent of the total of all moneys so wagered on 45059
a racing day shall be paid into the Ohio fairs fund created by 45060
section 3769.082 of the Revised Code, one and one-eighth per cent 45061
of the total of all moneys so wagered on a racing day shall be 45062
paid into the Ohio thoroughbred race fund created by section 45063
3769.083 of the Revised Code, and one-quarter of one per cent of 45064
the total of all moneys wagered on a racing day by each permit 45065
holder shall be paid into the state racing commission operating 45066
fund created by section 3769.03 of the Revised Code. The required 45067
payment to the state racing commission operating fund does not 45068
apply to county and independent fairs and agricultural societies. 45069
The remaining moneys may be retained by the permit holder, except 45070
as provided in this section with respect to the odd cents 45071
redistribution. Amounts paid into the nursing home franchise 45072
permit fee fund pursuant to this section and section 3769.26 of 45073
the Revised Code shall be used solely for the support of the 45074
PASSPORT program as determined in appropriations made by the 45075
general assembly. If the PASSPORT program is abolished, the amount 45076
that would have been paid to the nursing home franchise permit fee 45077
fund under this chapter shall be paid to the general revenue fund 45078
of the state. As used in this chapter, "PASSPORT program" has the 45079
same meaning as in section 173.51 of the Revised Code. 45080

The total amount paid to the Ohio thoroughbred race fund 45081
under this section and division (A) of section 3769.087 of the 45082
Revised Code shall not exceed by more than six per cent the total 45083
amount paid to this fund under this section and division (A) of 45084
that section during the immediately preceding calendar year. 45085

Each year, the total amount calculated for payment into the 45086
Ohio fairs fund under this division, division (C) of this section, 45087
and division (A) of section 3769.087 of the Revised Code shall be 45088
an amount calculated using the percentages specified in this 45089
division, division (C) of this section, and division (A) of 45090
section 3769.087 of the Revised Code. 45091

A permit holder may contract with a thoroughbred horsemen's 45092
organization for the organization to act as a representative of 45093
all thoroughbred owners and trainers participating in a 45094
horse-racing meeting conducted by the permit holder. A 45095
"thoroughbred horsemen's organization" is any corporation or 45096
association that represents, through membership or otherwise, more 45097
than one-half of the aggregate of all thoroughbred owners and 45098
trainers who were licensed and actively participated in racing 45099
within this state during the preceding calendar year. Except as 45100
otherwise provided in this paragraph, any moneys received by a 45101
thoroughbred horsemen's organization shall be used exclusively for 45102
the benefit of thoroughbred owners and trainers racing in this 45103
state through the administrative purposes of the organization, 45104
benevolent activities on behalf of the horsemen, promotion of the 45105
horsemen's rights and interests, and promotion of equine research. 45106
A thoroughbred horsemen's organization may expend not more than an 45107
aggregate of five per cent of its annual gross receipts, or a 45108
larger amount as approved by the organization, for dues, 45109
assessments, and other payments to all other local, national, or 45110
international organizations having as their primary purposes the 45111
promotion of thoroughbred horse racing, thoroughbred horsemen's 45112

rights, and equine research. 45113

(C) Except as otherwise provided in division (B) of this 45114
section, at the close of each racing day, each permit holder 45115
authorized to conduct harness or quarter horse racing, out of the 45116
amount retained that day by the permit holder, shall pay in the 45117
manner prescribed under section 3769.103 of the Revised Code, as a 45118
tax, a sum equal to the following percentages of the total of all 45119
moneys wagered on live racing programs and shall separately 45120
compute and pay in the manner prescribed under section 3769.103 of 45121
the Revised Code, as a tax, a sum equal to the following 45122
percentages of the total of all money wagered on simulcast racing 45123
programs on that day: 45124

(1) One per cent of the first two hundred thousand dollars 45125
wagered, or any part of that amount; 45126

(2) Two per cent of the next one hundred thousand dollars 45127
wagered, or any part of that amount; 45128

(3) Three per cent of the next one hundred thousand dollars 45129
wagered, or any part of that amount; 45130

(4) Four per cent of all sums over four hundred thousand 45131
dollars wagered. 45132

Except as otherwise provided in division (B) and subject to 45133
division (M) of this section, from the moneys paid to the tax 45134
commissioner by permit holders authorized to conduct harness or 45135
quarter horse racing, one-half of one per cent of all moneys 45136
wagered on that racing day shall be paid into the Ohio fairs fund; 45137
from the moneys paid to the tax commissioner by permit holders 45138
authorized to conduct harness racing, five-eighths of one per cent 45139
of all moneys wagered on that racing day shall be paid into the 45140
Ohio standardbred development fund; and from the moneys paid to 45141
the tax commissioner by permit holders authorized to conduct 45142
quarter horse racing, five-eighths of one per cent of all moneys 45143

wagered on that racing day shall be paid into the Ohio 45144
thoroughbred race fund to support quarter horse development ~~fund~~ 45145
and purses. 45146

(D) In addition, subject to division (M) of this section, 45147
beginning on January 1, 1996, from the money paid to the tax 45148
commissioner as a tax under this section and division (A) of 45149
section 3769.087 of the Revised Code by harness horse permit 45150
holders, one-half of one per cent of the amount wagered on a 45151
racing day shall be paid into the Ohio standardbred development 45152
fund. Beginning January 1, 1998, the payment to the Ohio 45153
standardbred development fund required under this division does 45154
not apply to county agricultural societies or independent 45155
agricultural societies. 45156

The total amount paid to the Ohio standardbred development 45157
fund under this division, division (C) of this section, and 45158
division (A) of section 3769.087 of the Revised Code and the total 45159
amount paid to the Ohio thoroughbred race fund to support quarter 45160
horse development ~~fund~~ and purses under this division and division 45161
(A) of that section shall not exceed by more than six per cent the 45162
total amount paid into the fund under this division, division (C) 45163
of this section, and division (A) of section 3769.087 of the 45164
Revised Code in the immediately preceding calendar year. 45165

(E) Subject to division (M) of this section, from the money 45166
paid as a tax under this chapter by harness and quarter horse 45167
permit holders, one-quarter of one per cent of the total of all 45168
moneys wagered on a racing day by each permit holder shall be paid 45169
into the state racing commission operating fund created by section 45170
3769.03 of the Revised Code. This division does not apply to 45171
county and independent fairs and agricultural societies. 45172

(F) Except as otherwise provided in section 3769.089 of the 45173
Revised Code, each permit holder authorized to conduct harness 45174
racing shall pay to the harness horsemen's purse pool a sum equal 45175

to fifty per cent of the pari-mutuel revenues retained by the 45176
permit holder as a commission after payment of the state tax. This 45177
fifty per cent payment is to be in addition to the purse 45178
distribution from breakage specified in this section. 45179

(G) In addition, each permit holder authorized to conduct 45180
harness racing shall be allowed to retain the odd cents of all 45181
redistribution to be made on all mutual contributions exceeding a 45182
sum equal to the next lowest multiple of ten. 45183

Forty per cent of that portion of that total sum of such odd 45184
cents shall be used by the permit holder for purse money for Ohio 45185
sired, bred, and owned colts, for purse money for Ohio bred 45186
horses, and for increased purse money for horse races. Upon the 45187
formation of the corporation described in section 3769.21 of the 45188
Revised Code to establish a harness horsemen's health and 45189
retirement fund, twenty-five per cent of that portion of that 45190
total sum of odd cents shall be paid at the close of each racing 45191
day by the permit holder to that corporation to establish and fund 45192
the health and retirement fund. Until that corporation is formed, 45193
that twenty-five per cent shall be paid at the close of each 45194
racing day by the permit holder to the tax commissioner or the tax 45195
commissioner's agent in the county seat of the county in which the 45196
permit holder operates race meetings. The remaining thirty-five 45197
per cent of that portion of that total sum of odd cents shall be 45198
retained by the permit holder. 45199

(H) In addition, each permit holder authorized to conduct 45200
thoroughbred racing shall be allowed to retain the odd cents of 45201
all redistribution to be made on all mutuel contributions 45202
exceeding a sum equal to the next lowest multiple of ten. Twenty 45203
per cent of that portion of that total sum of such odd cents shall 45204
be used by the permit holder for increased purse money for horse 45205
races. Upon the formation of the corporation described in section 45206
3769.21 of the Revised Code to establish a thoroughbred horsemen's 45207

health and retirement fund, forty-five per cent of that portion of 45208
that total sum of odd cents shall be paid at the close of each 45209
racing day by the permit holder to that corporation to establish 45210
and fund the health and retirement fund. Until that corporation is 45211
formed, that forty-five per cent shall be paid by the permit 45212
holder to the tax commissioner or the tax commissioner's agent in 45213
the county seat of the county in which the permit holder operates 45214
race meetings, at the close of each racing day. The remaining 45215
thirty-five per cent of that portion of that total sum of odd 45216
cents shall be retained by the permit holder. 45217

(I) In addition, each permit holder authorized to conduct 45218
quarter horse racing shall be allowed to retain the odd cents of 45219
all redistribution to be made on all mutuel contributions 45220
exceeding a sum equal to the next lowest multiple of ten, subject 45221
to a tax of twenty-five per cent on that portion of the total sum 45222
of such odd cents that is in excess of two thousand dollars during 45223
a calendar year, which tax shall be paid at the close of each 45224
racing day by the permit holder to the tax commissioner or the tax 45225
commissioner's agent in the county seat of the county within which 45226
the permit holder operates race meetings. Forty per cent of that 45227
portion of that total sum of such odd cents shall be used by the 45228
permit holder for increased purse money for horse races. The 45229
remaining thirty-five per cent of that portion of that total sum 45230
of odd cents shall be retained by the permit holder. 45231

(J)(1) To encourage the improvement of racing facilities for 45232
the benefit of the public, breeders, and horse owners, and to 45233
increase the revenue to the state from the increase in pari-mutuel 45234
wagering resulting from those improvements, the taxes paid by a 45235
permit holder to the state as provided for in this chapter shall 45236
be reduced by three-fourths of one per cent of the total amount 45237
wagered for those permit holders who make capital improvements to 45238
existing race tracks or construct new race tracks. The percentage 45239

of the reduction that may be taken each racing day shall equal 45240
seventy-five per cent of the taxes levied under divisions (B) and 45241
(C) of this section and section 3769.087 of the Revised Code, and 45242
division (F)(2) of section 3769.26 of the Revised Code, as 45243
applicable, divided by the calculated amount each fund should 45244
receive under divisions (B) and (C) of this section and section 45245
3769.087 of the Revised Code, and division (F)(2) of section 45246
3769.26 of the Revised Code and the reduction provided for in this 45247
division. If the resulting percentage is less than one, that 45248
percentage shall be multiplied by the amount of the reduction 45249
provided for in this division. Otherwise, the permit holder shall 45250
receive the full reduction provided for in this division. The 45251
amount of the allowable reduction not received shall be carried 45252
forward and applied against future tax liability. After any 45253
reductions expire, any reduction carried forward shall be treated 45254
as a reduction as provided for in this division. 45255

If more than one permit holder is authorized to conduct 45256
racing at the facility that is being built or improved, the cost 45257
of the new race track or capital improvement shall be allocated 45258
between or among all the permit holders in the ratio that the 45259
permit holders' number of racing days bears to the total number of 45260
racing days conducted at the facility. 45261

A reduction for a new race track or a capital improvement 45262
shall start from the day racing is first conducted following the 45263
date actual construction of the new race track or each capital 45264
improvement is completed and the construction cost has been 45265
approved by the racing commission, unless otherwise provided in 45266
this section. A reduction for a new race track or a capital 45267
improvement shall continue for a period of twenty-five years for 45268
new race tracks and for fifteen years for capital improvements if 45269
the construction of the capital improvement or new race track 45270
commenced prior to March 29, 1988, and for a period of ten years 45271

for new race tracks or capital improvements if the construction of 45272
the capital improvement or new race track commenced on or after 45273
March 29, 1988, but before June 6, 2001, or until the total tax 45274
reduction reaches seventy per cent of the approved cost of the new 45275
race track or capital improvement, as allocated to each permit 45276
holder, whichever occurs first. A reduction for a new race track 45277
or a capital improvement approved after June 6, 2001, shall 45278
continue until the total tax reduction reaches one hundred per 45279
cent of the approved cost of the new race track or capital 45280
improvement, as allocated to each permit holder. 45281

A reduction granted for a new race track or a capital 45282
improvement, the application for which was approved by the racing 45283
commission after March 29, 1988, but before June 6, 2001, shall 45284
not commence nor shall the ten-year period begin to run until all 45285
prior tax reductions with respect to the same race track have 45286
ended. The total tax reduction because of capital improvements 45287
shall not during any one year exceed for all permit holders using 45288
any one track three-fourths of one per cent of the total amount 45289
wagered, regardless of the number of capital improvements made. 45290
Several capital improvements to a race track may be consolidated 45291
in an application if the racing commission approved the 45292
application prior to March 29, 1988. No permit holder may receive 45293
a tax reduction for a capital improvement approved by the racing 45294
commission on or after March 29, 1988, at a race track until all 45295
tax reductions have ended for all prior capital improvements 45296
approved by the racing commission under this section or section 45297
3769.20 of the Revised Code at that race track. If there are two 45298
or more permit holders operating meetings at the same track, they 45299
may consolidate their applications. The racing commission shall 45300
notify the tax commissioner when the reduction of tax begins and 45301
when it ends. 45302

Each fiscal year the racing commission shall submit a report 45303

to the tax commissioner, the office of budget and management, and 45304
the legislative service commission. The report shall identify each 45305
capital improvement project undertaken under this division and in 45306
progress at each race track, indicate the total cost of each 45307
project, state the tax reduction that resulted from each project 45308
during the immediately preceding fiscal year, estimate the tax 45309
reduction that will result from each project during the current 45310
fiscal year, state the total tax reduction that resulted from all 45311
such projects at all race tracks during the immediately preceding 45312
fiscal year, and estimate the total tax reduction that will result 45313
from all such projects at all race tracks during the current 45314
fiscal year. 45315

(2) In order to qualify for the reduction in tax, a permit 45316
holder shall apply to the racing commission in such form as the 45317
commission may require and shall provide full details of the new 45318
race track or capital improvement, including a schedule for its 45319
construction and completion, and set forth the costs and expenses 45320
incurred in connection with it. The racing commission shall not 45321
approve an application unless the permit holder shows that a 45322
contract for the new race track or capital improvement has been 45323
let under an unrestricted competitive bidding procedure, unless 45324
the contract is exempted by the controlling board because of its 45325
unusual nature. In determining whether to approve an application, 45326
the racing commission shall consider whether the new race track or 45327
capital improvement will promote the safety, convenience, and 45328
comfort of the racing public and horse owners and generally tend 45329
towards the improvement of racing in this state. 45330

(3) If a new race track or capital improvement is approved by 45331
the racing commission and construction has started, the tax 45332
reduction may be authorized by the commission upon presentation of 45333
copies of paid bills in excess of one hundred thousand dollars or 45334
ten per cent of the approved cost, whichever is greater. After the 45335

initial authorization, the permit holder shall present copies of 45336
paid bills. If the permit holder is in substantial compliance with 45337
the schedule for construction and completion of the new race track 45338
or capital improvement, the racing commission may authorize the 45339
continuation of the tax reduction upon the presentation of the 45340
additional paid bills. The total amount of the tax reduction 45341
authorized shall not exceed the percentage of the approved cost of 45342
the new race track or capital improvement specified in division 45343
(J)(1) of this section. The racing commission may terminate any 45344
tax reduction immediately if a permit holder fails to complete the 45345
new race track or capital improvement, or to substantially comply 45346
with the schedule for construction and completion of the new race 45347
track or capital improvement. If a permit holder fails to complete 45348
a new race track or capital improvement, the racing commission 45349
shall order the permit holder to repay to the state the total 45350
amount of tax reduced. The normal tax paid by the permit holder 45351
shall be increased by three-fourths of one per cent of the total 45352
amount wagered until the total amount of the additional tax 45353
collected equals the total amount of tax reduced. 45354

(4) As used in this section: 45355

(a) "Capital improvement" means an addition, replacement, or 45356
remodeling of a structural unit of a race track facility costing 45357
at least one hundred thousand dollars, including, but not limited 45358
to, the construction of barns used exclusively for the race track 45359
facility, backstretch facilities for horsemen, paddock facilities, 45360
new pari-mutuel and totalizator equipment and appurtenances to 45361
that equipment purchased by the track, new access roads, new 45362
parking areas, the complete reconstruction, reshaping, and 45363
leveling of the racing surface and appurtenances, the installation 45364
of permanent new heating or air conditioning, roof replacement or 45365
restoration, installations of a permanent nature forming a part of 45366
the track structure, and construction of buildings that are 45367

located on a permit holder's premises. "Capital improvement" does 45368
not include the cost of replacement of equipment that is not 45369
permanently installed, ordinary repairs, painting, and maintenance 45370
required to keep a race track facility in ordinary operating 45371
condition. 45372

(b) "New race track" includes the reconstruction of a race 45373
track damaged by fire or other cause that has been declared by the 45374
racing commission, as a result of the damage, to be an inadequate 45375
facility for the safe operation of horse racing. 45376

(c) "Approved cost" includes all debt service and interest 45377
costs that are associated with a capital improvement or new race 45378
track and that the racing commission approves for a tax reduction 45379
under division (J) of this section. 45380

(5) The racing commission shall not approve an application 45381
for a tax reduction under this section if it has reasonable cause 45382
to believe that the actions or negligence of the permit holder 45383
substantially contributed to the damage suffered by the track due 45384
to fire or other cause. The racing commission shall obtain any 45385
data or information available from a fire marshal, law enforcement 45386
official, or insurance company concerning any fire or other damage 45387
suffered by a track, prior to approving an application for a tax 45388
reduction. 45389

(6) The approved cost to which a tax reduction applies shall 45390
be determined by generally accepted accounting principles and 45391
verified by an audit of the permit holder's records upon 45392
completion of the project by the racing commission, or by an 45393
independent certified public accountant selected by the permit 45394
holder and approved by the commission. 45395

(K) No other license or excise tax or fee, except as provided 45396
in sections 3769.01 to 3769.14 of the Revised Code, shall be 45397
assessed or collected from such licensee by any county, township, 45398

district, municipal corporation, or other body having power to 45399
assess or collect a tax or fee. That portion of the tax paid under 45400
this section by permit holders for racing conducted at and during 45401
the course of an agricultural exposition or fair, and that portion 45402
of the tax that would have been paid by eligible permit holders 45403
into the nursing home franchise permit fee fund as a result of 45404
racing conducted at and during the course of an agricultural 45405
exposition or fair, shall be deposited into the state treasury to 45406
the credit of the horse racing tax fund, which is hereby created 45407
for the use of the agricultural societies of the several counties 45408
in which the taxes originate. The state racing commission shall 45409
determine eligible permit holders for purposes of the preceding 45410
sentence, taking into account the breed of horse, the racing 45411
dates, the geographic proximity to the fair, and the best 45412
interests of Ohio racing. On the first day of any month on which 45413
there is money in the fund, the tax commissioner shall provide for 45414
payment to the treasurer of each agricultural society the amount 45415
of the taxes collected under this section upon racing conducted at 45416
and during the course of any exposition or fair conducted by the 45417
society. 45418

(L) From the tax paid under this section by harness track 45419
permit holders, the tax commissioner shall pay into the Ohio 45420
thoroughbred race fund a sum equal to a percentage of the amount 45421
wagered upon which the tax is paid. The percentage shall be 45422
determined by the tax commissioner and shall be rounded to the 45423
nearest one-hundredth. The percentage shall be such that, when 45424
multiplied by the amount wagered upon which tax was paid by the 45425
harness track permit holders in the most recent year for which 45426
final figures are available, it results in a sum that 45427
substantially equals the same amount of tax paid by the tax 45428
commissioner during that year into the Ohio fairs fund from taxes 45429
paid by thoroughbred permit holders. This division does not apply 45430
to county and independent fairs and agricultural societies. 45431

(M) Twenty-five per cent of the taxes levied on thoroughbred 45432
racing permit holders, harness racing permit holders, and quarter 45433
horse racing permit holders under this section, division (A) of 45434
section 3769.087 of the Revised Code, and division (F)(2) of 45435
section 3769.26 of the Revised Code shall be paid into the nursing 45436
home franchise permit fee fund. The tax commissioner shall pay any 45437
money remaining, after the payment into the nursing home franchise 45438
permit fee fund and the reductions provided for in division (J) of 45439
this section and in section 3769.20 of the Revised Code, into the 45440
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred 45441
development fund, ~~Ohio quarter horse fund~~, and state racing 45442
commission operating fund as prescribed in this section and 45443
division (A) of section 3769.087 of the Revised Code. The tax 45444
commissioner shall thereafter use and apply the balance of the 45445
money paid as a tax by any permit holder to cover any shortage in 45446
the accounts of such funds resulting from an insufficient payment 45447
as a tax by any other permit holder. Subject to section 3769.101 45448
of the Revised Code, the moneys received by the tax commissioner 45449
shall be deposited monthly and paid by the tax commissioner into 45450
the funds to cover the total aggregate amount due from all permit 45451
holders to the funds, as calculated under this section and 45452
division (A) of section 3769.087 of the Revised Code, as 45453
applicable. If, after the payment into the nursing home franchise 45454
permit fee fund, sufficient funds are not available from the tax 45455
deposited by the tax commissioner to pay the required amounts into 45456
the Ohio fairs fund, Ohio standardbred development fund, Ohio 45457
thoroughbred race fund, ~~Ohio quarter horse fund~~, and the state 45458
racing commission operating fund, the tax commissioner shall 45459
prorate on a proportional basis the amount paid to each of the 45460
funds. Any shortage to the funds as a result of a proration shall 45461
be applied against future deposits for the same calendar year when 45462
funds are available. After this application, the tax commissioner 45463
shall pay any remaining money paid as a tax by all permit holders 45464

into the nursing home franchise permit fee fund. This division 45465
does not apply to permit holders conducting racing at the course 45466
of an agricultural exposition or fair as described in division (K) 45467
of this section. 45468

Sec. 3769.083. (A) As used in this section: 45469

(1) An "accredited Ohio thoroughbred horse" means a horse 45470
conceived in this state and born in this state which is both of 45471
the following: 45472

(a) Born of a mare that is domiciled in this state at the 45473
time of the horse's conception, that remains continuously in the 45474
state through the date on which the horse is born, and that is 45475
registered as required by the rules of the state racing 45476
commission; 45477

(b) By a stallion that stands for breeding purposes only in 45478
this state in the year in which the horse is conceived, and that 45479
is registered as required by the rules of the commission. 45480

(2) An "Ohio foaled horse" means a horse registered as 45481
required by the rules of the state racing commission which is 45482
either of the following: 45483

(a) A horse born of a mare that enters this state before 45484
foaling and remains continuously in this state until the horse is 45485
born; 45486

(b) A thoroughbred foal produced within the state by any 45487
broodmare shipped into the state to foal and be bred to a 45488
registered Ohio stallion. To qualify this foal as an Ohio foaled 45489
horse, the broodmare shall remain in this state one year 45490
continuously after foaling or continuously through foaling to the 45491
cover of the Ohio stallion, whichever is sooner. All horses 45492
previously registered as Ohio conceived and foaled shall be 45493
considered as Ohio foaled horses effective January 1, 1976. 45494

Any thoroughbred mare may leave this state for periods of 45495
time for purposes of activities such as veterinary treatment or 45496
surgery, sales purposes, breeding purposes, racing purposes, and 45497
similar activities if permission is granted by the state racing 45498
commission and the mare is returned to this state immediately upon 45499
the conclusion of the requested activity. 45500

(3) "Horse," "stallion," "mare," or "foal" means a horse of 45501
the thoroughbred breed as distinguished from a horse of the 45502
standard breed or any other breed, and "race" means a race for 45503
thoroughbred horses conducted by a permit holder of the state 45504
racing commission. 45505

(4) "Horse" includes animals of all ages and of both sexes. 45506

(B) There is hereby created in the state treasury the Ohio 45507
thoroughbred race fund, to consist of moneys paid into it pursuant 45508
to sections 3769.08 and 3769.087 of the Revised Code. All 45509
investment earnings on the cash balances in the fund shall be 45510
credited to it. Moneys to the credit of the fund shall be 45511
distributed on order of the state racing commission. The 45512
commission, with the advice and assistance of the Ohio 45513
thoroughbred racing advisory committee, shall use the fund, except 45514
as provided in divisions (C)(2) and (3) and (D) of this section, 45515
to promote races and provide purses for races for horses in the 45516
following classes: 45517

(1) Accredited Ohio thoroughbred horses; 45518

(2) Ohio foaled horses. 45519

Not less than ten nor more than twenty-five per cent of the 45520
total money to be paid from the fund for all types of races shall 45521
be allocated to races restricted to accredited Ohio thoroughbred 45522
horses. The commission may combine the classes of horses described 45523
in divisions (B)(1) and (2) of this section in one race, except in 45524
stakes races. 45525

(C)(1) Each permit holder conducting thoroughbred races shall 45526
schedule races each week for horses in the classes named in 45527
division (B) of this section; the number of the races shall be 45528
prescribed by the state racing commission. The commission, 45529
pursuant to division (B) of this section, shall prescribe the 45530
class or classes of the races to be held by each permit holder 45531
and, with the advice of the Ohio thoroughbred racing advisory 45532
committee, shall fix the dates and conditions of the races and the 45533
amount of moneys to be paid from the Ohio thoroughbred race fund 45534
to be added in each race to the minimum purse established by the 45535
permit holder for the class of race held. 45536

(2) The commission, with the advice of the Ohio thoroughbred 45537
racing advisory committee, may provide for stakes races to be run 45538
each year, and fix the number of stakes races and the time, place, 45539
and conditions under which each shall be run. The commission shall 45540
fix the amount of moneys to be paid from the Ohio thoroughbred 45541
race fund to be added to the purse provided for each stakes race 45542
by the permit holder, except that, in at least four stakes races 45543
each year, the commission shall require, if four stakes races can 45544
be arranged, that the permit holder conducting the stakes race 45545
provide no less than fifteen thousand dollars for the purse for 45546
the stakes race, and the commission shall provide moneys from the 45547
fund to be added to the purse in an amount equal to or greater 45548
than the amount provided by the permit holder. The commission may 45549
require a nominating, sustaining, and entry fee not to exceed one 45550
per cent of the money added from the fund for each horse in any 45551
stakes race, which fee shall be added to the purse for the race. 45552

Stakes races where money is added from the Ohio thoroughbred 45553
race fund shall be open only to accredited Ohio thoroughbred 45554
horses and Ohio foaled horses. Twenty-five per cent of the total 45555
moneys to be paid from the fund for stakes races shall be 45556
allocated to races for only accredited Ohio thoroughbred horses. 45557

The commission may require a nominating, sustaining, and entry fee, not to exceed one per cent of the money added from the fund, for each horse in any of these stakes races. These fees shall be accumulated by the commission and shall be paid out by the commission at its discretion as part of the purse money for additional races.

(3) The commission may pay from the Ohio thoroughbred race fund to the breeder of a horse of class (1) or (2) of division (B) of this section winning first, second, or third prize money of a purse for a thoroughbred race an amount not to exceed fifteen per cent of the first, second, or third prize money of the purse. For the purposes of this division, the term "breeder" shall be defined by rule of the commission.

The commission also may provide for stallion owners' awards in an amount equal to not less than three nor more than ten per cent of the first, second, or third place share of the purse. The award shall be paid to the owner of the stallion, provided that the stallion was standing in this state as provided in division (A)(1)(b) of this section at the time the horse placing first, second, or third was conceived.

(D) The state racing commission may provide for the expenditure of moneys from the Ohio thoroughbred race fund in an amount not to exceed in any one calendar year ten per cent of the total amount received in the account that year to provide for research projects directed toward improving the breeding, raising, racing, and health and soundness of thoroughbred horses in the state and toward education or promotion of the industry. Research for which the moneys from the fund may be used may include, but shall not be limited to, studies of pre-race blood testing, post-race testing, improvement of the breed, and nutrition.

(E) The state racing commission shall appoint qualified personnel as may be required to supervise registration of horses

under the terms of this section, to determine the eligibility of 45590
horses for accredited Ohio thoroughbred races, Ohio foaled races, 45591
and the stakes races authorized by division (C)(2) of this 45592
section, and to assist the Ohio thoroughbred racing advisory 45593
committee and the commission in determining the conditions, class, 45594
and quality of the race program to be established under this 45595
section so as to carry out the purposes of this section. The 45596
personnel shall serve at the pleasure of the commission, and 45597
compensation shall be fixed by the commission. The compensation of 45598
the personnel and necessary expenses shall be paid out of the Ohio 45599
thoroughbred race fund. 45600

The commission shall adopt rules as are necessary to carry 45601
out this section and shall administer the stakes race program and 45602
other races supported by the Ohio thoroughbred race fund in a 45603
manner best designed to aid in the development of the thoroughbred 45604
horse industry in the state, to upgrade the quality of horse 45605
racing in the state, and to improve the quality of horses 45606
conceived and foaled in the state. 45607

(F) The state racing commission shall adopt rules regarding 45608
the maintenance and use of money collected for quarter horse 45609
development and purses under division (C) of section 3769.08 and 45610
division (A) of section 3769.087 of the Revised Code. 45611

Sec. 3769.087. (A) In addition to the commission of eighteen 45612
per cent retained by each permit holder as provided in section 45613
3769.08 of the Revised Code, each permit holder shall retain an 45614
additional amount equal to four per cent of the total of all 45615
moneys wagered on each racing day on all wagering pools other than 45616
win, place, and show, of which amount retained an amount equal to 45617
three per cent of the total of all moneys wagered on each racing 45618
day on those pools shall be paid in the manner prescribed under 45619
section 3769.103 of the Revised Code, as a tax. Subject to the 45620

restrictions contained in divisions (B), (C), and (M) of section 45621
3769.08 of the Revised Code, from such additional moneys paid to 45622
the tax commissioner: 45623

(1) Four-sixths shall be allocated to fund distribution as 45624
provided in division (M) of section 3769.08 of the Revised Code. 45625

(2) One-twelfth shall be paid into the Ohio fairs fund 45626
created by section 3769.082 of the Revised Code. 45627

(3) ~~One-twelfth~~ One-sixth of the additional moneys paid to 45628
the tax commissioner by thoroughbred racing permit holders shall 45629
be paid into the Ohio thoroughbred race fund created by section 45630
3769.083 of the Revised Code. 45631

(4) One-twelfth of the additional moneys paid to the tax 45632
commissioner by harness horse racing permit holders shall be paid 45633
to the Ohio standardbred development fund created by section 45634
3769.085 of the Revised Code. 45635

~~(5) One-twelfth of the additional moneys paid to the tax 45636
commissioner by quarter horse racing permit holders shall be paid 45637
to the Ohio quarter horse development fund created by section 45638
3769.086 of the Revised Code. 45639~~

~~(6) One-sixth shall be paid into the state racing commission 45640
operating fund created by section 3769.03 of the Revised Code. 45641~~

The remaining one per cent that is retained of the total of 45642
all moneys wagered on each racing day on all pools other than win, 45643
place, and show, shall be retained by racing permit holders, and, 45644
except as otherwise provided in section 3769.089 of the Revised 45645
Code, racing permit holders shall use one-half for purse money and 45646
retain one-half. 45647

(B) In addition to the commission of eighteen per cent 45648
retained by each permit holder as provided in section 3769.08 of 45649
the Revised Code and the additional amount retained by each permit 45650

holder as provided in division (A) of this section, each permit 45651
holder shall retain an additional amount equal to one-half of one 45652
per cent of the total of all moneys wagered on each racing day on 45653
all wagering pools other than win, place, and show. The additional 45654
amount retained under this division shall be paid in the manner 45655
prescribed under section 3769.103 of the Revised Code, as a tax. 45656
The tax commissioner shall pay the amount of the tax received 45657
under this division to the state racing commission operating fund 45658
created by section 3769.03 of the Revised Code. 45659

(C) Unless otherwise agreed to by the video lottery sales 45660
agent and the applicable horsemen's association recognized by the 45661
state racing commission to represent such persons, within ninety 45662
days after ~~the effective date of this amendment~~ September 29, 45663
2013, for video lottery sales agents operating as such on ~~the~~ 45664
~~effective date of this amendment~~ September 29, 2013, or within six 45665
months after the date a video lottery sales agent begins operating 45666
as such for video lottery sales agents not operating as such on 45667
~~the effective date of this amendment~~ September 29, 2013, the state 45668
racing commission shall direct through rule that a percentage of 45669
the lottery sales agent's commission as determined by the state 45670
lottery commission for conducting video lottery terminal gaming on 45671
behalf of the state be paid to the state racing commission for the 45672
benefit of breeding and racing in this state. The percentage so 45673
determined shall not be less than nine per cent or more than 45674
eleven per cent of the video lottery terminal income, and shall be 45675
a sliding scale based upon capital expenditures necessary to build 45676
the video lottery sales agent's facility. The aggregate of one 45677
hundred per cent of video lottery terminal income minus the 45678
lottery sales agent's commission percentage as determined by the 45679
state lottery commission plus the percentage of the lottery sale 45680
agent's commission, as determined by the state racing commission 45681
or otherwise agreed to by the video lottery sales agent and the 45682
applicable horsemen's association recognized by the state racing 45683

commission to represent such persons, for the benefit of breeding 45684
and racing in this state shall not exceed forty-five per cent of 45685
the video lottery terminal income. In addition, beginning July 1, 45686
2013, the state lottery commission shall adopt a rule to require 45687
the lottery sales agent conducting video lottery terminal gaming 45688
on behalf of the state to disperse to the state lottery commission 45689
one-half of one per cent of such a lottery sales agent's 45690
commission for the purpose of providing funding support to 45691
appropriate state agencies for programs that provide for gambling 45692
addiction and other related addiction services. The state lottery 45693
commission's rule also may require the lottery sales agent 45694
conducting video lottery terminal gaming on behalf of the state to 45695
disperse to the state lottery commission an additional amount up 45696
to one-half of one per cent of such a lottery sales agent's 45697
commission for that purpose. 45698

Sec. 3769.101. (A) For the purposes of receiving, 45699
distributing, and accounting for revenue received from the taxes 45700
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 45701
Code, there is hereby created in the state treasury the 45702
horse-racing tax revenue fund. 45703

(B) All moneys collected from the taxes imposed by sections 45704
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 45705
deposited into the horse-racing tax revenue fund. 45706

(C) On or before the fifteenth day of each month, the tax 45707
commissioner shall pay into the nursing home franchise permit fee 45708
fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 45709
standardbred development fund, ~~Ohio quarter horse fund~~, and state 45710
racing commission operating fund created under this chapter the 45711
amounts required by sections 3769.08, 3769.087, and 3769.26 of the 45712
Revised Code based on amounts received in the preceding month. 45713

Sec. 3769.21. (A) A corporation may be formed pursuant to 45714
Chapter 1702. of the Revised Code to establish a thoroughbred 45715
horsemen's health and retirement fund and a corporation may be 45716
formed pursuant to Chapter 1702. of the Revised Code to establish 45717
a harness horsemen's health and retirement fund to be administered 45718
for the benefit of horsemen. As used in this section, "horsemen" 45719
includes any person involved in the owning, breeding, training, 45720
grooming, or racing of horses which race in Ohio, except for the 45721
owners or managers of race tracks. For purposes of the 45722
thoroughbred horsemen's health and retirement fund, "horsemen" 45723
also does not include trainers and grooms who are not members of 45724
the thoroughbred horsemen's organization in this state. No more 45725
than one corporation to establish a thoroughbred horsemen's health 45726
and retirement fund and no more than one corporation to establish 45727
a harness horsemen's health and retirement fund may be established 45728
in Ohio pursuant to this section. The trustees of the corporation 45729
formed to establish a thoroughbred horsemen's health and 45730
retirement fund shall have the discretion to determine which 45731
horsemen shall benefit from such fund. 45732

(B) The articles of incorporation of both of the corporations 45733
described in division (A) of this section shall provide for at 45734
least the following: 45735

(1) The corporation shall be governed by, and the health and 45736
retirement fund shall be administered by, a board of three 45737
trustees appointed pursuant to division (C) of this section for 45738
staggered three-year terms. 45739

(2) The board of trustees shall adopt and administer a plan 45740
to provide health benefits, retirement benefits, or both to either 45741
thoroughbred or harness horsemen. 45742

(3) The sum paid to the corporation pursuant to division (G) 45743
or (H) of section 3769.08 of the Revised Code and the video 45744

lottery terminal revenue paid to the corporation pursuant to 45745
section 3769.087 of the Revised Code shall be used exclusively to 45746
establish and administer the health and retirement fund, and to 45747
finance benefits paid to horsemen pursuant to the plan adopted 45748
under division (B)(2) of this section. 45749

(4) The articles of incorporation and code of regulations of 45750
the corporation may be amended at any time by the board of 45751
trustees pursuant to the method set forth in the articles of 45752
incorporation and code of regulations, except that no amendment 45753
shall be adopted which is inconsistent with this section. 45754

(C) Within sixty days after the formation of each of the 45755
corporations described in division (A) of this section, the state 45756
racing commission shall appoint the members of the board of 45757
trustees of that corporation. Vacancies shall be filled by the 45758
state racing commission in the same manner as initial 45759
appointments. Each trustee of the thoroughbred horsemen's health 45760
and retirement fund appointed by the commission shall be active as 45761
a thoroughbred horseman while serving a term as a trustee and 45762
shall have been active as a thoroughbred horseman for at least 45763
five years immediately prior to the commencement of any such term. 45764
Each trustee of the harness horsemen's health and retirement fund 45765
appointed by the commission shall be active as a harness horseman 45766
while serving a term as a trustee and shall have been active as a 45767
harness horseman for at least five years immediately prior to the 45768
commencement of any such term. The incorporators of either such 45769
corporation may serve as initial trustees until the state racing 45770
commission acts pursuant to this section to make these 45771
appointments. 45772

(D) The intent of the general assembly in enacting this 45773
section pursuant to Amended House Bill No. 639 of the 115th 45774
general assembly was to fulfill a legitimate government 45775
responsibility in a manner that would be more cost efficient and 45776

effective than direct state agency administration by permitting 45777
nonprofit corporations to be formed to establish health and 45778
retirement funds for the benefit of harness and thoroughbred 45779
horsemen, as it was determined that such persons were in need of 45780
such benefits. 45781

Sec. 3770.01. (A) There is hereby created the state lottery 45782
commission consisting of nine members appointed by the governor 45783
with the advice and consent of the senate. No more than five 45784
members of the commission shall be members of the same political 45785
party. Of the additional and new appointments made to the 45786
commission pursuant to the amendment of August 1, 1980, three 45787
shall be for terms ending August 1, 1981, three shall be for terms 45788
ending August 1, 1982, and three shall be for terms ending August 45789
1, 1983. Thereafter, terms of office shall be for three years, 45790
each term ending on the same day of the same month of the year as 45791
did the term which it succeeds. 45792

(B) Each member shall hold office from the date of 45793
appointment until the end of the term for which the member was 45794
appointed. Any member appointed to fill a vacancy occurring prior 45795
to the expiration of the term for which the member's predecessor 45796
was appointed shall hold office for the remainder of that term. 45797
Any member shall continue in office subsequent to the expiration 45798
date of the member's term until the member's successor takes 45799
office, or until a period of sixty days has elapsed, whichever 45800
occurs first. 45801

(C) All members of the commission shall be citizens of the 45802
United States and residents of this state. The members of the 45803
commission shall represent the various geographic regions of the 45804
state. No member of the commission shall have any pecuniary 45805
interest in any contract or license awarded by the commission. One 45806
person appointed as a member of the commission shall ~~represent an~~ 45807

~~organization that deals with~~ have experience or training in the 45808
area of problem gambling and assists or other addictions and in 45809
assistance to recovering gambling or other addicts. Each person 45810
appointed as a member of the commission, except the member 45811
appointed as a ~~representative of an organization that deals with~~ 45812
having experience or training in the area of problem gambling ~~and~~ 45813
~~assists recovering gambling addicts or other addictions and in~~ 45814
assistance to recovering gambling or other addicts, shall have 45815
prior experience or education in business administration, 45816
management, sales, marketing, or advertising. 45817

(D) The commission shall elect annually one of its members to 45818
serve as chairperson for a term of one year. Election as 45819
chairperson shall not extend a member's appointive term. Each 45820
member of the commission shall receive an annual salary of five 45821
thousand dollars, payable in monthly installments. Each member of 45822
the commission also shall receive the member's actual and 45823
necessary expenses incurred in the discharge of the member's 45824
official duties. 45825

(E) Each member of the commission, before entering upon the 45826
discharge of the member's official duties, shall give a bond, 45827
payable to the treasurer of state, in the sum of ten thousand 45828
dollars with sufficient sureties to be approved by the treasurer 45829
of state, which bond shall be filed with the secretary of state. 45830

(F) The governor may remove any member of the commission for 45831
malfeasance, misfeasance, or nonfeasance in office, giving the 45832
member a copy of the charges against the member and affording the 45833
member an opportunity to be publicly heard in person or by counsel 45834
in the member's own defense upon not less than ten days' notice. 45835
If the member is removed, the governor shall file in the office of 45836
the secretary of state a complete statement of all charges made 45837
against the member and the governor's finding on the charges, 45838
together with a complete report of the proceedings, and the 45839

governor's decision on the charges is final. 45840

(G) The commission shall maintain offices at locations in the 45841
state as it may consider necessary for the efficient performance 45842
of its functions. The director shall maintain an office in 45843
Columbus to coordinate the activities of the state lottery 45844
commission with other state departments. 45845

Sec. 3770.05. (A) As used in this section, "person" means any 45846
~~person~~ individual, association, corporation, limited liability 45847
company, partnership, club, trust, estate, society, receiver, 45848
trustee, person acting in a fiduciary or representative capacity, 45849
instrumentality of the state or any of its political subdivisions, 45850
or any other business entity or combination of individuals meeting 45851
the requirements set forth in this section or established by rule 45852
or order of the state lottery commission. 45853

(B) The director of the state lottery commission may license 45854
any person as a lottery sales agent. ~~No license shall be issued to~~ 45855
~~any person or group of persons to engage in the sale of lottery~~ 45856
~~tickets as the person's or group's sole occupation or business.~~ 45857

Before issuing any license to a lottery sales agent, the 45858
director shall consider all of the following: 45859

(1) The financial responsibility and security of the 45860
applicant and the applicant's business or activity; 45861

(2) The accessibility of the applicant's place of business or 45862
activity to the public; 45863

(3) The sufficiency of existing licensed agents to serve the 45864
public interest; 45865

(4) The volume of expected sales by the applicant; 45866

(5) Any other factors pertaining to the public interest, 45867
convenience, or trust. 45868

(C) Except as otherwise provided in division (F) of this section, the director of the state lottery commission ~~shall~~ may refuse to grant, or ~~shall~~ may suspend or revoke, a license if the applicant or licensee:

(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude;

(2) Has been convicted of an offense that involves illegal gambling;

(3) Has been found guilty of fraud or misrepresentation in any connection;

(4) Has been found to have violated any rule or order of the commission; or

(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits.

(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission ~~shall~~ may refuse to grant, or ~~shall~~ may suspend or revoke, a license if the applicant or licensee is a corporation or other business entity, and any of the following applies:

(1) Any of the ~~corporation's~~ directors, officers, managers, or controlling shareholders has been found guilty of any of the activities specified in divisions (C)(1) to (5) of this section;

(2) It appears to the director of the state lottery commission that, due to the experience, character, or general fitness of any director, officer, manager, or controlling shareholder ~~of the corporation~~, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust;

(3) The corporation or other business entity is not the owner or lessee of the business at which it would conduct a lottery

sales agency pursuant to the license applied for; 45899

(4) Any person, firm, association, or corporation other than 45900
the applicant or licensee shares or will share in the profits of 45901
the applicant or licensee, other than receiving dividends or 45902
distributions as a shareholder, or participates or will 45903
participate in the management of the affairs of the applicant or 45904
licensee. 45905

(E)(1) The director of the state lottery commission shall 45906
refuse to grant a license to an applicant for a lottery sales 45907
agent license and shall revoke a lottery sales agent license if 45908
the applicant or licensee is or has been convicted of a violation 45909
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 45910

(2) The director shall refuse to grant a license to an 45911
applicant for a lottery sales agent license that is a corporation 45912
and shall revoke the lottery sales agent license of a corporation 45913
if the corporation is or has been convicted of a violation of 45914
division (A) or (C)(1) of section 2913.46 of the Revised Code. 45915

(F) The director of the state lottery commission shall 45916
request the bureau of criminal identification and investigation, 45917
the department of public safety, or any other state, local, or 45918
federal agency to supply the director with the criminal records of 45919
any applicant for a lottery sales agent license, and may 45920
periodically request the criminal records of any person to whom a 45921
lottery sales agent license has been issued. At or prior to the 45922
time of making such a request, the director shall require an 45923
applicant or licensee to obtain fingerprint impressions on 45924
fingerprint cards prescribed by the superintendent of the bureau 45925
of criminal identification and investigation at a qualified law 45926
enforcement agency, and the director shall cause those fingerprint 45927
cards to be forwarded to the bureau of criminal identification and 45928
investigation, to the federal bureau of investigation, or to both 45929
bureaus. The commission shall assume the cost of obtaining the 45930

fingerprint cards. 45931

The director shall pay to each agency supplying criminal 45932
records for each investigation a reasonable fee, as determined by 45933
the agency. 45934

The commission may adopt uniform rules specifying time 45935
periods after which the persons described in divisions (C)(1) to 45936
(5) and (D)(1) to (4) of this section may be issued a license and 45937
establishing requirements for those persons to seek a court order 45938
to have records sealed in accordance with law. 45939

(G)(1) Each applicant for a lottery sales agent license shall 45940
do both of the following: 45941

(a) Pay fees to the state lottery commission, if required by 45942
rule adopted by the director under Chapter 119. of the Revised 45943
Code and the controlling board approves the fees; 45944

(b) Prior to approval of the application, obtain a surety 45945
bond in an amount the director determines by rule adopted under 45946
Chapter 119. of the Revised Code or, alternatively, with the 45947
director's approval, deposit the same amount into a dedicated 45948
account for the benefit of the state lottery. The director also 45949
may approve the obtaining of a surety bond to cover part of the 45950
amount required, together with a dedicated account deposit to 45951
cover the remainder of the amount required. The director also may 45952
establish an alternative program or policy, with the approval of 45953
the commission by rule adopted under Chapter 119. of the Revised 45954
Code, that otherwise ensures the lottery's financial interests are 45955
adequately protected. If such an alternative program or policy is 45956
established, an applicant or lottery sales agent, subject to the 45957
director's approval, may be permitted to participate in the 45958
program or proceed under that policy in lieu of providing a surety 45959
bond or dedicated amount. 45960

A surety bond may be with any company that complies with the 45961

bonding and surety laws of this state and the requirements 45962
established by rules of the commission pursuant to this chapter. A 45963
dedicated account deposit shall be conducted in accordance with 45964
policies and procedures the director establishes. 45965

A surety bond, dedicated account, other established program 45966
or policy, or any combination of these resources, as applicable, 45967
may be used to pay for the lottery sales agent's failure to make 45968
prompt and accurate payments for lottery ticket sales, for missing 45969
or stolen lottery tickets, for damage to equipment or materials 45970
issued to the lottery sales agent, or to pay for expenses the 45971
commission incurs in connection with the lottery sales agent's 45972
license. 45973

(2) A lottery sales agent license is effective for at least 45974
one year, but not more than three years. 45975

A licensed lottery sales agent, on or before the date 45976
established by the director, shall renew the agent's license and 45977
provide at that time evidence to the director that the surety 45978
bond, dedicated account deposit, or both, required under division 45979
(G)(1)(b) of this section has been renewed or is active, whichever 45980
applies. 45981

Before the commission renews a lottery sales agent license, 45982
the lottery sales agent shall submit a renewal fee to the 45983
commission, if one is required by rule adopted by the director 45984
under Chapter 119. of the Revised Code and the controlling board 45985
approves the renewal fee. The renewal fee shall not exceed the 45986
actual cost of administering the license renewal and processing 45987
changes reflected in the renewal application. The renewal of the 45988
license is effective for at least one year, but not more than 45989
three years. 45990

(3) A lottery sales agent license shall be complete, 45991
accurate, and current at all times during the term of the license. 45992

Any changes to an original license application or a renewal 45993
application may subject the applicant or lottery sales agent, as 45994
applicable, to paying an administrative fee that shall be in an 45995
amount that the director determines by rule adopted under Chapter 45996
119. of the Revised Code, and that the controlling board approves, 45997
and that shall not exceed the actual cost of administering and 45998
processing the changes to an application. 45999

(4) The relationship between the commission and a lottery 46000
sales agent is one of trust. A lottery sales agent collects funds 46001
on behalf of the commission through the sale of lottery tickets 46002
for which the agent receives a compensation. 46003

(H) Pending a final resolution of any question arising under 46004
this section, the director of the state lottery commission may 46005
issue a temporary lottery sales agent license, subject to the 46006
terms and conditions the director considers appropriate. 46007

(I) If a lottery sales agent's rental payments for the 46008
lottery sales agent's premises are determined, in whole or in 46009
part, by the amount of retail sales the lottery sales agent makes, 46010
and if the rental agreement does not expressly provide that the 46011
amount of those retail sales includes the amounts the lottery 46012
sales agent receives from lottery ticket sales, only the amounts 46013
the lottery sales agent receives as compensation from the state 46014
lottery commission for selling lottery tickets shall be considered 46015
to be amounts the lottery sales agent receives from the retail 46016
sales the lottery sales agent makes, for the purpose of computing 46017
the lottery sales agent's rental payments. 46018

Sec. 3770.07. (A)(1) Except as provided in division (A)(2) of 46019
this section, lottery prize awards shall be claimed by the holder 46020
of the winning lottery product, or by the executor or 46021
administrator, or the trustee of a trust, of the estate of a 46022
deceased holder of a winning lottery product, in a manner to be 46023

determined by the state lottery commission, within one hundred 46024
eighty days after the date on which the prize award was announced 46025
if the lottery game is an online game, and within one hundred 46026
eighty days after the close of the game if the lottery game is an 46027
instant game. 46028

Any lottery prize award with a value that meets or exceeds 46029
the reportable winnings amounts set by 26 U.S.C. 6041, or a 46030
subsequent analogous section of the Internal Revenue Code, shall 46031
not be claimed by or paid to any person, as defined in section 46032
1.59 of the Revised Code or as defined by rule or order of the 46033
state lottery commission, until the name, address, and social 46034
security number of each beneficial owner of the prize award are 46035
documented for the commission. Except when a beneficial owner 46036
otherwise consents in writing, in the case of a claim for a 46037
lottery prize award made by one or more beneficial owners using a 46038
trust, the name, address, and social security number of each such 46039
beneficial owner in the commission's records as a result of such a 46040
disclosure are confidential and shall not be subject to inspection 46041
or copying under section 149.43 of the Revised Code as a public 46042
record. 46043

Except as otherwise provided in division (A)(1) of this 46044
section or as otherwise provided by law, the name and address of 46045
any individual claiming a lottery prize award are subject to 46046
inspection or copying under section 149.43 of the Revised Code as 46047
a public record. 46048

(2) An eligible person serving on active military duty in any 46049
branch of the United States armed forces during a war or national 46050
emergency declared in accordance with federal law may submit a 46051
delayed claim for a lottery prize award. The eligible person shall 46052
do so by notifying the state lottery commission about the claim 46053
not later than the five hundred fortieth day after the date on 46054
which the prize award was announced if the lottery game is an 46055

online game or after the date on which the lottery game closed if 46056
the lottery game is an instant game. 46057

(3) If no valid claim to a lottery prize award is made within 46058
the prescribed period, the prize money, the cost of goods and 46059
services awarded as prizes, or, if goods or services awarded as 46060
prizes are resold by the state lottery commission, the proceeds 46061
from their sale shall be returned to the state lottery fund and 46062
distributed in accordance with section 3770.06 of the Revised 46063
Code. 46064

(4) The state lottery commission may share with other 46065
governmental agencies the name, address, and social security 46066
number of a beneficial owner disclosed to the commission under 46067
division (A)(1) of this section, as authorized under sections 46068
3770.071 and 3770.073 of the Revised Code. Any shared information 46069
as disclosed pursuant to those sections that is made confidential 46070
by division (A)(1) of this section remains confidential and shall 46071
not be subject to inspection or copying under section 149.43 of 46072
the Revised Code as a public record unless the applicable 46073
beneficial owner otherwise provides written consent. 46074

(5) As used in this division: 46075

(a) "Eligible person" means a person who is entitled to a 46076
lottery prize award and who falls into either of the following 46077
categories: 46078

(i) While on active military duty in this state, the person, 46079
as the result of a war or national emergency declared in 46080
accordance with federal law, is transferred out of this state 46081
before the one hundred eightieth day after the date on which the 46082
winner of the lottery prize award is selected. 46083

(ii) While serving in the reserve forces in this state, the 46084
person, as the result of a war or national emergency declared in 46085
accordance with federal law, is placed on active military duty and 46086

is transferred out of this state before the expiration of the one 46087
hundred eightieth day after the date on which the prize drawing 46088
occurs for an online game or before the expiration of the one 46089
hundred eightieth day following the close of an instant game as 46090
determined by the commission. 46091

(b) "Active military duty" means that a person is covered by 46092
the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 46093
U.S.C. 501 et seq., as amended, or the "Uniformed Services 46094
Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 46095
38 U.S.C. 4301 et seq., as amended. 46096

(c) "Each beneficial owner" means the ultimate recipient or, 46097
if there is more than one, each ultimate recipient of a lottery 46098
prize award. 46099

(B) If a prize winner, as defined in section 3770.10 of the 46100
Revised Code, is under eighteen years of age, or is under some 46101
other legal disability, and the prize money or the cost of goods 46102
or services awarded as a prize exceeds one thousand dollars, the 46103
director of the state lottery commission shall order that payment 46104
be made to the order of the legal guardian of that prize winner. 46105
If the amount of the prize money or the cost of goods or services 46106
awarded as a prize is one thousand dollars or less, the director 46107
may order that payment be made to the order of the adult member, 46108
if any, of that prize winner's family legally responsible for the 46109
care of that prize winner. 46110

(C) No right of any prize winner, as defined in section 46111
3770.10 of the Revised Code, to a prize award shall be the subject 46112
of a security interest or used as collateral. 46113

(D)(1) No right of any prize winner, as defined in section 46114
3770.10 of the Revised Code, to a prize award shall be assignable 46115
except as follows: when the payment is to be made to the executor 46116
or administrator, or the trustee of a trust, of the estate of a 46117

prize winner; when the award of a prize is disputed, any person 46118
may be awarded a prize award to which another has claimed title, 46119
pursuant to the order of a court of competent jurisdiction; when a 46120
person is awarded a prize award to which another has claimed 46121
title, pursuant to the order of a federal bankruptcy court under 46122
Title 11 of the United States Code; or as provided in sections 46123
3770.10 to 3770.14 of the Revised Code. 46124

(2)(a) No right of any prize winner, as defined in section 46125
3770.10 of the Revised Code, to a prize award with a remaining 46126
unpaid balance of less than one hundred thousand dollars shall be 46127
subject to garnishment, attachment, execution, withholding, or 46128
deduction except as provided in sections 3119.80, 3119.81, 46129
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 46130
director is to make a payment pursuant to section 3770.071 or 46131
3770.073 of the Revised Code. 46132

(b) No right of any prize winner, as defined in section 46133
3770.10 of the Revised Code, to a prize award with an unpaid 46134
balance of one hundred thousand dollars or more shall be subject 46135
to garnishment, attachment, execution, withholding, or deduction 46136
except as follows: as provided in sections 3119.80, 3119.81, 46137
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 46138
director is to make a payment pursuant to section 3770.071 or 46139
3770.073 of the Revised Code; or pursuant to the order of a court 46140
of competent jurisdiction located in this state in a proceeding in 46141
which the state lottery commission is a named party, in which case 46142
the garnishment, attachment, execution, withholding, or deduction 46143
pursuant to the order shall be subordinate to any payments to be 46144
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 46145
3123.06, 3770.071, or 3770.073 of the Revised Code. 46146

(3) The state lottery commission may adopt and amend rules 46147
pursuant to Chapter 119. of the Revised Code as necessary to 46148
implement division (D) of this section, to provide for payments 46149

from prize awards subject to garnishment, attachment, execution, 46150
withholding, or deduction, and to comply with any applicable 46151
requirements of federal law. 46152

(4) Upon making payments from a prize award as required by 46153
division (D) of this section, the director and the state lottery 46154
commission are discharged from all further liability for those 46155
payments, whether they are made to an executor, administrator, 46156
trustee, judgment creditor, or another person, or to the prize 46157
winner, as defined in section 3770.10 of the Revised Code. 46158

(5) The state lottery commission shall adopt rules pursuant 46159
to section 3770.03 of the Revised Code concerning the payment of 46160
prize awards upon the death of a prize winner, as defined in 46161
section 3770.10 of the Revised Code. Upon the death of a prize 46162
winner, the remainder of the prize winner's prize award, to the 46163
extent it is not subject to a transfer agreement under sections 46164
3770.10 to 3770.14 of the Revised Code, may be paid to the 46165
executor, administrator, or trustee in the form of a discounted 46166
lump sum cash settlement. 46167

(E) No lottery prize award shall be awarded to or for any 46168
officer or employee of the state lottery commission, any officer 46169
or employee of the auditor of state actively auditing, 46170
coordinating, or ~~certifying~~ observing commission drawings, or any 46171
blood relative or spouse of such an officer or employee of the 46172
commission or auditor of state living as a member of the officer's 46173
or employee's household, nor shall any such officer, employee, 46174
blood relative, or spouse attempt to claim a lottery prize award. 46175

(F) The director may prohibit vendors to the state lottery 46176
commission and their employees from being awarded a lottery prize 46177
award. 46178

(G) Upon the payment of prize awards pursuant to a provision 46179
of this section, other than a provision of division (D) of this 46180

section, the director and the state lottery commission are 46181
discharged from all further liability for their payment. 46182
Installment payments of lottery prize awards shall be paid by 46183
official check or warrant, and they shall be sent by mail delivery 46184
to the prize winner's address within the United States or by 46185
electronic funds transfer to an established bank account located 46186
within the United States, or the prize winner may pick them up at 46187
an office of the commission. 46188

Sec. 3772.02. (A) There is hereby created the Ohio casino 46189
control commission described in Section 6(C)(1) of Article XV, 46190
Ohio Constitution. 46191

(B) The commission shall consist of seven members appointed 46192
within one month of September 10, 2010, by the governor with the 46193
advice and consent of the senate. The governor shall forward all 46194
appointments to the senate within twenty-four hours. 46195

(1) Each commission member is eligible for reappointment at 46196
the discretion of the governor. No commission member shall be 46197
appointed for more than three terms in total. 46198

(2) Each commission member shall be a resident of Ohio. 46199

(3) At least one commission member shall be experienced in 46200
law enforcement and criminal investigation. 46201

(4) At least one commission member shall be a certified 46202
public accountant experienced in accounting and auditing. 46203

(5) At least one commission member shall be an attorney 46204
admitted to the practice of law in Ohio. 46205

(6) At least one commission member shall be a resident of a 46206
county where one of the casino facilities is located. 46207

(7) Not more than four commission members shall be of the 46208
same political party. 46209

(8) No commission member shall have any affiliation with an Ohio casino operator or facility. 46210
46211

(C) Commission members shall serve four-year terms, except 46212
that when the governor makes initial appointments to the 46213
commission under this chapter, the governor shall appoint three 46214
members to serve four-year terms with not more than two such 46215
members from the same political party, two members to serve 46216
three-year terms with such members not being from the same 46217
political party, and two members to serve two-year terms with such 46218
members not being from the same political party. 46219

(D) Each commission member shall hold office from the date of 46220
appointment until the end of the term for which the member was 46221
appointed. Any member appointed to fill a vacancy occurring before 46222
the expiration of the term for which the member's predecessor was 46223
appointed shall hold office for the remainder of the unexpired 46224
term. Any member shall continue in office after the expiration 46225
date of the member's term until the member's successor takes 46226
office, or until a period of sixty days has elapsed, whichever 46227
occurs first. A vacancy in the commission membership shall be 46228
filled in the same manner as the original appointment. 46229

(E) The governor shall select one member to serve as 46230
chairperson and the commission members shall select one member 46231
from a different party than the chairperson to serve as 46232
vice-chairperson. The governor may remove and replace the 46233
chairperson at any time. No such member shall serve as chairperson 46234
for more than six successive years. The vice-chairperson shall 46235
assume the duties of the chairperson in the absence of the 46236
chairperson. The chairperson and vice-chairperson shall perform 46237
but shall not be limited to additional duties as are prescribed by 46238
commission rule. 46239

(F) A commission member is not required to devote the 46240
member's full time to membership on the commission. ~~Each~~ Beginning 46241

on the effective date of this amendment, each member of the 46242
commission shall receive compensation of ~~thirty~~ fifty thousand 46243
dollars per year, ~~payable in monthly installments.~~ Beginning July 46244
1, 2016, each member of the commission shall receive compensation 46245
of forty thousand dollars per year. Beginning July 1, 2017, each 46246
member of the commission shall receive compensation of thirty 46247
thousand dollars per year. Each member shall receive the member's 46248
actual and necessary expenses incurred in the discharge of the 46249
member's official duties. 46250

(G) The governor shall not appoint an individual to the 46251
commission, and an individual shall not serve on the commission, 46252
if the individual has been convicted of or pleaded guilty or no 46253
contest to a disqualifying offense as defined in section 3772.07 46254
of the Revised Code. Members coming under indictment or bill of 46255
information of a disqualifying offense shall resign from the 46256
commission immediately upon indictment. 46257

(H) At least five commission members shall be present for the 46258
commission to meet. The concurrence of four members is necessary 46259
for the commission to take any action. All members shall vote on 46260
the adoption of rules, and the approval of, and the suspension or 46261
revocation of, the licenses of casino operators or management 46262
companies, unless a member has a written leave of absence filed 46263
with and approved by the chairperson. 46264

(I) A commission member may be removed or suspended from 46265
office in accordance with section 3.04 of the Revised Code. 46266

(J) Each commission member, before entering upon the 46267
discharge of the member's official duties, shall make an oath to 46268
uphold the Ohio Constitution and laws of the state of Ohio and 46269
shall give a bond, payable by the commission, to the treasurer of 46270
state, in the sum of ten thousand dollars with sufficient sureties 46271
to be approved by the treasurer of state, which bond shall be 46272
filed with the secretary of state. 46273

(K) The commission shall hold one regular meeting each month 46274
and shall convene other meetings at the request of the chairperson 46275
or a majority of the members. A member who fails to attend at 46276
least three-fifths of the regular and special meetings of the 46277
commission during any two-year period forfeits membership on the 46278
commission. All meetings of the commission shall be open meetings 46279
under section 121.22 of the Revised Code except as otherwise 46280
allowed by law. 46281

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 46282
the commission shall have authority to complete the functions of 46283
licensing, regulating, investigating, and penalizing casino 46284
operators, management companies, holding companies, key employees, 46285
casino gaming employees, and gaming-related vendors. The 46286
commission also shall have jurisdiction over all persons 46287
participating in casino gaming authorized by Section 6(C) of 46288
Article XV, Ohio Constitution, and this chapter. 46289

(B) All rules adopted by the commission under this chapter 46290
shall be adopted under procedures established in Chapter 119. of 46291
the Revised Code. The commission may contract for the services of 46292
experts and consultants to assist the commission in carrying out 46293
its duties under this section. 46294

(C) ~~Within six months of September 10, 2010, the~~ The 46295
commission shall adopt ~~initial~~ rules as are necessary for 46296
completing the functions stated in division (A) of this section 46297
and for addressing the subjects enumerated in division (D) of this 46298
section. 46299

(D) The commission shall adopt, and as advisable and 46300
necessary shall amend or repeal, rules that include all of the 46301
following: 46302

(1) The prevention of practices detrimental to the public 46303
interest; 46304

- (2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter; 46305
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- (3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code; 46308
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- (4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator; 46311
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- (5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor; 46315
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46317
- (6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code; 46318
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46320
- (7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors; 46321
46322
- (8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state; 46323
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- (9) Tournament play in any casino facility; 46330
- (10) Establishing and implementing a voluntary exclusion program that provides all of the following: 46331
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- (a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a 46333
46334

casino facility. 46335

(b) The name of a person participating in the program shall 46336
be included on a list of persons excluded from all casino 46337
facilities. 46338

(c) Except as provided by commission rule, no person who 46339
participates in the program shall petition the commission for 46340
admittance into a casino facility. 46341

(d) The list of persons participating in the program and the 46342
personal information of those persons shall be confidential and 46343
shall only be disseminated by the commission to a casino operator 46344
and the agents and employees of the casino operator for purposes 46345
of enforcement and to other entities, upon request of the 46346
participant and agreement by the commission. 46347

(e) A casino operator shall make all reasonable attempts as 46348
determined by the commission to cease all direct marketing efforts 46349
to a person participating in the program. 46350

(f) A casino operator shall not cash the check of a person 46351
participating in the program or extend credit to the person in any 46352
manner. However, the program shall not exclude a casino operator 46353
from seeking the payment of a debt accrued by a person before 46354
participating in the program. 46355

(g) Any and all locations at which a person may register as a 46356
participant in the program shall be published. 46357

(11) Requiring the commission to adopt standards regarding 46358
the marketing materials of a licensed casino operator, including 46359
allowing the commission to prohibit marketing materials that are 46360
contrary to the adopted standards; 46361

(12) Requiring that the records, including financial 46362
statements, of any casino operator, management company, holding 46363
company, and gaming-related vendor be maintained in the manner 46364

prescribed by the commission and made available for inspection 46365
upon demand by the commission, but shall be subject to section 46366
3772.16 of the Revised Code; 46367

(13) Permitting a licensed casino operator, management 46368
company, key employee, or casino gaming employee to question a 46369
person suspected of violating this chapter; 46370

(14) The chips, tokens, tickets, electronic cards, or similar 46371
objects that may be purchased by means of an agreement under which 46372
credit is extended to a wagerer by a casino operator; 46373

(15) Establishing standards for provisional key employee 46374
licenses for a person who is required to be licensed as a key 46375
employee and is in exigent circumstances and standards for 46376
provisional licenses for casino gaming employees who submit 46377
complete applications and are compliant under an instant 46378
background check. A provisional license shall be valid not longer 46379
than three months. A provisional license may be renewed one time, 46380
at the commission's discretion, for an additional three months. In 46381
establishing standards with regard to instant background checks 46382
the commission shall take notice of criminal records checks as 46383
they are conducted under section 311.41 of the Revised Code using 46384
electronic fingerprint reading devices. 46385

(16) Establishing approval procedures for third-party 46386
engineering or accounting firms, as described in section 3772.09 46387
of the Revised Code; 46388

(17) Prescribing the manner in which winnings, compensation 46389
from casino gaming, and gross revenue must be computed and 46390
reported by a licensee as described in Chapter 5753. of the 46391
Revised Code; 46392

(18) Prescribing conditions under which a licensee's license 46393
may be suspended or revoked as described in section 3772.04 of the 46394
Revised Code; 46395

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| (19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner; | 46396 46397 |
| (20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for the provision of security at and surveillance of casino facilities; | 46398 46399 46400 46401 46402 46403 |
| (21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees; | 46404 46405 46406 46407 |
| (22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code; | 46408 46409 46410 46411 46412 |
| (23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering; | 46413 46414 46415 |
| (24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government; | 46416 46417 |
| (25) Establishing standards for the repair of casino gaming equipment; | 46418 46419 |
| (26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code; | 46420 46421 46422 46423 |
| (27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding | 46424 46425 |

company, or gaming-related vendor that fall below the threshold 46426
needed to be considered an institutional investor or a holding 46427
company, standards regarding what any employees, members, or 46428
owners of those investors or holding companies may do and shall 46429
not do in relation to casino facilities and casino gaming in this 46430
state, which standards shall rationally relate to the need to 46431
proscribe conduct that is inconsistent with passive institutional 46432
investment status; 46433

(28) Providing for any other thing necessary and proper for 46434
successful and efficient regulation of casino gaming under this 46435
chapter. 46436

(E) The commission shall employ and assign gaming agents as 46437
necessary to assist the commission in carrying out the duties of 46438
this chapter and Chapter 2915. of the Revised Code. In order to 46439
maintain employment as a gaming agent, the gaming agent shall 46440
successfully complete all continuing training programs required by 46441
the commission and shall not have been convicted of or pleaded 46442
guilty or no contest to a disqualifying offense as defined in 46443
section 3772.07 of the Revised Code. 46444

(F) The commission, as a law enforcement agency, and its 46445
gaming agents, as law enforcement officers as defined in section 46446
2901.01 of the Revised Code, shall have authority with regard to 46447
the detection and investigation of, the seizure of evidence 46448
allegedly relating to, and the apprehension and arrest of persons 46449
allegedly committing gaming violations of this chapter or gambling 46450
offenses as defined in section 2915.01 of the Revised Code or 46451
violations of any other law of this state that may affect the 46452
integrity of casino gaming or the operation of skill-based 46453
amusement machines, and shall have access to casino facilities and 46454
skill-based amusement machine facilities to carry out the 46455
requirements of this chapter. 46456

(G) The commission may eject or exclude or authorize the 46457

ejection or exclusion of and a gaming agent may eject a person 46458
from a casino facility for any of the following reasons: 46459

(1) The person's name is on the list of persons voluntarily 46460
excluding themselves from all casinos in a program established 46461
according to rules adopted by the commission; 46462

(2) The person violates or conspires to violate this chapter 46463
or a rule adopted thereunder; or 46464

(3) The commission determines that the person's conduct or 46465
reputation is such that the person's presence within a casino 46466
facility may call into question the honesty and integrity of the 46467
casino gaming operations or interfere with the orderly conduct of 46468
the casino gaming operations. 46469

(H) A person, other than a person participating in a 46470
voluntary exclusion program, may petition the commission for a 46471
public hearing on the person's ejection or exclusion under this 46472
chapter. 46473

(I) A casino operator or management company shall have the 46474
same authority to eject or exclude a person from the management 46475
company's casino facilities as authorized in division (G) of this 46476
section. The licensee shall immediately notify the commission of 46477
an ejection or exclusion. 46478

(J) The commission shall submit a written annual report with 46479
the governor, president and minority leader of the senate, speaker 46480
and minority leader of the house of representatives, and joint 46481
committee on gaming and wagering before the first day of September 46482
each year. The annual report shall cover the previous fiscal year 46483
and shall include all of the following: 46484

(1) A statement describing the receipts and disbursements of 46485
the commission; 46486

(2) Relevant financial data regarding casino gaming, 46487

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| including gross revenues and disbursements made under this | 46488 |
| chapter; | 46489 |
| (3) Actions taken by the commission; | 46490 |
| (4) An update on casino operators', management companies', | 46491 |
| and holding companies' compulsive and problem gambling plans and | 46492 |
| the voluntary exclusion program and list; | 46493 |
| (5) Information regarding prosecutions for conduct described | 46494 |
| in division (H) of section 3772.99 of the Revised Code, including, | 46495 |
| but not limited to, the total number of prosecutions commenced and | 46496 |
| the name of each person prosecuted; | 46497 |
| (6) Any additional information that the commission considers | 46498 |
| useful or that the governor, president or minority leader of the | 46499 |
| senate, speaker or minority leader of the house of | 46500 |
| representatives, or joint committee on gaming and wagering | 46501 |
| requests. | 46502 |
| (K) Notwithstanding any law to the contrary, beginning on | 46503 |
| July 1, 2011, the <u>To ensure the integrity of skill-based amusement</u> | 46504 |
| <u>machine operations, the</u> commission shall assume <u>have</u> jurisdiction | 46505 |
| <u>over and oversee the regulation of all persons conducting or</u> | 46506 |
| <u>participating in the conduct of skill-based amusement machines as</u> | 46507 |
| <u>is provided in the law of this state machine operations authorized</u> | 46508 |
| <u>by this chapter and Chapter 2915. of the Revised Code, including</u> | 46509 |
| <u>the authority to complete the functions of licensing, regulating,</u> | 46510 |
| <u>investigating, and penalizing those persons in a manner that is</u> | 46511 |
| <u>consistent with the commission's authority to do the same with</u> | 46512 |
| <u>respect to casino gaming. To carry out this division, the</u> | 46513 |
| <u>commission may adopt rules under Chapter 119. of the Revised Code,</u> | 46514 |
| <u>including rules establishing fees and penalties related to the</u> | 46515 |
| <u>operation of skill-based amusement machines.</u> | 46516 |
| | |
| Sec. 3772.99. (A) The commission shall levy and collect | 46517 |

penalties for noncriminal violations of this chapter. Noncriminal 46518
violations include using the term "casino" in any advertisement in 46519
regard to a facility operating video lottery terminals, as defined 46520
in section 3770.21 of the Revised Code, in this state. Moneys 46521
collected from such penalty levies shall be credited to the 46522
general revenue fund. 46523

(B) If a licensed casino operator, management company, 46524
holding company, gaming-related vendor, or key employee violates 46525
this chapter or engages in a fraudulent act, the commission may 46526
suspend or revoke the license and may do either or both of the 46527
following: 46528

(1) Suspend, revoke, or restrict the casino gaming operations 46529
of a casino operator; 46530

(2) Require the removal of a management company, key 46531
employee, or discontinuance of services from a gaming-related 46532
vendor. 46533

(C) The commission shall impose civil penalties against a 46534
person who violates this chapter under the penalties adopted by 46535
commission rule and reviewed by the joint committee on gaming and 46536
wagering. 46537

(D) A person who purposely or knowingly ~~or intentionally~~ does 46538
any of the following commits a misdemeanor of the first degree on 46539
the first offense and a felony of the fifth degree for a 46540
subsequent offense: 46541

(1) Makes a false statement on an application submitted under 46542
this chapter; 46543

(2) Permits a person less than twenty-one years of age to 46544
make a wager at a casino facility; 46545

(3) Aids, induces, or causes a person less than twenty-one 46546
years of age who is not an employee of the casino gaming operation 46547

to enter or attempt to enter a casino facility; 46548

(4) Enters or attempts to enter a casino facility while under 46549
twenty-one years of age, unless the person enters a designated 46550
area as described in section 3772.24 of the Revised Code; 46551

(5) Is a casino operator or employee and participates in 46552
casino gaming other than as part of operation or employment. 46553

(E) A person who purposely or knowingly ~~or intentionally~~ does 46554
any of the following commits a felony of the fifth degree on a 46555
first offense and a felony of the fourth degree for a subsequent 46556
offense. If the person is a licensee under this chapter, the 46557
commission shall revoke the person's license after the first 46558
offense. 46559

(1) Uses or possesses with the intent to use a device to 46560
assist in projecting the outcome of the casino game, keeping track 46561
of the cards played, analyzing the probability of the occurrence 46562
of an event relating to the casino game, or analyzing the strategy 46563
for playing or betting to be used in the casino game, except as 46564
permitted by the commission; 46565

(2) Cheats at a casino game; 46566

(3) Manufactures, sells, or distributes any cards, chips, 46567
dice, game, or device that is intended to be used to violate this 46568
chapter; 46569

(4) Alters or misrepresents the outcome of a casino game on 46570
which wagers have been made after the outcome is made sure but 46571
before the outcome is revealed to the players; 46572

(5) Places, increases, or decreases a wager on the outcome of 46573
a casino game after acquiring knowledge that is not available to 46574
all players and concerns the outcome of the casino game that is 46575
the subject of the wager; 46576

(6) Aids a person in acquiring the knowledge described in 46577

division (E)(5) of this section for the purpose of placing, 46578
increasing, or decreasing a wager contingent on the outcome of a 46579
casino game; 46580

(7) Claims, collects, takes, or attempts to claim, collect, 46581
or take money or anything of value in or from a casino game with 46582
the intent to defraud or without having made a wager contingent on 46583
winning a casino game; 46584

(8) Claims, collects, or takes an amount of money or thing of 46585
value of greater value than the amount won in a casino game; 46586

(9) Uses or possesses counterfeit chips, tokens, or cashless 46587
wagering instruments in or for use in a casino game; 46588

(10) Possesses a key or device designed for opening, 46589
entering, or affecting the operation of a casino game, drop box, 46590
or an electronic or a mechanical device connected with the casino 46591
game or removing coins, tokens, chips, or other contents of a 46592
casino game. This division does not apply to a casino operator, 46593
management company, or gaming-related vendor or their agents and 46594
employees in the course of agency or employment. 46595

(11) Possesses materials used to manufacture a device 46596
intended to be used in a manner that violates this chapter; 46597

(12) Operates a casino gaming operation in which wagering is 46598
conducted or is to be conducted in a manner other than the manner 46599
required under this chapter or a skill-based amusement machine 46600
operation in a manner other than the manner required under Chapter 46601
2915. of the Revised Code. 46602

(F) The possession of more than one of the devices described 46603
in division (E)(9), (10), or (11) of this section creates a 46604
rebuttable presumption that the possessor intended to use the 46605
devices for cheating. 46606

(G) A person who purposely or knowingly ~~or intentionally~~ does 46607

any of the following commits a felony of the third degree. If the
person is a licensee under this chapter, the commission shall
revoke the person's license after the first offense. A public
servant or party official who is convicted under this division is
forever disqualified from holding any public office, employment,
or position of trust in this state.

(1) Offers, promises, or gives anything of value or benefit
to a person who is connected with the casino operator, management
company, holding company, or gaming-related vendor, including
their officers and employees, under an agreement to influence or
with the intent to influence the actions of the person to whom the
offer, promise, or gift was made in order to affect or attempt to
affect the outcome of a casino game or an official action of a
commission member, agent, or employee;

(2) Solicits, accepts, or receives a promise of anything of
value or benefit while the person is connected with a casino,
including an officer or employee of a casino operator, management
company, or gaming-related vendor, under an agreement to influence
or with the intent to influence the actions of the person to
affect or attempt to affect the outcome of a casino game or an
official action of a commission member, agent, or employee;

(H) A person who knowingly or intentionally does any of the
following while participating in casino gaming or otherwise
transacting with a casino facility as permitted by Chapter 3772.
of the Revised Code commits a felony of the fifth degree on a
first offense and a felony of the fourth degree for a subsequent
offense:

(1) Causes or attempts to cause a casino facility to fail to
file a report required under 31 U.S.C. 5313(a) or 5325 or any
regulation prescribed thereunder or section 1315.53 of the Revised
Code, or to fail to file a report or maintain a record required by
an order issued under section 21 of the "Federal Deposit Insurance

Act" or section 123 of Pub. L. No. 91-508; 46640

(2) Causes or attempts to cause a casino facility to file a 46641
report required under 31 U.S.C. 5313(a) or 5325 or any regulation 46642
prescribed thereunder or section 1315.53 of the Revised Code, to 46643
file a report or to maintain a record required by any order issued 46644
under 31 U.S.C. 5326, or to maintain a record required under any 46645
regulation prescribed under section 21 of the "Federal Deposit 46646
Insurance Act" or section 123 of Pub. L. No. 91-508 that contains 46647
a material omission or misstatement of fact; 46648

(3) With one or more casino facilities, structures a 46649
transaction, is complicit in structuring a transaction, attempts 46650
to structure a transaction, or is complicit in an attempt to 46651
structure a transaction. 46652

(I) A person who is convicted of a felony described in this 46653
chapter may be barred for life from entering a casino facility by 46654
the commission. 46655

(J) As used in division (H) of this section: 46656

(1) To be "complicit" means to engage in any conduct of a 46657
type described in divisions (A)(1) to (4) of section 2923.03 of 46658
the Revised Code. 46659

(2) "Structure a transaction" has the same meaning as in 46660
section 1315.51 of the Revised Code. 46661

(K) Premises used or occupied in violation of division 46662
(E)(12) of this section constitute a nuisance subject to abatement 46663
under Chapter 3767. of the Revised Code. 46664

**Sec. 3794.06. Posting of signs; prohibition of ashtrays; 46665
responsibilities of proprietors. 46666**

In addition to the prohibitions contained in section 3794.02 46667
of ~~this chapter~~ the Revised Code, the proprietor of a public place 46668
or place of employment shall comply with the following 46669

requirements: 46670

(A) "No Smoking" signs or the international "No Smoking" 46671
symbol (consisting of a pictorial representation of a burning 46672
cigarette enclosed in a red circle with a red bar across it) shall 46673
be conspicuously posted in every public place and place of 46674
employment where smoking is prohibited by this chapter, including 46675
at each entrance to the public place or place of employment. Signs 46676
shall be of sufficient size to be clearly legible to a person of 46677
normal vision throughout the areas they are intended to mark. All 46678
signs shall contain a telephone number for reporting violations. 46679

(B) All ashtrays and other receptacles used for disposing of 46680
smoking materials shall be removed from any area where smoking is 46681
prohibited by this chapter. 46682

(C) A proprietor shall permit prompt entry of an officer or 46683
employee of the department of health or its designee to 46684
investigate complaints made under section 3794.07 of the Revised 46685
Code. Refusal to permit prompt entry is a violation of this 46686
chapter. 46687

Sec. 3794.07. Duties of the Department of Health. 46688

This chapter shall be enforced by the department of health 46689
and its designees. The director of health shall within six months 46690
of ~~the effective date of this section~~ December 7, 2006: 46691

(A) Promulgate rules in accordance with Chapter 119_ of the 46692
Revised Code to implement and enforce all provisions of this 46693
chapter; 46694

(B) Promulgate rules in accordance with Chapter 119_ of the 46695
Revised Code to prescribe a schedule of fines for violations of 46696
this chapter designed to foster compliance with the provisions of 46697
this chapter. The amount of a fine for a violation of divisions 46698
(A) and (B) of section 3794.02 ~~(A) and (B)~~ and divisions (A) and 46699

(B) of section 3794.06 of the Revised Code shall not be less than 46700
one hundred dollars and the maximum for a violation shall be 46701
twenty five hundred dollars. The amount of a fine for a violation 46702
of division (D) of section 3794.02 ~~(D)~~ of the Revised Code shall 46703
be up to a maximum of one hundred dollars per violation. Each day 46704
of a violation shall constitute a separate violation. The schedule 46705
of fines that apply to a proprietor shall be progressive based on 46706
the number of prior violations by the proprietor. Violations which 46707
occurred more than two years prior to a subsequent violation shall 46708
not be considered if there has been no finding of a violation in 46709
the intervening time period. The fine schedule shall set forth 46710
specific factors that may be considered to decrease or waive the 46711
amount of a fine that otherwise would apply. Fines shall be 46712
doubled for intentional violations~~+~~. 46713

(C) Promulgate rules in accordance with Chapter 119~~.~~ of the 46714
Revised Code to prescribe a procedure for providing a proprietor 46715
or individual written notice of a report of a violation and the 46716
opportunity to present in writing any statement or evidence to 46717
contest the report, and prescribing procedures for making findings 46718
whether a proprietor or individual violated a provision of this 46719
chapter and for imposing fines for violations; 46720

(D) Establish a system for receiving reports of violations of 46721
the provisions of this chapter from any member of the public, 46722
including, but not limited to, by mail and one or more e-mail 46723
addresses and toll-free telephone numbers exclusively for such 46724
purpose. A person shall not be required to disclose his or her 46725
identity in order to report a violation; 46726

(E) Inform proprietors of public places and places of 46727
employment of the requirements of this chapter and how to comply 46728
with its provisions, including, but not limited to, by providing 46729
printed and other materials and a toll-free telephone number and 46730
e-mail address exclusively for such purposes; and 46731

(F) Design and implement a program to educate the public 46732
regarding the provisions of this chapter, including, but not 46733
limited to, through the establishment of an internet ~~website~~ web 46734
site and how a violation may be reported. 46735

(G) Adopt rules to prescribe fines for a violation of 46736
division (E) of section 3794.03 of the Revised Code. Division (B) 46737
of this section does not apply to a fine for a violation of 46738
division (E) of section 3794.03 of the Revised Code. 46739

Sec. 3901.241. (A) As used in this section: 46740

(1) "Exchange" has the same meaning as in section 3905.01 of 46741
the Revised Code. 46742

(2) "Enrollee's expected contribution" means any portion of 46743
the cost of a health service covered by a health benefit plan 46744
offered through an exchange that a person enrolled under such a 46745
plan would be expected to pay, including any copayments or cost 46746
sharing. 46747

(B)(1) An insurer offering a health benefit plan through an 46748
exchange shall make available to individuals seeking information 46749
on the plan a list of the top twenty per cent of services, 46750
according to utilization of health services by individuals insured 46751
by the insurer, and an enrollee's expected contribution for each 46752
service. 46753

(2) The enrollee's expected contribution for each service 46754
shall be provided both for situations in which the enrollee has 46755
and has not met any associated deductibles. 46756

(C) A violation of division (B) of this section shall be 46757
considered an unfair and deceptive practice in the business of 46758
insurance under section 3901.21 of the Revised Code. 46759

Sec. 3901.43. As used in sections 3901.43 to 3901.432 of the 46760

Revised Code: 46761

(A) "Contracted pharmacy" or "pharmacy" means a pharmacy located in this state participating in either the network of a pharmacy benefit manager or in a health care or pharmacy benefit plan through a direct contract or through a contract with a pharmacy services administration organization, group purchasing organization, or another contracting agent. 46762
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(B) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee. 46768
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(C) "Insurer" means an entity authorized to do the business of insurance in this state or, for the purposes of this section, a health insuring corporation authorized to issue health care plans in this state. 46772
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(D) "Managed care organization" means an entity that provides medical management and cost containment services and includes a medicaid managed care organization, as defined in section 5167.01 of the Revised Code. 46776
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(E) "Maximum allowable cost" means a maximum drug product reimbursement for an individual drug or for a group of therapeutically and pharmaceutically equivalent multiple source drugs that are listed in the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, commonly referred to as the orange book. 46780
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(F) "Maximum allowable cost list" means a list of the drugs for which a pharmacy benefit manager imposes a maximum allowable cost. 46786
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(G) "Multiple employer welfare arrangement" has the same meaning as in section 1739.01 of the Revised Code. 46789
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(H) "Pharmacy benefit manager" means an entity that contracts with pharmacies on behalf of an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer to provide pharmacy health benefit services or administration. 46791
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(I) "Plan sponsor" means an employer, a multiple employer welfare arrangement, public employee benefit plan, state agency, insurer, managed care organization, or other third-party payer that facilitates a health benefit plan that provides a drug benefit that is administered by a pharmacy benefit manager. 46796
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(J) "Third-party payer" has the same meaning as in section 3901.38 of the Revised Code. 46801
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Sec. 3901.431. (A) A pharmacy benefit manager shall not operate in this state without first registering with the superintendent of insurance. 46803
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(B) A pharmacy benefit manager registration applicant shall do both of the following: 46806
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(1) Complete any registration application prescribed in rule by the superintendent; 46808
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(2) Pay any registration fee prescribed by in rule by the superintendent. 46810
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(C) The superintendent shall register any pharmacy benefit manager that completes the application and meets the requirements of this section. 46812
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(D) A pharmacy benefit manager registration shall be for a duration of two years, but may be renewed as provided in this section. 46815
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(E)(1) A pharmacy benefit manager may renew its registration if it meets all of the following requirements: 46818
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| <u>(a) The pharmacy benefit manager is otherwise eligible for registration, as provided under this section;</u> | 46820 46821 |
| <u>(b) The pharmacy benefit manager completes any registration renewal application prescribed in rule by the superintendent;</u> | 46822 46823 |
| <u>(c) The pharmacy benefit manager pays any registration renewal fee prescribed in rule by the superintendent.</u> | 46824 46825 |
| <u>(2) An application for a registration renewal shall be filed in a timely manner. An application shall be considered to have been filed in a timely manner if it is postmarked on or before the date the pharmacy benefit manager's registration expires.</u> | 46826 46827 46828 46829 |
| <u>(3) The superintendent shall renew the registration of any pharmacy benefit manager that completes the renewal application and otherwise meets the requirements of this section.</u> | 46830 46831 46832 |
| <u>(F) Neither a plan sponsor nor a pharmacy shall enter into a contract with an unregistered pharmacy benefit manager.</u> | 46833 46834 |
| <u>(G)(1) The superintendent may take any of the following actions against a pharmacy benefit manager or a pharmacy benefit manager registration applicant that engages in any of the prohibited activities listed in division (H) of this section:</u> | 46835 46836 46837 46838 |
| <u>(a) Deny registration to a pharmacy benefit manager registration applicant;</u> | 46839 46840 |
| <u>(b) Refuse to renew, suspend, or revoke the registration of a pharmacy benefit manager;</u> | 46841 46842 |
| <u>(c) Fine the pharmacy benefit manager.</u> | 46843 |
| <u>(2) The superintendent shall adopt rules prescribing when fines are to be levied and in what amounts.</u> | 46844 46845 |
| <u>(H) A pharmacy benefit manager or pharmacy benefit manager applicant shall not do any of the following:</u> | 46846 46847 |
| <u>(1) Make a material misstatement or misrepresentation in an</u> | 46848 |

application for registration or renewal; 46849

(2) Fraudulently or deceptively obtain or attempt to obtain a registration or renewal; 46850
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(3) Commit fraud or engage in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services; 46852
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(4) Violate any provision of this section or section 3901.432 of the Revised Code or any rule adopted by the superintendent under this section. 46855
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Sec. 3901.432. (A)(1)(a) In each contract between a pharmacy benefit manager and a pharmacy, the pharmacy shall be given the right to obtain from the pharmacy benefit manager, within ten days after any request, a current list of the sources used to determine maximum allowable cost pricing. The pharmacy benefit manager shall update and implement the pricing information at least every seven days and provide a means by which contracted pharmacies may promptly review pricing updates in a format that is readily available and accessible. 46858
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(b) A pharmacy benefit manager shall maintain a procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing in a timely manner in order to remain consistent with pricing changes in the marketplace. 46867
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(2) In order to place a prescription drug on a maximum allowable cost list, a pharmacy benefit manager shall ensure that all of the following conditions are met: 46871
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(a) The drug is listed as "A" or "AB" rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, or has an "NR" or "NA" rating or similar rating by a nationally recognized reference. 46874
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(b) The drug is generally available for purchase by 46879
pharmacies in this state from a national or regional wholesaler 46880
and is not obsolete. 46881

(c) The drug has at least two therapeutically equivalent 46882
multiple source drugs available or at least one generic drug 46883
available in this state from a national or regional wholesaler and 46884
is not obsolete. 46885

(3) Each contract between a pharmacy benefit manager and a 46886
pharmacy shall include a process to appeal, investigate, and 46887
resolve disputes regarding maximum allowable cost pricing that 46888
includes all of the following: 46889

(a) A twenty-one-day limit on the right to appeal following 46890
the initial claim; 46891

(b) A requirement that the appeal be investigated and 46892
resolved within twenty-one days after the appeal; 46893

(c) A telephone number at which the pharmacy may contact the 46894
pharmacy benefit manager to speak to a person responsible for 46895
processing appeals; 46896

(d) A requirement that a pharmacy benefit manager provide a 46897
reason for any appeal denial and the identification of the 46898
national drug code of a drug that may be purchased in this state 46899
by the pharmacy at a price at or below the benchmark price 46900
determined by the pharmacy benefit manager; 46901

(e) A requirement that a pharmacy benefit manager make an 46902
adjustment to a date related to a claim not later than one day 46903
after the date of determination of the appeal. The adjustment 46904
shall be retroactive to the date the appeal was made and shall 46905
apply to all similarly situated pharmacies. This requirement does 46906
not prohibit a pharmacy benefit manager from retroactively 46907
adjusting a claim for the appealing pharmacy or for another 46908
similarly situated pharmacy. 46909

(B)(1) A pharmacy benefit manager shall disclose to a plan sponsor whether or not the pharmacy benefit manager uses the same maximum allowable cost list when billing a plan sponsor as it does when reimbursing a pharmacy.

(2) If a pharmacy benefit manager uses multiple maximum allowable cost lists, the pharmacy benefit manager shall disclose to a plan sponsor any difference between the amount paid to a pharmacy and the amount charged to the plan sponsor.

Sec. 3905.33. (A) No person licensed under section 3905.30 of the Revised Code shall solicit, procure an application for, bind, issue, renew, or deliver a policy with any insurer that is not eligible to write insurance on an unauthorized basis in this state.

Pursuant to the "Nonadmitted and Reinsurance Reform Act of 2010," 15 U.S.C. 8201 et seq., 124 Stat. 1589, or any successor or replacement law, where this state is the home state of the insured, an insurer shall be considered eligible to write insurance on an unauthorized basis in this state if either of the following are true:

(1) The insurer meets the requirements and criteria in sections 5A(2) and 5C(2)(a) of the ~~non-admitted~~ nonadmitted insurance model act adopted by the national association of insurance commissioners, or alternative nationwide uniform eligibility requirements adopted by this state through participation in a compact or other nationwide system pursuant to 15 U.S.C. 8201 et seq., 124 Stat. 1589.

(2) For unauthorized insurance placed with, or procured from an unauthorized insurer domiciled outside the United States, the insurer is listed on the quarterly listing of alien insurers maintained by the international insurers department of the national association of insurance commissioners.

(B)(1) No surplus lines broker shall solicit, procure, place, 46941
or renew any insurance with an unauthorized insurer unless an 46942
agent or the surplus lines broker has complied with the due 46943
diligence requirements of this section and is unable to procure 46944
the requested insurance from an authorized insurer. 46945

Due diligence requires an agent to contact at least five of 46946
the authorized insurers the agent represents, or as many insurers 46947
as the agent represents, that customarily write the kind of 46948
insurance required by the insured. Due diligence is presumed if 46949
declinations are received from each authorized insurer contacted. 46950
If any authorized insurer fails to respond within ten days after 46951
the initial contact, the agent may assume the insurer has declined 46952
to accept the risk. 46953

(2) Due diligence shall only be performed by an agent 46954
licensed in this state that holds an active property and casualty 46955
insurance agent license. 46956

(3) An insurance agent or surplus lines broker is exempt from 46957
the due diligence requirements of this section if the agent or 46958
surplus lines broker is procuring insurance from a risk purchasing 46959
group or risk retention group as provided in Chapter 3960. of the 46960
Revised Code. 46961

(4) An insurance agent or surplus lines broker is exempt from 46962
the due diligence requirements of this section if the agent or 46963
surplus lines broker is seeking to procure or place unauthorized 46964
insurance for a person that qualifies as an exempt commercial 46965
purchaser under section 3905.331 of the Revised Code and both of 46966
the following are true: 46967

(a) The surplus lines broker procuring or placing the surplus 46968
lines insurance has disclosed to the exempt commercial purchaser 46969
that the insurance may or may not be available from the authorized 46970
market that may provide greater protection with more regulatory 46971

oversight. 46972

(b) After receipt of the disclosure required under division 46973
(B)(4)(a) of this section, the exempt commercial purchaser has 46974
requested in writing that the insurance agent or broker procure or 46975
place the insurance from an unauthorized insurer. 46976

(C) Except when exempt from due diligence requirements under 46977
division (B) of this section, an insurance agent who procures or 46978
places insurance through a surplus lines broker shall obtain ~~an~~ 46979
~~affidavit~~ a signed statement from the insured acknowledging that 46980
the insurance policy is to be placed with a company or insurer not 46981
authorized to do business in this state and acknowledging that, in 46982
the event of the insolvency of the insurer, the insured is not 46983
entitled to any benefits or proceeds from the Ohio insurance 46984
guaranty association. The ~~affidavit~~ statement must be on a form 46985
prescribed by the superintendent and need not be notarized. The 46986
agent shall submit the ~~originally executed affidavit~~ original 46987
signed statement to the surplus lines broker within thirty days 46988
after the effective date of the policy. If no other agent is 46989
involved, the surplus lines broker shall obtain the ~~affidavit~~ 46990
statement from the insured. 46991

The surplus lines broker shall maintain the ~~originally~~ 46992
~~executed affidavit~~ original signed statement or a copy of the 46993
~~affidavit~~ statement, and the originating agent shall keep a copy 46994
of the ~~affidavit~~ statement, for at least five years after the 46995
effective date of the policy to which the ~~affidavit~~ statement 46996
pertains. A copy of the ~~affidavit~~ signed statement shall be given 46997
to the insured at the time the insurance is bound or a policy is 46998
delivered. 46999

(D) For the purpose of carrying out the "Nonadmitted and 47000
Reinsurance Reform Act of 2010," 124 Stat. 1589, 15 U.S.C. 8201 et 47001
seq., or any successor or replacement law, the superintendent 47002
shall conduct a fiscal analysis of the impact of entering into a 47003

~~multi-state~~ multistate agreement or compact for determining 47004
eligibility for placement of unauthorized insurance and for 47005
payment, reporting, collection, and allocation of the tax on 47006
unauthorized insurance. If the fiscal analysis indicates that 47007
entering into a ~~multi-state~~ multistate agreement or compact is 47008
advantageous to this state, the superintendent may enter into the 47009
surplus lines insurance ~~multi-state~~ multistate compliance compact 47010
adopted by the national conference of insurance legislators and 47011
known as "SLIMPACT," as amended on December 21, 2010, and 47012
including any subsequent amendment; or, if it is in this state's 47013
financial best interest, the superintendent shall request that the 47014
general assembly authorize the superintendent to enter into a 47015
different ~~multi-state~~ multistate agreement or compact. 47016

(E) The superintendent may adopt rules in accordance with 47017
Chapter 119. of the Revised Code to carry out the purposes of 47018
sections 3905.30 to 3905.38 of the Revised Code. 47019

Sec. 3923.66. (A) As used in this section, "genetic screening 47020
or testing" has the same meaning as in section 1751.65 of the 47021
Revised Code. 47022

(B) No sickness and accident insurer issuing policies in this 47023
state and no public employee benefit plan shall do either of the 47024
following: 47025

(1) Consider any information obtained from genetic screening 47026
or testing in processing an application for coverage for health 47027
care services under a policy or plan or in determining 47028
insurability under such a policy or plan; 47029

(2) Inquire, directly or indirectly, into the results of 47030
genetic screening or testing or use such information, in whole or 47031
in part, to cancel, refuse to issue or renew, limit benefits 47032
under, or set premiums for, a policy or plan. 47033

(C) Any sickness and accident insurer that has engaged in, is engaged in, or is about to engage in a violation of division (B) of this section is subject to the jurisdiction of the superintendent of insurance under section 3901.04 of the Revised Code. 47034
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Sec. 4116.01. As used in ~~sections 4116.01 to 4116.04 of the Revised Code~~ this chapter: 47039
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(A) "~~Public authority~~ State agency" means any officer, board, or commission of the state, ~~or any political subdivision of the state, or any institution supported in whole or in part by public funds,~~ authorized to enter into a contract for the construction of a public improvement or to construct a public improvement by the direct employment of labor, and includes a state institution of higher education. "~~Public authority~~" ~~shall not mean any municipal corporation that has adopted a charter under sections three and seven of article XVIII of the Ohio Constitution, unless the specific contract for a public improvement includes state funds appropriated for the purposes of that public improvement.~~ 47041
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(B) "Construction" means all of the following: 47052

(1) Any new construction of any public improvement performed by other than full-time employees who have completed their probationary periods in the classified service of a ~~public authority~~ state agency or political subdivision; 47053
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(2) Any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of any public improvement performed by other than full-time employees who have completed their probationary period in the classified civil service of a ~~public authority~~ state agency or political subdivision; 47057
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(3) Construction on any project, facility, or project facility to which section 122.80, 166.02, or 1728.07 of the 47062
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Revised Code applies; 47064

(4) Construction on any project as defined in section 122.39 47065
of the Revised Code, any project as defined in section 165.01 of 47066
the Revised Code, any energy resource development facility as 47067
defined in section 1551.01 of the Revised Code, or any project as 47068
defined in section 3706.01 of the Revised Code. 47069

(C) "Public improvement" means all buildings, roads, streets, 47070
alleys, sewers, ditches, sewage disposal plants, water works, and 47071
other structures or works constructed by a ~~public authority~~ state 47072
agency or political subdivision or by any person who, pursuant to 47073
a contract with a ~~public authority~~ state agency or political 47074
subdivision, constructs any structure or work for a ~~public~~ 47075
authority state agency or political subdivision. When a ~~public~~ 47076
authority state agency or political subdivision rents or leases a 47077
newly constructed structure within six months after completion of 47078
its construction, all work performed on that structure to suit it 47079
for occupancy by a ~~public authority~~ state agency or political 47080
subdivision is a "public improvement." 47081

(D) "Interested party," with respect to a particular public 47082
improvement, means all of the following: 47083

(1) Any person who submits a bid for the purpose of securing 47084
the award of a contract for the public improvement; 47085

(2) Any person acting as a subcontractor of a person 47086
mentioned in division (D)(1) of this section; 47087

(3) Any association having as members any of the persons 47088
mentioned in division (D)(1) or (2) of this section; 47089

(4) Any employee of a person mentioned in division (D)(1), 47090
(2), or (3) of this section; 47091

(5) Any individual who is a resident of the jurisdiction of 47092
the ~~public authority~~ state agency or political subdivision for 47093

whom products or services for a public improvement are being 47094
procured or for whom work on a public improvement is being 47095
performed. 47096

(E) "Political subdivision" has the same meaning as in 47097
section 9.23 of the Revised Code. 47098

(F) "State institution of higher education" has the same 47099
meaning as in section 3345.011 of the Revised Code. 47100

Sec. 4116.02. A ~~public authority~~ state agency, when engaged 47101
in procuring products or services, awarding contracts, or 47102
overseeing procurement or construction for public improvements 47103
undertaken by or on behalf of the state agency, shall ensure that 47104
bid specifications issued by the ~~public authority~~ state agency for 47105
the proposed public improvement, and any subsequent contract or 47106
other agreement for the public improvement to which the ~~public~~ 47107
~~authority~~ state agency and a contractor or subcontractor are 47108
direct parties, do not require or prohibit that a contractor or 47109
subcontractor ~~to~~ do any of the following: 47110

(A) Enter into agreements with any labor organization on the 47111
public improvement; 47112

(B) Enter into any agreement that requires the employees of 47113
that contractor or subcontractor to do either of the following as 47114
a condition of employment or continued employment: 47115

(1) Become members of or affiliated with a labor 47116
organization; 47117

(2) Pay dues or fees to a labor organization. 47118

Sec. 4116.03. No ~~public authority~~ state agency shall do any 47119
of the following: 47120

(A) Award a contract for a public improvement undertaken by 47121
or on behalf of the state agency in violation of section 4116.02 47122

of the Revised Code; 47123

(B) Discriminate against any bidder, contractor, or 47124
subcontractor for refusing or electing to become a party to any 47125
agreement with any labor organization on the public improvement 47126
undertaken by or on behalf of the state agency that currently is 47127
under bid or on projects related to that improvement; 47128

(C) Otherwise violate section 4116.02 of the Revised Code. 47129

Sec. 4116.031. No state funds shall be distributed for the 47130
purpose of the construction of a public improvement by or on 47131
behalf of a political subdivision, if the political subdivision, 47132
in procuring products or services, awarding contracts, or 47133
overseeing procurement or construction for public improvements 47134
undertaken by or on behalf of the political subdivision, requires 47135
in the bid specifications a contractor or subcontractor to enter 47136
into, or prohibits in the bid specifications a contractor or 47137
subcontractor from entering into, an agreement described in 47138
division (A) or (B) of section 4116.02 of the Revised Code. 47139

Sec. 4116.04. (A) An interested party may file a complaint 47140
against a ~~contracting public authority~~ state agency or political 47141
subdivision alleging a violation of section 4116.02 ~~or~~ 4116.03, 47142
or 4116.031 of the Revised Code within two years after the date on 47143
which the contract is signed for the public improvement in the 47144
court of common pleas of the county in which the public 47145
improvement is performed. The performance of the contract forms 47146
the basis of the allegation of a violation. The court in which the 47147
complaint is filed shall hear and decide the case and, upon a 47148
finding that a violation has occurred, shall void the contract and 47149
make any orders that will prevent further violations. 47150

The Rules of Civil Procedure govern all actions under this 47151
section. Any determination of a court under this section is 47152

subject to appellate review. 47153

(B) If, pursuant to this section, a court finds a violation 47154
of section 4116.02 ~~or~~, 4116.03, or 4116.031 of the Revised Code, 47155
the court may award reasonable attorney's fees, court costs, and 47156
any other fees incurred in the course of the civil action to the 47157
prevailing plaintiff. 47158

Sec. 4117.01. As used in this chapter: 47159

(A) "Person," in addition to those included in division (C) 47160
of section 1.59 of the Revised Code, includes employee 47161
organizations, public employees, and public employers. 47162

(B) "Public employer" means the state or any political 47163
subdivision of the state located entirely within the state, 47164
including, without limitation, any municipal corporation with a 47165
population of at least five thousand according to the most recent 47166
federal decennial census; county; township with a population of at 47167
least five thousand in the unincorporated area of the township 47168
according to the most recent federal decennial census; school 47169
district; governing authority of a community school established 47170
under Chapter 3314. of the Revised Code; college preparatory 47171
boarding school established under Chapter 3328. of the Revised 47172
Code or its operator; state institution of higher learning; public 47173
or special district; state agency, authority, commission, or 47174
board; or other branch of public employment. "Public employer" 47175
does not include the nonprofit corporation formed under section 47176
187.01 of the Revised Code. 47177

(C) "Public employee" means any person holding a position by 47178
appointment or employment in the service of a public employer, 47179
including any person working pursuant to a contract between a 47180
public employer and a private employer and over whom the national 47181
labor relations board has declined jurisdiction on the basis that 47182
the involved employees are employees of a public employer, except: 47183

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| (1) Persons holding elective office; | 47184 |
| (2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body; | 47185 47186 47187 47188 |
| (3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive; | 47189 47190 47191 47192 |
| (4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code; | 47193 47194 47195 |
| (5) Employees of the state employment relations board, including those employees of the state employment relations board utilized by the state personnel board of review in the exercise of the powers and the performance of the duties and functions of the state personnel board of review; | 47196 47197 47198 47199 47200 |
| (6) Confidential employees; | 47201 |
| (7) Management level employees; | 47202 |
| (8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function; | 47203 47204 47205 |
| (9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code; | 47206 47207 47208 |
| (10) Supervisors; | 47209 |
| (11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining | 47210 47211 47212 47213 |

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| unit; | 47214 |
| (12) Employees of county boards of election; | 47215 |
| (13) Seasonal and casual employees as determined by the state employment relations board; | 47216 47217 |
| (14) Part-time faculty members of an institution of higher education; | 47218 47219 |
| (15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity; | 47220 47221 47222 47223 47224 47225 |
| (16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code; | 47226 47227 47228 |
| (17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005. | 47229 47230 47231 47232 |
| (D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment. | 47233 47234 47235 47236 47237 |
| (E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code. | 47238 47239 47240 |
| (F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline | 47241 47242 47243 |

other public employees; to responsibly direct them; to adjust 47244
their grievances; or to effectively recommend such action, if the 47245
exercise of that authority is not of a merely routine or clerical 47246
nature, but requires the use of independent judgment, provided 47247
that: 47248

(1) Employees of school districts who are department 47249
chairpersons or consulting teachers shall not be deemed 47250
supervisors. 47251

(2) With respect to members of a police or fire department, 47252
no person shall be deemed a supervisor except the chief of the 47253
department or those individuals who, in the absence of the chief, 47254
are authorized to exercise the authority and perform the duties of 47255
the chief of the department. Where prior to June 1, 1982, a public 47256
employer pursuant to a judicial decision, rendered in litigation 47257
to which the public employer was a party, has declined to engage 47258
in collective bargaining with members of a police or fire 47259
department on the basis that those members are supervisors, those 47260
members of a police or fire department do not have the rights 47261
specified in this chapter for the purposes of future collective 47262
bargaining. The state employment relations board shall decide all 47263
disputes concerning the application of division (F)(2) of this 47264
section. 47265

(3) With respect to faculty members of a state institution of 47266
higher education, heads of departments or divisions are 47267
supervisors; ~~however, no other~~ in addition, any faculty member or 47268
group of faculty members ~~is a supervisor solely because the~~ 47269
~~faculty member or group of faculty members~~ that participate in 47270
decisions with respect to courses, curriculum, personnel, or other 47271
matters of academic or institutional policy; ~~are supervisors or~~ 47272
management level employees. 47273

(4) No teacher as defined in section 3319.09 of the Revised 47274
Code shall be designated as a supervisor or a management level 47275

employee unless the teacher is employed under a contract governed 47276
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 47277
is assigned to a position for which a license deemed to be for 47278
administrators under state board rules is required pursuant to 47279
section 3319.22 of the Revised Code. 47280

(G) "To bargain collectively" means to perform the mutual 47281
obligation of the public employer, by its representatives, and the 47282
representatives of its employees to negotiate in good faith at 47283
reasonable times and places with respect to wages, hours, terms, 47284
and other conditions of employment and the continuation, 47285
modification, or deletion of an existing provision of a collective 47286
bargaining agreement, with the intention of reaching an agreement, 47287
or to resolve questions arising under the agreement. "To bargain 47288
collectively" includes executing a written contract incorporating 47289
the terms of any agreement reached. The obligation to bargain 47290
collectively does not mean that either party is compelled to agree 47291
to a proposal nor does it require the making of a concession. 47292

(H) "Strike" means continuous concerted action in failing to 47293
report to duty; willful absence from one's position; or stoppage 47294
of work in whole from the full, faithful, and proper performance 47295
of the duties of employment, for the purpose of inducing, 47296
influencing, or coercing a change in wages, hours, terms, and 47297
other conditions of employment. "Strike" does not include a 47298
stoppage of work by employees in good faith because of dangerous 47299
or unhealthful working conditions at the place of employment that 47300
are abnormal to the place of employment. 47301

(I) "Unauthorized strike" includes, but is not limited to, 47302
concerted action during the term or extended term of a collective 47303
bargaining agreement or during the pendency of the settlement 47304
procedures set forth in section 4117.14 of the Revised Code in 47305
failing to report to duty; willful absence from one's position; 47306
stoppage of work; slowdown, or abstinence in whole or in part from 47307

the full, faithful, and proper performance of the duties of 47308
employment for the purpose of inducing, influencing, or coercing a 47309
change in wages, hours, terms, and other conditions of employment. 47310
"Unauthorized strike" includes any such action, absence, stoppage, 47311
slowdown, or abstinence when done partially or intermittently, 47312
whether during or after the expiration of the term or extended 47313
term of a collective bargaining agreement or during or after the 47314
pendency of the settlement procedures set forth in section 4117.14 47315
of the Revised Code. 47316

(J) "Professional employee" means any employee engaged in 47317
work that is predominantly intellectual, involving the consistent 47318
exercise of discretion and judgment in its performance and 47319
requiring knowledge of an advanced type in a field of science or 47320
learning customarily acquired by a prolonged course in an 47321
institution of higher learning or a hospital, as distinguished 47322
from a general academic education or from an apprenticeship; or an 47323
employee who has completed the courses of specialized intellectual 47324
instruction and is performing related work under the supervision 47325
of a professional person to become qualified as a professional 47326
employee. 47327

(K) "Confidential employee" means any employee who works in 47328
the personnel offices of a public employer and deals with 47329
information to be used by the public employer in collective 47330
bargaining; or any employee who works in a close continuing 47331
relationship with public officers or representatives directly 47332
participating in collective bargaining on behalf of the employer. 47333

(L) "Management level employee" means an individual who 47334
formulates policy on behalf of the public employer, who 47335
responsibly directs the implementation of policy, or who may 47336
reasonably be required on behalf of the public employer to assist 47337
in the preparation for the conduct of collective negotiations, 47338
administer collectively negotiated agreements, or have a major 47339

role in personnel administration. Assistant superintendents, 47340
principals, and assistant principals whose employment is governed 47341
by section 3319.02 of the Revised Code are management level 47342
employees. With respect to members of a faculty of a state 47343
institution of higher education, ~~no person is a management level~~ 47344
~~employee because of the person's involvement in the formulation or~~ 47345
~~implementation of academic or institution policy~~ any faculty who, 47346
individually or through a faculty senate or like organization, 47347
participate in the governance of the institution, are involved in 47348
personnel decisions, selection or review of administrators, 47349
planning and use of physical resources, budget preparation, and 47350
determination of educational policies related to admissions, 47351
curriculum, subject matter, and methods of instruction and 47352
research are management level employees. 47353

(M) "Wages" means hourly rates of pay, salaries, or other 47354
forms of compensation for services rendered. 47355

(N) "Member of a police department" means a person who is in 47356
the employ of a police department of a municipal corporation as a 47357
full-time regular police officer as the result of an appointment 47358
from a duly established civil service eligibility list or under 47359
section 737.15 or 737.16 of the Revised Code, a full-time deputy 47360
sheriff appointed under section 311.04 of the Revised Code, a 47361
township constable appointed under section 509.01 of the Revised 47362
Code, or a member of a township or joint police district police 47363
department appointed under section 505.49 of the Revised Code. 47364

(O) "Members of the state highway patrol" means highway 47365
patrol troopers and radio operators appointed under section 47366
5503.01 of the Revised Code. 47367

(P) "Member of a fire department" means a person who is in 47368
the employ of a fire department of a municipal corporation or a 47369
township as a fire cadet, full-time regular firefighter, or 47370
promoted rank as the result of an appointment from a duly 47371

established civil service eligibility list or under section 47372
505.38, 709.012, or 737.22 of the Revised Code. 47373

(Q) "Day" means calendar day. 47374

Sec. 4121.03. (A) The governor shall appoint from among the 47375
members of the industrial commission the chairperson of the 47376
industrial commission. The chairperson shall serve as chairperson 47377
at the pleasure of the governor. The chairperson is the head of 47378
the commission and its chief executive officer. 47379

(B) The chairperson shall appoint, after consultation with 47380
other commission members and obtaining the approval of at least 47381
one other commission member, an executive director of the 47382
commission. The executive director shall serve at the pleasure of 47383
the chairperson. The executive director, under the direction of 47384
the chairperson, shall perform all of the following duties: 47385

(1) Act as chief administrative officer for the commission; 47386

(2) Ensure that all commission personnel follow the rules of 47387
the commission; 47388

(3) Ensure that all orders, awards, and determinations are 47389
properly heard and signed, prior to attesting to the documents; 47390

(4) Coordinate, to the fullest extent possible, commission 47391
activities with the bureau of workers' compensation activities; 47392

(5) Do all things necessary for the efficient and effective 47393
implementation of the duties of the commission. 47394

The responsibilities assigned to the executive director of 47395
the commission do not relieve the chairperson from final 47396
responsibility for the proper performance of the acts specified in 47397
this division. 47398

(C) The chairperson shall do all of the following: 47399

(1) Except as otherwise provided in this division, employ, 47400

promote, supervise, remove, and establish the compensation of all 47401
employees as needed in connection with the performance of the 47402
commission's duties under this chapter and Chapters 4123., 4127., 47403
and 4131. of the Revised Code and may assign to them their duties 47404
to the extent necessary to achieve the most efficient performance 47405
of its functions, and to that end may establish, change, or 47406
abolish positions, and assign and reassign duties and 47407
responsibilities of every employee of the commission. The civil 47408
service status of any person employed by the commission prior to 47409
November 3, 1989, is not affected by this section. Personnel 47410
employed by the bureau or the commission who are subject to 47411
Chapter 4117. of the Revised Code shall retain all of their rights 47412
and benefits conferred pursuant to that chapter as it presently 47413
exists or is hereafter amended and nothing in this chapter or 47414
Chapter 4123. of the Revised Code shall be construed as 47415
eliminating or interfering with Chapter 4117. of the Revised Code 47416
or the rights and benefits conferred under that chapter to public 47417
employees or to any bargaining unit. 47418

(2) Hire district and staff hearing officers after 47419
consultation with other commission members and obtaining the 47420
approval of at least one other commission member; 47421

(3) Fire staff and district hearing officers when the 47422
chairperson finds appropriate after obtaining the approval of at 47423
least one other commission member; 47424

(4) Maintain the office for the commission in Columbus; 47425

(5) To the maximum extent possible, use electronic data 47426
processing equipment for the issuance of orders immediately 47427
following a hearing, scheduling of hearings and medical 47428
examinations, tracking of claims, retrieval of information, and 47429
any other matter within the commission's jurisdiction, and shall 47430
provide and input information into the electronic data processing 47431
equipment as necessary to effect the success of the claims 47432

tracking system established pursuant to division (B)~~(15)~~(14) of 47433
section 4121.121 of the Revised Code; 47434

(6) Exercise all administrative and nonadjudicatory powers 47435
and duties conferred upon the commission by Chapters 4121., 4123., 47436
4127., and 4131. of the Revised Code; 47437

(7) Approve all contracts for special services. 47438

(D) The chairperson is responsible for all administrative 47439
matters and may secure for the commission facilities, equipment, 47440
and supplies necessary to house the commission, any employees, and 47441
files and records under the commission's control and to discharge 47442
any duty imposed upon the commission by law, the expense thereof 47443
to be audited and paid in the same manner as other state expenses. 47444
For that purpose, the chairperson, separately from the budget 47445
prepared by the administrator of workers' compensation, shall 47446
prepare and submit to the office of budget and management a budget 47447
for each biennium according to sections 101.532 and 107.03 of the 47448
Revised Code. The budget submitted shall cover the costs of the 47449
commission and staff and district hearing officers in the 47450
discharge of any duty imposed upon the chairperson, the 47451
commission, and hearing officers by law. 47452

(E) A majority of the commission constitutes a quorum to 47453
transact business. No vacancy impairs the rights of the remaining 47454
members to exercise all of the powers of the commission, so long 47455
as a majority remains. Any investigation, inquiry, or hearing that 47456
the commission may hold or undertake may be held or undertaken by 47457
or before any one member of the commission, or before one of the 47458
deputies of the commission, except as otherwise provided in this 47459
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 47460
Every order made by a member, or by a deputy, when approved and 47461
confirmed by a majority of the members, and so shown on its record 47462
of proceedings, is the order of the commission. The commission may 47463
hold sessions at any place within the state. The commission is 47464

responsible for all of the following: 47465

(1) Establishing the overall adjudicatory policy and 47466
management of the commission under this chapter and Chapters 47467
4123., 4127., and 4131. of the Revised Code, except for those 47468
administrative matters within the jurisdiction of the chairperson, 47469
bureau of workers' compensation, and the administrator of workers' 47470
compensation under those chapters; 47471

(2) Hearing appeals and reconsiderations under this chapter 47472
and Chapters 4123., 4127., and 4131. of the Revised Code; 47473

(3) Engaging in rulemaking where required by this chapter or 47474
Chapter 4123., 4127., or 4131. of the Revised Code. 47475

Sec. 4121.121. (A) There is hereby created the bureau of 47476
workers' compensation, which shall be administered by the 47477
administrator of workers' compensation. A person appointed to the 47478
position of administrator shall possess significant management 47479
experience in effectively managing an organization or 47480
organizations of substantial size and complexity. A person 47481
appointed to the position of administrator also shall possess a 47482
minimum of five years of experience in the field of workers' 47483
compensation insurance or in another insurance industry, except as 47484
otherwise provided when the conditions specified in division (C) 47485
of this section are satisfied. The governor shall appoint the 47486
administrator as provided in section 121.03 of the Revised Code, 47487
and the administrator shall serve at the pleasure of the governor. 47488
The governor shall fix the administrator's salary on the basis of 47489
the administrator's experience and the administrator's 47490
responsibilities and duties under this chapter and Chapters 4123., 47491
4125., 4127., 4131., and 4167. of the Revised Code. The governor 47492
shall not appoint to the position of administrator any person who 47493
has, or whose spouse has, given a contribution to the campaign 47494
committee of the governor in an amount greater than one thousand 47495

dollars during the two-year period immediately preceding the date 47496
of the appointment of the administrator. 47497

The administrator shall hold no other public office and shall 47498
devote full time to the duties of administrator. Before entering 47499
upon the duties of the office, the administrator shall take an 47500
oath of office as required by sections 3.22 and 3.23 of the 47501
Revised Code, and shall file in the office of the secretary of 47502
state, a bond signed by the administrator and by surety approved 47503
by the governor, for the sum of fifty thousand dollars payable to 47504
the state, conditioned upon the faithful performance of the 47505
administrator's duties. 47506

(B) The administrator is responsible for the management of 47507
the bureau and for the discharge of all administrative duties 47508
imposed upon the administrator in this chapter and Chapters 4123., 47509
4125., 4127., 4131., and 4167. of the Revised Code, and in the 47510
discharge thereof shall do all of the following: 47511

(1) Perform all acts and exercise all authorities and powers, 47512
discretionary and otherwise that are required of or vested in the 47513
bureau or any of its employees in this chapter and Chapters 4123., 47514
4125., 4127., 4131., and 4167. of the Revised Code, except the 47515
acts and the exercise of authority and power that is required of 47516
and vested in the bureau of workers' compensation board of 47517
directors or the industrial commission pursuant to those chapters. 47518
The treasurer of state shall honor all warrants signed by the 47519
administrator, or by one or more of the administrator's employees, 47520
authorized by the administrator in writing, or bearing the 47521
facsimile signature of the administrator or such employee under 47522
sections 4123.42 and 4123.44 of the Revised Code. 47523

(2) Employ, direct, and supervise all employees required in 47524
connection with the performance of the duties assigned to the 47525
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 47526
and 4167. of the Revised Code, including an actuary, and may 47527

establish job classification plans and compensation for all 47528
employees of the bureau provided that this grant of authority 47529
shall not be construed as affecting any employee for whom the 47530
state employment relations board has established an appropriate 47531
bargaining unit under section 4117.06 of the Revised Code. All 47532
positions of employment in the bureau are in the classified civil 47533
service except those employees the administrator may appoint to 47534
serve at the administrator's pleasure in the unclassified civil 47535
service pursuant to section 124.11 of the Revised Code. The 47536
administrator shall fix the salaries of employees the 47537
administrator appoints to serve at the administrator's pleasure, 47538
including the chief operating officer, staff physicians, and other 47539
senior management personnel of the bureau and shall establish the 47540
compensation of staff attorneys of the bureau's legal section and 47541
their immediate supervisors, and take whatever steps are necessary 47542
to provide adequate compensation for other staff attorneys. 47543

The administrator may appoint a person who holds a certified 47544
position in the classified service within the bureau to a position 47545
in the unclassified service within the bureau. A person appointed 47546
pursuant to this division to a position in the unclassified 47547
service shall retain the right to resume the position and status 47548
held by the person in the classified service immediately prior to 47549
the person's appointment in the unclassified service, regardless 47550
of the number of positions the person held in the unclassified 47551
service. An employee's right to resume a position in the 47552
classified service may only be exercised when the administrator 47553
demotes the employee to a pay range lower than the employee's 47554
current pay range or revokes the employee's appointment to the 47555
unclassified service. An employee forfeits the right to resume a 47556
position in the classified service when the employee is removed 47557
from the position in the unclassified service due to incompetence, 47558
inefficiency, dishonesty, drunkenness, immoral conduct, 47559
insubordination, discourteous treatment of the public, neglect of 47560

duty, violation of this chapter or Chapter 124., 4123., 4125., 47561
4127., 4131., or 4167. of the Revised Code, violation of the rules 47562
of the director of administrative services or the administrator, 47563
any other failure of good behavior, any other acts of misfeasance, 47564
malfeasance, or nonfeasance in office, or conviction of a felony. 47565
An employee also forfeits the right to resume a position in the 47566
classified service upon transfer to a different agency. 47567

Reinstatement to a position in the classified service shall 47568
be to a position substantially equal to that position in the 47569
classified service held previously, as certified by the department 47570
of administrative services. If the position the person previously 47571
held in the classified service has been placed in the unclassified 47572
service or is otherwise unavailable, the person shall be appointed 47573
to a position in the classified service within the bureau that the 47574
director of administrative services certifies is comparable in 47575
compensation to the position the person previously held in the 47576
classified service. Service in the position in the unclassified 47577
service shall be counted as service in the position in the 47578
classified service held by the person immediately prior to the 47579
person's appointment in the unclassified service. When a person is 47580
reinstated to a position in the classified service as provided in 47581
this division, the person is entitled to all rights, status, and 47582
benefits accruing to the position during the person's time of 47583
service in the position in the unclassified service. 47584

(3) Reorganize the work of the bureau, its sections, 47585
departments, and offices to the extent necessary to achieve the 47586
most efficient performance of its functions and to that end may 47587
establish, change, or abolish positions and assign and reassign 47588
duties and responsibilities of every employee of the bureau. All 47589
persons employed by the commission in positions that, after 47590
November 3, 1989, are supervised and directed by the administrator 47591
under this section are transferred to the bureau in their 47592

respective classifications but subject to reassignment and 47593
reclassification of position and compensation as the administrator 47594
determines to be in the interest of efficient administration. The 47595
civil service status of any person employed by the commission is 47596
not affected by this section. Personnel employed by the bureau or 47597
the commission who are subject to Chapter 4117. of the Revised 47598
Code shall retain all of their rights and benefits conferred 47599
pursuant to that chapter as it presently exists or is hereafter 47600
amended and nothing in this chapter or Chapter 4123. of the 47601
Revised Code shall be construed as eliminating or interfering with 47602
Chapter 4117. of the Revised Code or the rights and benefits 47603
conferred under that chapter to public employees or to any 47604
bargaining unit. 47605

(4) Provide offices, equipment, supplies, and other 47606
facilities for the bureau. 47607

(5) Prepare and submit to the board information the 47608
administrator considers pertinent or the board requires, together 47609
with the administrator's recommendations, in the form of 47610
administrative rules, for the advice and consent of the board, for 47611
classifications of occupations or industries, for premium rates 47612
and contributions, for the amount to be credited to the surplus 47613
fund, for rules and systems of rating, rate revisions, and merit 47614
rating. The administrator shall obtain, prepare, and submit any 47615
other information the board requires for the prompt and efficient 47616
discharge of its duties. 47617

(6) Keep the accounts required by division (A) of section 47618
4123.34 of the Revised Code and all other accounts and records 47619
necessary to the collection, administration, and distribution of 47620
the workers' compensation funds and shall obtain the statistical 47621
and other information required by section 4123.19 of the Revised 47622
Code. 47623

(7) Exercise the investment powers vested in the 47624

administrator by section 4123.44 of the Revised Code in accordance 47625
with the investment policy approved by the board pursuant to 47626
section 4121.12 of the Revised Code and in consultation with the 47627
chief investment officer of the bureau of workers' compensation. 47628
The administrator shall not engage in any prohibited investment 47629
activity specified by the board pursuant to division (F)(9) of 47630
section 4121.12 of the Revised Code and shall not invest in any 47631
type of investment specified in divisions (B)(1) to (10) of 47632
section 4123.442 of the Revised Code. All business shall be 47633
transacted, all funds invested, all warrants for money drawn and 47634
payments made, and all cash and securities and other property 47635
held, in the name of the bureau, or in the name of its nominee, 47636
provided that nominees are authorized by the administrator solely 47637
for the purpose of facilitating the transfer of securities, and 47638
restricted to the administrator and designated employees. 47639

~~(8) Make contracts for and supervise the construction of any 47640
project or improvement or the construction or repair of buildings 47641
under the control of the bureau. 47642~~

~~(9) Purchase In accordance with Chapter 125. of the Revised 47643
Code, purchase supplies, materials, equipment, and services; ~~make~~ 47644
~~contracts for, operate, and superintend the telephone, other~~ 47645
~~telecommunication, and computer services for the use of the~~ 47646
~~bureau; and make contracts in connection with office reproduction,~~ 47647
~~forms management, printing, and other services. Notwithstanding~~ 47648
~~sections 125.12 to 125.14 of the Revised Code, the administrator~~ 47649
~~may transfer surplus computers and computer equipment directly to~~ 47650
~~an accredited public school within the state. The computers and~~ 47651
~~computer equipment may be repaired or refurbished prior to the~~ 47652
~~transfer. 47653~~~~

~~(10)~~(9) Prepare and submit to the board an annual budget for 47654
internal operating purposes for the board's approval. The 47655
administrator also shall, separately from the budget the 47656

industrial commission submits, prepare and submit to the director 47657
of budget and management a budget for each biennium. The budgets 47658
submitted to the board and the director shall include estimates of 47659
the costs and necessary expenditures of the bureau in the 47660
discharge of any duty imposed by law. 47661

~~(11)~~(10) As promptly as possible in the course of efficient 47662
administration, decentralize and relocate such of the personnel 47663
and activities of the bureau as is appropriate to the end that the 47664
receipt, investigation, determination, and payment of claims may 47665
be undertaken at or near the place of injury or the residence of 47666
the claimant and for that purpose establish regional offices, in 47667
such places as the administrator considers proper, capable of 47668
discharging as many of the functions of the bureau as is 47669
practicable so as to promote prompt and efficient administration 47670
in the processing of claims. All active and inactive lost-time 47671
claims files shall be held at the service office responsible for 47672
the claim. A claimant, at the claimant's request, shall be 47673
provided with information by telephone as to the location of the 47674
file pertaining to the claimant's claim. The administrator shall 47675
ensure that all service office employees report directly to the 47676
director for their service office. 47677

~~(12)~~(11) Provide a written binder on new coverage where the 47678
administrator considers it to be in the best interest of the risk. 47679
The administrator, or any other person authorized by the 47680
administrator, shall grant the binder upon submission of a request 47681
for coverage by the employer. A binder is effective for a period 47682
of thirty days from date of issuance and is nonrenewable. Payroll 47683
reports and premium charges shall coincide with the effective date 47684
of the binder. 47685

~~(13)~~(12) Set standards for the reasonable and maximum 47686
handling time of claims payment functions, ensure, by rules, the 47687
impartial and prompt treatment of all claims and employer risk 47688

accounts, and establish a secure, accurate method of time stamping 47689
all incoming mail and documents hand delivered to bureau 47690
employees. 47691

~~(14)~~(13) Ensure that all employees of the bureau follow the 47692
orders and rules of the commission as such orders and rules relate 47693
to the commission's overall adjudicatory policy-making and 47694
management duties under this chapter and Chapters 4123., 4127., 47695
and 4131. of the Revised Code. 47696

~~(15)~~(14) Manage and operate a data processing system with a 47697
common data base for the use of both the bureau and the commission 47698
and, in consultation with the commission, using electronic data 47699
processing equipment, shall develop a claims tracking system that 47700
is sufficient to monitor the status of a claim at any time and 47701
that lists appeals that have been filed and orders or 47702
determinations that have been issued pursuant to section 4123.511 47703
or 4123.512 of the Revised Code, including the dates of such 47704
filings and issuances. 47705

~~(16)~~(15) Establish and maintain a medical section within the 47706
bureau. The medical section shall do all of the following: 47707

(a) Assist the administrator in establishing standard medical 47708
fees, approving medical procedures, and determining eligibility 47709
and reasonableness of the compensation payments for medical, 47710
hospital, and nursing services, and in establishing guidelines for 47711
payment policies which recognize usual, customary, and reasonable 47712
methods of payment for covered services; 47713

(b) Provide a resource to respond to questions from claims 47714
examiners for employees of the bureau; 47715

(c) Audit fee bill payments; 47716

(d) Implement a program to utilize, to the maximum extent 47717
possible, electronic data processing equipment for storage of 47718
information to facilitate authorizations of compensation payments 47719

for medical, hospital, drug, and nursing services; 47720

(e) Perform other duties assigned to it by the administrator. 47721

~~(17)~~(16) Appoint, as the administrator determines necessary, 47722
panels to review and advise the administrator on disputes arising 47723
over a determination that a health care service or supply provided 47724
to a claimant is not covered under this chapter or Chapter 4123., 47725
4127., or 4131. of the Revised Code or is medically unnecessary. 47726
If an individual health care provider is involved in the dispute, 47727
the panel shall consist of individuals licensed pursuant to the 47728
same section of the Revised Code as such health care provider. 47729

~~(18)~~(17) Pursuant to section 4123.65 of the Revised Code, 47730
approve applications for the final settlement of claims for 47731
compensation or benefits under this chapter and Chapters 4123., 47732
4127., and 4131. of the Revised Code as the administrator 47733
determines appropriate, except in regard to the applications of 47734
self-insuring employers and their employees. 47735

~~(19)~~(18) Comply with section 3517.13 of the Revised Code, and 47736
except in regard to contracts entered into pursuant to the 47737
authority contained in section 4121.44 of the Revised Code, comply 47738
with the competitive bidding procedures set forth in the Revised 47739
Code for all contracts into which the administrator enters 47740
provided that those contracts fall within the type of contracts 47741
and dollar amounts specified in the Revised Code for competitive 47742
bidding and further provided that those contracts are not 47743
otherwise specifically exempt from the competitive bidding 47744
procedures contained in the Revised Code. 47745

~~(20)~~(19) Adopt, with the advice and consent of the board, 47746
rules for the operation of the bureau. 47747

~~(21)~~(20) Prepare and submit to the board information the 47748
administrator considers pertinent or the board requires, together 47749
with the administrator's recommendations, in the form of 47750

administrative rules, for the advice and consent of the board, for 47751
the health partnership program and the qualified health plan 47752
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 47753
the Revised Code. 47754

(C) The administrator, with the advice and consent of the 47755
senate, shall appoint a chief operating officer who has a minimum 47756
of five years of experience in the field of workers' compensation 47757
insurance or in another similar insurance industry if the 47758
administrator does not possess such experience. The chief 47759
operating officer shall not commence the chief operating officer's 47760
duties until after the senate consents to the chief operating 47761
officer's appointment. The chief operating officer shall serve in 47762
the unclassified civil service of the state. 47763

Sec. 4123.322. (A) The administrator of workers' 47764
compensation, with the advice and consent of the bureau of 47765
workers' compensation board of directors, shall adopt rules 47766
establishing a prospective payment system, which shall include all 47767
of the following: 47768

(1) A requirement that upon an initial application for 47769
coverage, a private employer shall file with the application an 47770
estimate of the employer's payroll for the period the 47771
administrator determines pursuant to rules the administrator 47772
adopts, and shall pay the amount the administrator determines by 47773
rule in order to establish coverage for the employer as described 47774
in division (B)(12) of section 4121.121 of the Revised Code; 47775

(2) A requirement that upon an initial application for 47776
coverage, a public employer, except for a state agency or state 47777
university or college, shall file with the application an estimate 47778
of the employer's payroll for the period the administrator 47779
determines pursuant to rules the administrator adopts, and shall 47780
pay the amount the administrator determines by rule in order to 47781

establish coverage for the employer as described in division 47782
(B)~~(12)~~(11) of section 4121.121 of the Revised Code; 47783

(3) A requirement that an employer complete periodic payroll 47784
reports of actual expenditures for previous coverage periods for 47785
reconciliation with estimated payroll reports; 47786

(4) The assessment of a penalty for late payroll 47787
reconciliation reports and for late payment of any reconciliation 47788
premium; 47789

(5) The establishment of a transition period during which 47790
time the bureau shall determine the adequacy of existing premium 47791
security deposits of employers, the establishment of provisions 47792
for additional premium payments during that transition, the 47793
provision of a credit of those deposits toward the first premium 47794
due from an employer under the rules adopted under divisions 47795
(A)(1) to (4) of this section, and the establishment of penalties 47796
for late payment or failure to comply with the rules. 47797

(B) For purposes of division (A)(3) of this section, an 47798
employer shall make timely payment of any premium owed when actual 47799
payroll expenditures exceeded estimated payroll, and the employer 47800
shall receive premium credit when the estimated payroll exceeded 47801
the actual payroll. 47802

(C) For purposes of division (A)(4) of this section, if the 47803
employer's actual payroll substantially exceeds the estimated 47804
payroll, the administrator may assess additional penalties 47805
specified in rules the administrator adopts on the reconciliation 47806
premium. 47807

(D) As used in this section, "state university or college" 47808
has the same meaning as in section 4123.32 of the Revised Code. 47809

Sec. 4301.01. (A) As used in the Revised Code: 47810

(1) "Intoxicating liquor" and "liquor" include all liquids 47811

and compounds, other than beer, containing one-half of one per 47812
cent or more of alcohol by volume which are fit to use for 47813
beverage purposes, from whatever source and by whatever process 47814
produced, by whatever name called, and whether they are medicated, 47815
proprietary, or patented. "Intoxicating liquor" and "liquor" 47816
include cider and alcohol, and all solids and confections which 47817
contain one-half of one per cent or more of alcohol by volume. 47818

(2) Except as used in sections 4301.01 to 4301.20, 4301.22 to 47819
4301.52, 4301.56, 4301.70, 4301.72, and 4303.01 to 4303.36 of the 47820
Revised Code, "sale" and "sell" include exchange, barter, gift, 47821
offer for sale, sale, distribution and delivery of any kind, and 47822
the transfer of title or possession of beer and intoxicating 47823
liquor either by constructive or actual delivery by any means or 47824
devices whatever, including the sale of beer or intoxicating 47825
liquor by means of a controlled access alcohol and beverage 47826
cabinet pursuant to section 4301.21 of the Revised Code. "Sale" 47827
and "sell" do not include the mere solicitation of orders for beer 47828
or intoxicating liquor from the holders of permits issued by the 47829
division of liquor control authorizing the sale of the beer or 47830
intoxicating liquor, but no solicitor shall solicit any such 47831
orders until the solicitor has been registered with the division 47832
pursuant to section 4303.25 of the Revised Code. 47833

(3) "Vehicle" includes all means of transportation by land, 47834
by water, or by air, and everything made use of in any way for 47835
such transportation. 47836

(B) As used in this chapter: 47837

(1) "Alcohol" means ethyl alcohol, whether rectified or 47838
diluted with water or not, whatever its origin may be, and 47839
includes synthetic ethyl alcohol. "Alcohol" does not include 47840
denatured alcohol and wood alcohol. 47841

(2) "Beer" includes all beverages brewed or fermented wholly 47842

or in part from malt products and containing one-half of one per cent or more, but not more than twelve per cent, of alcohol by volume. 47843
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(3) "Wine" includes all liquids fit to use for beverage purposes containing not less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume, which is made from the fermented juices of grapes, fruits, or other agricultural products, except that as used in sections 4301.13, 4301.421, 4301.422, 4301.425, 4301.432, and 4301.44 of the Revised Code, and, for purposes of determining the rate of the tax that applies, division (B) of section 4301.43 of the Revised Code, "wine" does not include cider. 47846
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(4) "Mixed beverages" include bottled and prepared cordials, cocktails, highballs, and solids and confections that are obtained by mixing any type of whiskey, neutral spirits, brandy, gin, or other distilled spirits with, or over, carbonated or plain water, pure juices from flowers and plants, and other flavoring materials. The completed product shall contain not less than one-half of one per cent of alcohol by volume and not more than twenty-one per cent of alcohol by volume. 47855
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(5) "Spirituous liquor" includes all intoxicating liquors containing more than twenty-one per cent of alcohol by volume. 47863
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(6) "Sealed container" means any container having a capacity of not more than one hundred twenty-eight fluid ounces, the opening of which is closed to prevent the entrance of air. 47865
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(7) "Person" includes firms and corporations. 47868

(8) "Manufacture" includes all processes by which beer or intoxicating liquor is produced, whether by distillation, rectifying, fortifying, blending, fermentation, or brewing, or in any other manner. 47869
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(9) "Manufacturer" means any person engaged in the business 47873

of manufacturing beer or intoxicating liquor. 47874

(10) "Wholesale distributor" and "distributor" means a person 47875
engaged in the business of selling to retail dealers for purposes 47876
of resale. 47877

(11) "Hotel" has the same meaning as in section 3731.01 of 47878
the Revised Code, subject to the exceptions mentioned in section 47879
3731.03 of the Revised Code. 47880

(12) "Restaurant" means a place located in a permanent 47881
building provided with space and accommodations wherein, in 47882
consideration of the payment of money, hot meals are habitually 47883
prepared, sold, and served at noon and evening, as the principal 47884
business of the place. "Restaurant" does not include pharmacies, 47885
confectionery stores, lunch stands, night clubs, and filling 47886
stations. 47887

(13) "Club" means a corporation or association of individuals 47888
organized in good faith for social, recreational, benevolent, 47889
charitable, fraternal, political, patriotic, or athletic purposes, 47890
which is the owner, lessor, or occupant of a permanent building or 47891
part of a permanent building operated solely for those purposes, 47892
membership in which entails the prepayment of regular dues, and 47893
includes the place so operated. 47894

(14) "Night club" means a place operated for profit, where 47895
food is served for consumption on the premises and one or more 47896
forms of amusement are provided or permitted for a consideration 47897
that may be in the form of a cover charge or may be included in 47898
the price of the food and beverages, or both, purchased by 47899
patrons. 47900

(15) "At retail" means for use or consumption by the 47901
purchaser and not for resale. 47902

(16) "Pharmacy" means an establishment, as defined in section 47903
4729.01 of the Revised Code, that is under the management or 47904

control of a licensed pharmacist in accordance with section 47905
4729.27 of the Revised Code. 47906

(17) "Enclosed shopping center" means a group of retail sales 47907
and service business establishments that face into an enclosed 47908
mall, share common ingress, egress, and parking facilities, and 47909
are situated on a tract of land that contains an area of not less 47910
than five hundred thousand square feet. "Enclosed shopping center" 47911
also includes not more than one business establishment that is 47912
located within a free-standing building on such a tract of land, 47913
so long as the sale of beer and intoxicating liquor on the tract 47914
of land was approved in an election held under former section 47915
4301.353 of the Revised Code. 47916

(18) "Controlled access alcohol and beverage cabinet" means a 47917
closed container, either refrigerated, in whole or in part, or 47918
nonrefrigerated, access to the interior of which is restricted by 47919
means of a device that requires the use of a key, magnetic card, 47920
or similar device and from which beer, intoxicating liquor, other 47921
beverages, or food may be sold. 47922

(19) "Community facility" means either of the following: 47923

(a) Any convention, sports, or entertainment facility or 47924
complex, or any combination of these, that is used by or 47925
accessible to the general public and that is owned or operated in 47926
whole or in part by the state, a state agency, or a political 47927
subdivision of the state or that is leased from, or located on 47928
property owned by or leased from, the state, a state agency, a 47929
political subdivision of the state, or a convention facilities 47930
authority created pursuant to section 351.02 of the Revised Code; 47931

(b) An area designated as a community entertainment district 47932
pursuant to section 4301.80 of the Revised Code. 47933

(20) "Low-alcohol beverage" means any brewed or fermented 47934
malt product, or any product made from the fermented juices of 47935

grapes, fruits, or other agricultural products, that contains 47936
either no alcohol or less than one-half of one per cent of alcohol 47937
by volume. The beverages described in division (B)(20) of this 47938
section do not include a soft drink such as root beer, birch beer, 47939
or ginger beer. 47940

(21) "Cider" means all liquids fit to use for beverage 47941
purposes that contain one-half of one per cent of alcohol by 47942
volume, but not more than six per cent of alcohol by weight, and 47943
that are made through the normal alcoholic fermentation of the 47944
juice of sound, ripe apples, including, without limitation, 47945
flavored, sparkling, or carbonated cider and cider made from pure 47946
condensed apple must. 47947

(22) "Sales area or territory" means an exclusive geographic 47948
area or territory that is assigned to a particular A or B permit 47949
holder and that either has one or more political subdivisions as 47950
its boundaries or consists of an area of land with readily 47951
identifiable geographic boundaries. "Sales area or territory" does 47952
not include, however, any particular retail location in an 47953
exclusive geographic area or territory that had been assigned to 47954
another A or B permit holder before April 9, 2001. 47955

Sec. 4301.102. (A) The superintendent of liquor control shall 47956
collect the tax levied under section 307.697, 3381.041, or 47957
4301.424 of the Revised Code on sales of spirituous liquor sold to 47958
liquor permit holders for resale, and sold at retail by the 47959
division of liquor control, in the county in which the tax is 47960
levied, and shall deposit the tax into the state treasury to the 47961
credit of the liquor control fund created by section 4301.12 of 47962
the Revised Code. The superintendent shall provide for payment of 47963
the full amount of the tax collected to the county in which the 47964
tax is levied as follows: 47965

(1) For each county in which a tax is levied under section 47966

307.697, 3381.041, or 4301.424 of the Revised Code, the 47967
superintendent of liquor control shall, on or before the sixteenth 47968
day of each month: 47969

(a) From the best information available to the 47970
superintendent, determine and certify to the director of budget 47971
and management and to the tax commissioner the full amount of the 47972
tax levied in the county and collected during the first fifteen 47973
days of the preceding month; 47974

(b) On or before the last working day of each month, from the 47975
best information available to the superintendent, determine and 47976
certify to the director of budget and management and to the tax 47977
commissioner the full amount of the tax levied in the county and 47978
collected during the remainder of the preceding month. 47979

(2) Upon receipt of such certification, the director of 47980
budget and management shall transfer from the liquor control fund 47981
to the permissive tax distribution fund created by division (B)(1) 47982
of section 4301.423 of the Revised Code the full amount certified 47983
to the director under division (A)(1) of this section. 47984

(3) Within five working days after receiving the 47985
certification provided for in division (A)(1) of this section, the 47986
tax commissioner shall provide for payment to the county treasurer 47987
of each county that imposes a tax under section 307.697, 3381.041, 47988
or 4301.424 of the Revised Code the full amount certified to be 47989
paid to the county. 47990

(B) The superintendent of liquor control may adopt any rules 47991
necessary for the administration, collection, and enforcement of 47992
taxes levied under section 307.697, 3381.041, or 4301.424 of the 47993
Revised Code. 47994

(C) Notwithstanding any other provision of law to the 47995
contrary, no permit holder shall purchase liquor from the division 47996
of liquor control at wholesale from a store that is located 47997

outside of a county in which a tax is levied under section 47998
307.697, 3381.041, or 4301.424 of the Revised Code if the liquor 47999
is to be resold in the county in which the tax is levied. 48000

Sec. 4301.12. The division of liquor control shall provide 48001
for the custody, safekeeping, and deposit of all moneys, checks, 48002
and drafts received by it or any of its employees or agents prior 48003
to paying them to the treasurer of state as provided by section 48004
113.08 of the Revised Code. 48005

A sum equal to three dollars and thirty-eight cents for each 48006
gallon of spirituous liquor sold by the division, JobsOhio, or a 48007
designee of JobsOhio during the period covered by the payment 48008
shall be paid into the state treasury to the credit of the general 48009
revenue fund. All moneys received from permit fees, except B-2a 48010
and S permit fees from B-2a and S permit holders who do not also 48011
hold A-2 permits, shall be paid to the credit of the undivided 48012
liquor permit fund established by section 4301.30 of the Revised 48013
Code. 48014

Except as otherwise provided by law, the division shall 48015
deposit all moneys collected under Chapters 4301. and 4303. of the 48016
Revised Code ~~shall be paid by the division~~ into the state treasury 48017
to the credit of the ~~liquor control fund, which is hereby created~~ 48018
state liquor regulatory fund created in section 4301.30 of the 48019
Revised Code. In addition, revenue resulting from any contracts 48020
with the department of commerce pertaining to the responsibilities 48021
and operations described in this chapter may be credited to the 48022
fund. ~~Amounts in the liquor control fund may be used to pay the~~ 48023
~~operating expenses of the liquor control commission.~~ 48024

Whenever, in the judgment of the director of budget and 48025
management, the amount in the liquor control fund is in excess of 48026
that needed to meet the maturing obligations of the division, as 48027
working capital for its further operations, to pay the operating 48028

expenses of the commission, and for the alcohol testing program 48029
under section 3701.143 of the Revised Code, the director shall 48030
transfer the excess to the credit of the general revenue fund. If 48031
the director determines that the amount in the liquor control fund 48032
is insufficient, the director may transfer money from the general 48033
revenue fund to the liquor control fund. 48034

Sec. 4301.422. (A) Any person who makes sales of beer, cider, 48035
wine, or mixed beverages to persons for resale at retail in a 48036
county in which a tax has been enacted pursuant to section 48037
4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code, and any 48038
manufacturer, bottler, importer, or other person who makes sales 48039
at retail in the county upon which the tax has not been paid, is 48040
liable for the tax. Each person liable for the tax shall register 48041
with the tax commissioner on a form prescribed by the commissioner 48042
and provide whatever information the commissioner considers 48043
necessary. 48044

(B) Each person liable for the tax shall file a return and 48045
pay the tax to the tax commissioner by the last day of the month 48046
following the month in which the sale occurred. The return is 48047
considered to be filed when received by the tax commissioner. The 48048
return shall be prescribed by the commissioner, and no person 48049
filing such a return shall fail to provide the information 48050
specified on the return. If the return is filed and the amount of 48051
tax shown on the return to be due is paid on or before the date 48052
the return is required to be filed, the person required to file 48053
the return shall receive an administrative fee of two and one-half 48054
per cent of that person's total tax liability under section 48055
4301.421 or 4301.425 of the Revised Code for the purpose of 48056
offsetting additional costs incurred in collecting and remitting 48057
the tax. Any person required to file a return who fails to file 48058
timely may be required to forfeit and pay into the state treasury 48059
an amount not exceeding fifty dollars or ten per cent of the tax 48060

due, whichever is greater, as revenue arising from the tax. That 48061
amount may be collected by assessment in the manner specified in 48062
sections 4305.13 and 4305.131 of the Revised Code. 48063

(C) A tax levied pursuant to section 4301.421 ~~or~~, 4301.424, 48064
or 4301.425 of the Revised Code shall be administered by the tax 48065
commissioner. The commissioner shall have all powers and authority 48066
incident to such administration, including examination of records, 48067
audit, refund, assessment, and seizure and forfeiture of untaxed 48068
beverages. The procedures, rights, privileges, limitations, 48069
prohibitions, responsibilities, and duties specified in sections 48070
4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of 48071
the Revised Code apply in the administration of the tax. 48072

(D) Each person required to pay the tax levied pursuant to 48073
section 4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code who 48074
sells beer, cider, wine, or mixed beverages for resale at retail 48075
within a county in which the tax is levied shall clearly mark on 48076
all invoices, billings, and similar documents the amount of tax 48077
and the name of the county in which the tax is levied. 48078

(E) Each person required to pay the tax levied by section 48079
4301.421 ~~or~~, 4301.424, or 4301.425 of the Revised Code shall 48080
maintain complete records of all sales for at least three years. 48081
The records shall be open to inspection by the tax commissioner. 48082

(F) All money collected by the tax commissioner under this 48083
section shall be paid to the treasurer of state as revenue arising 48084
from the tax imposed by section 4301.421 ~~or~~, 4301.424, or 4301.425 48085
of the Revised Code. 48086

Sec. 4301.423. The treasurer of state shall credit all moneys 48087
arising from each county's taxes levied under section 4301.421 ~~or~~, 48088
4301.424, or 4301.425 of the Revised Code as follows: 48089

(A) To the tax refund fund created by section 5703.052 of the 48090

Revised Code, amounts equal to the refunds from each tax as 48091
certified by the tax commissioner pursuant to section 4307.05 of 48092
the Revised Code; 48093

(B) Following the crediting of amounts pursuant to division 48094
(A) of this section: 48095

(1) To the permissive tax distribution fund, which is hereby 48096
created in the state treasury, an amount equal to ninety-eight per 48097
cent of the remainder collected; 48098

(2) To the local excise tax administration fund created by 48099
division (B)(2) of section 5743.024 of the Revised Code, an amount 48100
equal to two per cent of such remainder, for use by the tax 48101
commissioner in defraying costs the commissioner incurs in 48102
administering the tax. 48103

On or before the second working day of each month, the 48104
treasurer of state shall certify to the tax commissioner the 48105
amount of taxes levied in each county under section 4301.421 or 48106
4301.425 of the Revised Code and paid to the treasurer of state 48107
during the preceding month. 48108

On or before the tenth day of each month, the tax 48109
commissioner shall distribute the amount credited to the 48110
permissive tax distribution fund from such taxes during the 48111
preceding month by providing for payment in the appropriate amount 48112
to the county treasurer of each county in which the tax is levied, 48113
who shall credit the payment to the fund or account designated by 48114
the board of county commissioners or the board of directors of a 48115
convention facilities authority levying the tax. 48116

Sec. 4301.425. (A) For one or more of the purposes for which 48117
a tax may be levied under section 3381.16 of the Revised Code and 48118
for the purposes of paying the expenses of administering the tax 48119
and the expenses charged by a board of elections to hold an 48120

election on a question submitted under this section, the board of 48121
county commissioners that created a regional arts and culture 48122
district created under section 3381.041 of the Revised Code may 48123
levy a tax on the sale of beer at a rate not to exceed sixteen 48124
cents per gallon, on the sale of cider at a rate not to exceed 48125
twenty-four cents per gallon, and on the sale of wine and mixed 48126
beverages at a rate not to exceed thirty-two cents per gallon. The 48127
tax shall be imposed on all beer, cider, wine, and mixed beverages 48128
sold for resale at retail in the county, and on all beer, cider, 48129
wine, and mixed beverages sold at retail in the county by the 48130
manufacturer, bottler, importer, or other person upon which the 48131
tax has not been paid. The tax shall not be levied on the sale of 48132
wine to be used for known sacramental purposes. The tax may be 48133
levied for any number of years not exceeding twenty. The tax shall 48134
be in addition to the taxes imposed by sections 4301.42, 4301.43, 48135
4301.432, and 4305.01 of the Revised Code. The tax shall not be 48136
considered a cost in any computation required under rules of the 48137
liquor control commission regulating minimum prices or mark-ups. 48138

(B) Only one sale of the same article shall be used in 48139
computing, reporting, and paying the amount of tax due. 48140

(C) The tax shall be levied pursuant to a resolution of the 48141
county commissioners approved by a majority of the electors in the 48142
county voting on the question of levying the tax, which resolution 48143
shall specify the rate of the tax, the number of years the tax 48144
will be levied, and the purposes for which the tax is levied. The 48145
election may be held on the date of a general election or special 48146
election held not sooner than ninety days after the date the board 48147
certifies its resolution to the board of elections. If approved by 48148
the electors, the tax shall take effect on the first day of the 48149
month specified in the resolution but not sooner than the first 48150
day of the month that is at least sixty days after the 48151
certification of the election results by the board of elections. A 48152

copy of the resolution levying the tax and the certification of 48153
the board of elections shall be certified to the tax commissioner 48154
at least sixty days before the date on which the tax is to become 48155
effective. 48156

(D) A resolution under this section may be joined on the 48157
ballot as a single question with a resolution adopted under 48158
section 3381.041 or 5743.021 of the Revised Code to levy a tax for 48159
the same purposes. The form of the ballot in an election held 48160
pursuant to this section shall be as prescribed by section 48161
3381.041 of the Revised Code. 48162

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 48163
the Revised Code: 48164

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 48165
fluid ounces. 48166

(2) "Sale" or "sell" includes exchange, barter, gift, 48167
distribution, and, except with respect to A-4 permit holders, 48168
offer for sale. 48169

(B) For the purposes of providing revenues for the support of 48170
the state and encouraging the grape industries in the state, a tax 48171
is hereby levied on the sale or distribution of wine in Ohio, 48172
except for known sacramental purposes, at the rate of thirty cents 48173
per wine gallon for wine containing not less than four per cent of 48174
alcohol by volume and not more than fourteen per cent of alcohol 48175
by volume, ninety-eight cents per wine gallon for wine containing 48176
more than fourteen per cent but not more than twenty-one per cent 48177
of alcohol by volume, one dollar and eight cents per wine gallon 48178
for vermouth, and one dollar and forty-eight cents per wine gallon 48179
for sparkling and carbonated wine and champagne, the tax to be 48180
paid by the holders of A-2 and B-5 permits or by any other person 48181
selling or distributing wine upon which no tax has been paid. From 48182
the tax paid under this section on wine, vermouth, and sparkling 48183

and carbonated wine and champagne, the treasurer of state shall 48184
credit to the Ohio grape industries fund created under section 48185
924.54 of the Revised Code a sum equal to one cent per gallon for 48186
each gallon upon which the tax is paid. 48187

(C) For the purpose of providing revenues for the support of 48188
the state, there is hereby levied a tax on prepared and bottled 48189
highballs, cocktails, cordials, and other mixed beverages at the 48190
rate of one dollar and twenty cents per wine gallon to be paid by 48191
holders of A-4 permits or by any other person selling or 48192
distributing those products upon which no tax has been paid. Only 48193
one sale of the same article shall be used in computing the amount 48194
of tax due. The tax on mixed beverages to be paid by holders of 48195
A-4 permits under this section shall not attach until the 48196
ownership of the mixed beverage is transferred for valuable 48197
consideration to a wholesaler or retailer, and no payment of the 48198
tax shall be required prior to that time. 48199

(D) During the period of July 1, ~~2013~~ 2015, through June 30, 48200
~~2015~~ 2017, from the tax paid under this section on wine, vermouth, 48201
and sparkling and carbonated wine and champagne, the treasurer of 48202
state shall credit to the Ohio grape industries fund created under 48203
section 924.54 of the Revised Code a sum equal to two cents per 48204
gallon upon which the tax is paid. The amount credited under this 48205
division is in addition to the amount credited to the Ohio grape 48206
industries fund under division (B) of this section. 48207

(E) For the purpose of providing revenues for the support of 48208
the state, there is hereby levied a tax on cider at the rate of 48209
twenty-four cents per wine gallon to be paid by the holders of A-2 48210
and B-5 permits or by any other person selling or distributing 48211
cider upon which no tax has been paid. Only one sale of the same 48212
article shall be used in computing the amount of the tax due. 48213

Sec. 4301.46. (A) Except as otherwise provided by law, moneys 48214

received into the state treasury from the taxes levied, penalties 48215
assessed, and sums recovered under Chapters 4301. and 4303. of the 48216
Revised Code shall be credited to the general revenue fund. 48217

(B) Two per cent of all revenue received from the taxes 48218
levied under sections 4301.42 and 4305.01 of the Revised Code 48219
shall be credited to the major sporting events site selection 48220
fund, which is hereby created, provided that the total amount of 48221
such revenue credited to the fund in any fiscal year shall not 48222
exceed one million dollars. All money credited to the fund shall 48223
be used by the director of development services to make grants 48224
under section 122.121 of the Revised Code. 48225

Sec. 4301.49. No person shall prevent or hinder the tax 48226
commissioner from making a full inspection of any place where 48227
beer, wine, or mixed beverages subject to the tax imposed by 48228
section 4301.42, 4301.421, 4301.424, 4301.425, or 4301.43 of the 48229
Revised Code is manufactured, sold, or stored. No person shall 48230
prevent or hinder the full inspection of invoices, books, records, 48231
or papers required to be kept under this chapter and Chapters 48232
4305. and 4307. of the Revised Code. 48233

Sec. 4301.50. No person, firm, or corporation or ~~his or its~~ 48234
an employee or agent thereof shall distribute or sell any beverage 48235
upon which the tax provided for by sections 4301.42, 4301.421, 48236
4301.424, 4301.425, 4301.43, 4301.432, and 4305.01 of the Revised 48237
Code has not been paid. Any person, firm, or corporation ~~or his or~~ 48238
~~its~~ an employee or agent ~~who~~ thereof that violates this section or 48239
any rule of the tax commissioner shall be subject to all penalties 48240
provided in division (A) of section 4307.99 of the Revised Code. 48241

Sec. 4303.071. (A)(1) Permit B-2a may be issued to a person 48242
that is the brand owner or United States importer of wine, is the 48243
designated agent of a brand owner or importer for all wine sold in 48244

this state for that owner or importer, or manufactures wine if 48245
such manufacturer is entitled to a tax credit under 27 C.F.R. 48246
24.278 and produces less than two hundred fifty thousand gallons 48247
of wine per year. If the person resides outside this state, the 48248
person shall comply with the requirements governing the issuance 48249
of licenses or permits that authorize the sale of intoxicating 48250
liquor by the appropriate authority of the state in which the 48251
person resides or by the alcohol and tobacco tax and trade bureau 48252
in the United States department of the treasury. 48253

(2) The fee for the B-2a permit is twenty-five dollars. 48254

(3) The holder of a B-2a permit may sell wine to a retail 48255
permit holder, but a B-2a permit holder that is a wine 48256
manufacturer may sell to a retail permit holder only wine that the 48257
B-2a permit holder has manufactured. 48258

(4) The holder of a B-2a permit shall renew the permit in 48259
accordance with section 4303.271 of the Revised Code, except that 48260
renewal shall not be subject to the notice and hearing 48261
requirements established in division (B) of that section. 48262

(B) The holder of a B-2a permit shall collect and pay the 48263
taxes relating to the delivery of wine to a retailer that are 48264
levied under sections 4301.421, 4301.425, and 4301.432 and 48265
Chapters 5739. and 5741. of the Revised Code. 48266

(C) The holder of a B-2a permit shall comply with this 48267
chapter, Chapter 4301. of the Revised Code, and any rules adopted 48268
by the liquor control commission under section 4301.03 of the 48269
Revised Code. 48270

Sec. 4303.181. (A) Permit D-5a may be issued either to the 48271
owner or operator of a hotel or motel that is required to be 48272
licensed under section 3731.03 of the Revised Code, that contains 48273
at least fifty rooms for registered transient guests or is owned 48274

by a state institution of higher education as defined in section 48275
3345.011 of the Revised Code or a private college or university, 48276
and that qualifies under the other requirements of this section, 48277
or to the owner or operator of a restaurant specified under this 48278
section, to sell beer and any intoxicating liquor at retail, only 48279
by the individual drink in glass and from the container, for 48280
consumption on the premises where sold, and to registered guests 48281
in their rooms, which may be sold by means of a controlled access 48282
alcohol and beverage cabinet in accordance with division (B) of 48283
section 4301.21 of the Revised Code; and to sell the same products 48284
in the same manner and amounts not for consumption on the premises 48285
as may be sold by holders of D-1 and D-2 permits. The premises of 48286
the hotel or motel shall include a retail food establishment or a 48287
food service operation licensed pursuant to Chapter 3717. of the 48288
Revised Code that operates as a restaurant for purposes of this 48289
chapter and that is affiliated with the hotel or motel and within 48290
or contiguous to the hotel or motel, and that serves food within 48291
the hotel or motel, but the principal business of the owner or 48292
operator of the hotel or motel shall be the accommodation of 48293
transient guests. In addition to the privileges authorized in this 48294
division, the holder of a D-5a permit may exercise the same 48295
privileges as the holder of a D-5 permit. 48296

The owner or operator of a hotel, motel, or restaurant who 48297
qualified for and held a D-5a permit on August 4, 1976, may, if 48298
the owner or operator held another permit before holding a D-5a 48299
permit, either retain a D-5a permit or apply for the permit 48300
formerly held, and the division of liquor control shall issue the 48301
permit for which the owner or operator applies and formerly held, 48302
notwithstanding any quota. 48303

A D-5a permit shall not be transferred to another location. 48304
No quota restriction shall be placed on the number of D-5a permits 48305
that may be issued. 48306

The fee for this permit is two thousand three hundred 48307
forty-four dollars. 48308

(B) Permit D-5b may be issued to the owner, operator, tenant, 48309
lessee, or occupant of an enclosed shopping center to sell beer 48310
and intoxicating liquor at retail, only by the individual drink in 48311
glass and from the container, for consumption on the premises 48312
where sold; and to sell the same products in the same manner and 48313
amount not for consumption on the premises as may be sold by 48314
holders of D-1 and D-2 permits. In addition to the privileges 48315
authorized in this division, the holder of a D-5b permit may 48316
exercise the same privileges as a holder of a D-5 permit. 48317

A D-5b permit shall not be transferred to another location. 48318

One D-5b permit may be issued at an enclosed shopping center 48319
containing at least two hundred twenty-five thousand, but less 48320
than four hundred thousand, square feet of floor area. 48321

Two D-5b permits may be issued at an enclosed shopping center 48322
containing at least four hundred thousand square feet of floor 48323
area. No more than one D-5b permit may be issued at an enclosed 48324
shopping center for each additional two hundred thousand square 48325
feet of floor area or fraction of that floor area, up to a maximum 48326
of five D-5b permits for each enclosed shopping center. The number 48327
of D-5b permits that may be issued at an enclosed shopping center 48328
shall be determined by subtracting the number of D-3 and D-5 48329
permits issued in the enclosed shopping center from the number of 48330
D-5b permits that otherwise may be issued at the enclosed shopping 48331
center under the formulas provided in this division. Except as 48332
provided in this section, no quota shall be placed on the number 48333
of D-5b permits that may be issued. Notwithstanding any quota 48334
provided in this section, the holder of any D-5b permit first 48335
issued in accordance with this section is entitled to its renewal 48336
in accordance with section 4303.271 of the Revised Code. 48337

The holder of a D-5b permit issued before April 4, 1984, 48338
whose tenancy is terminated for a cause other than nonpayment of 48339
rent, may return the D-5b permit to the division of liquor 48340
control, and the division shall cancel that permit. Upon 48341
cancellation of that permit and upon the permit holder's payment 48342
of taxes, contributions, premiums, assessments, and other debts 48343
owing or accrued upon the date of cancellation to this state and 48344
its political subdivisions and a filing with the division of a 48345
certification of that payment, the division shall issue to that 48346
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 48347
that person requests. The division shall issue the D-5 permit, or 48348
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 48349
D-3, or D-5 permits currently issued in the municipal corporation 48350
or in the unincorporated area of the township where that person's 48351
proposed premises is located equals or exceeds the maximum number 48352
of such permits that can be issued in that municipal corporation 48353
or in the unincorporated area of that township under the 48354
population quota restrictions contained in section 4303.29 of the 48355
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 48356
be transferred to another location. If a D-5b permit is canceled 48357
under the provisions of this paragraph, the number of D-5b permits 48358
that may be issued at the enclosed shopping center for which the 48359
D-5b permit was issued, under the formula provided in this 48360
division, shall be reduced by one if the enclosed shopping center 48361
was entitled to more than one D-5b permit under the formula. 48362

The fee for this permit is two thousand three hundred 48363
forty-four dollars. 48364

(C) Permit D-5c may be issued to the owner or operator of a 48365
retail food establishment or a food service operation licensed 48366
pursuant to Chapter 3717. of the Revised Code that operates as a 48367
restaurant for purposes of this chapter and that qualifies under 48368
the other requirements of this section to sell beer and any 48369

intoxicating liquor at retail, only by the individual drink in 48370
glass and from the container, for consumption on the premises 48371
where sold, and to sell the same products in the same manner and 48372
amounts not for consumption on the premises as may be sold by 48373
holders of D-1 and D-2 permits. In addition to the privileges 48374
authorized in this division, the holder of a D-5c permit may 48375
exercise the same privileges as the holder of a D-5 permit. 48376

To qualify for a D-5c permit, the owner or operator of a 48377
retail food establishment or a food service operation licensed 48378
pursuant to Chapter 3717. of the Revised Code that operates as a 48379
restaurant for purposes of this chapter, shall have operated the 48380
restaurant at the proposed premises for not less than twenty-four 48381
consecutive months immediately preceding the filing of the 48382
application for the permit, have applied for a D-5 permit no later 48383
than December 31, 1988, and appear on the division's quota waiting 48384
list for not less than six months immediately preceding the filing 48385
of the application for the permit. In addition to these 48386
requirements, the proposed D-5c permit premises shall be located 48387
within a municipal corporation and further within an election 48388
precinct that, at the time of the application, has no more than 48389
twenty-five per cent of its total land area zoned for residential 48390
use. 48391

A D-5c permit shall not be transferred to another location. 48392
No quota restriction shall be placed on the number of such permits 48393
that may be issued. 48394

Any person who has held a D-5c permit for at least two years 48395
may apply for a D-5 permit, and the division of liquor control 48396
shall issue the D-5 permit notwithstanding the quota restrictions 48397
contained in section 4303.29 of the Revised Code or in any rule of 48398
the liquor control commission. 48399

The fee for this permit is one thousand five hundred 48400
sixty-three dollars. 48401

(D) Permit D-5d may be issued to the owner or operator of a retail food establishment or a food service operation licensed pursuant to Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located at an airport operated by a board of county commissioners pursuant to section 307.20 of the Revised Code, at an airport operated by a port authority pursuant to Chapter 4582. of the Revised Code, or at an airport operated by a regional airport authority pursuant to Chapter 308. of the Revised Code. The holder of a D-5d permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized in this division, the holder of a D-5d permit may exercise the same privileges as the holder of a D-5 permit.

A D-5d permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued.

The fee for this permit is two thousand three hundred forty-four dollars.

(E) Permit D-5e may be issued to any nonprofit organization that is exempt from federal income taxation under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as amended, or that is a charitable organization under any chapter of the Revised Code, and that owns or operates a riverboat that meets all of the following:

- (1) Is permanently docked at one location;
- (2) Is designated as an historical riverboat by the Ohio historical society;

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|---|--|
| (3) Contains not less than fifteen hundred square feet of floor area; | 48433 48434 |
| (4) Has a seating capacity of fifty or more persons. | 48435 |
| The holder of a D-5e permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold. | 48436 48437 48438 |
| A D-5e permit shall not be transferred to another location. No quota restriction shall be placed on the number of such permits that may be issued. The population quota restrictions contained in section 4303.29 of the Revised Code or in any rule of the liquor control commission shall not apply to this division, and the division shall issue a D-5e permit to any applicant who meets the requirements of this division. However, the division shall not issue a D-5e permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited. | 48439 48440 48441 48442 48443 48444 48445 48446 48447 48448 |
| The fee for this permit is one thousand two hundred nineteen dollars. | 48449 48450 |
| (F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following: | 48451 48452 48453 48454 48455 |
| (1) It contains not less than twenty-five hundred square feet of floor area. | 48456 48457 |
| (2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river. | 48458 48459 |
| (3) It provides docking space for twenty-five boats. | 48460 |
| (4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit | 48461 48462 |

premises shall be preparing and serving meals for a consideration. 48463

In addition, each application for a D-5f permit shall be 48464
accompanied by a certification from the local legislative 48465
authority that the issuance of the D-5f permit is not inconsistent 48466
with that political subdivision's comprehensive development plan 48467
or other economic development goal as officially established by 48468
the local legislative authority. 48469

The holder of a D-5f permit may sell beer and intoxicating 48470
liquor at retail, only by the individual drink in glass and from 48471
the container, for consumption on the premises where sold. 48472

A D-5f permit shall not be transferred to another location. 48473

The division of liquor control shall not issue a D-5f permit 48474
if the permit premises or proposed permit premises are located 48475
within an area in which the sale of spirituous liquor by the glass 48476
is prohibited. 48477

A fee for this permit is two thousand three hundred 48478
forty-four dollars. 48479

As used in this division, "navigable river" means a river 48480
that is also a "navigable water" as defined in the "Federal Power 48481
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 48482

(G) Permit D-5g may be issued to a nonprofit corporation that 48483
is either the owner or the operator of a national professional 48484
sports museum. The holder of a D-5g permit may sell beer and any 48485
intoxicating liquor at retail, only by the individual drink in 48486
glass and from the container, for consumption on the premises 48487
where sold. The holder of a D-5g permit shall sell no beer or 48488
intoxicating liquor for consumption on the premises where sold 48489
after two-thirty a.m. A D-5g permit shall not be transferred to 48490
another location. No quota restrictions shall be placed on the 48491
number of D-5g permits that may be issued. The fee for this permit 48492
is one thousand eight hundred seventy-five dollars. 48493

(H)(1) Permit D-5h may be issued to any nonprofit 48494
organization that is exempt from federal income taxation under the 48495
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 48496
501(c)(3), as amended, that owns or operates any of the following: 48497

(a) A fine arts museum, provided that the nonprofit 48498
organization has no less than one thousand five hundred bona fide 48499
members possessing full membership privileges; 48500

(b) A community arts center. As used in division (H)(1)(b) of 48501
this section, "community arts center" means a facility that 48502
provides arts programming to the community in more than one arts 48503
discipline, including, but not limited to, exhibits of works of 48504
art and performances by both professional and amateur artists. 48505

(c) A community theater, provided that the nonprofit 48506
organization is a member of the Ohio arts council and the American 48507
community theatre association and has been in existence for not 48508
less than ten years. As used in division (H)(1)(c) of this 48509
section, "community theater" means a facility that contains at 48510
least one hundred fifty seats and has a primary function of 48511
presenting live theatrical performances and providing recreational 48512
opportunities to the community. 48513

(2) The holder of a D-5h permit may sell beer and any 48514
intoxicating liquor at retail, only by the individual drink in 48515
glass and from the container, for consumption on the premises 48516
where sold. The holder of a D-5h permit shall sell no beer or 48517
intoxicating liquor for consumption on the premises where sold 48518
after one a.m. A D-5h permit shall not be transferred to another 48519
location. No quota restrictions shall be placed on the number of 48520
D-5h permits that may be issued. 48521

(3) The fee for a D-5h permit is one thousand eight hundred 48522
seventy-five dollars. 48523

(I) Permit D-5i may be issued to the owner or operator of a 48524

retail food establishment or a food service operation licensed 48525
under Chapter 3717. of the Revised Code that operates as a 48526
restaurant for purposes of this chapter and that meets all of the 48527
following requirements: 48528

(1) It is located in a municipal corporation or a township 48529
with a population of one hundred thousand or less. 48530

(2) It has inside seating capacity for at least one hundred 48531
forty persons. 48532

(3) It has at least four thousand square feet of floor area. 48533

(4) It offers full-course meals, appetizers, and sandwiches. 48534

(5) Its receipts from beer and liquor sales, excluding wine 48535
sales, do not exceed twenty-five per cent of its total gross 48536
receipts. 48537

(6) It has at least one of the following characteristics: 48538

(a) The value of its real and personal property exceeds seven 48539
hundred twenty-five thousand dollars. 48540

(b) It is located on property that is owned or leased by the 48541
state or a state agency, and its owner or operator has 48542
authorization from the state or the state agency that owns or 48543
leases the property to obtain a D-5i permit. 48544

The holder of a D-5i permit may sell beer and any 48545
intoxicating liquor at retail, only by the individual drink in 48546
glass and from the container, for consumption on the premises 48547
where sold, and may sell the same products in the same manner and 48548
amounts not for consumption on the premises where sold as may be 48549
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 48550
permit shall sell no beer or intoxicating liquor for consumption 48551
on the premises where sold after two-thirty a.m. In addition to 48552
the privileges authorized in this division, the holder of a D-5i 48553
permit may exercise the same privileges as the holder of a D-5 48554

permit. 48555

A D-5i permit shall not be transferred to another location. 48556
The division of liquor control shall not renew a D-5i permit 48557
unless the retail food establishment or food service operation for 48558
which it is issued continues to meet the requirements described in 48559
divisions (I)(1) to (6) of this section. No quota restrictions 48560
shall be placed on the number of D-5i permits that may be issued. 48561
The fee for the D-5i permit is two thousand three hundred 48562
forty-four dollars. 48563

(J) Permit D-5j may be issued to the owner or the operator of 48564
a retail food establishment or a food service operation licensed 48565
under Chapter 3717. of the Revised Code to sell beer and 48566
intoxicating liquor at retail, only by the individual drink in 48567
glass and from the container, for consumption on the premises 48568
where sold and to sell beer and intoxicating liquor in the same 48569
manner and amounts not for consumption on the premises where sold 48570
as may be sold by the holders of D-1 and D-2 permits. The holder 48571
of a D-5j permit may exercise the same privileges, and shall 48572
observe the same hours of operation, as the holder of a D-5 48573
permit. 48574

The D-5j permit shall be issued only within a community 48575
entertainment district that is designated under section 4301.80 of 48576
the Revised Code and that meets one of the following 48577
qualifications: 48578

(1) It is located in a municipal corporation with a 48579
population of at least one hundred thousand. 48580

(2) It is located in a municipal corporation with a 48581
population of at least twenty thousand, and either of the 48582
following applies: 48583

(a) It contains an amusement park the rides of which have 48584
been issued a permit by the department of agriculture under 48585

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| Chapter 1711. of the Revised Code. | 48586 |
| (b) Not less than fifty million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. | 48587 48588 48589 |
| (3) It is located in a township with a population of at least forty thousand. | 48590 48591 |
| (4) It is located in a township with a population of at least twenty thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the township. | 48592 48593 48594 48595 |
| (5) It is located in a municipal corporation with a population between ten <u>seven</u> thousand and twenty thousand, and both of the following apply: | 48596 48597 48598 |
| (a) The municipal corporation was incorporated as a village prior to calendar year 1860 and currently has a historic downtown business district. | 48599 48600 48601 |
| (b) The municipal corporation is located in the same county as another municipal corporation with at least one community entertainment district. | 48602 48603 48604 |
| (6) It is located in a municipal corporation with a population of at least ten thousand, and not less than seventy million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. | 48605 48606 48607 48608 48609 |
| (7) It is located in a municipal corporation with a population of at least five thousand, and not less than one hundred million dollars will be invested in development and construction in the community entertainment district's area located in the municipal corporation. | 48610 48611 48612 48613 48614 |
| The location of a D-5j permit may be transferred only within | 48615 |

the geographic boundaries of the community entertainment district 48616
in which it was issued and shall not be transferred outside the 48617
geographic boundaries of that district. 48618

Not more than one D-5j permit shall be issued within each 48619
community entertainment district for each five acres of land 48620
located within the district. Not more than fifteen D-5j permits 48621
may be issued within a single community entertainment district. 48622
Except as otherwise provided in division (J)(4) of this section, 48623
no quota restrictions shall be placed upon the number of D-5j 48624
permits that may be issued. 48625

The fee for a D-5j permit is two thousand three hundred 48626
forty-four dollars. 48627

(K)(1) Permit D-5k may be issued to any nonprofit 48628
organization that is exempt from federal income taxation under the 48629
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 48630
501(c)(3), as amended, that is the owner or operator of a 48631
botanical garden recognized by the American association of 48632
botanical gardens and arboreta, and that has not less than 48633
twenty-five hundred bona fide members. 48634

(2) The holder of a D-5k permit may sell beer and any 48635
intoxicating liquor at retail, only by the individual drink in 48636
glass and from the container, on the premises where sold. 48637

(3) The holder of a D-5k permit shall sell no beer or 48638
intoxicating liquor for consumption on the premises where sold 48639
after one a.m. 48640

(4) A D-5k permit shall not be transferred to another 48641
location. 48642

(5) No quota restrictions shall be placed on the number of 48643
D-5k permits that may be issued. 48644

(6) The fee for the D-5k permit is one thousand eight hundred 48645

seventy-five dollars. 48646

(L)(1) Permit D-51 may be issued to the owner or the operator 48647
of a retail food establishment or a food service operation 48648
licensed under Chapter 3717. of the Revised Code to sell beer and 48649
intoxicating liquor at retail, only by the individual drink in 48650
glass and from the container, for consumption on the premises 48651
where sold and to sell beer and intoxicating liquor in the same 48652
manner and amounts not for consumption on the premises where sold 48653
as may be sold by the holders of D-1 and D-2 permits. The holder 48654
of a D-51 permit may exercise the same privileges, and shall 48655
observe the same hours of operation, as the holder of a D-5 48656
permit. 48657

(2) The D-51 permit shall be issued only to a premises to 48658
which all of the following apply: 48659

(a) The premises has gross annual receipts from the sale of 48660
food and meals that constitute not less than seventy-five per cent 48661
of its total gross annual receipts. 48662

(b) The premises is located within a revitalization district 48663
that is designated under section 4301.81 of the Revised Code. 48664

(c) The premises is located in a municipal corporation or 48665
township in which the number of D-5 permits issued equals or 48666
exceeds the number of those permits that may be issued in that 48667
municipal corporation or township under section 4303.29 of the 48668
Revised Code. 48669

(d) The premises meets any of the following qualifications: 48670

(i) It is located in a county with a population of one 48671
hundred twenty-five thousand or less according to the population 48672
estimates certified by the development services agency for 48673
calendar year 2006. 48674

(ii) It is located in the municipal corporation that has the 48675

largest population in a county when the county has a population 48676
between two hundred fifteen thousand and two hundred twenty-five 48677
thousand according to the population estimates certified by the 48678
development services agency for calendar year 2006. Division 48679
(L)(2)(d)(ii) of this section applies only to a municipal 48680
corporation that is wholly located in a county. 48681

(iii) It is located in the municipal corporation that has the 48682
largest population in a county when the county has a population 48683
between one hundred forty thousand and one hundred forty-one 48684
thousand according to the population estimates certified by the 48685
development services agency for calendar year 2006. Division 48686
(L)(2)(d)(iii) of this section applies only to a municipal 48687
corporation that is wholly located in a county. 48688

(3) The location of a D-51 permit may be transferred only 48689
within the geographic boundaries of the revitalization district in 48690
which it was issued and shall not be transferred outside the 48691
geographic boundaries of that district. 48692

(4) Not more than one D-51 permit shall be issued within each 48693
revitalization district for each five acres of land located within 48694
the district. Not more than fifteen D-51 permits may be issued 48695
within a single revitalization district. Except as otherwise 48696
provided in division (L)(4) of this section, no quota restrictions 48697
shall be placed upon the number of D-51 permits that may be 48698
issued. 48699

(5) No D-51 permit shall be issued to an adult entertainment 48700
establishment as defined in section 2907.39 of the Revised Code. 48701

(6) The fee for a D-51 permit is two thousand three hundred 48702
forty-four dollars. 48703

(M) Permit D-5m may be issued to either the owner or the 48704
operator of a retail food establishment or food service operation 48705
licensed under Chapter 3717. of the Revised Code that operates as 48706

a restaurant for purposes of this chapter and that is located in, 48707
or affiliated with, a center for the preservation of wild animals 48708
as defined in section 4301.404 of the Revised Code, to sell beer 48709
and any intoxicating liquor at retail, only by the glass and from 48710
the container, for consumption on the premises where sold, and to 48711
sell the same products in the same manner and amounts not for 48712
consumption on the premises as may be sold by the holders of D-1 48713
and D-2 permits. In addition to the privileges authorized by this 48714
division, the holder of a D-5m permit may exercise the same 48715
privileges as the holder of a D-5 permit. 48716

A D-5m permit shall not be transferred to another location. 48717
No quota restrictions shall be placed on the number of D-5m 48718
permits that may be issued. The fee for a permit D-5m is two 48719
thousand three hundred forty-four dollars. 48720

(N) Permit D-5n shall be issued to either a casino operator 48721
or a casino management company licensed under Chapter 3772. of the 48722
Revised Code that operates a casino facility under that chapter, 48723
to sell beer and any intoxicating liquor at retail, only by the 48724
individual drink in glass and from the container, for consumption 48725
on the premises where sold, and to sell the same products in the 48726
same manner and amounts not for consumption on the premises as may 48727
be sold by the holders of D-1 and D-2 permits. In addition to the 48728
privileges authorized by this division, the holder of a D-5n 48729
permit may exercise the same privileges as the holder of a D-5 48730
permit. A D-5n permit shall not be transferred to another 48731
location. Only one D-5n permit may be issued per casino facility 48732
and not more than four D-5n permits shall be issued in this state. 48733
The fee for a permit D-5n shall be twenty thousand dollars. The 48734
holder of a D-5n permit may conduct casino gaming on the permit 48735
premises notwithstanding any provision of the Revised Code or 48736
Administrative Code. 48737

(O) Permit D-5o may be issued to the owner or operator of a 48738

retail food establishment or a food service operation licensed 48739
under Chapter 3717. of the Revised Code that operates as a 48740
restaurant for purposes of this chapter and that is located within 48741
a casino facility for which a D-5n permit has been issued. The 48742
holder of a D-5o permit may sell beer and any intoxicating liquor 48743
at retail, only by the individual drink in glass and from the 48744
container, for consumption on the premises where sold, and may 48745
sell the same products in the same manner and amounts not for 48746
consumption on the premises where sold as may be sold by the 48747
holders of D-1 and D-2 permits. In addition to the privileges 48748
authorized by this division, the holder of a D-5o permit may 48749
exercise the same privileges as the holder of a D-5 permit. A D-5o 48750
permit shall not be transferred to another location. No quota 48751
restrictions shall be placed on the number of such permits that 48752
may be issued. The fee for this permit is two thousand three 48753
hundred forty-four dollars. 48754

Sec. 4303.182. (A) Except as otherwise provided in divisions 48755
(B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the 48756
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 48757
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 48758
D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under 48759
that permit as follows: 48760

(1) Between the hours of ten a.m. and midnight on Sunday if 48761
sale during those hours has been approved under question (C)(1), 48762
(2), or (3) of section 4301.351 or 4301.354 of the Revised Code, 48763
under question (B)(2) of section 4301.355 of the Revised Code, or 48764
under section 4301.356 of the Revised Code and has been authorized 48765
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 48766
Revised Code, under the restrictions of that authorization; 48767

(2) Between the hours of eleven a.m. and midnight on Sunday, 48768
if sale during those hours has been approved on or after ~~the~~ 48769

~~effective date of this amendment October 16, 2009,~~ under question 48770
(B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 48771
Code, under question (B)(2) of section 4301.355 of the Revised 48772
Code, or under section 4301.356 of the Revised Code and has been 48773
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 48774
of the Revised Code, under the restrictions of that authorization; 48775

(3) Between the hours of eleven a.m. and midnight on Sunday 48776
if sale between the hours of one p.m. and midnight was approved 48777
~~before the effective date of this amendment October 16, 2009,~~ 48778
under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 48779
of the Revised Code, under question (B)(2) of section 4301.355 of 48780
the Revised Code, or under section 4301.356 of the Revised Code 48781
and has been authorized under section 4301.361, 4301.364, 48782
4301.365, or 4301.366 of the Revised Code, under the other 48783
restrictions of that authorization. 48784

(B) Permit D-6 shall be issued to the holder of any permit, 48785
including a D-4a and D-5d permit, authorizing the sale of 48786
intoxicating liquor issued for a premises located at any publicly 48787
owned airport, as defined in section 4563.01 of the Revised Code, 48788
at which commercial airline companies operate regularly scheduled 48789
flights on which space is available to the public, to allow sale 48790
under such permit between the hours of ten a.m. and midnight on 48791
Sunday, whether or not that sale has been authorized under section 48792
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 48793

(C) Permit D-6 shall be issued to the holder of a D-5a 48794
permit, and to the holder of a D-3 or D-3a permit who is the owner 48795
or operator of a hotel or motel that is required to be licensed 48796
under section 3731.03 of the Revised Code, that contains at least 48797
fifty rooms for registered transient guests, and that has on its 48798
premises a retail food establishment or a food service operation 48799
licensed pursuant to Chapter 3717. of the Revised Code that 48800
operates as a restaurant for purposes of this chapter and is 48801

affiliated with the hotel or motel and within or contiguous to the 48802
hotel or motel and serving food within the hotel or motel, to 48803
allow sale under such permit between the hours of ten a.m. and 48804
midnight on Sunday, whether or not that sale has been authorized 48805
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 48806
Revised Code. 48807

(D) The holder of a D-6 permit that is issued to a sports 48808
facility may make sales under the permit between the hours of 48809
eleven a.m. and midnight on any Sunday on which a professional 48810
baseball, basketball, football, hockey, or soccer game is being 48811
played at the sports facility. As used in this division, "sports 48812
facility" means a stadium or arena that has a seating capacity of 48813
at least four thousand and that is owned or leased by a 48814
professional baseball, basketball, football, hockey, or soccer 48815
franchise or any combination of those franchises. 48816

(E) Permit D-6 shall be issued to the holder of any permit 48817
that authorizes the sale of beer or intoxicating liquor and that 48818
is issued to a premises located in or at the Ohio historical 48819
society area or the state fairgrounds, as defined in division (B) 48820
of section 4301.40 of the Revised Code, to allow sale under that 48821
permit between the hours of ten a.m. and midnight on Sunday, 48822
whether or not that sale has been authorized under section 48823
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 48824

(F) Permit D-6 shall be issued to the holder of any permit 48825
that authorizes the sale of intoxicating liquor and that is issued 48826
to an outdoor performing arts center to allow sale under that 48827
permit between the hours of one p.m. and midnight on Sunday, 48828
whether or not that sale has been authorized under section 48829
4301.361 of the Revised Code. A D-6 permit issued under this 48830
division is subject to the results of an election, held after the 48831
D-6 permit is issued, on question (B)(4) as set forth in section 48832
4301.351 of the Revised Code. Following the end of the period 48833

during which an election may be held on question (B)(4) as set 48834
forth in that section, sales of intoxicating liquor may continue 48835
at an outdoor performing arts center under a D-6 permit issued 48836
under this division, unless an election on that question is held 48837
during the permitted period and a majority of the voters voting in 48838
the precinct on that question vote "no." 48839

As used in this division, "outdoor performing arts center" 48840
means an outdoor performing arts center that is located on not 48841
less than eight hundred acres of land and that is open for 48842
performances from the first day of April to the last day of 48843
October of each year. 48844

(G) Permit D-6 shall be issued to the holder of any permit 48845
that authorizes the sale of beer or intoxicating liquor and that 48846
is issued to a golf course owned by the state, a conservancy 48847
district, a park district created under Chapter 1545. of the 48848
Revised Code, or another political subdivision to allow sale under 48849
that permit between the hours of ten a.m. and midnight on Sunday, 48850
whether or not that sale has been authorized under section 48851
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 48852

(H) Permit D-6 shall be issued to the holder of a D-5g permit 48853
to allow sale under that permit between the hours of ten a.m. and 48854
midnight on Sunday, whether or not that sale has been authorized 48855
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 48856
Revised Code. 48857

(I) Permit D-6 shall be issued to the holder of any D permit 48858
for a premises that is licensed under Chapter 3717. of the Revised 48859
Code and that is located at a ski area to allow sale under the D-6 48860
permit between the hours of ten a.m. and midnight on Sunday, 48861
whether or not that sale has been authorized under section 48862
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 48863

As used in this division, "ski area" means a ski area as 48864

defined in section 4169.01 of the Revised Code, provided that the 48865
passenger tramway operator at that area is registered under 48866
section 4169.03 of the Revised Code. 48867

(J) Permit D-6 shall be issued to the holder of any permit 48868
that is described in division (A) of this section for a permit 48869
premises that is located in a community entertainment district, as 48870
defined in section 4301.80 of the Revised Code, that was approved 48871
by the legislative authority of a municipal corporation under that 48872
section between October 1 and October 15, 2005, to allow sale 48873
under the permit between the hours of ten a.m. and midnight on 48874
Sunday, whether or not that sale has been authorized under section 48875
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 48876

(K) A D-6 permit shall be issued to the holder of any D 48877
permit for a premises that is licensed under Chapter 3717. of the 48878
Revised Code and that is located in a state park to allow sales 48879
under the D-6 permit between the hours of ten a.m. and midnight on 48880
Sunday, whether or not those sales have been authorized under 48881
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 48882
Code. 48883

As used in this division, "state park" means a state park 48884
that is established or dedicated under Chapter 1541. of the 48885
Revised Code and that has a working farm on its property. 48886

(L) If the restriction to licensed premises where the sale of 48887
food and other goods and services exceeds fifty per cent of the 48888
total gross receipts of the permit holder at the premises is 48889
applicable, the division of liquor control may accept an affidavit 48890
from the permit holder to show the proportion of the permit 48891
holder's gross receipts derived from the sale of food and other 48892
goods and services. If the liquor control commission determines 48893
that affidavit to have been false, it shall revoke the permits of 48894
the permit holder at the premises concerned. 48895

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars 48896
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, 48897
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 48898
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The 48899
fee for the D-6 permit is four hundred dollars when it is issued 48900
to the holder of a C-2 permit. 48901

Sec. 4303.184. (A) Subject to division (B) of this section, a 48902
D-8 permit may be issued to ~~either~~ any of the following: 48903

(1) An agency store; 48904

(2) The holder of a C-1, C-2, or C-2x permit issued to a 48905
retail store that has any of the following characteristics: 48906

(a) The store has at least five thousand five hundred square 48907
feet of floor area, and it generates more than sixty per cent of 48908
its sales in general merchandise items and food for consumption 48909
off the premises where sold. 48910

(b) The store is located in a municipal corporation or 48911
township with a population of five thousand or less, has at least 48912
four thousand five hundred square feet of floor area, and 48913
generates more than sixty per cent of its sales in general 48914
merchandise items and food for consumption off the premises where 48915
sold. 48916

(c) Wine constitutes at least sixty per cent of the value of 48917
the store's inventory. 48918

(3) The holder of both a C-1 and C-2 permit, or the holder of 48919
a C-2x permit, issued to a retail store that is located within a 48920
municipal corporation or township with a population of fifteen 48921
thousand or less. 48922

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 48923
or C-2x permit only if the premises of the permit holder are 48924
located in a precinct, or at a particular location in a precinct, 48925

in which the sale of beer, wine, or mixed beverages is permitted 48926
for consumption off the premises where sold. Sales under a D-8 48927
permit are not affected by whether sales for consumption on the 48928
premises where sold are permitted in the precinct or at the 48929
particular location where the D-8 premises are located. 48930

(C)(1) The holder of a D-8 permit described in division 48931
(A)(2) or (3) of this section may sell tasting samples of beer, 48932
wine, and mixed beverages, but not spirituous liquor, at retail, 48933
for consumption on the premises where sold in an amount not to 48934
exceed two ounces or another amount designated by rule of the 48935
liquor control commission. A tasting sample shall not be sold for 48936
general consumption. 48937

(2) The holder of a D-8 permit described in division (A)(1) 48938
of this section may allow the sale of tasting samples of 48939
spirituous liquor in accordance with section 4301.171 of the 48940
Revised Code. 48941

(3) No D-8 permit holder described in division (A)(2) or (3) 48942
of this section shall allow any authorized purchaser to consume 48943
more than four tasting samples of beer, wine, or mixed beverages, 48944
or any combination of beer, wine, or mixed beverages, per day. 48945

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of the 48946
Revised Code, the holder of a D-8 permit described in division 48947
(A)(2) or (3) of this section may sell beer that is dispensed from 48948
containers that have a capacity equal to or greater than five and 48949
one-sixth gallons if all of the following conditions are met: 48950

(a) A product registration fee for the beer has been paid as 48951
required in division (A)(8)(b) of section 4301.10 of the Revised 48952
Code. 48953

(b) The beer is dispensed only in glass containers whose 48954
capacity does not exceed one gallon and not for consumption on the 48955
premises where sold. 48956

(c) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code. 48957
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(d) The containers have been cleaned immediately before being filled in accordance with rule 4301:1-1-28 of the Administrative Code. 48960
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(2) Beer that is sold and dispensed under division (D)(1) of this section is subject to both of the following: 48963
48964

(a) All applicable rules adopted by the liquor control commission, including, but not limited to, rule 4301:1-1-27 and rule 4301:1-1-72 of the Administrative Code; 48965
48966
48967

(b) All applicable federal laws and regulations. 48968

(E) The privileges authorized for the holder of a D-8 permit described in division (A)(2) or (3) of this section may only be exercised in conjunction with and during the hours of operation authorized by a C-1, C-2, C-2x, or D-6 permit. 48969
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(F) A D-8 permit shall not be transferred to another location. 48973
48974

(G) The fee for the D-8 permit is five hundred dollars. 48975

Sec. 4303.232. (A)(1) Permit S may be issued to a person that is the brand owner or United States importer of beer or wine, is the designated agent of a brand owner or importer for all beer or wine sold in this state for that owner or importer, or manufactures wine if the manufacturer is entitled to a tax credit under 27 C.F.R. 24.278 and produces less than two hundred fifty thousand gallons of wine per year. If the person resides outside this state, the person shall comply with the requirements governing the issuance of licenses or permits that authorize the sale of beer or intoxicating liquor by the appropriate authority of the state in which the person resides or by the alcohol and 48976
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tobacco tax and trade bureau of the United States department of 48987
the treasury. 48988

(2) The fee for the S permit is twenty-five dollars. 48989

(3) The holder of an S permit may sell beer or wine to a 48990
personal consumer by receiving and filling orders that the 48991
personal consumer submits to the permit holder. The permit holder 48992
shall sell only wine that the permit holder has manufactured to a 48993
personal consumer. 48994

(4) The holder of an S permit shall renew the permit in 48995
accordance with section 4303.271 of the Revised Code, except that 48996
the renewal shall not be subject to the notice and hearing 48997
requirements established in division (B) of that section. 48998

(5) The division of liquor control may refuse to renew an S 48999
permit for any of the reasons specified in section 4303.292 of the 49000
Revised Code or if the holder of the permit fails to do any of the 49001
following: 49002

(a) Collect and pay all applicable taxes specified in 49003
division (B) of this section; 49004

(b) Pay the permit fee; 49005

(c) Comply with this section or any rules adopted by the 49006
liquor control commission under section 4301.03 of the Revised 49007
Code. 49008

(B)(1) The holder of an S permit who sells wine shall collect 49009
and pay the taxes relating to the delivery of wine to a personal 49010
consumer that are levied under sections 4301.421, 4301.425, 49011
4301.43, and 4301.432 and Chapters 5739. and 5741. of the Revised 49012
Code. 49013

(2) The holder of an S permit who sells beer shall collect 49014
and pay the taxes relating to the delivery of beer to a personal 49015
consumer that are levied under sections 4301.42 and, 4301.421, and 49016

4301.425 and Chapters 4305., 4307., 5739., and 5741. of the Revised Code. 49017
49018

(C)(1) The holder of an S permit shall send a shipment of beer or wine that has been paid for by a personal consumer to that personal consumer via the holder of an H permit. Prior to sending a shipment of beer or wine to a personal consumer, the holder of an S permit, or an employee of the permit holder, shall make a bona fide effort to ensure that the personal consumer is at least twenty-one years of age. The shipment of beer or wine shall be shipped in a package that clearly has written on it in bold print the words "alcohol enclosed." No person shall fail to comply with division (C)(1) of this section. 49019
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(2) Upon delivering a shipment of beer or wine to a personal consumer, the holder of the H permit, or an employee of the permit holder, shall verify that the personal consumer is at least twenty-one years of age by checking the personal consumer's driver's or commercial driver's license or identification card issued under sections 4507.50 to 4507.52 of the Revised Code. 49029
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(3) The holder of an S permit shall keep a record of each shipment of beer or wine that the permit holder sends to a personal consumer. The records shall be used for all of the following: 49035
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(a) To provide a copy of each beer or wine shipment invoice to the tax commissioner in a manner prescribed by the commissioner. The invoice shall include the name of each personal consumer that purchased beer or wine from the S permit holder in accordance with this section and any other information required by the tax commissioner. 49039
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(b) To provide annually in electronic format by electronic means a report to the division. The report shall include the name and address of each personal consumer that purchased beer or wine 49045
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from the S permit holder in accordance with this section, the 49048
quantity of beer or wine purchased by each personal consumer, and 49049
any other information requested by the division. The division 49050
shall prescribe and provide an electronic form for the report and 49051
shall determine the specific electronic means that the S permit 49052
holder must use to submit the report. 49053

(c) To notify a personal consumer of any health or welfare 49054
recalls of the beer or wine that has been purchased by the 49055
personal consumer. 49056

(D) As used in this section, "personal consumer" means an 49057
individual who is at least twenty-one years of age, is a resident 49058
of this state, does not hold a permit issued under this chapter, 49059
and intends to use beer or wine purchased in accordance with this 49060
section for personal consumption only and not for resale or other 49061
commercial purposes. 49062

(E) The holder of an S permit shall comply with this chapter, 49063
Chapter 4301. of the Revised Code, and any rules adopted by the 49064
liquor control commission under section 4301.03 of the Revised 49065
Code. 49066

Sec. 4305.131. (A) If any permit holder fails to pay the 49067
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of 49068
the Revised Code in the manner prescribed by section 4303.33 of 49069
the Revised Code, or by section 4301.421 ~~or~~, 4301.424, or 4301.425 49070
of the Revised Code in the manner prescribed in section 4301.422 49071
of the Revised Code, and by the rules of the tax commissioner, the 49072
commissioner may make an assessment against the permit holder 49073
based upon any information in the commissioner's possession. 49074

No assessment shall be made against any permit holder for any 49075
taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.425, 49076
4301.43, 4301.432, or 4305.01 of the Revised Code more than three 49077
years after the last day of the calendar month in which the sale 49078

was made or more than three years after the return for that period 49079
is filed, whichever is later. This section does not bar an 49080
assessment against any permit holder or registrant as provided in 49081
section 4303.331 of the Revised Code who fails to file a return as 49082
required by section 4301.422 or 4303.33 of the Revised Code, or 49083
who files a fraudulent return. 49084

A penalty of up to thirty per cent may be added to the amount 49085
of every assessment made under this section. The commissioner may 49086
adopt rules providing for the imposition and remission of 49087
penalties added to assessments made under this section. 49088

The commissioner shall give the party assessed written notice 49089
of the assessment in the manner provided in section 5703.37 of the 49090
Revised Code. With the notice, the commissioner shall provide 49091
instructions on how to petition for reassessment and request a 49092
hearing on the petition. 49093

(B) Unless the party assessed files with the tax commissioner 49094
within sixty days after service of the notice of assessment, 49095
either personally or by certified mail, a written petition for 49096
reassessment, signed by the party assessed or that party's 49097
authorized agent having knowledge of the facts, the assessment 49098
becomes final and the amount of the assessment is due and payable 49099
from the party assessed to the treasurer of state. The petition 49100
shall indicate the objections of the party assessed, but 49101
additional objections may be raised in writing if received by the 49102
commissioner prior to the date shown on the final determination. 49103
If the petition has been properly filed, the commissioner shall 49104
proceed under section 5703.60 of the Revised Code. 49105

(C) After an assessment becomes final, if any portion of the 49106
assessment remains unpaid, including accrued interest, a certified 49107
copy of the tax commissioner's entry making the assessment final 49108
may be filed in the office of the clerk of the court of common 49109
pleas in the county in which the permit holder's place of business 49110

is located or the county in which the party assessed resides. If 49111
the party assessed maintains no place of business in this state 49112
and is not a resident of this state, the certified copy of the 49113
entry may be filed in the office of the clerk of the court of 49114
common pleas of Franklin county. 49115

Immediately upon the filing of the entry, the clerk shall 49116
enter a judgment for the state against the party assessed in the 49117
amount shown on the entry. The judgment may be filed by the clerk 49118
in a loose-leaf book entitled "special judgments for state beer 49119
and liquor sales taxes," and shall have the same effect as other 49120
judgments. Execution shall issue upon the judgment upon the 49121
request of the commissioner, and all laws applicable to sales on 49122
execution shall apply to sales made under the judgment, except as 49123
otherwise provided in this chapter and Chapters 4301. and 4307. of 49124
the Revised Code. 49125

If the assessment is not paid in its entirety within sixty 49126
days after the day the assessment was issued, the portion of the 49127
assessment consisting of tax due shall bear interest at the rate 49128
per annum prescribed by section 5703.47 of the Revised Code from 49129
the day the commissioner issues the assessment until it is paid or 49130
until it is certified to the attorney general for collection under 49131
section 131.02 of the Revised Code, whichever comes first. If the 49132
unpaid portion of the assessment is certified to the attorney 49133
general for collection, the entire unpaid portion of the 49134
assessment shall bear interest at the rate per annum prescribed by 49135
section 5703.47 of the Revised Code from the date of certification 49136
until the date it is paid in its entirety. Interest shall be paid 49137
in the same manner as the tax and may be collected by the issuance 49138
of an assessment under this section. 49139

(D) All money collected under this section shall be 49140
considered as revenue arising from the taxes imposed by sections 49141
4301.42, 4301.421, 4301.424, 4301.425, 4301.43, 4301.432, and 49142

4305.01 of the Revised Code. 49143

Sec. 4307.04. The tax commissioner shall enforce and 49144
administer sections 4301.42, 4301.421, 4301.422, 4301.423, 49145
4301.424, 4301.425, 4303.33, 4303.331, 4305.01, and 4307.01 to 49146
4307.12 of the Revised Code. The commissioner may adopt such rules 49147
as are necessary to carry out such sections and may adopt 49148
different detail rules applicable to diverse methods and 49149
conditions of sale of bottled beverages in this state. All books, 49150
papers, invoices, and records of any manufacturer, bottler, or 49151
wholesale or retail dealer in this state, whether or not required 49152
under sections 4307.01 to 4307.12 of the Revised Code to be kept 49153
by that person, showing that person's sales receipts and purchases 49154
of bottled beverages, shall at all times, during the usual 49155
business hours of the day, be open for the inspection of the 49156
commissioner. The commissioner may investigate and examine the 49157
stock of bottled beverages in and upon any premises where the same 49158
is placed, stored, or sold. 49159

Sec. 4307.05. (A) The tax commissioner shall refund to 49160
persons required to pay the tax levied under section 4301.42, 49161
4301.421, 4301.424, 4301.425, 4301.43, 4301.432, 4303.33, or 49162
4305.01 of the Revised Code the amount of tax paid illegally or 49163
erroneously or paid on an illegal or erroneous assessment. 49164
Applications for refund shall be filed with the commissioner, on 49165
the form prescribed by the commissioner, within three years from 49166
the date of the illegal or erroneous payment of the tax or 49167
assessment. 49168

On the filing of the application, the commissioner shall 49169
determine the amount of the refund to which the applicant is 49170
entitled. If the amount is not less than that claimed, the 49171
commissioner shall certify the amount to the director of budget 49172
and management and treasurer of state for payment from the tax 49173

refund fund created by section 5703.052 of the Revised Code. If 49174
the amount is less than that claimed, the commissioner shall 49175
proceed in accordance with section 5703.70 of the Revised Code. 49176

(B) The holder of a B-3 permit is entitled to a refund of the 49177
actual amount of tax paid on wine sold for sacramental purposes, 49178
upon the conditions that the permit holder make affidavit that the 49179
wine was so sold, that the tax had been paid on the wine, and that 49180
the permit holder furnish both of the following: 49181

(1) A written acknowledgment from the purchaser that the 49182
purchaser has received the wine and that the price paid did not 49183
include the tax; 49184

(2) The name and address of the purchaser. 49185

Application for a refund shall be made as an application for 49186
refund of tax erroneously paid and shall be subject to the 49187
requirements and procedures of division (A) of this section. On 49188
the filing of the application, the commissioner shall determine 49189
the amount of refund due and certify that amount to the director 49190
of budget and management and treasurer of state for payment from 49191
the tax refund fund. When a refund is granted for payment of an 49192
illegal or erroneous assessment issued by the commissioner, the 49193
refund shall include interest on the amount of the refund from the 49194
date of the overpayment. The interest shall be computed at the 49195
rate per annum prescribed by section 5703.47 of the Revised Code. 49196

Sec. 4503.181. (A) As used in this section, "historical motor 49197
vehicle" means any motor vehicle that is more than twenty-five 49198
years old and that is owned solely as a collector's item and for 49199
participation in club activities, exhibitions, tours, parades, and 49200
similar uses. A historical motor vehicle shall not be used for 49201
general transportation, but may be operated on the public roads 49202
and highways to and from a location where maintenance is performed 49203
on the vehicle. 49204

(B) In lieu of the annual license tax levied in sections 49205
4503.02 and 4503.04 of the Revised Code, a license fee of ten 49206
dollars is levied on the operation of a historical motor vehicle. 49207

(C) A person who owns a historical motor vehicle and applies 49208
for a historical license ~~plates~~ plate under this section shall 49209
execute an affidavit that the vehicle for which ~~plates~~ are the 49210
plate is requested is owned and operated solely for the purposes 49211
enumerated in division (A) of this section, ~~and. The affidavit~~ 49212
also ~~setting~~ shall set forth in ~~the affidavit~~ that the vehicle has 49213
been inspected and found safe to operate on the public roads and 49214
highways in the state. A person who owns a historical motor 49215
vehicle and desires to display a model year license ~~plates~~ plate 49216
on the vehicle as permitted by this section shall execute at the 49217
time of registration an affidavit setting forth that the model 49218
year license ~~plates~~ plate the person desires to display on the 49219
person's historical motor vehicle ~~are~~ is a legible and serviceable 49220
license ~~plates~~ plate that originally ~~were~~ was issued by this 49221
state. No registration issued pursuant to this section need 49222
specify the weight of the vehicle. 49223

(D) A vehicle registered under this section may display 49224
either a historical vehicle license ~~plates~~ plate issued by the 49225
registrar of motor vehicles or a model year license ~~plates~~ plate 49226
procured by the applicant. ~~Historical~~ A historical vehicle license 49227
~~plates~~ plate shall not bear a date, but shall bear the inscription 49228
"Historical Vehicle--Ohio" and the registration number, which 49229
shall be shown thereon. ~~Model~~ A model year license ~~plates~~ plate 49230
shall be a legible and serviceable license ~~plates~~ plate issued by 49231
this state and inscribed with the date of the year corresponding 49232
to the model year when the vehicle was manufactured. 49233
~~Notwithstanding section 4503.21 of the Revised Code, only one~~ Two 49234
model year license ~~plate is required to~~ plates, duplicates of each 49235
other, may be displayed on ~~the rear of~~ the historical motor 49236

vehicle at ~~all times~~ any time, one plate on the front and one
plate on the rear of the vehicle. The registration certificate and
the historical vehicle license ~~plates~~ plate issued by the
registrar shall be kept in the vehicle at all times the vehicle is
operated on the public roads and highways in this state.

Notwithstanding section 4503.21 of the Revised Code, the
owner of a historical motor vehicle that was manufactured for
military purposes and that is registered under this section may
display the assigned registration number of the vehicle by
painting the number on the front and rear of the vehicle. The
number shall be painted, in accordance with the size and style
specifications established for numerals and letters shown on
license plates in section 4503.22 of the Revised Code, in a color
that contrasts clearly with the color of the vehicle, and shall be
legible and visible at all times. Upon application for
registration under this section and payment of the license fee
prescribed in division (B) of this section, the owner of such a
historical motor vehicle shall be issued a historical vehicle
license ~~plates~~ plate. The registration certificate and ~~at least~~
~~one such~~ the license plate shall be kept in the vehicle at all
times the vehicle is operated on the public roads and highways in
this state. If ownership of such a vehicle is transferred, the
transferor shall surrender the historical vehicle license ~~plates~~
plate or transfer ~~them~~ it to another historical motor vehicle the
transferor owns, and remove or obliterate the registration numbers
painted on the vehicle.

(E) Historical vehicle and model year license plates are
valid without renewal as long as the vehicle for which they were
issued or procured is in existence. ~~Historical~~ A historical
vehicle ~~plates are~~ plate is issued for the owner's use only for
such vehicle unless later transferred to another historical motor
vehicle owned by that person. In order to effect such a transfer,

the owner of the historical motor vehicle that originally 49269
displayed the historical vehicle ~~plates~~ plate shall comply with 49270
division (C) of this section. In the event of a transfer of title, 49271
the transferor shall surrender the historical vehicle license 49272
~~plates~~ plate or transfer ~~them~~ it to another historical motor 49273
vehicle owned by the transferor, but a model year license plate or 49274
plates may be retained by the transferor. The registrar may revoke 49275
license plates issued under this section, for cause shown and 49276
after hearing, for failure of the applicant to comply with this 49277
section. Upon revocation, a historical vehicle license ~~plates~~ 49278
plate shall be surrendered; a model year license plate or plates 49279
may be retained, but the plate or plates are no longer ~~are~~ valid 49280
for display on the vehicle. 49281

(F) The owner of a historical motor vehicle bearing a 49282
historical vehicle license ~~plates~~ plate may replace ~~them~~ it with a 49283
model year license ~~plates~~ plate by surrendering the historical 49284
vehicle license ~~plates~~ plate and motor vehicle certificate of 49285
registration to the registrar. The owner, at the time of 49286
registration, shall execute an affidavit setting forth that the 49287
model year ~~plates are~~ plate is a legible and serviceable license 49288
~~plates~~ plate that originally ~~were~~ was issued by this state. Such 49289
an owner is required to pay the license fee prescribed by division 49290
(B) of this section, but the owner is not required to have the 49291
historical motor vehicle reinspected under division (C) of this 49292
section. 49293

A person who owns a historical motor vehicle bearing a model 49294
year license ~~plates~~ plate may replace ~~them~~ it with a historical 49295
vehicle license ~~plates~~ plate by surrendering the motor vehicle 49296
certificate of registration and applying for issuance of a 49297
historical vehicle license ~~plates~~ plate. Such a person is required 49298
to pay the license fee prescribed by division (B) of this section, 49299
but the person is not required to have the historical motor 49300

vehicle reinspected under division (C) of this section. 49301

Sec. 4503.535. (A) The owner or lessee of any passenger car, 49302
noncommercial motor vehicle, recreational vehicle, motorcycle, 49303
motorized bicycle or moped, trailer, or other vehicle of a class 49304
approved by the registrar of motor vehicles, and, effective 49305
January 1, 2017, the owner or lessee of any motor-driven cycle or 49306
motor scooter or cab-enclosed motorcycle, may apply to the 49307
registrar for the registration of the vehicle and issuance of 49308
POW/MIA awareness license plates. The application for POW/MIA 49309
awareness license plates may be combined with a request for a 49310
special reserved license plate under section 4503.40 or 4503.42 of 49311
the Revised Code. Upon receipt of the completed application and 49312
compliance with division (B) of this section, the registrar shall 49313
issue to the applicant the appropriate vehicle registration and a 49314
set of POW/MIA awareness license plates with a validation sticker, 49315
or a validation sticker alone when required by section 4503.191 of 49316
the Revised Code. 49317

In addition to the letters and numbers ordinarily inscribed 49318
thereon, POW/MIA awareness license plates shall bear the markings 49319
designed by rolling thunder, inc., chapter 1 Ohio. POW/MIA 49320
awareness license plates, except for motorcycle, motorized 49321
bicycle, or moped license plates, also shall bear the words "not 49322
forgotten." The registrar shall approve the final design. POW/MIA 49323
awareness license plates shall bear county identification stickers 49324
that identify the county of registration by name or number. 49325

(B) POW/MIA awareness license plates and validation stickers 49326
shall be issued upon payment of the regular license tax as 49327
prescribed under section 4503.04 of the Revised Code, any 49328
applicable motor vehicle tax levied under Chapter 4504. of the 49329
Revised Code, a bureau of motor vehicles administrative fee of ten 49330
dollars, the contribution specified in division (C) of this 49331

section, and compliance with all other applicable laws relating to 49332
the registration of motor vehicles. If the application for POW/MIA 49333
awareness license plates is combined with a request for a special 49334
reserved license plate under section 4503.40 or 4503.42 of the 49335
Revised Code, the license plates and validation sticker shall be 49336
issued upon payment of the contribution, fees, and taxes contained 49337
in this division and the additional fee prescribed under section 49338
4503.40 or 4503.42 of the Revised Code. 49339

(C) For each application for registration and registration 49340
renewal submitted under this section, the registrar shall collect 49341
a contribution of twenty-five dollars. The registrar shall pay 49342
this contribution into the state treasury to the credit of the 49343
military injury relief fund created in section ~~5101.98~~ 5902.05 of 49344
the Revised Code. 49345

The registrar shall pay the ten-dollar bureau administrative 49346
fee, the purpose of which is to compensate the bureau for 49347
additional services required in issuing POW/MIA awareness license 49348
plates, into the state treasury to the credit of the state bureau 49349
of motor vehicles fund created in section 4501.25 of the Revised 49350
Code. 49351

Sec. 4505.06. (A)(1) Application for a certificate of title 49352
shall be made in a form prescribed by the registrar of motor 49353
vehicles and shall be sworn to before a notary public or other 49354
officer empowered to administer oaths. The application shall be 49355
filed with the clerk of any court of common pleas. An application 49356
for a certificate of title may be filed electronically by any 49357
electronic means approved by the registrar in any county with the 49358
clerk of the court of common pleas of that county. Any payments 49359
required by this chapter shall be considered as accompanying any 49360
electronically transmitted application when payment actually is 49361
received by the clerk. Payment of any fee or taxes may be made by 49362

electronic transfer of funds. 49363

(2) The application for a certificate of title shall be 49364
accompanied by the fee prescribed in section 4505.09 of the 49365
Revised Code. The fee shall be retained by the clerk who issues 49366
the certificate of title and shall be distributed in accordance 49367
with that section. If a clerk of a court of common pleas, other 49368
than the clerk of the court of common pleas of an applicant's 49369
county of residence, issues a certificate of title to the 49370
applicant, the clerk shall transmit data related to the 49371
transaction to the automated title processing system. 49372

(3) If a certificate of title previously has been issued for 49373
a motor vehicle in this state, the application for a certificate 49374
of title also shall be accompanied by that certificate of title 49375
duly assigned, unless otherwise provided in this chapter. If a 49376
certificate of title previously has not been issued for the motor 49377
vehicle in this state, the application, unless otherwise provided 49378
in this chapter, shall be accompanied by a manufacturer's or 49379
importer's certificate or by a certificate of title of another 49380
state from which the motor vehicle was brought into this state. If 49381
the application refers to a motor vehicle last previously 49382
registered in another state, the application also shall be 49383
accompanied by the physical inspection certificate required by 49384
section 4505.061 of the Revised Code. If the application is made 49385
by two persons regarding a motor vehicle in which they wish to 49386
establish joint ownership with right of survivorship, they may do 49387
so as provided in section 2131.12 of the Revised Code. If the 49388
applicant requests a designation of the motor vehicle in 49389
beneficiary form so that upon the death of the owner of the motor 49390
vehicle, ownership of the motor vehicle will pass to a designated 49391
transfer-on-death beneficiary or beneficiaries, the applicant may 49392
do so as provided in section 2131.13 of the Revised Code. A person 49393
who establishes ownership of a motor vehicle that is transferable 49394

on death in accordance with section 2131.13 of the Revised Code 49395
may terminate that type of ownership or change the designation of 49396
the transfer-on-death beneficiary or beneficiaries by applying for 49397
a certificate of title pursuant to this section. The clerk shall 49398
retain the evidence of title presented by the applicant and on 49399
which the certificate of title is issued, except that, if an 49400
application for a certificate of title is filed electronically by 49401
an electronic motor vehicle dealer on behalf of the purchaser of a 49402
motor vehicle, the clerk shall retain the completed electronic 49403
record to which the dealer converted the certificate of title 49404
application and other required documents. The registrar, after 49405
consultation with the attorney general, shall adopt rules that 49406
govern the location at which, and the manner in which, are stored 49407
the actual application and all other documents relating to the 49408
sale of a motor vehicle when an electronic motor vehicle dealer 49409
files the application for a certificate of title electronically on 49410
behalf of the purchaser. Not later than December 31, 2011, the 49411
registrar shall enable all electronic motor vehicle dealers to 49412
file applications for certificates of title on behalf of 49413
purchasers of motor vehicles electronically directly with the 49414
registrar and not through a third party. 49415

The clerk shall use reasonable diligence in ascertaining 49416
whether or not the facts in the application for a certificate of 49417
title are true by checking the application and documents 49418
accompanying it or the electronic record to which a dealer 49419
converted the application and accompanying documents with the 49420
records of motor vehicles in the clerk's office. If the clerk is 49421
satisfied that the applicant is the owner of the motor vehicle and 49422
that the application is in the proper form, the clerk, within five 49423
business days after the application is filed and except as 49424
provided in section 4505.021 of the Revised Code, shall issue a 49425
physical certificate of title over the clerk's signature and 49426
sealed with the clerk's seal, unless the applicant specifically 49427

requests the clerk not to issue a physical certificate of title 49428
and instead to issue an electronic certificate of title. For 49429
purposes of the transfer of a certificate of title, if the clerk 49430
is satisfied that the secured party has duly discharged a lien 49431
notation but has not canceled the lien notation with a clerk, the 49432
clerk may cancel the lien notation on the automated title 49433
processing system and notify the clerk of the county of origin. 49434

(4) In the case of the sale of a motor vehicle to a general 49435
buyer or user by a dealer, by a motor vehicle leasing dealer 49436
selling the motor vehicle to the lessee or, in a case in which the 49437
leasing dealer subleased the motor vehicle, the sublessee, at the 49438
end of the lease agreement or sublease agreement, or by a 49439
manufactured housing broker, the certificate of title shall be 49440
obtained in the name of the buyer by the dealer, leasing dealer, 49441
or manufactured housing broker, as the case may be, upon 49442
application signed by the buyer. The certificate of title shall be 49443
issued, or the process of entering the certificate of title 49444
application information into the automated title processing system 49445
if a physical certificate of title is not to be issued shall be 49446
completed, within five business days after the application for 49447
title is filed with the clerk. If the buyer of the motor vehicle 49448
previously leased the motor vehicle and is buying the motor 49449
vehicle at the end of the lease pursuant to that lease, the 49450
certificate of title shall be obtained in the name of the buyer by 49451
the motor vehicle leasing dealer who previously leased the motor 49452
vehicle to the buyer or by the motor vehicle leasing dealer who 49453
subleased the motor vehicle to the buyer under a sublease 49454
agreement. 49455

In all other cases, except as provided in section 4505.032 49456
and division (D)(2) of section 4505.11 of the Revised Code, such 49457
certificates shall be obtained by the buyer. 49458

(5)(a)(i) If the certificate of title is being obtained in 49459

the name of the buyer by a motor vehicle dealer or motor vehicle 49460
leasing dealer and there is a security interest to be noted on the 49461
certificate of title, the dealer or leasing dealer shall submit 49462
the application for the certificate of title and payment of the 49463
applicable tax to a clerk within seven business days after the 49464
later of the delivery of the motor vehicle to the buyer or the 49465
date the dealer or leasing dealer obtains the manufacturer's or 49466
importer's certificate, or certificate of title issued in the name 49467
of the dealer or leasing dealer, for the motor vehicle. Submission 49468
of the application for the certificate of title and payment of the 49469
applicable tax within the required seven business days may be 49470
indicated by postmark or receipt by a clerk within that period. 49471

(ii) Upon receipt of the certificate of title with the 49472
security interest noted on its face, the dealer or leasing dealer 49473
shall forward the certificate of title to the secured party at the 49474
location noted in the financing documents or otherwise specified 49475
by the secured party. 49476

(iii) A motor vehicle dealer or motor vehicle leasing dealer 49477
is liable to a secured party for a late fee of ten dollars per day 49478
for each certificate of title application and payment of the 49479
applicable tax that is submitted to a clerk more than seven 49480
business days but less than twenty-one days after the later of the 49481
delivery of the motor vehicle to the buyer or the date the dealer 49482
or leasing dealer obtains the manufacturer's or importer's 49483
certificate, or certificate of title issued in the name of the 49484
dealer or leasing dealer, for the motor vehicle and, from then on, 49485
twenty-five dollars per day until the application and applicable 49486
tax are submitted to a clerk. 49487

(b) In all cases of transfer of a motor vehicle except the 49488
transfer of a manufactured home or mobile home, the application 49489
for certificate of title shall be filed within thirty days after 49490
the assignment or delivery of the motor vehicle. 49491

(c) An application for a certificate of title for a new manufactured home shall be filed within thirty days after the delivery of the new manufactured home to the purchaser. The date of the delivery shall be the date on which an occupancy permit for the manufactured home is delivered to the purchaser of the home by the appropriate legal authority.

(d) An application for a certificate of title for a used manufactured home or a used mobile home shall be filed as follows:

(i) If a certificate of title for the used manufactured home or used mobile home was issued to the motor vehicle dealer prior to the sale of the manufactured or mobile home to the purchaser, the application for certificate of title shall be filed within thirty days after the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority.

(ii) If the motor vehicle dealer has been designated by a secured party to display the manufactured or mobile home for sale, or to sell the manufactured or mobile home under section 4505.20 of the Revised Code, but the certificate of title has not been transferred by the secured party to the motor vehicle dealer, and the dealer has complied with the requirements of division (A) of section 4505.181 of the Revised Code, the application for certificate of title shall be filed within thirty days after the date on which the motor vehicle dealer obtains the certificate of title for the home from the secured party or the date on which an occupancy permit for the manufactured or mobile home is delivered to the purchaser by the appropriate legal authority, whichever occurs later.

(6) If an application for a certificate of title is not filed within the period specified in division (A)(5)(b), (c), or (d) of this section, the clerk shall collect a fee of five dollars for the issuance of the certificate, except that no such fee shall be

required from a motor vehicle salvage dealer, as defined in 49524
division (A) of section 4738.01 of the Revised Code, who 49525
immediately surrenders the certificate of title for cancellation. 49526
The fee shall be in addition to all other fees established by this 49527
chapter, and shall be retained by the clerk. The registrar shall 49528
provide, on the certificate of title form prescribed by section 49529
4505.07 of the Revised Code, language necessary to give evidence 49530
of the date on which the assignment or delivery of the motor 49531
vehicle was made. 49532

(7) As used in division (A) of this section, "lease 49533
agreement," "lessee," and "sublease agreement" have the same 49534
meanings as in section 4505.04 of the Revised Code and "new 49535
manufactured home," "used manufactured home," and "used mobile 49536
home" have the same meanings as in section 5739.0210 of the 49537
Revised Code. 49538

(B)(1) The clerk, except as provided in this section, shall 49539
refuse to accept for filing any application for a certificate of 49540
title and shall refuse to issue a certificate of title unless the 49541
dealer or the applicant, in cases in which the certificate shall 49542
be obtained by the buyer, submits with the application payment of 49543
the tax levied by or pursuant to Chapters 5739. and 5741. of the 49544
Revised Code based on the purchaser's county of residence. Upon 49545
payment of the tax in accordance with division (E) of this 49546
section, the clerk shall issue a receipt prescribed by the 49547
registrar and agreed upon by the tax commissioner showing payment 49548
of the tax or a receipt issued by the commissioner showing the 49549
payment of the tax. When submitting payment of the tax to the 49550
clerk, a dealer shall retain any discount to which the dealer is 49551
entitled under section 5739.12 of the Revised Code. 49552

(2) For receiving and disbursing such taxes paid to the clerk 49553
by a resident of the clerk's county, the clerk may retain a 49554
poundage fee of one and one one-hundredth per cent, and the clerk 49555

shall pay the poundage fee into the certificate of title 49556
administration fund created by section 325.33 of the Revised Code. 49557
The clerk shall not retain a poundage fee from payments of taxes 49558
by persons who do not reside in the clerk's county. 49559

A clerk, however, may retain from the taxes paid to the clerk 49560
an amount equal to the poundage fees associated with certificates 49561
of title issued by other clerks of courts of common pleas to 49562
applicants who reside in the first clerk's county. The registrar, 49563
in consultation with the tax commissioner and the clerks of the 49564
courts of common pleas, shall develop a report from the automated 49565
title processing system that informs each clerk of the amount of 49566
the poundage fees that the clerk is permitted to retain from those 49567
taxes because of certificates of title issued by the clerks of 49568
other counties to applicants who reside in the first clerk's 49569
county. 49570

(3) In the case of casual sales of motor vehicles, as defined 49571
in section 4517.01 of the Revised Code, the price for the purpose 49572
of determining the tax shall be the purchase price on the assigned 49573
certificate of title executed by the seller and filed with the 49574
clerk by the buyer on a form to be prescribed by the registrar, 49575
which shall be prima-facie evidence of the amount for the 49576
determination of the tax. 49577

(4) Each county clerk shall forward to the treasurer of state 49578
all sales and use tax collections resulting from sales of motor 49579
vehicles, off-highway motorcycles, and all-purpose vehicles during 49580
a calendar week on or before the Friday following the close of 49581
that week. If, on any Friday, the offices of the clerk of courts 49582
or the state are not open for business, the tax shall be forwarded 49583
to the treasurer of state on or before the next day on which the 49584
offices are open. Every remittance of tax under division (B)(4) of 49585
this section shall be accompanied by a remittance report in such 49586
form as the tax commissioner prescribes. Upon receipt of a tax 49587

remittance and remittance report, the treasurer of state shall 49588
date stamp the report and forward it to the tax commissioner. If 49589
the tax due for any week is not remitted by a clerk of courts as 49590
required under division (B)(4) of this section, the commissioner 49591
may require the clerk to forfeit the poundage fees for the sales 49592
made during that week. The treasurer of state may require the 49593
clerks of courts to transmit tax collections and remittance 49594
reports electronically. 49595

(C)(1) If the transferor indicates on the certificate of 49596
title that the odometer reflects mileage in excess of the designed 49597
mechanical limit of the odometer, the clerk shall enter the phrase 49598
"exceeds mechanical limits" following the mileage designation. If 49599
the transferor indicates on the certificate of title that the 49600
odometer reading is not the actual mileage, the clerk shall enter 49601
the phrase "nonactual: warning - odometer discrepancy" following 49602
the mileage designation. The clerk shall use reasonable care in 49603
transferring the information supplied by the transferor, but is 49604
not liable for any errors or omissions of the clerk or those of 49605
the clerk's deputies in the performance of the clerk's duties 49606
created by this chapter. 49607

The registrar shall prescribe an affidavit in which the 49608
transferor shall swear to the true selling price and, except as 49609
provided in this division, the true odometer reading of the motor 49610
vehicle. The registrar may prescribe an affidavit in which the 49611
seller and buyer provide information pertaining to the odometer 49612
reading of the motor vehicle in addition to that required by this 49613
section, as such information may be required by the United States 49614
secretary of transportation by rule prescribed under authority of 49615
subchapter IV of the "Motor Vehicle Information and Cost Savings 49616
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 49617

(2) Division (C)(1) of this section does not require the 49618
giving of information concerning the odometer and odometer reading 49619

of a motor vehicle when ownership of a motor vehicle is being 49620
transferred as a result of a bequest, under the laws of intestate 49621
succession, to a survivor pursuant to section 2106.18, 2131.12, or 49622
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 49623
beneficiaries pursuant to section 2131.13 of the Revised Code, in 49624
connection with the creation of a security interest or for a 49625
vehicle with a gross vehicle weight rating of more than sixteen 49626
thousand pounds. 49627

(D) When the transfer to the applicant was made in some other 49628
state or in interstate commerce, the clerk, except as provided in 49629
this section, shall refuse to issue any certificate of title 49630
unless the tax imposed by or pursuant to Chapter 5741. of the 49631
Revised Code based on the purchaser's county of residence has been 49632
paid as evidenced by a receipt issued by the tax commissioner, or 49633
unless the applicant submits with the application payment of the 49634
tax. Upon payment of the tax in accordance with division (E) of 49635
this section, the clerk shall issue a receipt prescribed by the 49636
registrar and agreed upon by the tax commissioner, showing payment 49637
of the tax. 49638

For receiving and disbursing such taxes paid to the clerk by 49639
a resident of the clerk's county, the clerk may retain a poundage 49640
fee of one and one one-hundredth per cent. The clerk shall not 49641
retain a poundage fee from payments of taxes by persons who do not 49642
reside in the clerk's county. 49643

A clerk, however, may retain from the taxes paid to the clerk 49644
an amount equal to the poundage fees associated with certificates 49645
of title issued by other clerks of courts of common pleas to 49646
applicants who reside in the first clerk's county. The registrar, 49647
in consultation with the tax commissioner and the clerks of the 49648
courts of common pleas, shall develop a report from the automated 49649
title processing system that informs each clerk of the amount of 49650
the poundage fees that the clerk is permitted to retain from those 49651

taxes because of certificates of title issued by the clerks of 49652
other counties to applicants who reside in the first clerk's 49653
county. 49654

When the vendor is not regularly engaged in the business of 49655
selling motor vehicles, the vendor shall not be required to 49656
purchase a vendor's license or make reports concerning those 49657
sales. 49658

(E) The clerk shall accept any payment of a tax in cash, or 49659
by cashier's check, certified check, draft, money order, or teller 49660
check issued by any insured financial institution payable to the 49661
clerk and submitted with an application for a certificate of title 49662
under division (B) or (D) of this section. The clerk also may 49663
accept payment of the tax by corporate, business, or personal 49664
check, credit card, electronic transfer or wire transfer, debit 49665
card, or any other accepted form of payment made payable to the 49666
clerk. The clerk may require bonds, guarantees, or letters of 49667
credit to ensure the collection of corporate, business, or 49668
personal checks. Any service fee charged by a third party to a 49669
clerk for the use of any form of payment may be paid by the clerk 49670
from the certificate of title administration fund created in 49671
section 325.33 of the Revised Code, or may be assessed by the 49672
clerk upon the applicant as an additional fee. Upon collection, 49673
the additional fees shall be paid by the clerk into that 49674
certificate of title administration fund. 49675

The clerk shall make a good faith effort to collect any 49676
payment of taxes due but not made because the payment was returned 49677
or dishonored, but the clerk is not personally liable for the 49678
payment of uncollected taxes or uncollected fees. The clerk shall 49679
notify the tax commissioner of any such payment of taxes that is 49680
due but not made and shall furnish the information to the 49681
commissioner that the commissioner requires. The clerk shall 49682
deduct the amount of taxes due but not paid from the clerk's 49683

periodic remittance of tax payments, in accordance with procedures 49684
agreed upon by the tax commissioner. The commissioner may collect 49685
taxes due by assessment in the manner provided in section 5739.13 49686
of the Revised Code. 49687

Any person who presents payment that is returned or 49688
dishonored for any reason is liable to the clerk for payment of a 49689
penalty over and above the amount of the taxes due. The clerk 49690
shall determine the amount of the penalty, and the penalty shall 49691
be no greater than that amount necessary to compensate the clerk 49692
for banking charges, legal fees, or other expenses incurred by the 49693
clerk in collecting the returned or dishonored payment. The 49694
remedies and procedures provided in this section are in addition 49695
to any other available civil or criminal remedies. Subsequently 49696
collected penalties, poundage fees, and title fees, less any title 49697
fee due the state, from returned or dishonored payments collected 49698
by the clerk shall be paid into the certificate of title 49699
administration fund. Subsequently collected taxes, less poundage 49700
fees, shall be sent by the clerk to the treasurer of state at the 49701
next scheduled periodic remittance of tax payments, with 49702
information as the commissioner may require. The clerk may abate 49703
all or any part of any penalty assessed under this division. 49704

(F) In the following cases, the clerk shall accept for filing 49705
an application and shall issue a certificate of title without 49706
requiring payment or evidence of payment of the tax: 49707

(1) When the purchaser is this state or any of its political 49708
subdivisions, a church, or an organization whose purchases are 49709
exempted by section 5739.02 of the Revised Code; 49710

(2) When the transaction in this state is not a retail sale 49711
as defined by section 5739.01 of the Revised Code; 49712

(3) When the purchase is outside this state or in interstate 49713
commerce and the purpose of the purchaser is not to use, store, or 49714

consume within the meaning of section 5741.01 of the Revised Code; 49715

(4) When the purchaser is the federal government; 49716

(5) When the motor vehicle was purchased outside this state 49717
for use outside this state; 49718

(6) When the motor vehicle is purchased by a nonresident 49719
under the circumstances described in division (B)(1) of section 49720
5739.029 of the Revised Code, and upon presentation of a copy of 49721
the affidavit provided by that section, and a copy of the 49722
exemption certificate provided by section 5739.03 of the Revised 49723
Code. 49724

(G) An application, as prescribed by the registrar and agreed 49725
to by the tax commissioner, shall be filled out and sworn to by 49726
the buyer of a motor vehicle in a casual sale. The application 49727
shall contain the following notice in bold lettering: "WARNING TO 49728
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 49729
law to state the true selling price. A false statement is in 49730
violation of section 2921.13 of the Revised Code and is punishable 49731
by six months' imprisonment or a fine of up to one thousand 49732
dollars, or both. All transfers are audited by the department of 49733
taxation. The seller and buyer must provide any information 49734
requested by the department of taxation. The buyer may be assessed 49735
any additional tax found to be due." 49736

(H) For sales of manufactured homes or mobile homes occurring 49737
on or after January 1, 2000, the clerk shall accept for filing, 49738
pursuant to Chapter 5739. of the Revised Code, an application for 49739
a certificate of title for a manufactured home or mobile home 49740
without requiring payment of any tax pursuant to section 5739.02, 49741
5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code, 49742
or a receipt issued by the tax commissioner showing payment of the 49743
tax. For sales of manufactured homes or mobile homes occurring on 49744
or after January 1, 2000, the applicant shall pay to the clerk an 49745

additional fee of five dollars for each certificate of title 49746
issued by the clerk for a manufactured or mobile home pursuant to 49747
division (H) of section 4505.11 of the Revised Code and for each 49748
certificate of title issued upon transfer of ownership of the 49749
home. The clerk shall credit the fee to the county certificate of 49750
title administration fund, and the fee shall be used to pay the 49751
expenses of archiving those certificates pursuant to division (A) 49752
of section 4505.08 and division (H)(3) of section 4505.11 of the 49753
Revised Code. The tax commissioner shall administer any tax on a 49754
manufactured or mobile home pursuant to Chapters 5739. and 5741. 49755
of the Revised Code. 49756

(I) Every clerk shall have the capability to transact by 49757
electronic means all procedures and transactions relating to the 49758
issuance of motor vehicle certificates of title that are described 49759
in the Revised Code as being accomplished by electronic means. 49760

Sec. 4511.0915. (A) On or before July 31, 2015, any local 49761
authority that has operated a traffic law photo-monitoring device 49762
between March 23, 2015, and June 30, 2015, shall file either a 49763
report or statement of compliance with the auditor of state as 49764
follows: 49765

(1) If the local authority operated any traffic law 49766
photo-monitoring device without fully complying with sections 49767
4511.092 to 4511.0914 of the Revised Code, the local authority 49768
shall file a report that includes a detailed statement of the 49769
civil fines the local authority has billed to drivers for any 49770
violation of any municipal ordinance that is based upon evidence 49771
recorded by a traffic law photo-monitoring device, including the 49772
gross amount of fines that have been billed. 49773

(2) If the local authority has fully complied with sections 49774
4511.092 to 4511.0914 of the Revised Code, in lieu of a report, 49775
the local authority shall submit a signed statement affirming 49776

compliance with all requirements of those sections. 49777

(B) Beginning with the three-month period that commences July 1, 2015, and ends September 30, 2015, and for each three-month period thereafter, during which a local authority has operated a traffic law photo-monitoring device, the local authority shall file either a report or a signed statement of compliance with the auditor of state in the same manner as described in division (A) of this section. The local authority shall file the report or statement not later than thirty days after the end of the applicable three-month period. 49778
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(C) The auditor of state shall do all of the following: 49787

(1) Immediately forward a copy of each report or signed statement of compliance received under this section to the tax commissioner for purposes of calculating payments under section 5747.50 of the Revised Code; 49788
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(2) Notify the commissioner of each subdivision required to file a report or signed statement that did not do so; 49792
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(3) Notify the commissioner when a subdivision that is the subject of a notification under division (C)(2) of this section files all reports or signed statements the subdivision is required to file. 49794
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Sec. 4511.191. (A)(1) As used in this section: 49798

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code. 49799
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(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic 49801
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reporting of alcohol consumption by a person and that a court 49807
orders a person to use as a sanction imposed as a result of the 49808
person's conviction of or plea of guilty to an offense. 49809

(c) "Community addiction services provider" has the same 49810
meaning as in section 5119.01 of the Revised Code. 49811

(2) Any person who operates a vehicle, streetcar, or 49812
trackless trolley upon a highway or any public or private property 49813
used by the public for vehicular travel or parking within this 49814
state or who is in physical control of a vehicle, streetcar, or 49815
trackless trolley shall be deemed to have given consent to a 49816
chemical test or tests of the person's whole blood, blood serum or 49817
plasma, breath, or urine to determine the alcohol, drug of abuse, 49818
controlled substance, metabolite of a controlled substance, or 49819
combination content of the person's whole blood, blood serum or 49820
plasma, breath, or urine if arrested for a violation of division 49821
(A) or (B) of section 4511.19 of the Revised Code, section 49822
4511.194 of the Revised Code or a substantially equivalent 49823
municipal ordinance, or a municipal OVI ordinance. 49824

(3) The chemical test or tests under division (A)(2) of this 49825
section shall be administered at the request of a law enforcement 49826
officer having reasonable grounds to believe the person was 49827
operating or in physical control of a vehicle, streetcar, or 49828
trackless trolley in violation of a division, section, or 49829
ordinance identified in division (A)(2) of this section. The law 49830
enforcement agency by which the officer is employed shall 49831
designate which of the tests shall be administered. 49832

(4) Any person who is dead or unconscious, or who otherwise 49833
is in a condition rendering the person incapable of refusal, shall 49834
be deemed to have consented as provided in division (A)(2) of this 49835
section, and the test or tests may be administered, subject to 49836
sections 313.12 to 313.16 of the Revised Code. 49837

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this

division to ensure that a person submits to a chemical test of the 49871
person's whole blood or blood serum or plasma is immune from 49872
criminal and civil liability based upon a claim for assault and 49873
battery or any other claim for the acts, unless the officer so 49874
acted with malicious purpose, in bad faith, or in a wanton or 49875
reckless manner. 49876

(B)(1) Upon receipt of the sworn report of a law enforcement 49877
officer who arrested a person for a violation of division (A) or 49878
(B) of section 4511.19 of the Revised Code, section 4511.194 of 49879
the Revised Code or a substantially equivalent municipal 49880
ordinance, or a municipal OVI ordinance that was completed and 49881
sent to the registrar of motor vehicles and a court pursuant to 49882
section 4511.192 of the Revised Code in regard to a person who 49883
refused to take the designated chemical test, the registrar shall 49884
enter into the registrar's records the fact that the person's 49885
driver's or commercial driver's license or permit or nonresident 49886
operating privilege was suspended by the arresting officer under 49887
this division and that section and the period of the suspension, 49888
as determined under this section. The suspension shall be subject 49889
to appeal as provided in section 4511.197 of the Revised Code. The 49890
suspension shall be for whichever of the following periods 49891
applies: 49892

(a) Except when division (B)(1)(b), (c), or (d) of this 49893
section applies and specifies a different class or length of 49894
suspension, the suspension shall be a class C suspension for the 49895
period of time specified in division (B)(3) of section 4510.02 of 49896
the Revised Code. 49897

(b) If the arrested person, within six years of the date on 49898
which the person refused the request to consent to the chemical 49899
test, had refused one previous request to consent to a chemical 49900
test or had been convicted of or pleaded guilty to one violation 49901
of division (A) or (B) of section 4511.19 of the Revised Code or 49902

one other equivalent offense, the suspension shall be a class B 49903
suspension imposed for the period of time specified in division 49904
(B)(2) of section 4510.02 of the Revised Code. 49905

(c) If the arrested person, within six years of the date on 49906
which the person refused the request to consent to the chemical 49907
test, had refused two previous requests to consent to a chemical 49908
test, had been convicted of or pleaded guilty to two violations of 49909
division (A) or (B) of section 4511.19 of the Revised Code or 49910
other equivalent offenses, or had refused one previous request to 49911
consent to a chemical test and also had been convicted of or 49912
pleaded guilty to one violation of division (A) or (B) of section 49913
4511.19 of the Revised Code or other equivalent offenses, which 49914
violation or offense arose from an incident other than the 49915
incident that led to the refusal, the suspension shall be a class 49916
A suspension imposed for the period of time specified in division 49917
(B)(1) of section 4510.02 of the Revised Code. 49918

(d) If the arrested person, within six years of the date on 49919
which the person refused the request to consent to the chemical 49920
test, had refused three or more previous requests to consent to a 49921
chemical test, had been convicted of or pleaded guilty to three or 49922
more violations of division (A) or (B) of section 4511.19 of the 49923
Revised Code or other equivalent offenses, or had refused a number 49924
of previous requests to consent to a chemical test and also had 49925
been convicted of or pleaded guilty to a number of violations of 49926
division (A) or (B) of section 4511.19 of the Revised Code or 49927
other equivalent offenses that cumulatively total three or more 49928
such refusals, convictions, and guilty pleas, the suspension shall 49929
be for five years. 49930

(2) The registrar shall terminate a suspension of the 49931
driver's or commercial driver's license or permit of a resident or 49932
of the operating privilege of a nonresident, or a denial of a 49933
driver's or commercial driver's license or permit, imposed 49934

pursuant to division (B)(1) of this section upon receipt of notice 49935
that the person has entered a plea of guilty to, or that the 49936
person has been convicted after entering a plea of no contest to, 49937
operating a vehicle in violation of section 4511.19 of the Revised 49938
Code or in violation of a municipal OVI ordinance, if the offense 49939
for which the conviction is had or the plea is entered arose from 49940
the same incident that led to the suspension or denial. 49941

The registrar shall credit against any judicial suspension of 49942
a person's driver's or commercial driver's license or permit or 49943
nonresident operating privilege imposed pursuant to section 49944
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 49945
Revised Code for a violation of a municipal OVI ordinance, any 49946
time during which the person serves a related suspension imposed 49947
pursuant to division (B)(1) of this section. 49948

(C)(1) Upon receipt of the sworn report of the law 49949
enforcement officer who arrested a person for a violation of 49950
division (A) or (B) of section 4511.19 of the Revised Code or a 49951
municipal OVI ordinance that was completed and sent to the 49952
registrar and a court pursuant to section 4511.192 of the Revised 49953
Code in regard to a person whose test results indicate that the 49954
person's whole blood, blood serum or plasma, breath, or urine 49955
contained at least the concentration of alcohol specified in 49956
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 49957
Revised Code or at least the concentration of a listed controlled 49958
substance or a listed metabolite of a controlled substance 49959
specified in division (A)(1)(j) of section 4511.19 of the Revised 49960
Code, the registrar shall enter into the registrar's records the 49961
fact that the person's driver's or commercial driver's license or 49962
permit or nonresident operating privilege was suspended by the 49963
arresting officer under this division and section 4511.192 of the 49964
Revised Code and the period of the suspension, as determined under 49965
divisions (C)(1)(a) to (d) of this section. The suspension shall 49966

be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the

driver's or commercial driver's license or permit of a resident or 49998
of the operating privilege of a nonresident, or a denial of a 49999
driver's or commercial driver's license or permit, imposed 50000
pursuant to division (C)(1) of this section upon receipt of notice 50001
that the person has entered a plea of guilty to, or that the 50002
person has been convicted after entering a plea of no contest to, 50003
operating a vehicle in violation of section 4511.19 of the Revised 50004
Code or in violation of a municipal OVI ordinance, if the offense 50005
for which the conviction is had or the plea is entered arose from 50006
the same incident that led to the suspension or denial. 50007

The registrar shall credit against any judicial suspension of 50008
a person's driver's or commercial driver's license or permit or 50009
nonresident operating privilege imposed pursuant to section 50010
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 50011
Revised Code for a violation of a municipal OVI ordinance, any 50012
time during which the person serves a related suspension imposed 50013
pursuant to division (C)(1) of this section. 50014

(D)(1) A suspension of a person's driver's or commercial 50015
driver's license or permit or nonresident operating privilege 50016
under this section for the time described in division (B) or (C) 50017
of this section is effective immediately from the time at which 50018
the arresting officer serves the notice of suspension upon the 50019
arrested person. Any subsequent finding that the person is not 50020
guilty of the charge that resulted in the person being requested 50021
to take the chemical test or tests under division (A) of this 50022
section does not affect the suspension. 50023

(2) If a person is arrested for operating a vehicle, 50024
streetcar, or trackless trolley in violation of division (A) or 50025
(B) of section 4511.19 of the Revised Code or a municipal OVI 50026
ordinance, or for being in physical control of a vehicle, 50027
streetcar, or trackless trolley in violation of section 4511.194 50028
of the Revised Code or a substantially equivalent municipal 50029

ordinance, regardless of whether the person's driver's or 50030
commercial driver's license or permit or nonresident operating 50031
privilege is or is not suspended under division (B) or (C) of this 50032
section or Chapter 4510. of the Revised Code, the person's initial 50033
appearance on the charge resulting from the arrest shall be held 50034
within five days of the person's arrest or the issuance of the 50035
citation to the person, subject to any continuance granted by the 50036
court pursuant to section 4511.197 of the Revised Code regarding 50037
the issues specified in that division. 50038

(E) When it finally has been determined under the procedures 50039
of this section and sections 4511.192 to 4511.197 of the Revised 50040
Code that a nonresident's privilege to operate a vehicle within 50041
this state has been suspended, the registrar shall give 50042
information in writing of the action taken to the motor vehicle 50043
administrator of the state of the person's residence and of any 50044
state in which the person has a license. 50045

(F) At the end of a suspension period under this section, 50046
under section 4511.194, section 4511.196, or division (G) of 50047
section 4511.19 of the Revised Code, or under section 4510.07 of 50048
the Revised Code for a violation of a municipal OVI ordinance and 50049
upon the request of the person whose driver's or commercial 50050
driver's license or permit was suspended and who is not otherwise 50051
subject to suspension, cancellation, or disqualification, the 50052
registrar shall return the driver's or commercial driver's license 50053
or permit to the person upon the occurrence of all of the 50054
conditions specified in divisions (F)(1) and (2) of this section: 50055

(1) A showing that the person has proof of financial 50056
responsibility, a policy of liability insurance in effect that 50057
meets the minimum standards set forth in section 4509.51 of the 50058
Revised Code, or proof, to the satisfaction of the registrar, that 50059
the person is able to respond in damages in an amount at least 50060
equal to the minimum amounts specified in section 4509.51 of the 50061

Revised Code. 50062

(2) Subject to the limitation contained in division (F)(3) of 50063
this section, payment by the person to the registrar or an 50064
eligible deputy registrar of a license reinstatement fee of four 50065
hundred seventy-five dollars, which fee shall be deposited in the 50066
state treasury and credited as follows: 50067

(a) One hundred twelve dollars and fifty cents shall be 50068
credited to the statewide treatment and prevention fund created by 50069
section 4301.30 of the Revised Code. Money credited to the fund 50070
under this section shall be used for purposes identified under 50071
section 5119.22 of the Revised Code. 50072

(b) Seventy-five dollars shall be credited to the reparations 50073
fund created by section 2743.191 of the Revised Code. 50074

(c) Thirty-seven dollars and fifty cents shall be credited to 50075
the indigent drivers alcohol treatment fund, which is hereby 50076
established in the state treasury. The department of mental health 50077
and addiction services shall distribute the moneys in that fund to 50078
the county indigent drivers alcohol treatment funds, the county 50079
juvenile indigent drivers alcohol treatment funds, and the 50080
municipal indigent drivers alcohol treatment funds that are 50081
required to be established by counties and municipal corporations 50082
pursuant to division (H) of this section to be used only as 50083
provided in division (H)(3) of this section. Moneys in the fund 50084
that are not distributed to a county indigent drivers alcohol 50085
treatment fund, a county juvenile indigent drivers alcohol 50086
treatment fund, or a municipal indigent drivers alcohol treatment 50087
fund under division (H) of this section because the director of 50088
mental health and addiction services does not have the information 50089
necessary to identify the county or municipal corporation where 50090
the offender or juvenile offender was arrested may be transferred 50091
by the director of budget and management to the statewide 50092
treatment and prevention fund created by section 4301.30 of the 50093

Revised Code, upon certification of the amount by the director of 50094
mental health and addiction services. 50095

(d) Seventy-five dollars shall be credited to the 50096
opportunities for Ohioans with disabilities agency established by 50097
section 3304.15 of the Revised Code, to the services for 50098
rehabilitation fund, which is hereby established. The fund shall 50099
be used to match available federal matching funds where 50100
appropriate, and for any other purpose or program of the agency to 50101
rehabilitate persons with disabilities to help them become 50102
employed and independent. 50103

(e) Seventy-five dollars shall be deposited into the state 50104
treasury and credited to the drug abuse resistance education 50105
programs fund, which is hereby established, to be used by the 50106
attorney general for the purposes specified in division (F)(4) of 50107
this section. 50108

(f) Thirty dollars shall be credited to the state bureau of 50109
motor vehicles fund created by section 4501.25 of the Revised 50110
Code. 50111

(g) Twenty dollars shall be credited to the trauma and 50112
emergency medical services fund created by section 4513.263 of the 50113
Revised Code. 50114

(h) Fifty dollars shall be credited to the indigent drivers 50115
interlock and alcohol monitoring fund, which is hereby established 50116
in the state treasury. Moneys in the fund shall be distributed by 50117
the department of public safety to the county indigent drivers 50118
interlock and alcohol monitoring funds, the county juvenile 50119
indigent drivers interlock and alcohol monitoring funds, and the 50120
municipal indigent drivers interlock and alcohol monitoring funds 50121
that are required to be established by counties and municipal 50122
corporations pursuant to this section, and shall be used only to 50123
pay the cost of an immobilizing or disabling device, including a 50124

certified ignition interlock device, or an alcohol monitoring 50125
device used by an offender or juvenile offender who is ordered to 50126
use the device by a county, juvenile, or municipal court judge and 50127
who is determined by the county, juvenile, or municipal court 50128
judge not to have the means to pay for the person's use of the 50129
device. 50130

(3) If a person's driver's or commercial driver's license or 50131
permit is suspended under this section, under section 4511.196 or 50132
division (G) of section 4511.19 of the Revised Code, under section 50133
4510.07 of the Revised Code for a violation of a municipal OVI 50134
ordinance or under any combination of the suspensions described in 50135
division (F)(3) of this section, and if the suspensions arise from 50136
a single incident or a single set of facts and circumstances, the 50137
person is liable for payment of, and shall be required to pay to 50138
the registrar or an eligible deputy registrar, only one 50139
reinstatement fee of four hundred seventy-five dollars. The 50140
reinstatement fee shall be distributed by the bureau in accordance 50141
with division (F)(2) of this section. 50142

(4) The attorney general shall use amounts in the drug abuse 50143
resistance education programs fund to award grants to law 50144
enforcement agencies to establish and implement drug abuse 50145
resistance education programs in public schools. Grants awarded to 50146
a law enforcement agency under this section shall be used by the 50147
agency to pay for not more than fifty per cent of the amount of 50148
the salaries of law enforcement officers who conduct drug abuse 50149
resistance education programs in public schools. The attorney 50150
general shall not use more than six per cent of the amounts the 50151
attorney general's office receives under division (F)(2)(e) of 50152
this section to pay the costs it incurs in administering the grant 50153
program established by division (F)(2)(e) of this section and in 50154
providing training and materials relating to drug abuse resistance 50155
education programs. 50156

The attorney general shall report to the governor and the general assembly each fiscal year on the progress made in establishing and implementing drug abuse resistance education programs. These reports shall include an evaluation of the effectiveness of these programs.

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund and a juvenile indigent drivers alcohol treatment fund. Each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a

county indigent drivers alcohol treatment fund, a county juvenile 50189
indigent drivers alcohol treatment fund, or a municipal indigent 50190
drivers alcohol treatment fund, all portions of fees that are paid 50191
under division (F) of this section and that are credited under 50192
that division to the indigent drivers alcohol treatment fund in 50193
the state treasury for a county indigent drivers alcohol treatment 50194
fund, a county juvenile indigent drivers alcohol treatment fund, 50195
or a municipal indigent drivers alcohol treatment fund, all 50196
portions of additional costs imposed under section 2949.094 of the 50197
Revised Code that are specified for deposit into a county, county 50198
juvenile, or municipal indigent drivers alcohol treatment fund by 50199
that section, and all portions of fines that are specified for 50200
deposit into a county or municipal indigent drivers alcohol 50201
treatment fund by section 4511.193 of the Revised Code shall be 50202
deposited into that county indigent drivers alcohol treatment 50203
fund, county juvenile indigent drivers alcohol treatment fund, or 50204
municipal indigent drivers alcohol treatment fund. The portions of 50205
the fees paid under division (F) of this section that are to be so 50206
deposited shall be determined in accordance with division (H)(2) 50207
of this section. Additionally, all portions of fines that are paid 50208
for a violation of section 4511.19 of the Revised Code or of any 50209
prohibition contained in Chapter 4510. of the Revised Code, and 50210
that are required under section 4511.19 or any provision of 50211
Chapter 4510. of the Revised Code to be deposited into a county 50212
indigent drivers alcohol treatment fund or municipal indigent 50213
drivers alcohol treatment fund shall be deposited into the 50214
appropriate fund in accordance with the applicable division of the 50215
section or provision. 50216

(2) That portion of the license reinstatement fee that is 50217
paid under division (F) of this section and that is credited under 50218
that division to the indigent drivers alcohol treatment fund shall 50219
be deposited into a county indigent drivers alcohol treatment 50220
fund, a county juvenile indigent drivers alcohol treatment fund, 50221

or a municipal indigent drivers alcohol treatment fund as follows: 50222

(a) Regarding a suspension imposed under this section, that 50223
portion of the fee shall be deposited as follows: 50224

(i) If the fee is paid by a person who was charged in a 50225
county court with the violation that resulted in the suspension or 50226
in the imposition of the court costs, the portion shall be 50227
deposited into the county indigent drivers alcohol treatment fund 50228
under the control of that court; 50229

(ii) If the fee is paid by a person who was charged in a 50230
juvenile court with the violation that resulted in the suspension 50231
or in the imposition of the court costs, the portion shall be 50232
deposited into the county juvenile indigent drivers alcohol 50233
treatment fund established in the county served by the court; 50234

(iii) If the fee is paid by a person who was charged in a 50235
municipal court with the violation that resulted in the suspension 50236
or in the imposition of the court costs, the portion shall be 50237
deposited into the municipal indigent drivers alcohol treatment 50238
fund under the control of that court. 50239

(b) Regarding a suspension imposed under section 4511.19 of 50240
the Revised Code or under section 4510.07 of the Revised Code for 50241
a violation of a municipal OVI ordinance, that portion of the fee 50242
shall be deposited as follows: 50243

(i) If the fee is paid by a person whose license or permit 50244
was suspended by a county court, the portion shall be deposited 50245
into the county indigent drivers alcohol treatment fund under the 50246
control of that court; 50247

(ii) If the fee is paid by a person whose license or permit 50248
was suspended by a municipal court, the portion shall be deposited 50249
into the municipal indigent drivers alcohol treatment fund under 50250
the control of that court. 50251

(3)(a) As used in division (H)(3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H)(5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised Code or at a community addiction services provider that is certified under section 5119.36 of the Revised Code;

(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider that is certified under section 5119.36 of the Revised Code;

(iii) To pay the cost of transportation to attend an assessment as provided under division (H)(3)(b)(i) of this section or addiction services as provided under division (H)(3)(b)(ii) of this section.

The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established

pursuant to section 340.02 or 340.021 of the Revised Code and 50283
serving the alcohol, drug addiction, and mental health service 50284
district in which the court is located shall administer the 50285
indigent drivers alcohol treatment program of the court. When a 50286
court orders an offender or juvenile traffic offender to obtain an 50287
assessment or attend an alcohol and drug addiction treatment 50288
program, the board shall determine which program is suitable to 50289
meet the needs of the offender or juvenile traffic offender, and 50290
when a suitable program is located and space is available at the 50291
program, the offender or juvenile traffic offender shall attend 50292
the program designated by the board. A reasonable amount not to 50293
exceed five per cent of the amounts credited to and deposited into 50294
the county indigent drivers alcohol treatment fund, the county 50295
juvenile indigent drivers alcohol treatment fund, or the municipal 50296
indigent drivers alcohol treatment fund serving every court whose 50297
program is administered by that board shall be paid to the board 50298
to cover the costs it incurs in administering those indigent 50299
drivers alcohol treatment programs. 50300

(c) Upon exhaustion of moneys in the indigent drivers 50301
interlock and alcohol monitoring fund for the use of an alcohol 50302
monitoring device, a county, juvenile, or municipal court judge 50303
may use moneys in the county indigent drivers alcohol treatment 50304
fund, county juvenile indigent drivers alcohol treatment fund, or 50305
municipal indigent drivers alcohol treatment fund in either of the 50306
following manners: 50307

(i) If the source of the moneys was an appropriation of the 50308
general assembly, a portion of a fee that was paid under division 50309
(F) of this section, a portion of a fine that was specified for 50310
deposit into the fund by section 4511.193 of the Revised Code, or 50311
a portion of a fine that was paid for a violation of section 50312
4511.19 of the Revised Code or of a provision contained in Chapter 50313
4510. of the Revised Code that was required to be deposited into 50314

the fund, to pay for the continued use of an alcohol monitoring 50315
device by an offender or juvenile traffic offender, in conjunction 50316
with a treatment program approved by the department of mental 50317
health and addiction services, when such use is determined 50318
clinically necessary by the treatment program and when the court 50319
determines that the offender or juvenile traffic offender is 50320
unable to pay all or part of the daily monitoring or cost of the 50321
device; 50322

(ii) If the source of the moneys was a portion of an 50323
additional court cost imposed under section 2949.094 of the 50324
Revised Code, to pay for the continued use of an alcohol 50325
monitoring device by an offender or juvenile traffic offender when 50326
the court determines that the offender or juvenile traffic 50327
offender is unable to pay all or part of the daily monitoring or 50328
cost of the device. The moneys may be used for a device as 50329
described in this division if the use of the device is in 50330
conjunction with a treatment program approved by the department of 50331
mental health and addiction services, when the use of the device 50332
is determined clinically necessary by the treatment program, but 50333
the use of a device is not required to be in conjunction with a 50334
treatment program approved by the department in order for the 50335
moneys to be used for the device as described in this division. 50336

(4) If a county, juvenile, or municipal court determines, in 50337
consultation with the alcohol and drug addiction services board or 50338
the board of alcohol, drug addiction, and mental health services 50339
established pursuant to section 340.02 or 340.021 of the Revised 50340
Code and serving the alcohol, drug addiction, and mental health 50341
district in which the court is located, that the funds in the 50342
county indigent drivers alcohol treatment fund, the county 50343
juvenile indigent drivers alcohol treatment fund, or the municipal 50344
indigent drivers alcohol treatment fund under the control of the 50345
court are more than sufficient to satisfy the purpose for which 50346

the fund was established, as specified in divisions (H)(1) to (3) 50347
of this section, the court may declare a surplus in the fund. If 50348
the court declares a surplus in the fund, the court may take any 50349
of the following actions with regard to the amount of the surplus 50350
in the fund: 50351

(a) Expend any of the surplus amount for alcohol and drug 50352
abuse assessment and treatment, and for the cost of transportation 50353
related to assessment and treatment, of persons who are charged in 50354
the court with committing a criminal offense or with being a 50355
delinquent child or juvenile traffic offender and in relation to 50356
whom both of the following apply: 50357

(i) The court determines that substance abuse was a 50358
contributing factor leading to the criminal or delinquent activity 50359
or the juvenile traffic offense with which the person is charged. 50360

(ii) The court determines that the person is unable to pay 50361
the cost of the alcohol and drug abuse assessment and treatment 50362
for which the surplus money will be used. 50363

(b) Expend any of the surplus amount to pay all or part of 50364
the cost of purchasing alcohol monitoring devices to be used in 50365
conjunction with division (H)(3)(c) of this section, upon 50366
exhaustion of moneys in the indigent drivers interlock and alcohol 50367
monitoring fund for the use of an alcohol monitoring device. 50368

(c) Transfer to another court in the same county any of the 50369
surplus amount to be utilized in a manner consistent with division 50370
(H)(3) of this section. If surplus funds are transferred to 50371
another court, the court that transfers the funds shall notify the 50372
alcohol and drug addiction services board or the board of alcohol, 50373
drug addiction, and mental health services that serves the 50374
alcohol, drug addiction, and mental health service district in 50375
which that court is located. 50376

(d) Transfer to the alcohol and drug addiction services board 50377

or the board of alcohol, drug addiction, and mental health 50378
services that serves the alcohol, drug addiction, and mental 50379
health service district in which the court is located any of the 50380
surplus amount to be utilized in a manner consistent with division 50381
(H)(3) of this section or for board contracted recovery support 50382
services. 50383

(5) In order to determine if an offender does not have the 50384
means to pay for the offender's attendance at an alcohol and drug 50385
addiction treatment program for purposes of division (H)(3) of 50386
this section or if an alleged offender or delinquent child is 50387
unable to pay the costs specified in division (H)(4) of this 50388
section, the court shall use the indigent client eligibility 50389
guidelines and the standards of indigency established by the state 50390
public defender to make the determination. 50391

(6) The court shall identify and refer any community 50392
addiction services provider that ~~is~~ intends to provide addiction 50393
services and has not had its addiction services certified under 50394
section 5119.36 of the Revised Code and that is interested in 50395
receiving amounts from the surplus in the fund declared under 50396
division (H)(4) of this section to the department of mental health 50397
and addiction services in order for the community addiction 50398
services provider to ~~become a certified community addiction~~ 50399
~~services provider~~ have its addiction services certified by the 50400
department. The department shall keep a record of applicant 50401
referrals received pursuant to this division and shall submit a 50402
report on the referrals each year to the general assembly. If a 50403
community addiction services provider interested in ~~becoming~~ 50404
having its addiction services certified makes an application ~~to~~ 50405
~~become certified~~ pursuant to section 5119.36 of the Revised Code, 50406
the community addiction services provider is eligible to receive 50407
surplus funds as long as the application is pending with the 50408
department. The department of mental health and addiction services 50409

must offer technical assistance to the applicant. If the 50410
interested community addiction services provider withdraws the 50411
certification application, the department must notify the court, 50412
and the court shall not provide the interested community addiction 50413
services provider with any further surplus funds. 50414

(7)(a) Each alcohol and drug addiction services board and 50415
board of alcohol, drug addiction, and mental health services 50416
established pursuant to section 340.02 or 340.021 of the Revised 50417
Code shall submit to the department of mental health and addiction 50418
services an annual report for each indigent drivers alcohol 50419
treatment fund in that board's area. 50420

(b) The report, which shall be submitted not later than sixty 50421
days after the end of the state fiscal year, shall provide the 50422
total payment that was made from the fund, including the number of 50423
indigent consumers that received treatment services and the number 50424
of indigent consumers that received an alcohol monitoring device. 50425
The report shall identify the treatment program and expenditure 50426
for an alcohol monitoring device for which that payment was made. 50427
The report shall include the fiscal year balance of each indigent 50428
drivers alcohol treatment fund located in that board's area. In 50429
the event that a surplus is declared in the fund pursuant to 50430
division (H)(4) of this section, the report also shall provide the 50431
total payment that was made from the surplus moneys and identify 50432
the authorized purpose for which that payment was made. 50433

(c) If a board is unable to obtain adequate information to 50434
develop the report to submit to the department for a particular 50435
indigent drivers alcohol treatment fund, the board shall submit a 50436
report detailing the effort made in obtaining the information. 50437

(I)(1) Each county shall establish an indigent drivers 50438
interlock and alcohol monitoring fund and a juvenile indigent 50439
drivers interlock and alcohol treatment fund. Each municipal 50440
corporation in which there is a municipal court shall establish an 50441

indigent drivers interlock and alcohol monitoring fund. All 50442
revenue that the general assembly appropriates to the indigent 50443
drivers interlock and alcohol monitoring fund for transfer to a 50444
county indigent drivers interlock and alcohol monitoring fund, a 50445
county juvenile indigent drivers interlock and alcohol monitoring 50446
fund, or a municipal indigent drivers interlock and alcohol 50447
monitoring fund, all portions of license reinstatement fees that 50448
are paid under division (F)(2) of this section and that are 50449
credited under that division to the indigent drivers interlock and 50450
alcohol monitoring fund in the state treasury, and all portions of 50451
fines that are paid under division (G) of section 4511.19 of the 50452
Revised Code and that are credited by division (G)(5)(e) of that 50453
section to the indigent drivers interlock and alcohol monitoring 50454
fund in the state treasury shall be deposited in the appropriate 50455
fund in accordance with division (I)(2) of this section. 50456

(2) That portion of the license reinstatement fee that is 50457
paid under division (F) of this section and that portion of the 50458
fine paid under division (G) of section 4511.19 of the Revised 50459
Code and that is credited under either division to the indigent 50460
drivers interlock and alcohol monitoring fund shall be deposited 50461
into a county indigent drivers interlock and alcohol monitoring 50462
fund, a county juvenile indigent drivers interlock and alcohol 50463
monitoring fund, or a municipal indigent drivers interlock and 50464
alcohol monitoring fund as follows: 50465

(a) If the fee or fine is paid by a person who was charged in 50466
a county court with the violation that resulted in the suspension 50467
or fine, the portion shall be deposited into the county indigent 50468
drivers interlock and alcohol monitoring fund under the control of 50469
that court. 50470

(b) If the fee or fine is paid by a person who was charged in 50471
a juvenile court with the violation that resulted in the 50472
suspension or fine, the portion shall be deposited into the county 50473

juvenile indigent drivers interlock and alcohol monitoring fund 50474
established in the county served by the court. 50475

(c) If the fee or fine is paid by a person who was charged in 50476
a municipal court with the violation that resulted in the 50477
suspension, the portion shall be deposited into the municipal 50478
indigent drivers interlock and alcohol monitoring fund under the 50479
control of that court. 50480

(3) If a county, juvenile, or municipal court determines that 50481
the funds in the county indigent drivers interlock and alcohol 50482
monitoring fund, the county juvenile indigent drivers interlock 50483
and alcohol monitoring fund, or the municipal indigent drivers 50484
interlock and alcohol monitoring fund under the control of that 50485
court are more than sufficient to satisfy the purpose for which 50486
the fund was established as specified in division (F)(2)(h) of 50487
this section, the court may declare a surplus in the fund. The 50488
court then may order the transfer of a specified amount into the 50489
county indigent drivers alcohol treatment fund, the county 50490
juvenile indigent drivers alcohol treatment fund, or the municipal 50491
indigent drivers alcohol treatment fund under the control of that 50492
court to be utilized in accordance with division (H) of this 50493
section. 50494

Sec. 4513.611. (A) A vehicle owner may bring a civil action 50495
against a towing service or storage facility that violates section 50496
4513.60, 4513.601, or 4513.68 of the Revised Code. If a court 50497
determines that the towing service or storage facility committed 50498
the violation, the court shall award the vehicle owner the 50499
following: 50500

(1) ~~If it is a first violation~~ If the towing service or 50501
storage facility has not committed any prior violations within one 50502
year of the violation, one thousand dollars; 50503

(2) ~~If it is a second violation~~ If the towing service or 50504

storage facility has committed one prior violation within one year 50505
of the violation, two thousand five hundred dollars; 50506

~~(3) If it is a third or subsequent violation~~ If the towing 50507
service or storage facility has committed two prior violations 50508
within one year of the violation, two thousand five hundred 50509
dollars. In addition, the court shall order the public utilities 50510
commission to revoke the towing service's or storage facility's 50511
certificate of public convenience and necessity for six months. 50512
The commission shall comply with the order. 50513

(B) Upon expiration of the six-month revocation under 50514
division (A)(3) of this section, a court shall not consider any 50515
violation committed by the towing service or storage facility 50516
prior to the revocation for purposes of a civil action initiated 50517
after the expiration of the six-month revocation. 50518

(C) In addition to an award made under division (A) of this 50519
section, if a court determines that a towing service or storage 50520
facility committed a violation that caused actual damages, the 50521
court shall award the vehicle owner three times the actual damages 50522
and reasonable attorney's fees. 50523

Sec. 4513.67. (A) As used in this section, "towing service" 50524
means any for-hire motor carrier that is engaged on an intrastate 50525
basis anywhere in this state in the business of towing a motor 50526
vehicle over any public highway in this state. 50527

(B) No person shall operate a towing vehicle for a towing 50528
service and no person who owns a towing vehicle used by a towing 50529
service or has supervisory responsibility over a towing vehicle 50530
used by a towing service, shall permit the operation of a towing 50531
vehicle used by a towing service, unless both of the following 50532
apply: 50533

(1) The towing service holds a valid certificate of public 50534

convenience and necessity as required by Chapter 4921. of the Revised Code; and

(2) The certificate number and business telephone number is visibly displayed on both the left and right ~~front doors~~ sides of the towing vehicle.

(C) No towing service shall do either of the following:

(1) Fail to make its current certificate of public convenience and necessity available for public inspection during normal business hours;

(2) Fail to include its certificate number on all advertising, written estimates, contracts, and invoices.

Sec. 4723.08. (A) The board of nursing may impose fees not to exceed the following limits:

(1) For application for licensure by examination to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;

(2) For application for licensure by endorsement to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;

(3) For application for a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, one hundred dollars;

(4) For application for a temporary dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;

(5) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;

| | |
|--|--|
| (6) For application for a certificate to prescribe, fifty dollars; | 50564 50565 |
| (7) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, certificate of authority, certificate to prescribe, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars; | 50566 50567 50568 50569 50570 50571 |
| (8) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars; | 50572 50573 50574 50575 |
| (9) For biennial renewal of a nursing license, sixty-five dollars; | 50576 50577 |
| (10) For biennial renewal of a certificate of authority to practice nursing as a certified registered nurse anesthetist, clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner, eighty-five dollars; | 50578 50579 50580 50581 |
| (11) For renewal of a certificate to prescribe, fifty dollars; | 50582 50583 |
| (12) For biennial renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code; | 50584 50585 50586 |
| (13) For processing a late application for renewal of a nursing license, certificate of authority, or dialysis technician certificate, fifty dollars; | 50587 50588 50589 |
| (14) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars; | 50590 50591 50592 |
| (15) For application for authorization to approve continuing | 50593 |

education programs and courses from an applicant not accredited by 50594
a national accreditation system for nursing, one thousand dollars; 50595

(16) For each year for which authorization to approve 50596
continuing education programs and courses is renewed, one hundred 50597
fifty dollars; 50598

(17) For application for approval to operate a dialysis 50599
training program, the amount specified in rules adopted under 50600
section 4723.79 of the Revised Code; 50601

(18) For reinstatement of a lapsed license or certificate 50602
issued under this chapter, one hundred dollars except as provided 50603
in section 5903.10 of the Revised Code; 50604

~~(19) For written verification of a license or certificate 50605
when the verification is performed for purposes other than 50606
providing verification to another jurisdiction, five dollars; 50607~~

~~(20)~~ For processing a check returned to the board by a 50608
financial institution, twenty-five dollars; 50609

~~(21)~~(20) The amounts specified in rules adopted under section 50610
4723.88 of the Revised Code pertaining to the issuance of 50611
certificates to community health workers, including fees for 50612
application for a certificate, biennial renewal of a certificate, 50613
processing a late application for renewal of a certificate, 50614
reinstatement of a lapsed certificate, application for approval of 50615
a community health worker training program for community health 50616
workers, and biennial renewal of the approval of a training 50617
program for community health workers. 50618

(B) Each quarter, for purposes of transferring funds under 50619
section 4743.05 of the Revised Code to the nurse education 50620
assistance fund created in section 3333.28 of the Revised Code, 50621
the board of nursing shall certify to the director of budget and 50622
management the number of biennial licenses renewed under this 50623
chapter during the preceding quarter and the amount equal to that 50624

number times five dollars. 50625

(C) The board may charge a participant in a board-sponsored 50626
continuing education activity an amount not exceeding fifteen 50627
dollars for each activity. 50628

(D) The board may contract for services pertaining to the 50629
process of providing written verification of a license or 50630
certificate when the verification is performed for purposes other 50631
than providing verification to another jurisdiction. The contract 50632
may include provisions pertaining to the collection of the fee 50633
charged for providing the written verification. As part of these 50634
provisions, the board may permit the contractor to retain a 50635
portion of the fees as compensation, before any amounts are 50636
deposited into the state treasury. 50637

Sec. 4723.88. The board of nursing, in accordance with 50638
Chapter 119. of the Revised Code, shall adopt rules to administer 50639
and enforce sections 4723.81 to 4723.87 of the Revised Code. The 50640
rules shall establish all of the following: 50641

(A) Standards and procedures for issuance of community health 50642
worker certificates; 50643

(B) Standards for evaluating the competency of an individual 50644
who applies to receive a certificate on the basis of having been 50645
employed in a capacity substantially the same as a community 50646
health worker before the board implemented the certification 50647
program; 50648

(C) Standards and procedures for renewal of community health 50649
worker certificates, including the continuing education 50650
requirements that must be met for renewal; 50651

(D) Standards governing the performance of activities related 50652
to nursing care that are delegated by a registered nurse to 50653
certified community health workers. In establishing the standards, 50654

the board shall specify limits on the number of certified
community health workers a registered nurse may supervise at any
one time.

(E) Standards and procedures for assessing the quality of the
services that are provided by certified community health workers;

(F) Standards and procedures for denying, suspending, and
revoking a community health worker certificate, including reasons
for imposing the sanctions that are substantially similar to the
reasons that sanctions are imposed under section 4723.28 of the
Revised Code;

(G) Standards and procedures for approving and renewing the
board's approval of training programs that prepare individuals to
become certified community health workers. In establishing the
standards, the board shall specify the minimum components that
must be included in a training program, shall require that all
approved training programs offer the standardized curriculum, and
shall ensure that the curriculum enables individuals to use the
training as a basis for entering programs leading to other
careers, including nursing education programs.

(H) Standards for approval of continuing education programs
and courses for certified community health workers;

(I) Standards and procedures for withdrawing the board's
approval of a training program, refusing to renew the approval of
a training program, and placing a training program on provisional
approval;

(J) Amounts for each fee that may be imposed under division
(A)~~(21)~~(20) of section 4723.08 of the Revised Code;

(K) Any other standards or procedures the board considers
necessary and appropriate for the administration and enforcement
of sections 4723.81 to 4723.87 of the Revised Code.

Sec. 4729.51. (A)(1) Except as provided in division (A)(2) of 50685
this section, no person other than a registered wholesale 50686
distributor of dangerous drugs shall possess for sale, sell, 50687
distribute, or deliver, at wholesale, dangerous drugs, except as 50688
follows: 50689

(a) A pharmacist who is a licensed terminal distributor of 50690
dangerous drugs or who is employed by a licensed terminal 50691
distributor of dangerous drugs may make occasional sales of 50692
dangerous drugs at wholesale; 50693

(b) A licensed terminal distributor of dangerous drugs having 50694
more than one establishment or place may transfer or deliver 50695
dangerous drugs from one establishment or place for which a 50696
license has been issued to the terminal distributor to another 50697
establishment or place for which a license has been issued to the 50698
terminal distributor if the license issued for each establishment 50699
or place is in effect at the time of the transfer or delivery. 50700

(2) A manufacturer of dangerous drugs may donate epinephrine 50701
autoinjectors to any of the following: 50702

(a) The board of education of a city, local, exempted 50703
village, or joint vocational school district; 50704

(b) A community school established under Chapter 3314. of the 50705
Revised Code; 50706

(c) A STEM school established under Chapter 3326. of the 50707
Revised Code; 50708

(d) A college-preparatory boarding school established under 50709
Chapter 3328. of the Revised Code; 50710

(e) A chartered or nonchartered nonpublic school. 50711

(B)(1) No registered wholesale distributor of dangerous drugs 50712
shall possess for sale, or sell, at wholesale, dangerous drugs to 50713
any person other than the following: 50714

- (a) Except as provided in division (B)(2)(a) of this section 50715
and division (B) of section 4729.541 of the Revised Code, a 50716
licensed health professional authorized to prescribe drugs; 50717
- (b) An optometrist licensed under Chapter 4725. of the 50718
Revised Code who holds a topical ocular pharmaceutical agents 50719
certificate; 50720
- (c) A registered wholesale distributor of dangerous drugs; 50721
- (d) A manufacturer of dangerous drugs; 50722
- (e) Subject to division (B)(3) of this section, a licensed 50723
terminal distributor of dangerous drugs; 50724
- (f) Carriers or warehouses for the purpose of carriage or 50725
storage; 50726
- (g) Terminal or wholesale distributors of dangerous drugs who 50727
are not engaged in the sale of dangerous drugs within this state; 50728
- (h) An individual who holds a current license, certificate, 50729
or registration issued under Title XLVII of the Revised Code and 50730
has been certified to conduct diabetes education by a national 50731
certifying body specified in rules adopted by the state board of 50732
pharmacy under section 4729.68 of the Revised Code, but only with 50733
respect to insulin that will be used for the purpose of diabetes 50734
education and only if diabetes education is within the 50735
individual's scope of practice under statutes and rules regulating 50736
the individual's profession; 50737
- (i) An individual who holds a valid certificate issued by a 50738
nationally recognized S.C.U.B.A. diving certifying organization 50739
approved by the state board of pharmacy in rule, but only with 50740
respect to medical oxygen that will be used for the purpose of 50741
emergency care or treatment at the scene of a diving emergency; 50742
- (j) Except as provided in division (B)(2)(b) of this section 50743
and division (A) of section 4729.541 of the Revised Code, a 50744

business entity that is a corporation formed under division (B) of 50745
section 1701.03 of the Revised Code, a limited liability company 50746
formed under Chapter 1705. of the Revised Code, or a professional 50747
association formed under Chapter 1785. of the Revised Code if the 50748
entity has a sole shareholder who is a licensed health 50749
professional authorized to prescribe drugs and is authorized to 50750
provide the professional services being offered by the entity; 50751

(k) Except as provided in division (B)(2)(c) of this section 50752
and division (A) of section 4729.541 of the Revised Code, a 50753
business entity that is a corporation formed under division (B) of 50754
section 1701.03 of the Revised Code, a limited liability company 50755
formed under Chapter 1705. of the Revised Code, a partnership or a 50756
limited liability partnership formed under Chapter 1775. of the 50757
Revised Code, or a professional association formed under Chapter 50758
1785. of the Revised Code, if, to be a shareholder, member, or 50759
partner, an individual is required to be licensed, certified, or 50760
otherwise legally authorized under Title XLVII of the Revised Code 50761
to perform the professional service provided by the entity and 50762
each such individual is a licensed health professional authorized 50763
to prescribe drugs; 50764

(l) With respect to epinephrine autoinjectors that may be 50765
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 50766
or 3328.29 of the Revised Code, any of the following: the board of 50767
education of a city, local, exempted village, or joint vocational 50768
school district; a chartered or nonchartered nonpublic school; a 50769
community school established under Chapter 3314. of the Revised 50770
Code; a STEM school established under Chapter 3326. of the Revised 50771
Code; or a college-preparatory boarding school established under 50772
Chapter 3328. of the Revised Code; 50773

(m) With respect to epinephrine autoinjectors that may be 50774
possessed under section 5101.76 of the Revised Code, any of the 50775
following: a residential camp, as defined in section 2151.011 of 50776

the Revised Code; a child day camp, as defined in section 5104.01 50777
of the Revised Code; or a child day camp operated by any county, 50778
township, municipal corporation, township park district created 50779
under section 511.18 of the Revised Code, park district created 50780
under section 1545.04 of the Revised Code, or joint recreation 50781
district established under section 755.14 of the Revised Code; 50782

(n) With respect to naloxone that may be possessed under 50783
section 2925.61 of the Revised Code, a law enforcement agency and 50784
its peace officers. 50785

(2) No registered wholesale distributor of dangerous drugs 50786
shall possess for sale, or sell, at wholesale, dangerous drugs to 50787
any of the following: 50788

(a) A prescriber who is employed by a pain management clinic 50789
that is not licensed as a terminal distributor of dangerous drugs 50790
with a pain management clinic classification issued under section 50791
4729.552 of the Revised Code; 50792

(b) A business entity described in division (B)(1)(j) of this 50793
section that is, or is operating, a pain management clinic without 50794
a license as a terminal distributor of dangerous drugs with a pain 50795
management clinic classification issued under section 4729.552 of 50796
the Revised Code; 50797

(c) A business entity described in division (B)(1)(k) of this 50798
section that is, or is operating, a pain management clinic without 50799
a license as a terminal distributor of dangerous drugs with a pain 50800
management clinic classification issued under section 4729.552 of 50801
the Revised Code. 50802

(3) No registered wholesale distributor of dangerous drugs 50803
shall possess dangerous drugs for sale at wholesale, or sell such 50804
drugs at wholesale, to a licensed terminal distributor of 50805
dangerous drugs, except as follows: 50806

(a) In the case of a terminal distributor with a category I 50807

license, only dangerous drugs described in category I, as defined 50808
in division (A)(1) of section 4729.54 of the Revised Code; 50809

(b) In the case of a terminal distributor with a category II 50810
license, only dangerous drugs described in category I and category 50811
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 50812
the Revised Code; 50813

(c) In the case of a terminal distributor with a category III 50814
license, dangerous drugs described in category I, category II, and 50815
category III, as defined in divisions (A)(1), (2), and (3) of 50816
section 4729.54 of the Revised Code; 50817

(d) In the case of a terminal distributor with a limited 50818
category I, II, or III license, only the dangerous drugs specified 50819
in the certificate furnished by the terminal distributor in 50820
accordance with section 4729.60 of the Revised Code. 50821

(C)(1) Except as provided in division (C)(4) of this section, 50822
no person shall sell, at retail, dangerous drugs. 50823

(2) Except as provided in division (C)(4) of this section, no 50824
person shall possess for sale, at retail, dangerous drugs. 50825

(3) Except as provided in division (C)(4) of this section, no 50826
person shall possess dangerous drugs. 50827

(4) Divisions (C)(1), (2), and (3) of this section do not 50828
apply to a registered wholesale distributor of dangerous drugs, or 50829
a licensed terminal distributor of dangerous drugs, ~~or~~. 50830

Divisions (C)(1), (2), and (3) of this section do not apply 50831
to a person who possesses, or possesses for sale or sells, at 50832
retail, a dangerous drug in accordance with Chapters 3719., 4715., 50833
4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 50834

Divisions (C)(1), (2), and (3) of this section do not apply 50835
to an individual who holds a current license, certificate, or 50836
registration issued under Title XLVII of the Revised Code and has 50837

been certified to conduct diabetes education by a national 50838
certifying body specified in rules adopted by the state board of 50839
pharmacy under section 4729.68 of the Revised Code, but only to 50840
the extent that the individual possesses insulin or personally 50841
supplies insulin solely for the purpose of diabetes education and 50842
only if diabetes education is within the individual's scope of 50843
practice under statutes and rules regulating the individual's 50844
profession. 50845

Divisions (C)(1), (2), and (3) of this section do not apply 50846
to an individual who holds a valid certificate issued by a 50847
nationally recognized S.C.U.B.A. diving certifying organization 50848
approved by the state board of pharmacy in rule, but only to the 50849
extent that the individual possesses medical oxygen or personally 50850
supplies medical oxygen for the purpose of emergency care or 50851
treatment at the scene of a diving emergency. 50852

Division (C)(3) of this section does not apply to the board 50853
of education of a city, local, exempted village, or joint 50854
vocational school district, a school building operated by a school 50855
district board of education, a chartered or nonchartered nonpublic 50856
school, a community school, a STEM school, or a 50857
college-preparatory boarding school for the purpose of possessing 50858
epinephrine autoinjectors under section 3313.7110, 3313.7111, 50859
3314.143, 3326.28, or 3328.29 of the Revised Code. 50860

Division (C)(3) of this section does not apply to a 50861
residential camp, as defined in section 2151.011 of the Revised 50862
Code, a child day camp, as defined in section 5104.01 of the 50863
Revised Code, or a child day camp operated by any county, 50864
township, municipal corporation, township park district created 50865
under section 511.18 of the Revised Code, park district created 50866
under section 1545.04 of the Revised Code, or joint recreation 50867
district established under section 755.14 of the Revised Code for 50868
the purpose of possessing epinephrine autoinjectors under section 50869

5101.76 of the Revised Code. 50870

Division (C)(3) of this section does not apply to a law 50871
enforcement agency or the agency's peace officers if the agency or 50872
officers possess naloxone for administration to individuals who 50873
are apparently experiencing opioid-related overdoses. 50874

(D) No licensed terminal distributor of dangerous drugs shall 50875
purchase for the purpose of resale dangerous drugs from any person 50876
other than a registered wholesale distributor of dangerous drugs, 50877
except as follows: 50878

(1) A licensed terminal distributor of dangerous drugs may 50879
make occasional purchases of dangerous drugs for resale from a 50880
pharmacist who is a licensed terminal distributor of dangerous 50881
drugs or who is employed by a licensed terminal distributor of 50882
dangerous drugs; 50883

(2) A licensed terminal distributor of dangerous drugs having 50884
more than one establishment or place may transfer or receive 50885
dangerous drugs from one establishment or place for which a 50886
license has been issued to the terminal distributor to another 50887
establishment or place for which a license has been issued to the 50888
terminal distributor if the license issued for each establishment 50889
or place is in effect at the time of the transfer or receipt. 50890

(E) No licensed terminal distributor of dangerous drugs shall 50891
engage in the sale or other distribution of dangerous drugs at 50892
retail or maintain possession, custody, or control of dangerous 50893
drugs for any purpose other than the distributor's personal use or 50894
consumption, at any establishment or place other than that or 50895
those described in the license issued by the state board of 50896
pharmacy to such terminal distributor. 50897

(F) Nothing in this section shall be construed to interfere 50898
with the performance of official duties by any law enforcement 50899
official authorized by municipal, county, state, or federal law to 50900

collect samples of any drug, regardless of its nature or in whose possession it may be. 50901
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(G) Notwithstanding anything to the contrary in this section, the board of education of a city, local, exempted village, or joint vocational school district may deliver epinephrine autoinjectors to a school under its control for the purpose of possessing epinephrine autoinjectors under section 3313.7110 of the Revised Code. 50903
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Sec. 4729.53. (A) The state board of pharmacy shall not register any person as a wholesale distributor of dangerous drugs unless the applicant for registration furnishes satisfactory proof to the board ~~of pharmacy~~ that ~~he~~ the applicant meets all of the following: 50909
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(1) ~~That if~~ If the applicant has been convicted of a violation of any federal, state, or local law relating to drug samples, wholesale or retail drug distribution, or distribution of controlled substances or of a felony, or if a federal, state, or local governmental entity has suspended or revoked any current or prior license or registration of the applicant for the manufacture or sale of any dangerous drugs, including controlled substances, the applicant, to the satisfaction of the board, assures that ~~he~~ the applicant has in place adequate safeguards to prevent the recurrence of any such violations+. 50914
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(2) The applicant's past experience in the manufacture or distribution of dangerous drugs, including controlled substances, is acceptable to the board. 50924
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(3) The applicant is equipped as to land, buildings, equipment, and personnel to properly carry on the business of a wholesale distributor of dangerous drugs, including providing adequate security for and proper storage conditions and handling for dangerous drugs, and is complying with the requirements under 50927
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this chapter and the rules adopted pursuant thereto for 50932
maintaining and making available records to properly identified 50933
board officials and federal, state, and local law enforcement 50934
agencies. 50935

(4) Personnel employed by the applicant have the appropriate 50936
education or experience, as determined by the board, to assume 50937
responsibility for positions related to compliance with this 50938
chapter and the rules adopted pursuant thereto. 50939

(5) The applicant has designated the name and address of a 50940
person to whom communications from the board may be directed and 50941
upon whom the notices and citations provided for in section 50942
4729.56 of the Revised Code may be served. 50943

(6) Adequate safeguards are assured to prevent the sale of 50944
dangerous drugs to any person other than those named in division 50945
(B) of section 4729.51 of the Revised Code. 50946

(7) Any other requirement or qualification the board, by rule 50947
adopted in accordance with Chapter 119. of the Revised Code, 50948
considers relevant to and consistent with the public safety and 50949
health. 50950

(B) ~~The~~ In addition to the causes described in section 50951
4729.56 of the Revised Code for refusing to grant or renew a 50952
registration certificate, the board may refuse to register or 50953
renew the registration certificate of any person if the board 50954
determines that the granting of the registration certificate or 50955
its renewal is not in the public interest. 50956

Sec. 4729.541. (A)~~(1)~~ Except as provided in divisions 50957
~~(B)~~~~(A)~~~~(2)~~ and ~~(C)~~~~(3)~~ of this section, a business entity described 50958
in division (B)(1)(j) or (k) of section 4729.51 of the Revised 50959
Code may possess, have custody or control of, and distribute the 50960
dangerous drugs in category I, category II, and category III, as 50961

defined in section 4729.54 of the Revised Code, without holding a terminal distributor of dangerous drugs license issued under that section.

~~(B)(2)~~ If a business entity described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code is a pain management clinic or is operating a pain management clinic, the entity shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

~~(C) Beginning April 1, 2015, a~~ (3) A business entity described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute either of the following:

~~(1)(a)~~ Dangerous drugs that are compounded or used for the purpose of compounding;

~~(2)(b)~~ Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction.

(B) A licensed health professional authorized to prescribe drugs who does not practice in the form of a business entity described in division (B)(1)(j) or (k) of section 4729.51 of the Revised Code shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute, including personally furnish, either of the following:

(1) Dangerous drugs that are compounded or used for the purpose of compounding;

(2) Controlled substances containing buprenorphine that are used for the purpose of treating drug dependence or addiction.

Sec. 4729.56. (A) In accordance with Chapter 119. of the 50991
Revised Code, the board of pharmacy may suspend, revoke, or refuse 50992
to grant or renew any registration certificate issued to a 50993
wholesale distributor of dangerous drugs pursuant to section 50994
4729.52 of the Revised Code or may impose a monetary penalty or 50995
forfeiture not to exceed in severity any fine designated under the 50996
Revised Code for a similar offense or one thousand dollars if the 50997
acts committed are not classified as an offense by the Revised 50998
Code for any of the following causes: 50999

(1) Making any false material statements in an application 51000
for registration as a wholesale distributor of dangerous drugs; 51001

(2) Violating any federal, state, or local drug law; any 51002
provision of this chapter or Chapter 2925., 3715., or 3719. of the 51003
Revised Code; or any rule of the board; 51004

(3) A conviction of a felony; 51005

(4) ~~Ceasing~~ Failing to satisfy the qualifications for 51006
registration under section 4729.53 of the Revised Code or the 51007
rules of the board or ceasing to satisfy the qualifications after 51008
the registration is granted or renewed. 51009

(B) Upon the suspension or revocation of the registration 51010
certificate of any wholesale distributor of dangerous drugs, the 51011
distributor shall immediately surrender ~~his~~ the distributor's 51012
registration certificate to the board. 51013

(C) If the board suspends, revokes, or refuses to renew any 51014
registration certificate issued to a wholesale distributor of 51015
dangerous drugs and determines that there is clear and convincing 51016
evidence of a danger of immediate and serious harm to any person, 51017
the board may place under seal all dangerous drugs owned by or in 51018
the possession, custody, or control of the affected wholesale 51019
distributor of dangerous drugs. Except as provided in this 51020

division, the board shall not dispose of the dangerous drugs 51021
sealed under this division until the wholesale distributor of 51022
dangerous drugs exhausts all of ~~his~~ the distributor's appeal 51023
rights under Chapter 119. of the Revised Code. The court involved 51024
in such an appeal may order the board, during the pendency of the 51025
appeal, to sell sealed dangerous drugs that are perishable. The 51026
board shall deposit the proceeds of the sale with the court. 51027

Sec. 4729.80. (A) If the state board of pharmacy establishes 51028
and maintains a drug database pursuant to section 4729.75 of the 51029
Revised Code, the board is authorized or required to provide 51030
information from the database in accordance with the following: 51031

(1) On receipt of a request from a designated representative 51032
of a government entity responsible for the licensure, regulation, 51033
or discipline of health care professionals with authority to 51034
prescribe, administer, or dispense drugs, the board may provide to 51035
the representative information from the database relating to the 51036
professional who is the subject of an active investigation being 51037
conducted by the government entity. 51038

(2) On receipt of a request from a federal officer, or a 51039
state or local officer of this or any other state, whose duties 51040
include enforcing laws relating to drugs, the board shall provide 51041
to the officer information from the database relating to the 51042
person who is the subject of an active investigation of a drug 51043
abuse offense, as defined in section 2925.01 of the Revised Code, 51044
being conducted by the officer's employing government entity. 51045

(3) Pursuant to a subpoena issued by a grand jury, the board 51046
shall provide to the grand jury information from the database 51047
relating to the person who is the subject of an investigation 51048
being conducted by the grand jury. 51049

(4) Pursuant to a subpoena, search warrant, or court order in 51050
connection with the investigation or prosecution of a possible or 51051

alleged criminal offense, the board shall provide information from 51052
the database as necessary to comply with the subpoena, search 51053
warrant, or court order. 51054

(5) On receipt of a request from a prescriber or the 51055
prescriber's delegate approved by the board, the board shall 51056
provide to the prescriber a report of information from the 51057
database relating to a patient who is either a current patient of 51058
the prescriber or a potential patient of the prescriber based on a 51059
referral of the patient to the prescriber, if all of the following 51060
conditions are met: 51061

(a) The prescriber certifies in a form specified by the board 51062
that it is for the purpose of providing medical treatment to the 51063
patient who is the subject of the request; 51064

(b) The prescriber has not been denied access to the database 51065
by the board. 51066

(6) On receipt of a request from a pharmacist or the 51067
pharmacist's delegate approved by the board, the board shall 51068
provide to the pharmacist information from the database relating 51069
to a current patient of the pharmacist, if the pharmacist 51070
certifies in a form specified by the board that it is for the 51071
purpose of the pharmacist's practice of pharmacy involving the 51072
patient who is the subject of the request and the pharmacist has 51073
not been denied access to the database by the board. 51074

(7) On receipt of a request from an individual seeking the 51075
individual's own database information in accordance with the 51076
procedure established in rules adopted under section 4729.84 of 51077
the Revised Code, the board may provide to the individual the 51078
individual's own database information. 51079

(8) On receipt of a request from ~~the~~ a medical director or a 51080
pharmacy director of a managed care organization that has entered 51081
into a contract with the department of medicaid under section 51082

5167.10 of the Revised Code and a data security agreement with the 51083
board required by section 5167.14 of the Revised Code, the board 51084
shall provide to the medical director or the pharmacy director 51085
information from the database relating to a medicaid recipient 51086
enrolled in the managed care organization, including information 51087
in the database related to prescriptions for the recipient that 51088
were not covered or reimbursed under a program administered by the 51089
department of medicaid. 51090

(9) On receipt of a request from the medicaid director, the 51091
board shall provide to the director information from the database 51092
relating to a recipient of a program administered by the 51093
department of medicaid, including information in the database 51094
related to prescriptions for the recipient that were not covered 51095
or paid by a program administered by the department. 51096

(10) On receipt of a request from ~~the~~ a medical director of a 51097
managed care organization that has entered into a contract with 51098
the administrator of workers' compensation under division (B)(4) 51099
of section 4121.44 of the Revised Code and a data security 51100
agreement with the board required by section 4121.447 of the 51101
Revised Code, the board shall provide to the medical director 51102
information from the database relating to a claimant under Chapter 51103
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 51104
managed care organization, including information in the database 51105
related to prescriptions for the claimant that were not covered or 51106
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 51107
Revised Code, if the administrator of workers' compensation 51108
confirms, upon request from the board, that the claimant is 51109
assigned to the managed care organization. 51110

(11) On receipt of a request from the administrator of 51111
workers' compensation, the board shall provide to the 51112
administrator information from the database relating to a claimant 51113
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 51114

including information in the database related to prescriptions for 51115
the claimant that were not covered or reimbursed under Chapter 51116
4121., 4123., 4127., or 4131. of the Revised Code. 51117

(12) On receipt of a request from a prescriber or the 51118
prescriber's delegate approved by the board, the board shall 51119
provide to the prescriber information from the database relating 51120
to a patient's mother, if the prescriber certifies in a form 51121
specified by the board that it is for the purpose of providing 51122
medical treatment to a newborn or infant patient diagnosed as 51123
opioid dependent and the prescriber has not been denied access to 51124
the database by the board. 51125

(13) On receipt of a request from the director of health, the 51126
board shall provide to the director information from the database 51127
relating to the duties of the director or the department of health 51128
in implementing the Ohio violent death reporting system 51129
established under section 3701.93 of the Revised Code. 51130

(14) On receipt of a request from a requestor described in 51131
division (A)(1), (2), (5), or (6) of this section who is from or 51132
participating with another state's prescription monitoring 51133
program, the board may provide to the requestor information from 51134
the database, but only if there is a written agreement under which 51135
the information is to be used and disseminated according to the 51136
laws of this state. 51137

(B) The state board of pharmacy shall maintain a record of 51138
each individual or entity that requests information from the 51139
database pursuant to this section. In accordance with rules 51140
adopted under section 4729.84 of the Revised Code, the board may 51141
use the records to document and report statistics and law 51142
enforcement outcomes. 51143

The board may provide records of an individual's requests for 51144
database information to the following: 51145

(1) A designated representative of a government entity that 51146
is responsible for the licensure, regulation, or discipline of 51147
health care professionals with authority to prescribe, administer, 51148
or dispense drugs who is involved in an active investigation being 51149
conducted by the government entity of the individual who submitted 51150
the requests for database information; 51151

(2) A federal officer, or a state or local officer of this or 51152
any other state, whose duties include enforcing laws relating to 51153
drugs and who is involved in an active investigation being 51154
conducted by the officer's employing government entity of the 51155
individual who submitted the requests for database information. 51156

(C) Information contained in the database and any information 51157
obtained from it is not a public record. Information contained in 51158
the records of requests for information from the database is not a 51159
public record. Information that does not identify a person may be 51160
released in summary, statistical, or aggregate form. 51161

(D) A pharmacist or prescriber shall not be held liable in 51162
damages to any person in any civil action for injury, death, or 51163
loss to person or property on the basis that the pharmacist or 51164
prescriber did or did not seek or obtain information from the 51165
database. 51166

Sec. 4729.86. If the state board of pharmacy establishes and 51167
maintains a drug database pursuant to section 4729.75 of the 51168
Revised Code, all of the following apply: 51169

(A)(1) No person identified in divisions (A)(1) to ~~(12)~~(13) 51170
or (B) of section 4729.80 of the Revised Code shall disseminate 51171
any written or electronic information the person receives from the 51172
drug database or otherwise provide another person access to the 51173
information that the person receives from the database, except as 51174
follows: 51175

| | |
|---|--|
| (a) When necessary in the investigation or prosecution of a possible or alleged criminal offense; | 51176 51177 |
| (b) When a person provides the information to the prescriber or pharmacist for whom the person is approved by the board to serve as a delegate of the prescriber or pharmacist for purposes of requesting and receiving information from the drug database under division (A)(5) or (6) of section 4729.80 of the Revised Code; | 51178 51179 51180 51181 51182 51183 |
| (c) When a prescriber or pharmacist provides the information to a person who is approved by the board to serve as such a delegate of the prescriber or pharmacist; | 51184 51185 51186 |
| (d) When a prescriber or pharmacist provides the information to a patient or patient's personal representative; | 51187 51188 |
| (e) When a prescriber or pharmacist includes the information in a medical record, as defined in section 3701.74 of the Revised Code. | 51189 51190 51191 |
| (2) No person shall provide false information to the state board of pharmacy with the intent to obtain or alter information contained in the drug database. | 51192 51193 51194 |
| (3) No person shall obtain drug database information by any means except as provided under section 4729.80 or 4729.81 of the Revised Code. | 51195 51196 51197 |
| (B) A person shall not use information obtained pursuant to division (A) of section 4729.80 of the Revised Code as evidence in any civil or administrative proceeding. | 51198 51199 51200 |
| (C)(1) Except as provided in division (C)(2) of this section, after providing notice and affording an opportunity for a hearing in accordance with Chapter 119. of the Revised Code, the board may restrict a person from obtaining further information from the drug database if any of the following is the case: | 51201 51202 51203 51204 51205 |

(a) The person violates division (A)(1), (2), or (3) of this section; 51206
51207

(b) The person is a requestor identified in division 51208
(A)~~(13)~~(14) of section 4729.80 of the Revised Code and the board 51209
determines that the person's actions in another state would have 51210
constituted a violation of division (A)(1), (2), or (3) of this 51211
section; 51212

(c) The person fails to comply with division (B) of this 51213
section, regardless of the jurisdiction in which the failure to 51214
comply occurred; 51215

(d) The person creates, by clear and convincing evidence, a 51216
threat to the security of information contained in the database. 51217

(2) If the board determines that allegations regarding a 51218
person's actions warrant restricting the person from obtaining 51219
further information from the drug database without a prior 51220
hearing, the board may summarily impose the restriction. A 51221
telephone conference call may be used for reviewing the 51222
allegations and taking a vote on the summary restriction. The 51223
summary restriction shall remain in effect, unless removed by the 51224
board, until the board's final adjudication order becomes 51225
effective. 51226

(3) The board shall determine the extent to which the person 51227
is restricted from obtaining further information from the 51228
database. 51229

Sec. 4730.14. (A) A certificate to practice as a physician 51230
assistant shall expire biennially and may be renewed in accordance 51231
with this section. A person seeking to renew a certificate to 51232
practice as a physician assistant shall, on or before the 51233
thirty-first day of January of each even-numbered year, apply for 51234
renewal of the certificate. The state medical board shall send 51235

renewal notices at least one month prior to the expiration date. 51236

Applications shall be submitted to the board on forms the 51237
board shall prescribe and furnish. Each application shall be 51238
accompanied by a biennial renewal fee of one hundred dollars. The 51239
board shall deposit the fees in accordance with section 4731.24 of 51240
the Revised Code. 51241

The applicant shall report any criminal offense that 51242
constitutes grounds for refusing to issue a certificate to 51243
practice under section 4730.25 of the Revised Code to which the 51244
applicant has pleaded guilty, of which the applicant has been 51245
found guilty, or for which the applicant has been found eligible 51246
for intervention in lieu of conviction, since last signing an 51247
application for a certificate to practice as a physician 51248
assistant. 51249

(B) To be eligible for renewal, a physician assistant shall 51250
certify to the board both of the following: 51251

(1) That the physician assistant has maintained certification 51252
by the national commission on certification of physician 51253
assistants or a successor organization that is recognized by the 51254
board by meeting the standards to hold current certification from 51255
the commission or its successor, including completion of 51256
continuing medical education requirements and passing periodic 51257
recertification examinations; 51258

(2) Except as provided in division (F) of this section and 51259
section 5903.12 of the Revised Code, that the physician assistant 51260
has completed during the current certification period not less 51261
than one hundred hours of continuing medical education acceptable 51262
to the board. 51263

(C) The board shall adopt rules in accordance with Chapter 51264
119. of the Revised Code specifying the types of continuing 51265
medical education that must be completed to fulfill the board's 51266

requirements under division (B)(2) of this section. Except when 51267
additional continuing medical education is required to renew a 51268
certificate to prescribe, as specified in section 4730.49 of the 51269
Revised Code, the board shall not adopt rules that require a 51270
physician assistant to complete in any certification period more 51271
than one hundred hours of continuing medical education acceptable 51272
to the board. In fulfilling the board's requirements, a physician 51273
assistant may use continuing medical education courses or programs 51274
completed to maintain certification by the national commission on 51275
certification of physician assistants or a successor organization 51276
that is recognized by the board if the standards for acceptable 51277
courses and programs of the commission or its successor are at 51278
least equivalent to the standards established by the board. 51279

(D) If an applicant submits a complete renewal application 51280
and qualifies for renewal pursuant to division (B) of this 51281
section, the board shall issue to the applicant a renewed 51282
certificate to practice as a physician assistant. 51283

(E) The board may require a random sample of physician 51284
assistants to submit materials documenting certification by the 51285
national commission on certification of physician assistants or a 51286
successor organization that is recognized by the board and 51287
completion of the required number of hours of continuing medical 51288
education. 51289

(F) The board shall provide for pro rata reductions by month 51290
of the number of hours of continuing education that must be 51291
completed for individuals who are in their first certification 51292
period, who have been disabled due to illness or accident, or who 51293
have been absent from the country. The board shall adopt rules, in 51294
accordance with Chapter 119. of the Revised Code, as necessary to 51295
implement this division. 51296

~~(G)(1) A certificate to practice that is not renewed on or 51297
before its expiration date is automatically suspended on its 51298~~

~~expiration date. Continued practice after suspension of the certificate shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code.~~

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~~(2) If a certificate has been suspended pursuant to division (C)(1) of this section for two years or less, it may be reinstated. The board shall reinstate a certificate suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and any applicable monetary penalty.~~

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~~If a certificate has been suspended pursuant to division (C)(1) of this division for more than two years, it may be restored. In accordance with section 4730.28 of the Revised Code, the board may restore a certificate suspended for failure to renew upon an applicant's submission of a restoration application, the biennial renewal fee, and any applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore to an applicant a certificate to practice as a physician assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4730.12 of the Revised Code.~~

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~~The penalty for reinstatement shall be fifty dollars and the penalty for restoration shall be one hundred dollars. The board shall deposit penalties in accordance with section 4731.24 of the Revised Code.~~

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~~(H) If an individual certifies that the individual has completed the number of hours and type of continuing medical education required for renewal or reinstatement of a certificate to practice as a physician assistant, and the board finds through a random sample conducted under division (E) of this section or through any other means that the individual did not complete the requisite continuing medical education, the The board may impose a~~

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civil penalty of not more than five thousand dollars if, through a 51331
random sample it conducts under this section or through other 51332
means, it finds that an individual certified that the individual 51333
completed the number of hours and type of continuing medical 51334
education required for renewal of a certificate to practice as a 51335
physician assistant when the individual did not fulfill the 51336
requirement. The board's finding shall be made pursuant to an 51337
adjudication under Chapter 119. of the Revised Code and by an 51338
affirmative vote of not fewer than six members. 51339

A civil penalty imposed under this division may be in 51340
addition to or in lieu of any other action the board may take 51341
under section 4730.25 of the Revised Code. The board ~~shall deposit~~ 51342
~~civil penalties in accordance with section 4731.24~~ shall not 51343
conduct an adjudication under Chapter 119. of the Revised Code if 51344
the board imposes only a civil penalty. 51345

Pursuant to section 4730.25 of the Revised Code, the board 51346
may suspend an individual's certificate to practice as a physician 51347
assistant for failure to renew the certificate and comply with 51348
this section. If an individual continues to practice after 51349
suspension, that activity constitutes practicing in violation of 51350
section 4730.02 of the Revised Code. If the certificate has been 51351
suspended for two years or less, it may be reinstated. The board 51352
shall reinstate a certificate to practice as a physician assistant 51353
for failure to renew on an applicant's submission of a renewal 51354
application, the biennial renewal fee, and the applicable monetary 51355
penalty. If the certificate has been suspended for more than two 51356
years, it may be restored. Subject to section 4730.28 of the 51357
Revised Code, the board may restore a certificate to practice as a 51358
physician assistant suspended for failure to renew on an 51359
applicant's submission of a restoration application, the biennial 51360
renewal fee, and the applicable monetary penalty and compliance 51361
with sections 4776.01 to 4776.04 of the Revised Code. The board 51362

shall not restore an applicant's certificate to practice as a 51363
physician assistant unless the board decides that the results of 51364
the criminal records check do not make the applicant ineligible 51365
for a certificate issued pursuant to section 4730.12 of the 51366
Revised Code. 51367

The monetary penalty for reinstatement is fifty dollars. The 51368
monetary penalty for restoration is one hundred dollars. 51369

Amounts received from payment of civil penalties and monetary 51370
penalties imposed under this division shall be deposited in 51371
accordance with section 4731.24 of the Revised Code. 51372

Sec. 4730.252. (A)(1) If a physician assistant violates any 51373
section of this chapter other than section 4730.14 of the Revised 51374
Code or violates any rule adopted under this chapter, the state 51375
medical board may, pursuant to an adjudication under Chapter 119. 51376
of the Revised Code and an affirmative vote of not fewer than six 51377
of its members, impose a civil penalty. The amount of the civil 51378
penalty shall be determined by the board in accordance with the 51379
guidelines adopted under division (A)(2) of this section. The 51380
civil penalty may be in addition to any other action the board may 51381
take under section 4730.25 of the Revised Code. 51382

(2) The board shall adopt and may amend guidelines regarding 51383
the amounts of civil penalties to be imposed under this section. 51384
Adoption or amendment of the guidelines requires the approval of 51385
not fewer than six board members. 51386

Under the guidelines, no civil penalty amount shall exceed 51387
twenty thousand dollars. 51388

(B) Amounts received from payment of civil penalties imposed 51389
under this section shall be deposited by the board in accordance 51390
with section 4731.24 of the Revised Code. Amounts received from 51391
payment of civil penalties imposed for violations of division 51392

(B)(5) of section 4730.25 of the Revised Code shall be used by the 51393
board solely for investigations, enforcement, and compliance 51394
monitoring. 51395

Sec. 4731.15. (A)(1) The state medical board also shall 51396
regulate the following limited branches of medicine: massage 51397
therapy and cosmetic therapy, and to the extent specified in 51398
section 4731.151 of the Revised Code, naprapathy and 51399
mechanotherapy. The board shall adopt rules governing the limited 51400
branches of medicine under its jurisdiction. The rules shall be 51401
adopted in accordance with Chapter 119. of the Revised Code. 51402

(2) As used in this chapter: 51403

(a) "Cosmetic therapy" means the permanent removal of hair 51404
from the human body through the use of electric modalities 51405
approved by the board for use in cosmetic therapy, and 51406
additionally may include the systematic friction, stroking, 51407
slapping, and kneading or tapping of the face, neck, scalp, or 51408
shoulders. 51409

(b) "Massage therapy" means the treatment of disorders of the 51410
human body by the manipulation of soft tissue through the 51411
systematic external application of massage techniques including 51412
touch, stroking, friction, vibration, percussion, kneading, 51413
stretching, compression, and joint movements within the normal 51414
physiologic range of motion; and adjunctive thereto, the external 51415
application of water, heat, cold, topical preparations, and 51416
mechanical devices. 51417

(B) A certificate to practice a limited branch of medicine 51418
issued by the state medical board is valid for a two-year period, 51419
except when an initial certificate is issued for a shorter period 51420
or when division (C)(2) of this section is applicable. The 51421
certificate may be renewed in accordance with division (C) of this 51422
section. 51423

(C)(1) Except as provided in division (C)(2) of this section, 51424
all of the following apply with respect to the renewal of 51425
certificates to practice a limited branch of medicine: 51426

(a) Each person seeking to renew a certificate to practice a 51427
limited branch of medicine shall apply for biennial registration 51428
with the state medical board on a renewal application form 51429
prescribed by the board. An applicant for renewal shall pay a 51430
biennial registration fee of one hundred dollars. 51431

(b) At least six months before a certificate expires, the 51432
board shall mail or cause to be mailed a renewal notice to the 51433
certificate holder's last known address. 51434

(c) At least three months before a certificate expires, the 51435
certificate holder shall submit the renewal application and 51436
biennial registration fee to the board. 51437

(2) Beginning with the 2009 registration period, the board 51438
shall implement a staggered renewal system that is substantially 51439
similar to the staggered renewal system the board uses under 51440
division ~~(B)~~(A) of section 4731.281 of the Revised Code. 51441

(D) All persons who hold a certificate to practice a limited 51442
branch of medicine issued by the state medical board shall provide 51443
the board written notice of any change of address. The notice 51444
shall be submitted to the board not later than thirty days after 51445
the change of address. 51446

(E) A certificate to practice a limited branch of medicine 51447
shall be automatically suspended if the certificate holder fails 51448
to renew the certificate in accordance with division (C) of this 51449
section. Continued practice after the suspension of the 51450
certificate to practice shall be considered as practicing in 51451
violation of sections 4731.34 and 4731.41 of the Revised Code. 51452

If a certificate to practice has been suspended pursuant to 51453
this division for two years or less, it may be reinstated. The 51454

board shall reinstate the certificate upon an applicant's 51455
submission of a renewal application and payment of the biennial 51456
registration fee and the applicable monetary penalty. With regard 51457
to reinstatement of a certificate to practice cosmetic therapy, 51458
the applicant also shall submit with the application a 51459
certification that the number of hours of continuing education 51460
necessary to have a suspended certificate reinstated have been 51461
completed, as specified in rules the board shall adopt in 51462
accordance with Chapter 119. of the Revised Code. The penalty for 51463
reinstatement shall be twenty-five dollars. 51464

If a certificate has been suspended pursuant to this division 51465
for more than two years, it may be restored. Subject to section 51466
4731.222 of the Revised Code, the board may restore the 51467
certificate upon an applicant's submission of a restoration 51468
application, the biennial registration fee, and the applicable 51469
monetary penalty and compliance with sections 4776.01 to 4776.04 51470
of the Revised Code. The board shall not restore to an applicant a 51471
certificate to practice unless the board, in its discretion, 51472
decides that the results of the criminal records check do not make 51473
the applicant ineligible for a certificate issued pursuant to 51474
section 4731.17 of the Revised Code. The penalty for restoration 51475
is fifty dollars. 51476

Sec. 4731.22. (A) The state medical board, by an affirmative 51477
vote of not fewer than six of its members, may limit, revoke, or 51478
suspend an individual's certificate to practice, refuse to grant a 51479
certificate to an individual, refuse to register an individual, 51480
refuse to reinstate a certificate, or reprimand or place on 51481
probation the holder of a certificate if the individual or 51482
certificate holder is found by the board to have committed fraud 51483
during the administration of the examination for a certificate to 51484
practice or to have committed fraud, misrepresentation, or 51485
deception in applying for or securing any certificate to practice 51486

or certificate of registration issued by the board. 51487

(B) The board, by an affirmative vote of not fewer than six 51488
members, shall, to the extent permitted by law, limit, revoke, or 51489
suspend an individual's certificate to practice, refuse to 51490
register an individual, refuse to reinstate a certificate, or 51491
reprimand or place on probation the holder of a certificate for 51492
one or more of the following reasons: 51493

(1) Permitting one's name or one's certificate to practice or 51494
certificate of registration to be used by a person, group, or 51495
corporation when the individual concerned is not actually 51496
directing the treatment given; 51497

(2) Failure to maintain minimal standards applicable to the 51498
selection or administration of drugs, or failure to employ 51499
acceptable scientific methods in the selection of drugs or other 51500
modalities for treatment of disease; 51501

(3) Selling, giving away, personally furnishing, prescribing, 51502
or administering drugs for other than legal and legitimate 51503
therapeutic purposes or a plea of guilty to, a judicial finding of 51504
guilt of, or a judicial finding of eligibility for intervention in 51505
lieu of conviction of, a violation of any federal or state law 51506
regulating the possession, distribution, or use of any drug; 51507

(4) Willfully betraying a professional confidence. 51508

For purposes of this division, "willfully betraying a 51509
professional confidence" does not include providing any 51510
information, documents, or reports ~~to a child fatality review~~ 51511
~~board~~ under sections 307.621 to 307.629 of the Revised Code to a 51512
child fatality review board; does not include providing any 51513
information, documents, or reports to the director of health 51514
pursuant to guidelines established under section 3701.70 of the 51515
Revised Code; and does not include the making of a report of an 51516
employee's use of a drug of abuse, or a report of a condition of 51517

an employee other than one involving the use of a drug of abuse, 51518
to the employer of the employee as described in division (B) of 51519
section 2305.33 of the Revised Code. Nothing in this division 51520
affects the immunity from civil liability conferred by that 51521
section upon a physician who makes either type of report in 51522
accordance with division (B) of that section. As used in this 51523
division, "employee," "employer," and "physician" have the same 51524
meanings as in section 2305.33 of the Revised Code. 51525

(5) Making a false, fraudulent, deceptive, or misleading 51526
statement in the solicitation of or advertising for patients; in 51527
relation to the practice of medicine and surgery, osteopathic 51528
medicine and surgery, podiatric medicine and surgery, or a limited 51529
branch of medicine; or in securing or attempting to secure any 51530
certificate to practice or certificate of registration issued by 51531
the board. 51532

As used in this division, "false, fraudulent, deceptive, or 51533
misleading statement" means a statement that includes a 51534
misrepresentation of fact, is likely to mislead or deceive because 51535
of a failure to disclose material facts, is intended or is likely 51536
to create false or unjustified expectations of favorable results, 51537
or includes representations or implications that in reasonable 51538
probability will cause an ordinarily prudent person to 51539
misunderstand or be deceived. 51540

(6) A departure from, or the failure to conform to, minimal 51541
standards of care of similar practitioners under the same or 51542
similar circumstances, whether or not actual injury to a patient 51543
is established; 51544

(7) Representing, with the purpose of obtaining compensation 51545
or other advantage as personal gain or for any other person, that 51546
an incurable disease or injury, or other incurable condition, can 51547
be permanently cured; 51548

- (8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 51549
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- (9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 51552
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- (10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 51555
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- (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 51558
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- (12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 51561
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- (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 51564
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- (14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 51567
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- (15) Violation of the conditions of limitation placed by the board upon a certificate to practice; 51570
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- (16) Failure to pay license renewal fees specified in this chapter; 51572
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- (17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business; 51574
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- (18) Subject to section 4731.226 of the Revised Code, 51578

violation of any provision of a code of ethics of the American 51579
medical association, the American osteopathic association, the 51580
American podiatric medical association, or any other national 51581
professional organizations that the board specifies by rule. The 51582
state medical board shall obtain and keep on file current copies 51583
of the codes of ethics of the various national professional 51584
organizations. The individual whose certificate is being suspended 51585
or revoked shall not be found to have violated any provision of a 51586
code of ethics of an organization not appropriate to the 51587
individual's profession. 51588

For purposes of this division, a "provision of a code of 51589
ethics of a national professional organization" does not include 51590
any provision that would preclude the making of a report by a 51591
physician of an employee's use of a drug of abuse, or of a 51592
condition of an employee other than one involving the use of a 51593
drug of abuse, to the employer of the employee as described in 51594
division (B) of section 2305.33 of the Revised Code. Nothing in 51595
this division affects the immunity from civil liability conferred 51596
by that section upon a physician who makes either type of report 51597
in accordance with division (B) of that section. As used in this 51598
division, "employee," "employer," and "physician" have the same 51599
meanings as in section 2305.33 of the Revised Code. 51600

(19) Inability to practice according to acceptable and 51601
prevailing standards of care by reason of mental illness or 51602
physical illness, including, but not limited to, physical 51603
deterioration that adversely affects cognitive, motor, or 51604
perceptive skills. 51605

In enforcing this division, the board, upon a showing of a 51606
possible violation, may compel any individual authorized to 51607
practice by this chapter or who has submitted an application 51608
pursuant to this chapter to submit to a mental examination, 51609
physical examination, including an HIV test, or both a mental and 51610

a physical examination. The expense of the examination is the 51611
responsibility of the individual compelled to be examined. Failure 51612
to submit to a mental or physical examination or consent to an HIV 51613
test ordered by the board constitutes an admission of the 51614
allegations against the individual unless the failure is due to 51615
circumstances beyond the individual's control, and a default and 51616
final order may be entered without the taking of testimony or 51617
presentation of evidence. If the board finds an individual unable 51618
to practice because of the reasons set forth in this division, the 51619
board shall require the individual to submit to care, counseling, 51620
or treatment by physicians approved or designated by the board, as 51621
a condition for initial, continued, reinstated, or renewed 51622
authority to practice. An individual affected under this division 51623
shall be afforded an opportunity to demonstrate to the board the 51624
ability to resume practice in compliance with acceptable and 51625
prevailing standards under the provisions of the individual's 51626
certificate. For the purpose of this division, any individual who 51627
applies for or receives a certificate to practice under this 51628
chapter accepts the privilege of practicing in this state and, by 51629
so doing, shall be deemed to have given consent to submit to a 51630
mental or physical examination when directed to do so in writing 51631
by the board, and to have waived all objections to the 51632
admissibility of testimony or examination reports that constitute 51633
a privileged communication. 51634

(20) Except when civil penalties are imposed under section 51635
4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to 51636
section 4731.226 of the Revised Code, violating or attempting to 51637
violate, directly or indirectly, or assisting in or abetting the 51638
violation of, or conspiring to violate, any provisions of this 51639
chapter or any rule promulgated by the board. 51640

This division does not apply to a violation or attempted 51641
violation of, assisting in or abetting the violation of, or a 51642

conspiracy to violate, any provision of this chapter or any rule 51643
adopted by the board that would preclude the making of a report by 51644
a physician of an employee's use of a drug of abuse, or of a 51645
condition of an employee other than one involving the use of a 51646
drug of abuse, to the employer of the employee as described in 51647
division (B) of section 2305.33 of the Revised Code. Nothing in 51648
this division affects the immunity from civil liability conferred 51649
by that section upon a physician who makes either type of report 51650
in accordance with division (B) of that section. As used in this 51651
division, "employee," "employer," and "physician" have the same 51652
meanings as in section 2305.33 of the Revised Code. 51653

(21) The violation of section 3701.79 of the Revised Code or 51654
of any abortion rule adopted by the public health council pursuant 51655
to section 3701.341 of the Revised Code; 51656

(22) Any of the following actions taken by an agency 51657
responsible for authorizing, certifying, or regulating an 51658
individual to practice a health care occupation or provide health 51659
care services in this state or another jurisdiction, for any 51660
reason other than the nonpayment of fees: the limitation, 51661
revocation, or suspension of an individual's license to practice; 51662
acceptance of an individual's license surrender; denial of a 51663
license; refusal to renew or reinstate a license; imposition of 51664
probation; or issuance of an order of censure or other reprimand; 51665

(23) The violation of section 2919.12 of the Revised Code or 51666
the performance or inducement of an abortion upon a pregnant woman 51667
with actual knowledge that the conditions specified in division 51668
(B) of section 2317.56 of the Revised Code have not been satisfied 51669
or with a heedless indifference as to whether those conditions 51670
have been satisfied, unless an affirmative defense as specified in 51671
division (H)(2) of that section would apply in a civil action 51672
authorized by division (H)(1) of that section; 51673

(24) The revocation, suspension, restriction, reduction, or 51674

termination of clinical privileges by the United States department 51675
of defense or department of veterans affairs or the termination or 51676
suspension of a certificate of registration to prescribe drugs by 51677
the drug enforcement administration of the United States 51678
department of justice; 51679

(25) Termination or suspension from participation in the 51680
medicare or medicaid programs by the department of health and 51681
human services or other responsible agency for any act or acts 51682
that also would constitute a violation of division (B)(2), (3), 51683
(6), (8), or (19) of this section; 51684

(26) Impairment of ability to practice according to 51685
acceptable and prevailing standards of care because of habitual or 51686
excessive use or abuse of drugs, alcohol, or other substances that 51687
impair ability to practice. 51688

For the purposes of this division, any individual authorized 51689
to practice by this chapter accepts the privilege of practicing in 51690
this state subject to supervision by the board. By filing an 51691
application for or holding a certificate to practice under this 51692
chapter, an individual shall be deemed to have given consent to 51693
submit to a mental or physical examination when ordered to do so 51694
by the board in writing, and to have waived all objections to the 51695
admissibility of testimony or examination reports that constitute 51696
privileged communications. 51697

If it has reason to believe that any individual authorized to 51698
practice by this chapter or any applicant for certification to 51699
practice suffers such impairment, the board may compel the 51700
individual to submit to a mental or physical examination, or both. 51701
The expense of the examination is the responsibility of the 51702
individual compelled to be examined. Any mental or physical 51703
examination required under this division shall be undertaken by a 51704
treatment provider or physician who is qualified to conduct the 51705
examination and who is chosen by the board. 51706

Failure to submit to a mental or physical examination ordered 51707
by the board constitutes an admission of the allegations against 51708
the individual unless the failure is due to circumstances beyond 51709
the individual's control, and a default and final order may be 51710
entered without the taking of testimony or presentation of 51711
evidence. If the board determines that the individual's ability to 51712
practice is impaired, the board shall suspend the individual's 51713
certificate or deny the individual's application and shall require 51714
the individual, as a condition for initial, continued, reinstated, 51715
or renewed certification to practice, to submit to treatment. 51716

Before being eligible to apply for reinstatement of a 51717
certificate suspended under this division, the impaired 51718
practitioner shall demonstrate to the board the ability to resume 51719
practice in compliance with acceptable and prevailing standards of 51720
care under the provisions of the practitioner's certificate. The 51721
demonstration shall include, but shall not be limited to, the 51722
following: 51723

(a) Certification from a treatment provider approved under 51724
section 4731.25 of the Revised Code that the individual has 51725
successfully completed any required inpatient treatment; 51726

(b) Evidence of continuing full compliance with an aftercare 51727
contract or consent agreement; 51728

(c) Two written reports indicating that the individual's 51729
ability to practice has been assessed and that the individual has 51730
been found capable of practicing according to acceptable and 51731
prevailing standards of care. The reports shall be made by 51732
individuals or providers approved by the board for making the 51733
assessments and shall describe the basis for their determination. 51734

The board may reinstate a certificate suspended under this 51735
division after that demonstration and after the individual has 51736
entered into a written consent agreement. 51737

When the impaired practitioner resumes practice, the board 51738
shall require continued monitoring of the individual. The 51739
monitoring shall include, but not be limited to, compliance with 51740
the written consent agreement entered into before reinstatement or 51741
with conditions imposed by board order after a hearing, and, upon 51742
termination of the consent agreement, submission to the board for 51743
at least two years of annual written progress reports made under 51744
penalty of perjury stating whether the individual has maintained 51745
sobriety. 51746

(27) A second or subsequent violation of section 4731.66 or 51747
4731.69 of the Revised Code; 51748

(28) Except as provided in division (N) of this section: 51749

(a) Waiving the payment of all or any part of a deductible or 51750
copayment that a patient, pursuant to a health insurance or health 51751
care policy, contract, or plan that covers the individual's 51752
services, otherwise would be required to pay if the waiver is used 51753
as an enticement to a patient or group of patients to receive 51754
health care services from that individual; 51755

(b) Advertising that the individual will waive the payment of 51756
all or any part of a deductible or copayment that a patient, 51757
pursuant to a health insurance or health care policy, contract, or 51758
plan that covers the individual's services, otherwise would be 51759
required to pay. 51760

(29) Failure to use universal blood and body fluid 51761
precautions established by rules adopted under section 4731.051 of 51762
the Revised Code; 51763

(30) Failure to provide notice to, and receive acknowledgment 51764
of the notice from, a patient when required by section 4731.143 of 51765
the Revised Code prior to providing nonemergency professional 51766
services, or failure to maintain that notice in the patient's 51767
file; 51768

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| (31) Failure of a physician supervising a physician assistant to maintain supervision in accordance with the requirements of Chapter 4730. of the Revised Code and the rules adopted under that chapter; | 51769 51770 51771 51772 |
| (32) Failure of a physician or podiatrist to enter into a standard care arrangement with a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner with whom the physician or podiatrist is in collaboration pursuant to section 4731.27 of the Revised Code or failure to fulfill the responsibilities of collaboration after entering into a standard care arrangement; | 51773 51774 51775 51776 51777 51778 51779 |
| (33) Failure to comply with the terms of a consult agreement entered into with a pharmacist pursuant to section 4729.39 of the Revised Code; | 51780 51781 51782 |
| (34) Failure to cooperate in an investigation conducted by the board under division (F) of this section, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board in an investigative interview, an investigative office conference, at a deposition, or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; | 51783 51784 51785 51786 51787 51788 51789 51790 51791 51792 |
| (35) Failure to supervise an oriental medicine practitioner or acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for providing that supervision; | 51793 51794 51795 |
| (36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant; | 51796 51797 51798 |
| (37) Assisting suicide, as defined in section 3795.01 of the | 51799 |

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| Revised Code; | 51800 |
| (38) Failure to comply with the requirements of section 2317.561 of the Revised Code; | 51801 51802 |
| (39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants; | 51803 51804 51805 |
| (40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code; | 51806 51807 51808 |
| (41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic; | 51809 51810 51811 51812 |
| (42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic; | 51813 51814 51815 51816 |
| (43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; | 51817 51818 51819 51820 |
| (44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code; | 51821 51822 51823 51824 |
| (45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification; | 51825 51826 51827 51828 51829 |

(46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual

under division (B) of this section for a second or subsequent plea 51861
of guilty to, or judicial finding of guilt of, a violation of 51862
section 2919.123 of the Revised Code, the disciplinary action 51863
shall consist of a suspension of the individual's certificate to 51864
practice for a period of at least one year or, if determined 51865
appropriate by the board, a more serious sanction involving the 51866
individual's certificate to practice. Any consent agreement 51867
entered into under this division with an individual that pertains 51868
to a second or subsequent plea of guilty to, or judicial finding 51869
of guilt of, a violation of that section shall provide for a 51870
suspension of the individual's certificate to practice for a 51871
period of at least one year or, if determined appropriate by the 51872
board, a more serious sanction involving the individual's 51873
certificate to practice. 51874

(D) For purposes of divisions (B)(10), (12), and (14) of this 51875
section, the commission of the act may be established by a finding 51876
by the board, pursuant to an adjudication under Chapter 119. of 51877
the Revised Code, that the individual committed the act. The board 51878
does not have jurisdiction under those divisions if the trial 51879
court renders a final judgment in the individual's favor and that 51880
judgment is based upon an adjudication on the merits. The board 51881
has jurisdiction under those divisions if the trial court issues 51882
an order of dismissal upon technical or procedural grounds. 51883

(E) The sealing of conviction records by any court shall have 51884
no effect upon a prior board order entered under this section or 51885
upon the board's jurisdiction to take action under this section 51886
if, based upon a plea of guilty, a judicial finding of guilt, or a 51887
judicial finding of eligibility for intervention in lieu of 51888
conviction, the board issued a notice of opportunity for a hearing 51889
prior to the court's order to seal the records. The board shall 51890
not be required to seal, destroy, redact, or otherwise modify its 51891
records to reflect the court's sealing of conviction records. 51892

(F)(1) The board shall investigate evidence that appears to 51893
show that a person has violated any provision of this chapter or 51894
any rule adopted under it. Any person may report to the board in a 51895
signed writing any information that the person may have that 51896
appears to show a violation of any provision of this chapter or 51897
any rule adopted under it. In the absence of bad faith, any person 51898
who reports information of that nature or who testifies before the 51899
board in any adjudication conducted under Chapter 119. of the 51900
Revised Code shall not be liable in damages in a civil action as a 51901
result of the report or testimony. Each complaint or allegation of 51902
a violation received by the board shall be assigned a case number 51903
and shall be recorded by the board. 51904

(2) Investigations of alleged violations of this chapter or 51905
any rule adopted under it shall be supervised by the supervising 51906
member elected by the board in accordance with section 4731.02 of 51907
the Revised Code and by the secretary as provided in section 51908
4731.39 of the Revised Code. The president may designate another 51909
member of the board to supervise the investigation in place of the 51910
supervising member. No member of the board who supervises the 51911
investigation of a case shall participate in further adjudication 51912
of the case. 51913

(3) In investigating a possible violation of this chapter or 51914
any rule adopted under this chapter, or in conducting an 51915
inspection under division (E) of section 4731.054 of the Revised 51916
Code, the board may question witnesses, conduct interviews, 51917
administer oaths, order the taking of depositions, inspect and 51918
copy any books, accounts, papers, records, or documents, issue 51919
subpoenas, and compel the attendance of witnesses and production 51920
of books, accounts, papers, records, documents, and testimony, 51921
except that a subpoena for patient record information shall not be 51922
issued without consultation with the attorney general's office and 51923
approval of the secretary and supervising member of the board. 51924

(a) Before issuance of a subpoena for patient record 51925
information, the secretary and supervising member shall determine 51926
whether there is probable cause to believe that the complaint 51927
filed alleges a violation of this chapter or any rule adopted 51928
under it and that the records sought are relevant to the alleged 51929
violation and material to the investigation. The subpoena may 51930
apply only to records that cover a reasonable period of time 51931
surrounding the alleged violation. 51932

(b) On failure to comply with any subpoena issued by the 51933
board and after reasonable notice to the person being subpoenaed, 51934
the board may move for an order compelling the production of 51935
persons or records pursuant to the Rules of Civil Procedure. 51936

(c) A subpoena issued by the board may be served by a 51937
sheriff, the sheriff's deputy, or a board employee designated by 51938
the board. Service of a subpoena issued by the board may be made 51939
by delivering a copy of the subpoena to the person named therein, 51940
reading it to the person, or leaving it at the person's usual 51941
place of residence, usual place of business, or address on file 51942
with the board. When serving a subpoena to an applicant for or the 51943
holder of a certificate issued under this chapter, service of the 51944
subpoena may be made by certified mail, return receipt requested, 51945
and the subpoena shall be deemed served on the date delivery is 51946
made or the date the person refuses to accept delivery. If the 51947
person being served refuses to accept the subpoena or is not 51948
located, service may be made to an attorney who notifies the board 51949
that the attorney is representing the person. 51950

(d) A sheriff's deputy who serves a subpoena shall receive 51951
the same fees as a sheriff. Each witness who appears before the 51952
board in obedience to a subpoena shall receive the fees and 51953
mileage provided for under section 119.094 of the Revised Code. 51954

(4) All hearings, investigations, and inspections of the 51955
board shall be considered civil actions for the purposes of 51956

section 2305.252 of the Revised Code. 51957

(5) A report required to be submitted to the board under this 51958
chapter, a complaint, or information received by the board 51959
pursuant to an investigation or pursuant to an inspection under 51960
division (E) of section 4731.054 of the Revised Code is 51961
confidential and not subject to discovery in any civil action. 51962

The board shall conduct all investigations or inspections and 51963
proceedings in a manner that protects the confidentiality of 51964
patients and persons who file complaints with the board. The board 51965
shall not make public the names or any other identifying 51966
information about patients or complainants unless proper consent 51967
is given or, in the case of a patient, a waiver of the patient 51968
privilege exists under division (B) of section 2317.02 of the 51969
Revised Code, except that consent or a waiver of that nature is 51970
not required if the board possesses reliable and substantial 51971
evidence that no bona fide physician-patient relationship exists. 51972

The board may share any information it receives pursuant to 51973
an investigation or inspection, including patient records and 51974
patient record information, with law enforcement agencies, other 51975
licensing boards, and other governmental agencies that are 51976
prosecuting, adjudicating, or investigating alleged violations of 51977
statutes or administrative rules. An agency or board that receives 51978
the information shall comply with the same requirements regarding 51979
confidentiality as those with which the state medical board must 51980
comply, notwithstanding any conflicting provision of the Revised 51981
Code or procedure of the agency or board that applies when it is 51982
dealing with other information in its possession. In a judicial 51983
proceeding, the information may be admitted into evidence only in 51984
accordance with the Rules of Evidence, but the court shall require 51985
that appropriate measures are taken to ensure that confidentiality 51986
is maintained with respect to any part of the information that 51987
contains names or other identifying information about patients or 51988

complainants whose confidentiality was protected by the state 51989
medical board when the information was in the board's possession. 51990
Measures to ensure confidentiality that may be taken by the court 51991
include sealing its records or deleting specific information from 51992
its records. 51993

(6) On a quarterly basis, the board shall prepare a report 51994
that documents the disposition of all cases during the preceding 51995
three months. The report shall contain the following information 51996
for each case with which the board has completed its activities: 51997

(a) The case number assigned to the complaint or alleged 51998
violation; 51999

(b) The type of certificate to practice, if any, held by the 52000
individual against whom the complaint is directed; 52001

(c) A description of the allegations contained in the 52002
complaint; 52003

(d) The disposition of the case. 52004

The report shall state how many cases are still pending and 52005
shall be prepared in a manner that protects the identity of each 52006
person involved in each case. The report shall be a public record 52007
under section 149.43 of the Revised Code. 52008

(G) If the secretary and supervising member determine both of 52009
the following, they may recommend that the board suspend an 52010
individual's certificate to practice without a prior hearing: 52011

(1) That there is clear and convincing evidence that an 52012
individual has violated division (B) of this section; 52013

(2) That the individual's continued practice presents a 52014
danger of immediate and serious harm to the public. 52015

Written allegations shall be prepared for consideration by 52016
the board. The board, upon review of those allegations and by an 52017
affirmative vote of not fewer than six of its members, excluding 52018

the secretary and supervising member, may suspend a certificate 52019
without a prior hearing. A telephone conference call may be 52020
utilized for reviewing the allegations and taking the vote on the 52021
summary suspension. 52022

The board shall issue a written order of suspension by 52023
certified mail or in person in accordance with section 119.07 of 52024
the Revised Code. The order shall not be subject to suspension by 52025
the court during pendency of any appeal filed under section 119.12 52026
of the Revised Code. If the individual subject to the summary 52027
suspension requests an adjudicatory hearing by the board, the date 52028
set for the hearing shall be within fifteen days, but not earlier 52029
than seven days, after the individual requests the hearing, unless 52030
otherwise agreed to by both the board and the individual. 52031

Any summary suspension imposed under this division shall 52032
remain in effect, unless reversed on appeal, until a final 52033
adjudicative order issued by the board pursuant to this section 52034
and Chapter 119. of the Revised Code becomes effective. The board 52035
shall issue its final adjudicative order within seventy-five days 52036
after completion of its hearing. A failure to issue the order 52037
within seventy-five days shall result in dissolution of the 52038
summary suspension order but shall not invalidate any subsequent, 52039
final adjudicative order. 52040

(H) If the board takes action under division (B)(9), (11), or 52041
(13) of this section and the judicial finding of guilt, guilty 52042
plea, or judicial finding of eligibility for intervention in lieu 52043
of conviction is overturned on appeal, upon exhaustion of the 52044
criminal appeal, a petition for reconsideration of the order may 52045
be filed with the board along with appropriate court documents. 52046
Upon receipt of a petition of that nature and supporting court 52047
documents, the board shall reinstate the individual's certificate 52048
to practice. The board may then hold an adjudication under Chapter 52049
119. of the Revised Code to determine whether the individual 52050

committed the act in question. Notice of an opportunity for a 52051
hearing shall be given in accordance with Chapter 119. of the 52052
Revised Code. If the board finds, pursuant to an adjudication held 52053
under this division, that the individual committed the act or if 52054
no hearing is requested, the board may order any of the sanctions 52055
identified under division (B) of this section. 52056

(I) The certificate to practice issued to an individual under 52057
this chapter and the individual's practice in this state are 52058
automatically suspended as of the date of the individual's second 52059
or subsequent plea of guilty to, or judicial finding of guilt of, 52060
a violation of section 2919.123 of the Revised Code, or the date 52061
the individual pleads guilty to, is found by a judge or jury to be 52062
guilty of, or is subject to a judicial finding of eligibility for 52063
intervention in lieu of conviction in this state or treatment or 52064
intervention in lieu of conviction in another jurisdiction for any 52065
of the following criminal offenses in this state or a 52066
substantially equivalent criminal offense in another jurisdiction: 52067
aggravated murder, murder, voluntary manslaughter, felonious 52068
assault, kidnapping, rape, sexual battery, gross sexual 52069
imposition, aggravated arson, aggravated robbery, or aggravated 52070
burglary. Continued practice after suspension shall be considered 52071
practicing without a certificate. 52072

The board shall notify the individual subject to the 52073
suspension by certified mail or in person in accordance with 52074
section 119.07 of the Revised Code. If an individual whose 52075
certificate is automatically suspended under this division fails 52076
to make a timely request for an adjudication under Chapter 119. of 52077
the Revised Code, the board shall do whichever of the following is 52078
applicable: 52079

(1) If the automatic suspension under this division is for a 52080
second or subsequent plea of guilty to, or judicial finding of 52081
guilt of, a violation of section 2919.123 of the Revised Code, the 52082

board shall enter an order suspending the individual's certificate 52083
to practice for a period of at least one year or, if determined 52084
appropriate by the board, imposing a more serious sanction 52085
involving the individual's certificate to practice. 52086

(2) In all circumstances in which division (I)(1) of this 52087
section does not apply, enter a final order permanently revoking 52088
the individual's certificate to practice. 52089

(J) If the board is required by Chapter 119. of the Revised 52090
Code to give notice of an opportunity for a hearing and if the 52091
individual subject to the notice does not timely request a hearing 52092
in accordance with section 119.07 of the Revised Code, the board 52093
is not required to hold a hearing, but may adopt, by an 52094
affirmative vote of not fewer than six of its members, a final 52095
order that contains the board's findings. In that final order, the 52096
board may order any of the sanctions identified under division (A) 52097
or (B) of this section. 52098

(K) Any action taken by the board under division (B) of this 52099
section resulting in a suspension from practice shall be 52100
accompanied by a written statement of the conditions under which 52101
the individual's certificate to practice may be reinstated. The 52102
board shall adopt rules governing conditions to be imposed for 52103
reinstatement. Reinstatement of a certificate suspended pursuant 52104
to division (B) of this section requires an affirmative vote of 52105
not fewer than six members of the board. 52106

(L) When the board refuses to grant a certificate to an 52107
applicant, revokes an individual's certificate to practice, 52108
refuses to register an applicant, or refuses to reinstate an 52109
individual's certificate to practice, the board may specify that 52110
its action is permanent. An individual subject to a permanent 52111
action taken by the board is forever thereafter ineligible to hold 52112
a certificate to practice and the board shall not accept an 52113
application for reinstatement of the certificate or for issuance 52114

of a new certificate. 52115

(M) Notwithstanding any other provision of the Revised Code, 52116
all of the following apply: 52117

(1) The surrender of a certificate issued under this chapter 52118
shall not be effective unless or until accepted by the board. A 52119
telephone conference call may be utilized for acceptance of the 52120
surrender of an individual's certificate to practice. The 52121
telephone conference call shall be considered a special meeting 52122
under division (F) of section 121.22 of the Revised Code. 52123
Reinstatement of a certificate surrendered to the board requires 52124
an affirmative vote of not fewer than six members of the board. 52125

(2) An application for a certificate made under the 52126
provisions of this chapter may not be withdrawn without approval 52127
of the board. 52128

(3) Failure by an individual to renew a certificate of 52129
registration in accordance with this chapter shall not remove or 52130
limit the board's jurisdiction to take any disciplinary action 52131
under this section against the individual. 52132

(4) At the request of the board, a certificate holder shall 52133
immediately surrender to the board a certificate that the board 52134
has suspended, revoked, or permanently revoked. 52135

(N) Sanctions shall not be imposed under division (B)(28) of 52136
this section against any person who waives deductibles and 52137
copayments as follows: 52138

(1) In compliance with the health benefit plan that expressly 52139
allows such a practice. Waiver of the deductibles or copayments 52140
shall be made only with the full knowledge and consent of the plan 52141
purchaser, payer, and third-party administrator. Documentation of 52142
the consent shall be made available to the board upon request. 52143

(2) For professional services rendered to any other person 52144

authorized to practice pursuant to this chapter, to the extent 52145
allowed by this chapter and rules adopted by the board. 52146

(0) Under the board's investigative duties described in this 52147
section and subject to division (F) of this section, the board 52148
shall develop and implement a quality intervention program 52149
designed to improve through remedial education the clinical and 52150
communication skills of individuals authorized under this chapter 52151
to practice medicine and surgery, osteopathic medicine and 52152
surgery, and podiatric medicine and surgery. In developing and 52153
implementing the quality intervention program, the board may do 52154
all of the following: 52155

(1) Offer in appropriate cases as determined by the board an 52156
educational and assessment program pursuant to an investigation 52157
the board conducts under this section; 52158

(2) Select providers of educational and assessment services, 52159
including a quality intervention program panel of case reviewers; 52160

(3) Make referrals to educational and assessment service 52161
providers and approve individual educational programs recommended 52162
by those providers. The board shall monitor the progress of each 52163
individual undertaking a recommended individual educational 52164
program. 52165

(4) Determine what constitutes successful completion of an 52166
individual educational program and require further monitoring of 52167
the individual who completed the program or other action that the 52168
board determines to be appropriate; 52169

(5) Adopt rules in accordance with Chapter 119. of the 52170
Revised Code to further implement the quality intervention 52171
program. 52172

An individual who participates in an individual educational 52173
program pursuant to this division shall pay the financial 52174
obligations arising from that educational program. 52175

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| Sec. 4731.222. (A) This section applies to both of the | 52176 |
| following: | 52177 |
| (1) An applicant seeking restoration of a certificate issued | 52178 |
| under this chapter that has been in a suspended or inactive state | 52179 |
| for any cause for more than two years; | 52180 |
| (2) An applicant seeking issuance of a certificate pursuant | 52181 |
| to section <u>4731.17</u> , 4731.29, 4731.295, 4731.57, or 4731.571 of the | 52182 |
| Revised Code who for more than two years has not been engaged in | 52183 |
| the practice of medicine and surgery, osteopathic medicine and | 52184 |
| surgery, podiatric medicine and surgery, or a limited branch of | 52185 |
| medicine as any of the following: | 52186 |
| (a) An active practitioner; | 52187 |
| (b) A participant in a program of graduate medical education, | 52188 |
| as defined in section 4731.091 of the Revised Code; | 52189 |
| (c) A student in a college of podiatry determined by the | 52190 |
| state medical board to be in good standing; | 52191 |
| (d) A student in a school, college, or institution giving | 52192 |
| instruction in a limited branch of medicine determined by the | 52193 |
| board to be in good standing under section 4731.16 of the Revised | 52194 |
| Code. | 52195 |
| (B) Before restoring a certificate to good standing for or | 52196 |
| issuing a certificate to an applicant subject to this section, the | 52197 |
| state medical board may impose terms and conditions including <u>any</u> | 52198 |
| <u>one or more of</u> the following: | 52199 |
| (1) Requiring the applicant to pass an oral or written | 52200 |
| examination, or both, to determine the applicant's present fitness | 52201 |
| to resume practice; | 52202 |
| (2) Requiring the applicant to obtain additional training and | 52203 |
| to pass an examination upon completion of such training; | 52204 |

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care; 52205
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 52210
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 52212
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 52216
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.08, 4731.19, or 4731.52 of the Revised Code. The board shall not restore a certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 52218
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Sec. 4731.225. (A) If the holder of a certificate issued under this chapter violates division (A), (B), or (C) of section 4731.66 or section 4731.69 of the Revised Code, or if any other person violates division (B) or (C) of section 4731.66 or section 4731.69 of the Revised Code, the state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, shall: 52224
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~~(A)~~(1) For a first violation, impose a civil penalty of not more than five thousand dollars; 52231
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~~(B)~~(2) For each subsequent violation, impose a civil penalty of not more than twenty thousand dollars and, if the violator is a 52233
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certificate holder, proceed under division (B)(27) of section 52235
4731.22 of the Revised Code. 52236

(B)(1) If the holder of a certificate issued under this 52237
chapter violates any section of this chapter other than section 52238
4731.281 of the Revised Code or the sections specified in division 52239
(A) of this section, or violates any rule adopted under this 52240
chapter, the board may, pursuant to an adjudication under Chapter 52241
119. of the Revised Code and an affirmative vote of not fewer than 52242
six of its members, impose a civil penalty. The amount of the 52243
civil penalty shall be determined by the board in accordance with 52244
the guidelines adopted under division (B)(2) of this section. The 52245
civil penalty may be in addition to any other action the board may 52246
take under section 4731.22 of the Revised Code. 52247

(2) The board shall adopt and may amend guidelines regarding 52248
the amounts of civil penalties to be imposed under this section. 52249
Adoption or amendment of the guidelines requires the approval of 52250
not fewer than six board members. 52251

Under the guidelines, no civil penalty amount shall exceed 52252
twenty thousand dollars. 52253

(C) Amounts received from payment of civil penalties imposed 52254
under this section shall be deposited by the board in accordance 52255
with section 4731.24 of the Revised Code. Amounts received from 52256
payment of civil penalties imposed for violations of division 52257
(B)(26) of section 4731.22 of the Revised Code shall be used by 52258
the board solely for investigations, enforcement, and compliance 52259
monitoring. 52260

Sec. 4731.24. Except as provided in sections 4731.281 and 52261
4731.40 of the Revised Code, all receipts of the state medical 52262
board, from any source, shall be deposited in the state treasury. 52263
~~Until July 1, 1998, the funds shall be deposited to the credit of 52264~~
~~the occupational licensing and regulatory fund. On and after July 52265~~

~~1, 1998, the~~ The funds shall be deposited to the credit of the 52266
state medical board operating fund, which is hereby created ~~on~~ 52267
~~July 1, 1998. All~~ Except as provided in sections 4730.252, 52268
4731.225, 4760.133, 4762.133, 4774.133, and 4778.141 of the 52269
Revised Code, all funds deposited into the state treasury under 52270
this section shall be used solely for the administration and 52271
enforcement of this chapter and Chapters 4730., 4760., 4762., 52272
4774., and 4778. of the Revised Code by the board. 52273

Sec. 4731.281. (A) ~~On or before the deadline established~~ 52274
~~under division (B) of this section for applying for renewal of a~~ 52275
~~certificate of registration, each person holding a certificate~~ 52276
~~under this chapter to practice medicine and surgery, osteopathic~~ 52277
~~medicine and surgery, or podiatric medicine and surgery shall~~ 52278
~~certify to the state medical board that in the preceding two years~~ 52279
~~the person has completed one hundred hours of continuing medical~~ 52280
~~education. The certification shall be made upon the application~~ 52281
~~for biennial registration submitted pursuant to division (B) of~~ 52282
~~this section. The board shall adopt rules providing for pro rata~~ 52283
~~reductions by month of the number of hours of continuing education~~ 52284
~~required for persons who are in their first registration period,~~ 52285
~~who have been disabled due to illness or accident, or who have~~ 52286
~~been absent from the country.~~ 52287

~~In determining whether a course, program, or activity~~ 52288
~~qualifies for credit as continuing medical education, the board~~ 52289
~~shall approve all continuing medical education taken by persons~~ 52290
~~holding a certificate to practice medicine and surgery that is~~ 52291
~~certified by the Ohio state medical association, all continuing~~ 52292
~~medical education taken by persons holding a certificate to~~ 52293
~~practice osteopathic medicine and surgery that is certified by the~~ 52294
~~Ohio osteopathic association, and all continuing medical education~~ 52295
~~taken by persons holding a certificate to practice podiatric~~ 52296
~~medicine and surgery that is certified by the Ohio podiatric~~ 52297

~~medical association. Each person holding a certificate to practice 52298
under this chapter shall be given sufficient choice of continuing 52299
education programs to ensure that the person has had a reasonable 52300
opportunity to participate in continuing education programs that 52301
are relevant to the person's medical practice in terms of subject 52302
matter and level. 52303~~

~~The board may require a random sample of persons holding a 52304
certificate to practice under this chapter to submit materials 52305
documenting completion of the continuing medical education 52306
requirement during the preceding registration period, but this 52307
provision shall not limit the board's authority to investigate 52308
pursuant to section 4731.22 of the Revised Code. 52309~~

~~(B)(1) Every person holding a certificate under this chapter 52310
to practice medicine and surgery, osteopathic medicine and 52311
surgery, or podiatric medicine and surgery wishing to renew that 52312
certificate shall apply to the board for a certificate of 52313
registration upon an application furnished by the board, and pay 52314
to the board at the time of application a fee of three hundred 52315
five dollars, according to the following schedule: 52316~~

~~(a) Persons whose last name begins with the letters "A" 52317
through "B," on or before April 1, 2001, and the first day of 52318
April of every odd-numbered year thereafter; 52319~~

~~(b) Persons whose last name begins with the letters "C" 52320
through "D," on or before January 1, 2001, and the first day of 52321
January of every odd-numbered year thereafter; 52322~~

~~(c) Persons whose last name begins with the letters "E" 52323
through "G," on or before October 1, 2000, and the first day of 52324
October of every even-numbered year thereafter; 52325~~

~~(d) Persons whose last name begins with the letters "H" 52326
through "K," on or before July 1, 2000, and the first day of July 52327
of every even-numbered year thereafter; 52328~~

(e) Persons whose last name begins with the letters "L" 52329
through "M," on or before April 1, 2000, and the first day of 52330
April of every even-numbered year thereafter; 52331

(f) Persons whose last name begins with the letters "N" 52332
through "R," on or before January 1, 2000, and the first day of 52333
January of every even-numbered year thereafter; 52334

(g) Persons whose last name begins with the letter "S," on or 52335
before October 1, 1999, and the first day of October of every 52336
odd-numbered year thereafter; 52337

(h) Persons whose last name begins with the letters "T" 52338
through "Z," on or before July 1, 1999, and the first day of July 52339
of every odd-numbered year thereafter. 52340

The board shall deposit the fee in accordance with section 52341
4731.24 of the Revised Code, except that the board shall deposit 52342
twenty dollars of the fee into the state treasury to the credit of 52343
the physician loan repayment fund created by section 3702.78 of 52344
the Revised Code. 52345

(2) The board shall mail or cause to be mailed to every 52346
person registered to practice medicine and surgery, osteopathic 52347
medicine and surgery, or podiatric medicine and surgery, a notice 52348
of registration renewal addressed to the person's last known 52349
address or may cause the notice to be sent to the person through 52350
the secretary of any recognized medical, osteopathic, or podiatric 52351
society, according to the following schedule: 52352

(a) To persons whose last name begins with the letters "A" 52353
through "B," on or before January 1, 2001, and the first day of 52354
January of every odd-numbered year thereafter; 52355

(b) To persons whose last name begins with the letters "C" 52356
through "D," on or before October 1, 2000, and the first day of 52357
October of every even-numbered year thereafter; 52358

| | |
|--|-------|
| (c) To persons whose last name begins with the letters "E" | 52359 |
| through "G," on or before July 1, 2000, and the first day of July | 52360 |
| of every even-numbered year thereafter; | 52361 |
| (d) To persons whose last name begins with the letters "H" | 52362 |
| through "K," on or before April 1, 2000, and the first day of | 52363 |
| April of every even-numbered year thereafter; | 52364 |
| (e) To persons whose last name begins with the letters "L" | 52365 |
| through "M," on or before January 1, 2000, and the first day of | 52366 |
| January of every even-numbered year thereafter; | 52367 |
| (f) To persons whose last name begins with the letters "N" | 52368 |
| through "R," on or before October 1, 1999, and the first day of | 52369 |
| October of every odd-numbered year thereafter; | 52370 |
| (g) To persons whose last name begins with the letter "S," on | 52371 |
| or before July 1, 1999, and the first day of July of every | 52372 |
| odd-numbered year thereafter; | 52373 |
| (h) To persons whose last name begins with the letters "T" | 52374 |
| through "Z," on or before April 1, 1999, and the first day of | 52375 |
| April of every odd-numbered year thereafter. | 52376 |
| (3) Failure of any person to receive a notice of renewal from | 52377 |
| the board shall not excuse the person from the requirements | 52378 |
| contained in this section. | 52379 |
| (4) The board's notice shall inform the applicant of the | 52380 |
| renewal procedure. The board shall provide the application for | 52381 |
| registration renewal in a form determined by the board. | 52382 |
| (5) The applicant shall provide in the application the | 52383 |
| applicant's full name, principal practice address and residence | 52384 |
| address, the number of the applicant's certificate to practice, | 52385 |
| and any other information required by the board. | 52386 |
| (6)(a) Except as provided in division (B) (A)(6)(b) of this | 52387 |
| section, in the case of an applicant who prescribes or personally | 52388 |

furnishes opioid analgesics or benzodiazepines, as defined in 52389
section 3719.01 of the Revised Code, the applicant shall certify 52390
to the board whether the applicant has been granted access to the 52391
drug database established and maintained by the state board of 52392
pharmacy pursuant to section 4729.75 of the Revised Code. 52393

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section 52394
does not apply if any of the following is the case: 52395

(i) The state board of pharmacy notifies the state medical 52396
board pursuant to section 4729.861 of the Revised Code that the 52397
applicant has been restricted from obtaining further information 52398
from the drug database. 52399

(ii) The state board of pharmacy no longer maintains the drug 52400
database. 52401

(iii) The applicant does not practice medicine and surgery, 52402
osteopathic medicine and surgery, or podiatric medicine and 52403
surgery in this state. 52404

(c) If an applicant certifies to the state medical board that 52405
the applicant has been granted access to the drug database and the 52406
board finds through an audit or other means that the applicant has 52407
not been granted access, the board may take action under section 52408
4731.22 of the Revised Code. 52409

(7) The applicant shall include with the application a list 52410
of the names and addresses of any clinical nurse specialists, 52411
certified nurse-midwives, or certified nurse practitioners with 52412
whom the applicant is currently collaborating, as defined in 52413
section 4723.01 of the Revised Code. Every person registered under 52414
this section shall give written notice to the state medical board 52415
of any change of principal practice address or residence address 52416
or in the list within thirty days of the change. 52417

(8) The applicant shall report any criminal offense to which 52418
the applicant has pleaded guilty, of which the applicant has been 52419

found guilty, or for which the applicant has been found eligible 52420
for intervention in lieu of conviction, since last filing an 52421
application for a certificate of registration. 52422

(9) The applicant shall execute and deliver the application 52423
to the board in a manner prescribed by the board. 52424

~~(C)~~(B) The board shall issue to any person holding a 52425
certificate under this chapter to practice medicine and surgery, 52426
osteopathic medicine and surgery, or podiatric medicine and 52427
surgery, upon application and qualification therefor in accordance 52428
with this section, a certificate of registration under the seal of 52429
the board. A certificate of registration shall be valid for a 52430
two-year period. 52431

~~(D) Failure of any certificate holder to register and comply 52432
with this section shall operate automatically to suspend the 52433
holder's certificate to practice. Continued practice after the 52434
suspension of the certificate to practice shall be considered as 52435
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 52436
the Revised Code. If the certificate has been suspended pursuant 52437
to this division for two years or less, it may be reinstated. The 52438
board shall reinstate a certificate to practice suspended for 52439
failure to register upon an applicant's submission of a renewal 52440
application, the biennial registration fee, and the applicable 52441
monetary penalty. The penalty for reinstatement shall be fifty 52442
dollars. If the certificate has been suspended pursuant to this 52443
division for more than two years, it may be restored. Subject to 52444
section 4731.222 of the Revised Code, the board may restore a 52445
certificate to practice suspended for failure to register upon an 52446
applicant's submission of a restoration application, the biennial 52447
registration fee, and the applicable monetary penalty and 52448
compliance with sections 4776.01 to 4776.04 of the Revised Code. 52449
The board shall not restore to an applicant a certificate to 52450
practice unless the board, in its discretion, decides that the 52451~~

~~results of the criminal records check do not make the applicant 52452
ineligible for a certificate issued pursuant to section 4731.14, 52453
4731.56, or 4731.57 of the Revised Code. The penalty for 52454
restoration shall be one hundred dollars. The board shall deposit 52455
the penalties in accordance with section 4731.24 of the Revised 52456
Code. 52457~~

~~(E) If an individual certifies completion of the number of 52458
hours and type of continuing medical education required to receive 52459
a certificate of registration or reinstatement of a certificate to 52460
practice, and the board finds through the random samples it 52461
conducts under this section or through any other means that the 52462
individual did not complete the requisite continuing medical 52463
education, the board may impose a civil penalty of not more than 52464
five thousand dollars. The board's finding shall be made pursuant 52465
to an adjudication under Chapter 119. of the Revised Code and by 52466
an affirmative vote of not fewer than six members. 52467~~

~~A civil penalty imposed under this division may be in 52468
addition to or in lieu of any other action the board may take 52469
under section 4731.22 of the Revised Code. The board shall deposit 52470
civil penalties in accordance with section 4731.24 of the Revised 52471
Code. 52472~~

~~(F)(C) Pursuant to section 4731.22 of the Revised Code, the 52473
board may suspend an individual's certificate to practice for 52474
failure to register and comply with this section. If an individual 52475
continues to practice after suspension, that activity constitutes 52476
practicing in violation of section 4731.41 or 4731.60 of the 52477
Revised Code. If the certificate has been suspended for two years 52478
or less, it may be reinstated. The board shall reinstate a 52479
certificate to practice for failure to register on an applicant's 52480
submission of a renewal application, the biennial registration 52481
fee, and the applicable monetary penalty. If the certificate has 52482
been suspended for more than two years, it may be restored. 52483~~

Subject to section 4731.222 of the Revised Code, the board may 52484
restore a certificate to practice suspended for failure to 52485
register on an applicant's submission of a restoration 52486
application, the biennial registration fee, and the applicable 52487
monetary penalty and compliance with sections 4776.01 to 4776.04 52488
of the Revised Code. The board shall not restore to an applicant a 52489
certificate to practice unless the board, in its discretion, 52490
decides that the results of the criminal records check required by 52491
section 4776.02 of the Revised Code do not make the applicant 52492
ineligible for a certificate issued pursuant to section 4731.14, 52493
4731.56, or 4731.57 of the Revised Code. 52494

The monetary penalty for reinstatement is one hundred 52495
dollars. The monetary penalty for restoration is two hundred 52496
dollars. 52497

Amounts received from payment of civil penalties and monetary 52498
penalties imposed under this division shall be deposited in 52499
accordance with section 4731.24 of the Revised Code. 52500

(D) The state medical board may obtain information not 52501
protected by statutory or common law privilege from courts and 52502
other sources concerning malpractice claims against any person 52503
holding a certificate to practice under this chapter or practicing 52504
as provided in section 4731.36 of the Revised Code. 52505

~~(G)~~(E) Each mailing sent by the board under division 52506
~~(B)~~(A)(2) of this section to a person registered to practice 52507
medicine and surgery or osteopathic medicine and surgery shall 52508
inform the applicant of the reporting requirement established by 52509
division (H) of section 3701.79 of the Revised Code. At the 52510
discretion of the board, the information may be included on the 52511
application for registration or on an accompanying page. 52512

~~Sec. 4731.282. Not later than ninety days after the effective~~ 52513
~~date of this section, the state medical board shall approve one or~~ 52514

~~more continuing medical education courses of study included within~~ 52515
~~the programs certified by the Ohio state medical association and~~ 52516
~~the Ohio osteopathic association pursuant to section 4731.281 of~~ 52517
~~the Revised Code that assist doctors of medicine and doctors of~~ 52518
~~osteopathic medicine in recognizing (A)(1) Except as provided in~~ 52519
~~division (D) of this section, each person holding a certificate to~~ 52520
~~practice medicine and surgery, osteopathic medicine and surgery,~~ 52521
~~or podiatric medicine and surgery issued by the state medical~~ 52522
~~board shall complete biennially not less than one hundred hours of~~ 52523
~~continuing medical education that has been approved by the board.~~ 52524

(2) Each person holding a certificate to practice shall be 52526
given sufficient choice of continuing education programs to ensure 52527
that the person has had a reasonable opportunity to participate in 52528
continuing education programs that are relevant to the person's 52529
medical practice in terms of subject matter and level. 52530

(B) In determining whether a course, program, or activity 52531
qualifies for credit as continuing medical education, the board 52532
shall approve all of the following: 52533

(1) Continuing medical education completed by holders of 52534
certificates to practice medicine and surgery that is certified by 52535
the Ohio state medical association; 52536

(2) Continuing medical education completed by holders of 52537
certificates to practice osteopathic medicine and surgery that is 52538
certified by the Ohio osteopathic association; 52539

(3) Continuing medical education completed by holders of 52540
certificates to practice podiatric medicine and surgery that is 52541
certified by the Ohio podiatric medical association. 52542

(C) The board shall approve one or more continuing medical 52543
education courses of study included within the programs certified 52544
by the Ohio state medical association and the Ohio osteopathic 52545

association under divisions (B)(1) and (2) of this section that 52546
assist doctors of medicine and doctors of osteopathic medicine in 52547
both of the following: 52548

(1) Recognizing the signs of domestic violence and its 52549
relationship to child abuse. ~~Doctors are not required to take the~~ 52550
~~courses;~~ 52551

(2) Diagnosing and treating chronic pain, as defined in 52552
section 4731.052 of the Revised Code. 52553

(D) The board shall adopt rules providing for pro rata 52554
reductions by month of the number of hours of continuing education 52555
that must be completed for certificate holders who are in their 52556
first registration period, have been disabled by illness or 52557
accident, or have been absent from the country. The board shall 52558
adopt the rules in accordance with Chapter 119. of the Revised 52559
Code. 52560

(E) The board may require a random sample of holders of 52561
certificates to practice medicine and surgery, osteopathic 52562
medicine and surgery, or podiatric medicine and surgery to submit 52563
materials documenting completion of the required number of hours 52564
of continuing medical education. This division does not limit the 52565
board's authority to conduct investigations pursuant to section 52566
4731.22 of the Revised Code. 52567

(F) The board may impose a civil penalty of not more than 52568
five thousand dollars if, through a random sample conducted under 52569
division (E) of this section or any other means, it finds that an 52570
individual falsely certified that the individual completed the 52571
number of hours and type of continuing medical education required 52572
for renewal of a certificate of registration. If the civil penalty 52573
is imposed in addition to any other action the board takes under 52574
section 4731.22 of the Revised Code, the board's finding shall be 52575
made pursuant to an adjudication under Chapter 119. of the Revised 52576

Code and by an affirmative vote of not fewer than six of its 52577
members. 52578

A civil penalty imposed under this division may be in 52579
addition to or in lieu of any other action the board takes under 52580
section 4731.22 of the Revised Code. The board shall deposit civil 52581
penalties in accordance with section 4731.24 of the Revised Code. 52582

Sec. 4731.293. (A) The state medical board may issue, without 52583
examination, a clinical research faculty certificate to any person 52584
who applies for the certificate and provides to the board all of 52585
the following: 52586

(1) Evidence satisfactory to the board of all of the 52587
following: 52588

(a) That the applicant holds a current, unrestricted license 52589
to practice medicine and surgery or osteopathic medicine and 52590
surgery issued by another state or country; 52591

(b) That the applicant has been appointed to serve in this 52592
state on the academic staff of a medical school accredited by the 52593
liaison committee on medical education or an osteopathic medical 52594
school accredited by the American osteopathic association; 52595

(c) That the applicant is an international medical graduate 52596
who holds a medical degree from an educational institution listed 52597
in the international medical education directory. 52598

(2) An affidavit and supporting documentation from the dean 52599
of the medical school or the department director or chairperson of 52600
a teaching hospital affiliated with the school that the applicant 52601
is qualified to perform teaching and research activities and will 52602
be permitted to work only under the authority of the department 52603
director or chairperson of a teaching hospital affiliated with the 52604
medical school where the applicant's teaching and research 52605
activities will occur; 52606

(3) A description from the medical school or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) A description from the medical school or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.

(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy-five dollars.

(C) The holder of a clinical research faculty certificate may practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school. The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(D) A clinical research faculty certificate is valid for three years, except that the certificate ceases to be valid if the holder's appointment to the academic staff of the school is no longer valid or the certificate is revoked pursuant to division (C) of this section.

(E)(1) Three months before a clinical research faculty certificate expires, the board shall mail or cause to be mailed to the certificate holder a notice of renewal addressed to the certificate holder's last known address. Failure of a certificate holder to receive a notice of renewal from the board shall not excuse the certificate holder from the requirements contained in this section. The notice shall inform the certificate holder of

the renewal procedure. The notice also shall inform the certificate holder of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board an affidavit and supporting documentation from the dean of the medical school or the department director or chairperson of a teaching hospital affiliated with the school that the applicant is in compliance with the applicant's current clinical research faculty certificate;

(d) Provides evidence satisfactory to the board of all of the following:

(i) That the applicant continues to maintain a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by another state or country;

(ii) That the applicant's initial appointment to serve in this state on the academic staff of a medical school is still valid or has been renewed;

(iii) That the applicant has completed one hundred fifty hours of continuing medical education that meet the requirements set forth in section ~~4731.281~~ 4731.282 of the Revised Code.

(4) Regardless of whether the certificate has expired, a person who was granted a visiting medical faculty certificate under this section as it existed immediately prior to ~~the effective date of this amendment~~ June 6, 2012, may apply for a clinical research faculty certificate as a renewal. The board may issue the clinical research faculty certificate if the applicant meets the requirements of division (E)(3) of this section. The board may not issue a clinical research faculty certificate if the visiting medical faculty certificate was revoked.

(F) The board shall maintain a register of all persons who hold clinical research faculty certificates.

(G) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4731.295. (A)(1) As used in this section, "indigent and uninsured person" and "operation" have the same meanings as in section 2305.234 of the Revised Code.

(2) For the purposes of this section, a person shall be considered retired from practice if the person's license or certificate has expired with the person's intention of ceasing to practice medicine and surgery or osteopathic medicine and surgery for remuneration.

(B) The state medical board may issue, without examination, a volunteer's certificate to a person who is retired from practice

so that the person may provide medical services to indigent and 52699
uninsured persons. The board shall deny issuance of a volunteer's 52700
certificate to a person who is not qualified under this section to 52701
hold a volunteer's certificate. 52702

(C) An application for a volunteer's certificate shall 52703
include all of the following: 52704

(1) A copy of the applicant's degree of medicine or 52705
osteopathic medicine. 52706

(2) One of the following, as applicable: 52707

(a) A copy of the applicant's most recent license or 52708
certificate authorizing the practice of medicine and surgery or 52709
osteopathic medicine and surgery issued by a jurisdiction in the 52710
United States that licenses persons to practice medicine and 52711
surgery or osteopathic medicine and surgery. 52712

(b) A copy of the applicant's most recent license equivalent 52713
to a license to practice medicine and surgery or osteopathic 52714
medicine and surgery in one or more branches of the United States 52715
armed services that the United States government issued. 52716

(3) Evidence of one of the following, as applicable: 52717

(a) That the applicant has maintained for at least ten years 52718
prior to retirement full licensure in good standing in any 52719
jurisdiction in the United States that licenses persons to 52720
practice medicine and surgery or osteopathic medicine and surgery. 52721

(b) That the applicant has practiced for at least ten years 52722
prior to retirement in good standing as a doctor of medicine and 52723
surgery or osteopathic medicine and surgery in one or more of the 52724
branches of the United States armed services. 52725

(4) A notarized statement from the applicant, on a form 52726
prescribed by the board, that the applicant will not accept any 52727
form of remuneration for any medical services rendered while in 52728

possession of a volunteer's certificate. 52729

(D) The holder of a volunteer's certificate may provide 52730
medical services only to indigent and uninsured persons. The 52731
holder shall not accept any form of remuneration for providing 52732
medical services while in possession of the certificate. Except in 52733
a medical emergency, the holder shall not perform any operation or 52734
deliver babies. The board may revoke a volunteer's certificate on 52735
receiving proof satisfactory to the board that the holder has 52736
engaged in practice in this state outside the scope of the 52737
certificate. 52738

(E)(1) A volunteer's certificate shall be valid for a period 52739
of three years, unless earlier revoked under division (D) of this 52740
section or pursuant to section 4731.22 of the Revised Code. A 52741
volunteer's certificate may be renewed upon the application of the 52742
holder. The board shall maintain a register of all persons who 52743
hold volunteer's certificates. The board shall not charge a fee 52744
for issuing or renewing a certificate pursuant to this section. 52745

(2) To be eligible for renewal of a volunteer's certificate 52746
the holder of the certificate shall certify to the board 52747
completion of one hundred fifty hours of continuing medical 52748
education that meets the requirements of section ~~4731.281~~ 4731.282 52749
of the Revised Code regarding certification by private 52750
associations and approval by the board. The board may not renew a 52751
certificate if the holder has not complied with the continuing 52752
medical education requirements. Any entity for which the holder 52753
provides medical services may pay for or reimburse the holder for 52754
any costs incurred in obtaining the required continuing medical 52755
education credits. 52756

(3) The board shall issue to each person who qualifies under 52757
this section for a volunteer's certificate a wallet certificate 52758
and a wall certificate that state that the certificate holder is 52759
authorized to provide medical services pursuant to the laws of 52760

this state. The holder shall keep the wallet certificate on the 52761
holder's person while providing medical services and shall display 52762
the wall certificate prominently at the location where the holder 52763
primarily practices. 52764

(4) The holder of a volunteer's certificate issued pursuant 52765
to this section is subject to the immunity provisions in section 52766
2305.234 of the Revised Code. 52767

(F) The board shall adopt rules in accordance with Chapter 52768
119. of the Revised Code to administer and enforce this section. 52769

Sec. 4731.296. (A) For the purposes of this section, "the 52770
practice of telemedicine" means the practice of medicine in this 52771
state through the use of any communication, including oral, 52772
written, or electronic communication, by a physician located 52773
outside this state. 52774

(B) A person who wishes to practice telemedicine in this 52775
state shall file an application with the state medical board, 52776
together with a fee in the amount of the fee described in division 52777
(D) of section 4731.29 of the Revised Code and shall comply with 52778
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 52779
its discretion, decides that the results of the criminal records 52780
check do not make the person ineligible for a telemedicine 52781
certificate, the board may issue, without examination, a 52782
telemedicine certificate to a person who meets all of the 52783
following requirements: 52784

(1) The person holds a current, unrestricted license to 52785
practice medicine and surgery or osteopathic medicine and surgery 52786
issued by another state that requires license holders to complete 52787
at least fifty hours of continuing medical education every two 52788
years. 52789

(2) The person's principal place of practice is in that 52790

state. 52791

(3) The person does not hold a certificate issued under this 52792
chapter authorizing the practice of medicine and surgery or 52793
osteopathic medicine and surgery in this state. 52794

(4) The person meets the same age, moral character, and 52795
educational requirements individuals must meet under sections 52796
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 52797
if applicable, demonstrates proficiency in spoken English in 52798
accordance with division (E) of section 4731.29 of the Revised 52799
Code. 52800

(C) The holder of a telemedicine certificate may engage in 52801
the practice of telemedicine in this state. A person holding a 52802
telemedicine certificate shall not practice medicine in person in 52803
this state without obtaining a special activity certificate under 52804
section 4731.294 of the Revised Code. 52805

(D) The board may revoke a certificate issued under this 52806
section or take other disciplinary action against a certificate 52807
holder pursuant to section 4731.22 of the Revised Code on 52808
receiving proof satisfactory to the board that the certificate 52809
holder has engaged in practice in this state outside the scope of 52810
the certificate or that there are grounds for action against the 52811
holder under section 4731.22 of the Revised Code. 52812

(E) A telemedicine certificate shall be valid for a period 52813
specified by the board, and the initial renewal shall be in 52814
accordance with a schedule established by the board. Thereafter, 52815
the certificate shall be valid for two years. A certificate may be 52816
renewed on application of the holder. 52817

To be eligible for renewal, the holder of the certificate 52818
shall do both of the following: 52819

(1) Pay a fee in the amount of the fee described in division 52820
~~(B)~~(A)(1) of section 4731.281 of the Revised Code; 52821

(2) Certify to the board compliance with the continuing medical education requirements of the state in which the holder's principal place of practice is located. 52822
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The board may require a random sample of persons holding a telemedicine certificate to submit materials documenting completion of the continuing medical education requirements described in this division. 52825
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(F) The board shall convert a telemedicine certificate to a certificate issued under section 4731.29 of the Revised Code on receipt of a written request from the certificate holder. Once the telemedicine certificate is converted, the holder is subject to all requirements and privileges attendant to a certificate issued under section 4731.29 of the Revised Code, including continuing medical education requirements. 52829
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Sec. 4731.297. (A) As used in this section: 52836

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics partnering to do all of the following: 52837
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52839

(a) Provide the highest quality of patient care from expert physicians; 52840
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(b) Conduct groundbreaking research leading to medical advancements for current and future patients; 52842
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(c) Provide medical education and graduate medical education to educate and train physicians. 52844
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(2) "Affiliated physician group practice" means a medical practice that consists of one or more physicians authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and that is affiliated with an academic medical center to further the objectives described in divisions (A)(1)(a) to (c) of this section. 52846
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(B) The state medical board shall issue, without examination, 52852
to an applicant who meets the requirements of this section a 52853
certificate of conceded eminence authorizing the practice of 52854
medicine and surgery or osteopathic medicine and surgery as part 52855
of the applicant's employment with an academic medical center in 52856
this state or affiliated physician group practice in this state. 52857

(C) To be eligible for a certificate of conceded eminence, an 52858
applicant shall provide to the board all of the following: 52859

(1) Evidence satisfactory to the board of all of the 52860
following: 52861

(a) That the applicant is an international medical graduate 52862
who holds a medical degree from an educational institution listed 52863
in the international medical education directory; 52864

(b) That the applicant has been appointed to serve in this 52865
state as a full-time faculty member of a medical school accredited 52866
by the liaison committee on medical education or an osteopathic 52867
medical school accredited by the American osteopathic association; 52868

(c) That the applicant has accepted an offer of employment 52869
with an academic medical center in this state or affiliated 52870
physician group practice in this state; 52871

(d) That the applicant holds a license in good standing in 52872
another state or country authorizing the practice of medicine and 52873
surgery or osteopathic medicine and surgery; 52874

(e) That the applicant has unique talents and extraordinary 52875
abilities not generally found within the applicant's specialty, as 52876
demonstrated by satisfying at least four of the following: 52877

(i) The applicant has achieved educational qualifications 52878
beyond those that are required for entry into the applicant's 52879
specialty, including advanced degrees, special certifications, or 52880
other academic credentials. 52881

- (ii) The applicant has written multiple articles in journals listed in the index medicus or an equivalent scholarly publication acceptable to the board. 52882
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- (iii) The applicant has a sustained record of excellence in original research, at least some of which involves serving as the principal investigator or co-principal investigator for a research project. 52885
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- (iv) The applicant has received nationally or internationally recognized prizes or awards for excellence. 52889
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- (v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty. 52891
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- (vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine. 52894
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- (vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation. 52897
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- (viii) The applicant has been the recipient of a national institutes of health or other competitive grant award. 52900
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- (f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States; 52902
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- (g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals; 52908
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- (h) That the applicant will have professional liability 52911

insurance through the applicant's employment with the academic 52912
medical center or affiliated physician group practice. 52913

(2) An affidavit from the applicant agreeing to practice only 52914
within the clinical setting of the academic medical center or for 52915
the affiliated physician group practice; 52916

(3) Three letters of reference from distinguished experts in 52917
the applicant's specialty attesting to the unique capabilities of 52918
the applicant, at least one of which must be from outside the 52919
academic medical center or affiliated physician group practice; 52920

(4) An affidavit from the dean of the medical school where 52921
the applicant has been appointed to serve as a faculty member 52922
stating that the applicant meets all of the requirements of 52923
division (C)(1) of this section and that the letters of reference 52924
submitted under division (C)(3) of this section are from 52925
distinguished experts in the applicant's specialty, and 52926
documentation to support the affidavit; 52927

(5) A fee of one thousand dollars for the certificate. 52928

(D)(1) The holder of a certificate of conceded eminence may 52929
practice medicine and surgery or osteopathic medicine and surgery 52930
only within the clinical setting of the academic medical center 52931
with which the certificate holder is employed or for the 52932
affiliated physician group practice with which the certificate 52933
holder is employed. 52934

(2) A certificate holder may supervise medical students, 52935
physicians participating in graduate medical education, advanced 52936
practice nurses, and physician assistants when performing clinical 52937
services in the certificate holder's area of specialty. 52938

(E) The board may revoke a certificate issued under this 52939
section on receiving proof satisfactory to the board that the 52940
certificate holder has engaged in practice in this state outside 52941
the scope of the certificate or that there are grounds for action 52942

against the certificate holder under section 4731.22 of the Revised Code. 52943
52944

(F) A certificate of conceded eminence is valid for the shorter of two years or the duration of the certificate holder's employment with the academic medical center or affiliated physician group practice. The certificate ceases to be valid if the holder resigns or is otherwise terminated from the academic medical center or affiliated physician group practice. 52945
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(G) A certificate of conceded eminence may be renewed for an additional two-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board and is eligible for renewal if the applicant does all of the following: 52951
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(1) Pays the renewal fee of one thousand dollars; 52956

(2) Provides to the board an affidavit and supporting documentation from the academic medical center or affiliated physician group practice of all of the following: 52957
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52959

(a) That the applicant's initial appointment to the medical faculty is still valid or has been renewed; 52960
52961

(b) That the applicant's clinical practice is consistent with the established standards in the field; 52962
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(c) That the applicant has demonstrated continued scholarly achievement; 52964
52965

(d) That the applicant has demonstrated continued professional achievement consistent with the academic medical center's requirements, established pursuant to standards adopted under section 3701.351 of the Revised Code, for physicians with staff membership or professional privileges with the academic medical center. 52966
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(3) Satisfies the same continuing medical education 52972

requirements set forth in section ~~4731.281~~ 4731.282 of the Revised Code that apply to a person who holds a certificate to practice medicine and surgery or osteopathic medicine and surgery issued under this chapter.

(4) Complies with any other requirements established by the board.

(H) The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

Sec. 4731.299. (A) The state medical board may issue, without examination, to an applicant who meets all of the requirements of this section an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement.

(B) An individual who seeks an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement shall file with the board a written application on a form prescribed and supplied by the board. The application shall include all of the information the board considers necessary to process it.

(C) To be eligible to receive an expedited certificate by endorsement, an applicant shall do both of the following:

(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:

(a) Has passed one of the following:

(i) Steps one, two, and three of the United States medical licensing examination;

(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;

(iii) Any other medical licensing examination recognized by the board. 53002
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(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province; 53004
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(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting; 53008
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(d) Is in compliance with the medical education and training requirements in sections 4731.091 and 4731.14 of the Revised Code. 53011
53012

(2) Certify to the board that all of the following are the case: 53013
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(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars. 53015
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(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.081 of the Revised Code. 53019
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(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care. 53022
53023
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(d) No adverse action has been taken against the applicant by a health care institution. 53025
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(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant. 53027
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(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against 53030
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the applicant and the applicant has not withdrawn a professional license application. 53032
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(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 53034
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53036

(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 53037
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(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 53039
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(F) The secretary and supervising member of the board shall review all applications received under this section. ~~If~~ 53043
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If the board determines secretary and supervising member determine that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. ~~Each~~ 53045
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If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the application shall be treated as an application under section 4731.08 of the Revised Code. 53050
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(G) Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by ~~its~~ the board's seal. 53056
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~~(G)~~(H) Within sixty days after ~~the effective date of this section~~ September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.091 and 53059
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4731.14 of the Revised Code as required by division (C)(1)(d) of 53062
this section. 53063

Sec. 4731.41. (A) No person shall practice medicine and 53064
surgery, or any of its branches, without the appropriate 53065
certificate from the state medical board to engage in the 53066
practice. No person shall advertise or claim to the public to be a 53067
practitioner of medicine and surgery, or any of its branches, 53068
without a certificate from the board. No person shall open or 53069
conduct an office or other place for such practice without a 53070
certificate from the board. No person shall conduct an office in 53071
the name of some person who has a certificate to practice medicine 53072
and surgery, or any of its branches. No person shall practice 53073
medicine and surgery, or any of its branches, after the person's 53074
certificate has been revoked, or, if suspended, during the time of 53075
such suspension. 53076

A certificate signed by the secretary of the board to which 53077
is affixed the official seal of the board to the effect that it 53078
appears from the records of the board that no such certificate to 53079
practice medicine and surgery, or any of its branches, in this 53080
state has been issued to the person specified therein, or that a 53081
certificate to practice, if issued, has been revoked or suspended, 53082
shall be received as prima-facie evidence of the record of the 53083
board in any court or before any officer of the state. 53084

(B) No certificate from the state medical board is required 53085
by a physician who comes into this state to practice medicine at a 53086
free-of-charge camp accredited by the SeriousFun children's 53087
network that specializes in providing therapeutic recreation, as 53088
defined in section 2305.211 of the Revised Code, for individuals 53089
with chronic illnesses as long as all of the following apply: 53090

(1) The physician provides documentation to the medical 53091
director of the camp that the physician is licensed and in good 53092

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| <u>standing to practice medicine in another state;</u> | 53093 |
| <u>(2) The physician provides services only at the camp or in connection with camp events or camp activities that occur off the grounds of the camp;</u> | 53094 53095 53096 |
| <u>(3) The physician receives no compensation for the services;</u> | 53097 |
| <u>(4) The physician provides those services within this state for not more than thirty days per calendar year;</u> | 53098 53099 |
| <u>(5) The camp has a medical director who holds an unrestricted license to practice medicine issued in accordance with division (A) of this section.</u> | 53100 53101 53102 |
| <u>Sec. 4731.74. (A) As used in this section:</u> | 53103 |
| <u>(1) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.</u> | 53104 53105 |
| <u>(2) "Drug" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.</u> | 53106 53107 |
| <u>(3) "Institutional facility" means a hospital as defined in section 3727.01 of the Revised Code or a facility licensed by the state board of pharmacy and the department of health, the department of rehabilitation and correction, or the department of developmental disabilities, at which medical care is provided on site and a medical record documenting episodes of care, including medications ordered and administered, is maintained.</u> | 53108 53109 53110 53111 53112 53113 53114 |
| <u>(4) "Telehealth service" has the same meaning as in section 5164.95 of the Revised Code.</u> | 53115 53116 |
| <u>(B) Except as provided in divisions (C) and (D) of this section, a physician shall not prescribe, dispense, otherwise provide, or cause to be provided a prescription drug to a person on whom the physician has never conducted a medical evaluation.</u> | 53117 53118 53119 53120 |
| <u>(C) A physician may prescribe, dispense, otherwise provide,</u> | 53121 |

or cause to be provided a prescription drug that is not a 53122
controlled substance to a person on whom the physician has never 53123
conducted a medical evaluation, and who is at a location remote 53124
from the physician, if the physician meets all of the following 53125
requirements: 53126

(1) The remote physician shall complete and document a 53127
medical evaluation and collect relevant clinical history needed to 53128
meet minimal standards of care as if the evaluation was completed 53129
in a face-to-face interaction. 53130

(2)(a) Except as otherwise provided in division (C)(2)(b) of 53131
this section, the remote physician shall complete an examination 53132
of the patient using appropriate diagnostic medical equipment that 53133
meets all of the following requirements: 53134

(i) The diagnostic medical equipment is capable of 53135
transmitting images of the patient's physical condition in 53136
real-time. 53137

(ii) The diagnostic medical equipment is capable of 53138
transmitting the patient's physical condition and other relevant 53139
physical data or vital signs necessary to establish diagnosis and 53140
identify underlying conditions or contraindications to the 53141
treatment recommended or provided. 53142

(iii) The diagnostic medical equipment has the ability to be 53143
adjusted for better image quality and definition. 53144

(b) If the patient has a designated primary care physician or 53145
designates a primary care physician with assistance from the 53146
remote physician, the remote physician may examine the patient 53147
over the telephone without the use of the diagnostic medical 53148
equipment required by division (C)(2)(a) of this section, if the 53149
remote physician meets all of the following requirements: 53150

(i) The remote physician is physically located in Ohio. 53151

(ii) The remote physician has received credentials to provide telehealth services pursuant to a process certified by the national committee for quality assurance. 53152
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(iii) The remote physician forwards the patient's electronic health record to the patient's designated primary care physician after the consultation. 53155
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(iv) The remote physician is available to follow up with the patient after the consult as necessary. 53158
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(3) The remote physician shall document having had dialogue with the patient regarding treatment options and the risks and benefits of treatment sufficient to permit the patient to provide informed consent to treatment. 53160
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(4) The remote physician shall maintain a contemporaneous medical record that is readily available to the patient and to the patient's other health care providers. 53164
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(5) The remote physician shall include the electronic prescription information as part of the patient's medical record. 53167
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(6) As necessary, the remote physician shall follow-up with the patient to assess the therapeutic outcome. 53169
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(D) In addition to the circumstances described in division (C) of this section, a physician may prescribe, dispense, otherwise provide, or cause to be provided a prescription drug, including a controlled substance, to a person on whom the physician has never conducted a medical evaluation in the following situations: 53171
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(1) The person is a patient of a colleague of the physician and the drugs are provided pursuant to an on call or cross coverage arrangement between the physicians. 53177
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(2) The physician is consulting with another physician or health care provider who is authorized to practice in this state 53180
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and is acting within the scope of that physician or provider's professional license, including having prescriptive authority if all of the following requirements are met: 53182
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(a) The physician shall establish that the other physician or health care provider has an ongoing professional relationship with the patient and has agreed to supervise the patient's use of the drug or drugs to be provided. 53185
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(b) If the health care provider is a physician assistant, the physician has a supervision agreement with the physician assistant. 53189
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(c) If the health care provider is an advanced practice registered nurse, the physician has a standard care arrangement with the advanced practice registered nurse. 53192
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(3) The physician is the medical director of a hospice program licensed pursuant to Chapter 3712. of the Revised Code or is the attending physician of a hospice patient, enrolled in such a hospice program, and the drugs are prescribed, dispensed, or otherwise provided to a hospice patient. 53195
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(4) The person has been admitted as an inpatient to or is a resident of an institutional facility. 53200
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(E) This section does not imply that a single in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the course of professional practice. 53202
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Sec. 4735.06. (A) Application for a license as a real estate broker shall be made to the superintendent of real estate on forms furnished by the superintendent and filed with the superintendent and shall be signed by the applicant or its members or officers. Each application shall state the name of the person applying and the location of the place of business for which the license is 53206
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desired, and give such other information as the superintendent 53212
requires in the form of application prescribed by the 53213
superintendent. 53214

If the applicant is a partnership, limited liability company, 53215
limited liability partnership, or association, the names of all 53216
the members also shall be stated, and, if the applicant is a 53217
corporation, the names of its president and of each of its 53218
officers also shall be stated. The superintendent has the right to 53219
reject the application of any partnership, association, limited 53220
liability company, limited liability partnership, or corporation 53221
if the name proposed to be used by such partnership, association, 53222
limited liability company, limited liability partnership, or 53223
corporation is likely to mislead the public or if the name is not 53224
such as to distinguish it from the name of any existing 53225
partnership, association, limited liability company, limited 53226
liability partnership, or corporation licensed under this chapter, 53227
unless there is filed with the application the written consent of 53228
such existing partnership, association, limited liability company, 53229
limited liability partnership, or corporation, executed by a duly 53230
authorized representative of it, permitting the use of the name of 53231
such existing partnership, association, limited liability company, 53232
limited liability partnership, or corporation. 53233

(B) A fee of one hundred dollars shall accompany the 53234
application for a real estate broker's license. The initial 53235
licensing period commences at the time the license is issued and 53236
ends on the applicant's first birthday thereafter. However, if the 53237
applicant was an inactive or active salesperson immediately 53238
preceding application for a broker's license, then the initial 53239
licensing period shall commence at the time the broker's license 53240
is issued and ends on the date the licensee's continuing education 53241
is due as set when the applicant was a salesperson. The 53242
application fee shall be nonrefundable. A fee of one hundred 53243

dollars shall be charged by the superintendent for each successive 53244
application made by an applicant. In the case of issuance of a 53245
three-year license, upon passing the examination, or upon waiver 53246
of the examination requirement, if the superintendent determines 53247
it is necessary, the applicant shall submit an additional fee 53248
determined by the superintendent based upon the number of years 53249
remaining in a real estate salesperson's licensing period. 53250

(C) One dollar of each application fee for a real estate 53251
broker's license shall be credited to the real estate education 53252
and research fund, which is hereby created in the state treasury. 53253
The Ohio real estate commission may use the fund in discharging 53254
the duties prescribed in divisions (E), (F), (G), and (H) of 53255
section 4735.03 of the Revised Code and shall use it in the 53256
advancement of education and research in real estate at any 53257
institution of higher education in the state, or in contracting 53258
with any such institution or a trade organization for a particular 53259
research or educational project in the field of real estate, or in 53260
advancing loans, not exceeding two thousand dollars, to applicants 53261
for salesperson licenses, to defray the costs of satisfying the 53262
educational requirements of division (F) of section 4735.09 of the 53263
Revised Code. Such loans shall be made according to rules 53264
established by the commission under the procedures of Chapter 119. 53265
of the Revised Code, and they shall be repaid to the fund within 53266
three years of the time they are made. No more than ~~ten~~ 53267
twenty-five thousand dollars shall be lent from the fund in any 53268
one fiscal year. 53269

The governor may appoint a representative from the executive 53270
branch to be a member ex officio of the commission for the purpose 53271
of advising on research requests or educational projects. The 53272
commission shall report to the general assembly on the third 53273
Tuesday after the third Monday in January of each year setting 53274
forth the total amount contained in the fund and the amount of 53275

each research grant that it has authorized and the amount of each 53276
research grant requested. A copy of all research reports shall be 53277
submitted to the state library of Ohio and the library of the 53278
legislative service commission. 53279

(D) If the superintendent, with the consent of the 53280
commission, enters into an agreement with a national testing 53281
service to administer the real estate broker's examination, 53282
pursuant to division (A) of section 4735.07 of the Revised Code, 53283
the superintendent may require an applicant to pay the testing 53284
service's examination fee directly to the testing service. If the 53285
superintendent requires the payment of the examination fee 53286
directly to the testing service, each applicant shall submit to 53287
the superintendent a processing fee in an amount determined by the 53288
Ohio real estate commission pursuant to division (A)(2) of section 53289
4735.10 of the Revised Code. 53290

Sec. 4735.13. (A) Every real estate broker licensed under 53291
this chapter shall have and maintain a definite place of business 53292
in this state. A post office box address is not a definite place 53293
of business for purposes of this section. The license of a real 53294
estate broker shall be prominently displayed in the office or 53295
place of business of the broker, and no license shall authorize 53296
the licensee to do business except from the location specified in 53297
it. If the broker maintains more than one place of business within 53298
the state, the broker shall apply for and procure a duplicate 53299
license for each branch office maintained by the broker. Each 53300
branch office shall be in the charge of a licensed broker or 53301
salesperson. The branch office license shall be prominently 53302
displayed at the branch office location. 53303

(B) The license of each real estate salesperson shall be 53304
mailed to and remain in the possession of the licensed broker with 53305
whom the salesperson is or is to be associated until the licensee 53306

places the license on inactive or resigned status or until the 53307
salesperson leaves the brokerage or is terminated. The broker 53308
shall keep each salesperson's license in a way that it can, and 53309
shall on request, be made immediately available for public 53310
inspection at the office or place of business of the broker. 53311
Except as provided in divisions (G) and (H) of this section, 53312
immediately upon the salesperson's leaving the association or 53313
termination of the association of a real estate salesperson with 53314
the broker, the broker shall return the salesperson's license to 53315
the superintendent of real estate. 53316

The failure of a broker to return the license of a real 53317
estate salesperson or broker who leaves or who is terminated, via 53318
certified mail return receipt requested, within three business 53319
days of the receipt of a written request from the superintendent 53320
for the return of the license, is prima-facie evidence of 53321
misconduct under division (A)(6) of section 4735.18 of the Revised 53322
Code. 53323

(C) A licensee shall notify the superintendent in writing 53324
within fifteen days of any of the following occurrences: 53325

(1) The licensee is convicted of a felony. 53326

(2) The licensee is convicted of a crime involving moral 53327
turpitude. 53328

(3) The licensee is found to have violated any federal, 53329
state, or municipal civil rights law pertaining to discrimination 53330
in housing. 53331

(4) The licensee is found to have engaged in a discriminatory 53332
practice pertaining to housing accommodations described in 53333
division (H) of section 4112.02 of the Revised Code. 53334

(5) The licensee is the subject of an order by the department 53335
of commerce, the department of insurance, or the department of 53336
agriculture revoking or permanently surrendering any professional 53337

license, certificate, or registration. 53338

(6) The licensee is the subject of an order by any government 53339
agency concerning real estate, financial matters, or the 53340
performance of fiduciary duties with respect to any license, 53341
certificate, or registration. 53342

If a licensee fails to notify the superintendent within the 53343
required time, the superintendent immediately may suspend the 53344
license of the licensee. 53345

Any court that convicts a licensee of a violation of any 53346
municipal civil rights law pertaining to housing discrimination 53347
also shall notify the Ohio civil rights commission within fifteen 53348
days of the conviction. 53349

(D) In case of any change of business location, a broker 53350
shall give notice to the superintendent, on a form prescribed by 53351
the superintendent, within thirty days after the change of 53352
location, whereupon the superintendent shall issue new licenses 53353
for the unexpired period without charge. If a broker changes a 53354
business location without giving the required notice and without 53355
receiving new licenses that action is prima-facie evidence of 53356
misconduct under division (A)(6) of section 4735.18 of the Revised 53357
Code. 53358

(E) If a real estate broker desires to associate with another 53359
real estate broker in the capacity of a real estate salesperson, 53360
the broker shall apply to the superintendent to deposit the 53361
broker's real estate broker's license with the superintendent and 53362
for the issuance of a real estate salesperson's license. The 53363
application shall be made on a form prescribed by the 53364
superintendent and shall be accompanied by the recommendation of 53365
the real estate broker with whom the applicant intends to become 53366
associated and a fee of twenty-five dollars for the real estate 53367
salesperson's license. One dollar of the fee shall be credited to 53368

the real estate education and research fund. If the superintendent 53369
is satisfied that the applicant is honest, truthful, and of good 53370
reputation, has not been convicted of a felony or a crime 53371
involving moral turpitude, and has not been finally adjudged by a 53372
court to have violated any municipal, state, or federal civil 53373
rights laws relevant to the protection of purchasers or sellers of 53374
real estate, and that the association of the real estate broker 53375
and the applicant will be in the public interest, the 53376
superintendent shall grant the application and issue a real estate 53377
salesperson's license to the applicant. Any license so deposited 53378
with the superintendent shall be subject to this chapter. A broker 53379
who intends to deposit the broker's license with the 53380
superintendent, as provided in this section, shall give written 53381
notice of this fact in a format prescribed by the superintendent 53382
to all salespersons associated with the broker when applying to 53383
place the broker's license on deposit. 53384

(F) If a real estate broker desires to become a member or 53385
officer of a partnership, association, limited liability company, 53386
limited liability partnership, or corporation that is or intends 53387
to become a licensed real estate broker, the broker shall notify 53388
the superintendent of the broker's intentions. The notice of 53389
intention shall be on a form prescribed by the superintendent and 53390
shall be accompanied by a fee of twenty-five dollars. One dollar 53391
of the fee shall be credited to the real estate education and 53392
research fund. 53393

A licensed real estate broker who is a member or officer of a 53394
partnership, association, limited liability company, limited 53395
liability partnership, or corporation shall only act as a real 53396
estate broker for such partnership, association, limited liability 53397
company, limited liability partnership, or corporation. 53398

(G)(1) If a real estate broker or salesperson enters the 53399
armed forces, the broker or salesperson may place the broker's or 53400

salesperson's license on deposit with the Ohio real estate 53401
commission. The licensee shall not be required to renew the 53402
license until the renewal date that follows the date of discharge 53403
from the armed forces. Any license deposited with the commission 53404
shall be subject to this chapter. ~~Any~~ 53405

Any licensee whose license is on deposit under this division 53406
and who fails to meet the continuing education requirements of 53407
section 4735.141 of the Revised Code because the licensee is in 53408
the armed forces shall satisfy the commission that the licensee 53409
has complied with the continuing education requirements within 53410
twelve months of the licensee's first birthday after discharge or 53411
within the amount of time equal to the total number of months the 53412
licensee spent on active duty, whichever is greater. The licensee 53413
shall submit proper documentation of active duty service and the 53414
length of that active duty service to the superintendent. The 53415
extension shall not exceed the total number of months that the 53416
licensee served in active duty. The superintendent shall notify 53417
the licensee of the licensee's obligations under section 4735.141 53418
of the Revised Code at the time the licensee applies for 53419
reactivation of the licensee's license. 53420

(2) If a licensee is a spouse of a member of the armed forces 53421
and the spouse's service resulted in the licensee's absence from 53422
this state, both of the following apply: 53423

(a) The licensee shall not be required to renew the license 53424
until the renewal date that follows the date of the spouse's 53425
discharge from the armed forces. 53426

(b) If the licensee fails to meet the continuing education 53427
requirements of section 4735.141 of the Revised Code, the licensee 53428
shall satisfy the commission that the licensee has complied with 53429
the continuing education requirements within twelve months after 53430
the licensee's first birthday after the spouse's discharge or 53431
within the amount of time equal to the total number of months the 53432

licensee's spouse spent on active duty, whichever is greater. The 53433
licensee shall submit proper documentation of the spouse's active 53434
duty service and the length of that active duty service. This 53435
extension shall not exceed the total number of months that the 53436
licensee's spouse served in active duty. 53437

(3) In the case of a licensee as described in division (G)(2) 53438
of this section, who holds the license through a reciprocity 53439
agreement with another state, the spouse's service shall have 53440
resulted in the licensee's absence from the licensee's state of 53441
residence for the provisions of that division to apply. 53442

(4) As used in this division, "armed forces" means the armed 53443
forces of the United States or reserve component of the armed 53444
forces of the United States including the Ohio national guard or 53445
the national guard of any other state. 53446

(H) If a licensed real estate salesperson submits an 53447
application to the superintendent to leave the association of one 53448
broker to associate with a different broker, the broker possessing 53449
the licensee's license need not return the salesperson's license 53450
to the superintendent. The superintendent may process the 53451
application regardless of whether the licensee's license is 53452
returned to the superintendent. 53453

Sec. 4735.141. (A) Except as otherwise provided in this 53454
division and in section 4735.13 of the Revised Code and except for 53455
a licensee who has placed the licensee's license in resigned 53456
status pursuant to section 4735.142 of the Revised Code, each 53457
person licensed under section 4735.07 or 4735.09 of the Revised 53458
Code shall submit proof satisfactory to the superintendent of real 53459
estate that the licensee has satisfactorily completed thirty hours 53460
of continuing education, as prescribed by the Ohio real estate 53461
commission pursuant to section 4735.10 of the Revised Code, on or 53462
before the licensee's birthday occurring three years after the 53463

licensee's date of initial licensure, and on or before the 53464
licensee's birthday every three years thereafter. 53465

Persons licensed as real estate salespersons who subsequently 53466
become licensed real estate brokers shall continue to submit proof 53467
of continuing education in accordance with the time period 53468
established in this section. 53469

The requirements of this section shall not apply to any 53470
disabled licensee as provided in division (E) of this section. 53471

Each licensee who is seventy years of age or older, within a 53472
continuing education reporting period, shall submit proof 53473
satisfactory to the superintendent of real estate that the 53474
licensee has satisfactorily completed a total of nine classroom 53475
hours of continuing education, including instruction in Ohio real 53476
estate law; recently enacted state and federal laws affecting the 53477
real estate industry; municipal, state, and federal civil rights 53478
law; and canons of ethics for the real estate industry as adopted 53479
by the commission. The required proof of completion shall be 53480
submitted on or before the licensee's birthday that falls in the 53481
third year of that continuing education reporting period. A 53482
licensee who is seventy years of age or older whose license is in 53483
an inactive status is exempt from the continuing education 53484
requirements specified in this section. The commission shall adopt 53485
reasonable rules in accordance with Chapter 119. of the Revised 53486
Code to carry out the purposes of this paragraph. 53487

(B) The continuing education requirements of this section 53488
shall be completed in schools, seminars, and educational 53489
institutions approved by the commission. Such approval shall be 53490
given according to rules established by the commission under the 53491
procedures of Chapter 119. of the Revised Code, and shall not be 53492
limited to institutions providing two-year or four-year degrees. 53493
Each school, seminar, or educational institution approved under 53494
this division shall be open to all licensees on an equal basis. 53495

(C) If the requirements of this section are not met by a 53496
licensee within the period specified, the licensee's license shall 53497
be suspended automatically without the taking of any action by the 53498
superintendent. The superintendent shall notify the licensee of 53499
the license suspension, and such notification shall be sent by 53500
regular mail to the personal residence address of the licensee 53501
that is on file with the division. Any license so suspended shall 53502
remain suspended until it is reactivated by the superintendent. No 53503
such license shall be reactivated until it is established, to the 53504
satisfaction of the superintendent, that the requirements of this 53505
section have been met. If the requirements of this section are not 53506
met within twelve months from the date the license was suspended, 53507
the license shall be revoked automatically without the taking of 53508
any action by the superintendent. 53509

(D) If the license of a real estate broker is suspended 53510
pursuant to division (C) of this section, the license of a real 53511
estate salesperson associated with that broker correspondingly is 53512
suspended pursuant to division (H) of section 4735.20 of the 53513
Revised Code. A sole broker shall notify affiliated salespersons 53514
of the suspension in writing within three days of receiving the 53515
notice required by division (C) of this section. 53516

(1) The suspended license of the associated real estate 53517
salesperson shall be reactivated and no fee shall be charged or 53518
collected for that reactivation if that broker subsequently 53519
submits proof to the superintendent that the broker has complied 53520
with the requirements of this section and requests that the 53521
broker's license as a real estate broker be reactivated, and the 53522
superintendent then reactivates the broker's license as a real 53523
estate broker. 53524

(2) If the real estate salesperson submits an application to 53525
leave the association of the suspended broker in order to 53526
associate with a different broker, the suspended license of the 53527

associated real estate salesperson shall be reactivated and no fee 53528
shall be charged or collected for that reactivation. The 53529
superintendent may process the application regardless of whether 53530
the licensee's license is returned to the superintendent. 53531

Any person whose license is reactivated pursuant to this 53532
division shall comply with the requirements of this section and 53533
otherwise be in compliance with this chapter. 53534

(E) Any licensee who is a disabled licensee at any time 53535
during the last three months of the third year of the licensee's 53536
continuing education reporting period may receive an extension of 53537
time as deemed appropriate by the superintendent to submit proof 53538
to the superintendent that the licensee has satisfactorily 53539
completed the required thirty hours of continuing education. To 53540
receive an extension of time, the licensee shall submit a request 53541
to the division of real estate for the extension and proof 53542
satisfactory to the commission that the licensee was a disabled 53543
licensee at some time during the last three months of the 53544
three-year reporting period. The proof shall include, but is not 53545
limited to, a signed statement by the licensee's attending 53546
physician describing the disability, certifying that the 53547
licensee's disability is of such a nature as to prevent the 53548
licensee from attending any instruction lasting at least three 53549
hours in duration, and stating the expected duration of the 53550
disability. The licensee shall request the extension and provide 53551
the physician's statement to the division no later than one month 53552
prior to the end of the licensee's three-year continuing education 53553
reporting period, unless the disability did not arise until the 53554
last month of the three-year reporting period, in which event the 53555
licensee shall request the extension and provide the physician's 53556
statement as soon as practical after the occurrence of the 53557
disability. A licensee granted an extension pursuant to this 53558
division who is no longer a disabled licensee and who submits 53559

proof of completion of the continuing education during the 53560
extension period, shall submit, for future continuing education 53561
reporting periods, proof of completion of the continuing education 53562
requirements according to the schedule established in division (A) 53563
of this section. 53564

(F) The superintendent shall not renew a license if the 53565
licensee fails to comply with this section, and the licensee shall 53566
be required to pay the penalty fee provided in section 4735.14 of 53567
the Revised Code. 53568

(G) A licensee shall submit proof of completion of the 53569
required continuing education with the licensee's notice of 53570
renewal. The proof shall be submitted in the manner provided by 53571
the superintendent. 53572

Sec. 4736.12. (A) The state board of sanitarian registration 53573
shall charge the following fees: 53574

(1) To apply as a sanitarian-in-training, eighty dollars; 53575

(2) For sanitarians-in-training to apply for registration as 53576
sanitarians, eighty dollars. The applicant shall pay this fee only 53577
once regardless of the number of times the applicant takes an 53578
examination required under section 4736.08 of the Revised Code. 53579

(3) For persons other than sanitarians-in-training to apply 53580
for registration as sanitarians, including persons meeting the 53581
requirements of section 4736.16 of the Revised Code, one hundred 53582
sixty dollars. The applicant shall pay this fee only once 53583
regardless of the number of times the applicant takes an 53584
examination required under section 4736.08 of the Revised Code. 53585

(4) The renewal fee for registered sanitarians shall be 53586
~~eighty~~ ninety dollars. 53587

(5) The renewal fee for sanitarians-in-training shall be 53588
~~eighty~~ ninety dollars. 53589

(6) For late application for renewal, an additional ~~fifty~~ 53590
seventy-five dollars. 53591

The board of sanitarian registration, with the approval of 53592
the controlling board, may establish fees in excess of the amounts 53593
provided in this section, provided that such fees do not exceed 53594
the amounts permitted by this section by more than fifty per cent. 53595

(B) The board of sanitarian registration shall charge 53596
separate fees for examinations as required by section 4736.08 of 53597
the Revised Code, provided that the fees are not in excess of the 53598
actual cost to the board of conducting the examinations. 53599

(C) The board of sanitarian registration may adopt rules 53600
establishing fees for all of the following: 53601

(1) Application for the registration of a training agency 53602
approved under rules adopted by the board pursuant to section 53603
4736.11 of the Revised Code and for the annual registration 53604
renewal of an approved training agency; 53605

(2) Application for the review of continuing education hours 53606
submitted for the board's approval by approved training agencies 53607
or by registered sanitarians or sanitarians-in-training; 53608

(3) Additional copies of pocket identification cards and wall 53609
certificates. 53610

Sec. 4741.03. (A) The state veterinary medical licensing 53611
board shall meet at least once in each calendar year and may hold 53612
additional meetings as often as it considers necessary to conduct 53613
the business of the board. The president of the board may call 53614
special meetings, and the executive director shall call special 53615
meetings upon the written request of three members of the board. 53616
The board shall organize by electing a president and 53617
vice-president from its veterinarian members and such other 53618
officers as the board prescribes by rule. Each officer shall serve 53619

for a term specified by board rule or until a successor is elected 53620
and qualified. A quorum of the board consists of four members of 53621
which at least three are members who are veterinarians. The 53622
concurrence of four members is necessary for the board to take any 53623
action. 53624

(B) The board may appoint a person, not one of its members, 53625
to serve as its executive director. The executive director is in 53626
the unclassified service and serves at the pleasure of the board. 53627
The executive director shall serve as the board's 53628
secretary-treasurer ex officio. The board may employ additional 53629
employees for professional, technical, clerical, and special work 53630
as it considers necessary. The executive director shall give a 53631
surety bond to the state in the sum the board requires, 53632
conditioned upon the faithful performance of the executive 53633
director's duties. The board shall pay the cost of the bond. The 53634
executive director shall keep a complete accounting of all funds 53635
received and of all vouchers presented by the board to the 53636
director of budget and management for the disbursement of funds. 53637
The president or executive director shall approve all vouchers of 53638
the board. All money received by the board shall be credited to 53639
the occupational licensing and regulatory fund. 53640

(C) In addition to any other duty required under this 53641
chapter, the board shall do all of the following: 53642

(1) Prescribe a seal; 53643

(2) ~~Accept and review applications for admission to an~~ 53644
~~examination in accordance with section 4741.09 of the Revised Code~~ 53645
~~and review~~ Review the results of board-approved, nationally 53646
recognized examinations taken by applicants in accordance with 53647
rules adopted by the board. 53648

(3) Keep a record of all of its meetings and proceedings; 53649

(4) Maintain a register that records all applicants for a 53650

certificate of license or a temporary permit, all persons who have 53651
been denied a license or permit, all persons who have been granted 53652
or reissued a license or permit, and all persons whose license or 53653
permit has been revoked or suspended. The register shall also 53654
include a record of persons licensed prior to October 17, 1975. 53655

(5) Maintain a register, in such form as the board determines 53656
by rule, of all colleges and universities that teach veterinary 53657
medicine and veterinary technology that are approved by the board; 53658

(6) Enforce this chapter, and for that purpose, make 53659
investigations relative as provided in section 4741.26 of the 53660
Revised Code; 53661

(7) Issue licenses and permits to persons who meet the 53662
qualifications set forth in this chapter; 53663

(8) Approve colleges and universities which meet the board's 53664
requirements for veterinary medicine and associated fields of 53665
study and withdraw or deny, after an adjudication conducted in 53666
accordance with Chapter 119. of the Revised Code, approval from 53667
colleges and universities which fail to meet those requirements; 53668

(9) Adopt rules, in accordance with Chapter 119. of the 53669
Revised Code, which are necessary for its government and for the 53670
administration and enforcement of this chapter. 53671

(D) The board may do all of the following: 53672

(1) Subpoena witnesses and require their attendance and 53673
testimony, and require the production by witnesses of books, 53674
papers, public records, animal patient records, and other 53675
documentary evidence and examine them, in relation to any matter 53676
that the board has authority to investigate, inquire into, or 53677
hear. Except for any officer or employee of the state or any 53678
political subdivision of the state, the treasurer of state shall 53679
pay all witnesses in any proceeding before the board, upon 53680
certification from the board, witness fees and mileage in the 53681

amount provided for under section 119.094 of the Revised Code. 53682

(2) Examine and inspect books, papers, public records, animal 53683
patient records, and other documentary evidence at the location 53684
where the books, papers, records, and other evidence are normally 53685
stored or maintained. 53686

(E) All registers, books, and records kept by the board are 53687
the property of the board and are open for public examination and 53688
inspection at all reasonable times in accordance with section 53689
149.43 of the Revised Code. The registers, books, and records are 53690
prima-facie evidence of the matters contained in them. 53691

Sec. 4741.11. Whenever an applicant for a license to practice 53692
veterinary medicine ~~passes the examination specified in section~~ 53693
~~4741.09 of the Revised Code, and~~ has graduated from a veterinary 53694
college approved by the state veterinary medical licensing board 53695
or accredited by the American veterinary medical association or 53696
has been issued a certificate on or after May 1, 1987, by the 53697
education commission for foreign veterinary graduates of the 53698
American veterinary medical association or by the program for the 53699
assessment of veterinary education equivalence of the American 53700
association of veterinary state boards, and is not in violation of 53701
this chapter, the board shall issue a certificate of license to 53702
that effect, signed by the members and bearing the seal of the 53703
board. The certificate shall show that the successful applicant 53704
has qualified under the laws of this state and the requirements of 53705
the board and that the applicant is duly licensed and qualified to 53706
practice veterinary medicine. 53707

~~Upon request, the board shall furnish to an applicant for a~~ 53708
~~license who fails to pass the examination a written report showing~~ 53709
~~reasons for the applicant's failure in the examination.~~ 53710

Sec. 4741.12. The state veterinary medical licensing board 53711

may issue a license to practice veterinary medicine without the 53712
examination required pursuant to section 4741.11 of the Revised 53713
Code to an applicant from another state, territory, country, or 53714
the District of Columbia who furnishes satisfactory proof to the 53715
board that the applicant meets all of the following criteria: 53716

(A) The applicant is a graduate of a veterinary college 53717
accredited by the American veterinary medical association or holds 53718
a certificate issued, on or after May 1, 1987, by the education 53719
commission for foreign veterinary graduates of the American 53720
veterinary medical association or ~~issued by any other nationally~~ 53721
~~recognized certification program the board approves by rule by the~~ 53722
program for the assessment of veterinary education equivalence of 53723
the American association of veterinary state boards. 53724

(B) The applicant holds a license, which is not under 53725
suspension, revocation, or other disciplinary action, issued by an 53726
agency similar to this board of another state, territory, country, 53727
or the District of Columbia, having requirements equivalent to 53728
those of this state, provided the laws of such state, territory, 53729
country, or district accord equal rights to the holder of a 53730
license to practice in this state who removes to such state, 53731
territory, country, or district. 53732

(C) The applicant is of good moral character, as determined 53733
by the board. 53734

(D) The applicant is not under investigation for an act which 53735
would constitute a violation of this chapter that would require 53736
the revocation of or refusal to renew a license. 53737

(E) The applicant has a thorough knowledge of the laws and 53738
rules governing the practice of veterinary medicine in this state, 53739
as determined by the board. 53740

Sec. 4741.17. (A) Applicants or registrants shall pay to the 53741

state veterinary medical licensing board: 53742

(1) For an initial veterinary license ~~based on examination,~~ 53743
on or after the first day of March in an even-numbered year, ~~three~~ 53744
~~hundred seventy-five~~ four hundred twenty-five dollars, and on or 53745
after the first day of March in an odd-numbered year, ~~two hundred~~ 53746
~~fifty~~ three hundred dollars; 53747

(2) For an initial limited license to practice veterinary 53748
medicine for an intern, resident in a veterinary specialty, or 53749
graduate student, thirty-five dollars; 53750

(3) For an initial limited license to practice veterinary 53751
medicine for an instructor, researcher, or diagnostician, one 53752
hundred fifty-five dollars; 53753

(4) ~~For a veterinary license by reciprocity issued on or~~ 53754
~~after the first day of March in an even-numbered year, four~~ 53755
~~hundred twenty-five dollars, and on or after the first day of~~ 53756
~~March in an odd-numbered year, three hundred dollars;~~ 53757

~~(5)~~ For a veterinary temporary permit, one hundred dollars; 53758

~~(6)~~(5) For a duplicate license, thirty-five dollars; 53759

~~(7)~~(6) For the veterinary license biennial renewal fee, where 53760
the application is postmarked no later than the first day of 53761
March, one hundred fifty-five dollars; where the application is 53762
postmarked after the first day of March, but no later than the 53763
first day of April, two hundred twenty-five dollars; and where the 53764
application is postmarked after the first day of April, four 53765
hundred fifty dollars. Notwithstanding section 4741.25 of the 53766
Revised Code, the board shall deposit ten dollars of each 53767
veterinary license biennial renewal fee that it collects into the 53768
state treasury to the credit of the veterinarian loan repayment 53769
fund created in section 4741.46 of the Revised Code. 53770

~~(8)~~(7) For the limited license to practice veterinary 53771

medicine biennial renewal fee, where the application is postmarked 53772
not later than the first day of July, one hundred fifty-five 53773
dollars; where the application is postmarked after the first day 53774
of July, but not later than the first day of August, two hundred 53775
twenty-five dollars; and where the application is postmarked after 53776
the first day of August, four hundred fifty dollars. 53777

Notwithstanding section 4741.25 of the Revised Code, the board 53778
shall deposit ten dollars of each limited license biennial renewal 53779
fee that it collects from instructors, researchers, and 53780
diagnosticians into the state treasury to the credit of the 53781
veterinarian loan repayment fund. 53782

~~(9)~~(8) For an initial registered veterinary technician 53783
registration fee on or after the first day of March in an 53784
odd-numbered year, thirty-five dollars, and on or after the first 53785
day of March in an even-numbered year, twenty-five dollars; 53786

~~(10)~~(9) For the biennial renewal registration fee of a 53787
registered veterinary technician, where the application is 53788
postmarked no later than the first day of March, thirty-five 53789
dollars; where the application is postmarked after the first day 53790
of March, but no later than the first day of April, forty-five 53791
dollars; and where the application is postmarked after the first 53792
day of April, sixty dollars; 53793

~~(11)~~(10) For a specialist certificate, fifty dollars. The 53794
certificate is not subject to renewal. 53795

~~(12)~~(11) For the reinstatement of a suspended license, or for 53796
reinstatement of a license that has lapsed more than one year, an 53797
additional fee of seventy-five dollars; 53798

~~(13)~~ For examinations offered by the board, a fee, which 53799
shall be established by the board, in an amount adequate to cover 53800
the expense of procuring, administering, and scoring examinations; 53801

~~(14)~~(12) For a provisional veterinary graduate license, one 53802

hundred dollars. 53803

(B) For the purposes of divisions (A)~~(6)~~, (7), ~~(8)~~, and 53804
~~(10)~~~~(9)~~ of this section, a date stamp of the office of the board 53805
may serve in lieu of a postmark. 53806

Sec. 4741.19. (A) Unless exempted under this chapter, no 53807
person shall practice veterinary medicine, or any of its branches, 53808
without a license or limited license issued by the state 53809
veterinary medical licensing board pursuant to sections 4741.11 to 53810
4741.13 of the Revised Code, a temporary permit issued pursuant to 53811
section 4741.14 of the Revised Code, or a registration certificate 53812
issued pursuant to division (C) of this section, or with an 53813
inactive, expired, suspended, terminated, or revoked license, 53814
temporary permit, or registration. 53815

(B) No veterinary student shall: 53816

(1) Perform or assist surgery unless under direct veterinary 53817
supervision and unless the student has had the minimum education 53818
and experience prescribed by rule of the board; 53819

(2) Engage in any other work related to the practice of 53820
veterinary medicine unless under veterinary supervision; 53821

(3) Participate in the operation of a branch office, clinic, 53822
or allied establishment unless a licensed veterinarian is present 53823
on the establishment premises. 53824

(C) No person shall act as a registered veterinary technician 53825
unless the person is registered with the board on a biennial basis 53826
and pays the biennial registration fee. A registered veterinary 53827
technician registration expires biennially on the first day of 53828
March in the odd-numbered years and may be renewed in accordance 53829
with the standard renewal procedures contained in Chapter 4745. of 53830
the Revised Code upon payment of the biennial registration fee and 53831
fulfillment of ten continuing education hours during the two years 53832

immediately preceding renewal for registration. Each registered 53833
veterinary technician shall notify in writing the executive 53834
director of the board of any change in the registered veterinary 53835
technician's office address or employment within ninety days after 53836
the change has taken place. 53837

(1) A registered veterinary technician operating under 53838
veterinary supervision may perform the following duties: 53839

(a) Prepare or supervise the preparation of patients, 53840
instruments, equipment, and medications for surgery; 53841

(b) Collect or supervise the collection of specimens and 53842
perform laboratory procedures as required by the supervising 53843
veterinarian; 53844

(c) Apply wound dressings, casts, or splints as required by 53845
the supervising veterinarian; 53846

(d) Assist a veterinarian in immunologic, diagnostic, 53847
medical, and surgical procedures; 53848

(e) Suture skin incisions; 53849

(f) Administer or supervise the administration of topical, 53850
oral, or parenteral medication under the direction of the 53851
supervising veterinarian; 53852

(g) Other ancillary veterinary technician functions that are 53853
performed pursuant to the order and control and under the full 53854
responsibility of a licensed veterinarian. 53855

(h) Any additional duties as established by the board in 53856
rule. 53857

(2) A registered veterinary technician operating under direct 53858
veterinary supervision may perform all of the following: 53859

(a) Induce and monitor general anesthesia according to 53860
medically recognized and appropriate methods; 53861

(b) Dental prophylaxis, periodontal care, and extraction not involving sectioning of teeth or resection of bone or both of these; 53862
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(c) Equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth. 53865
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The degree of supervision by a licensed veterinarian over the functions performed by the registered veterinary technician shall be consistent with the standards of generally accepted veterinary medical practices. 53868
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(D) A veterinarian licensed to practice in this state shall not present the person's self as or state a claim that the person is a specialist unless the veterinarian has previously met the requirements for certification by a specialty organization recognized by the American board of veterinary specialties for a specialty or such other requirements set by rule of the board and has paid the fee required by division (A)~~(11)~~(10) of section 4741.17 of the Revised Code. 53872
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(E) Notwithstanding division (A) of this section, any animal owner or the owner's designee may engage in the practice of embryo transfer on the owner's animal if a licensed veterinarian directly supervises the owner or the owner's designee and the means used to perform the embryo transfer are nonsurgical. 53880
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(F) Allied medical support may assist a licensed veterinarian to the extent to which the law that governs the individual providing the support permits, if all of the following apply: 53885
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(1) A valid veterinary-client-patient-relationship exists. 53888

(2) The individual acts under direct veterinary supervision. 53889

(3) The allied medical support individual receives informed, written, client consent. 53890
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(4) The veterinarian maintains responsibility for the patient 53892
and keeps the patient's medical records. 53893

The board may inspect the facilities of an allied medical 53894
support individual in connection with an investigation based on a 53895
complaint received in accordance with section 4741.26 of the 53896
Revised Code involving that individual. 53897

Sec. 4743.08. (A) As used in this section and in section 53898
4743.09 of the Revised Code: 53899

(1) "Dangerous drug" has the same meaning as in section 53900
4729.01 of the Revised Code. 53901

(2) "Health care provider" or "provider" means an individual 53902
who is licensed, certified, or registered by a board, commission, 53903
or agency that is created under or by virtue of Title XLVII of the 53904
Revised Code and provides health-related diagnostic, evaluative, 53905
or treatment services. In accordance with Chapter 119. of the 53906
Revised Code, the director of health may adopt rules further 53907
defining "health care provider." 53908

(3) "Insurer" means any person that is authorized to engage 53909
in the business of insurance in this state under Title XXXIX of 53910
the Revised Code, the Ohio fair plan underwriting association 53911
created under section 3929.43 of the Revised Code, any health 53912
insuring corporation, or any legal entity that is self-insured and 53913
provides benefits to its employees or members. 53914

(B)(1) Except as provided in division (D) of this section, 53915
before a health care provider dispenses a dangerous drug or 53916
provides a medical product or service to a patient, the provider 53917
shall notify the patient or the patient's representative of all of 53918
the following: 53919

(a) The provider's usual and customary charge for the drug or 53920
medical product or service; 53921

(b) The portion of the charge described in division (B)(1) 53922
(a) of this section that the patient's insurer will pay for the 53923
drug, medical product, or service or, if the patient is a medicaid 53924
recipient, the portion the medicaid program will pay for the 53925
medicaid service; 53926

(c) Any out-of-pocket amount the patient will be charged for 53927
the drug, medical product, or service. 53928

(2) The notifications required by division (B)(1) of this 53929
section shall be provided in writing unless the patient and the 53930
provider are in different locations. Under those circumstances, 53931
the notifications may be given verbally. 53932

(C) Except as provided in division (D) of this section, a 53933
health care provider shall not dispense a dangerous drug or 53934
provide a medical product or service to a patient unless the 53935
patient or the patient's representative consents to being charged 53936
the out-of-pocket amount for the item. Consent shall be given in 53937
writing unless the patient and the provider are in different 53938
locations. Under those circumstances, consent may be given 53939
verbally if the verbal consent is recorded by the provider. 53940

(D) The requirements of divisions (B) and (C) of this section 53941
do not apply in emergency situations. The director of health may 53942
adopt rules specifying which situations are emergency situations. 53943

Sec. 4743.09. Notwithstanding any provision of the Revised 53944
Code to the contrary, a health care provider may advertise the 53945
provider's usual and customary charge for any product, procedure, 53946
or service that is provided, performed, or rendered by the 53947
provider. Any provision in a contract that prohibits this practice 53948
is void. 53949

Sec. 4760.133. (A)(1) If an anesthesiologist assistant 53950
violates any section of this chapter or any rule adopted under 53951

this chapter, the state medical board may, pursuant to an 53952
adjudication under Chapter 119. of the Revised Code and an 53953
affirmative vote of not fewer than six of its members, impose a 53954
civil penalty. The amount of the civil penalty shall be determined 53955
by the board in accordance with the guidelines adopted under 53956
division (A)(2) of this section. The civil penalty may be in 53957
addition to any other action the board may take under section 53958
4760.13 of the Revised Code. 53959

(2) The board shall adopt and may amend guidelines regarding 53960
the amounts of civil penalties to be imposed under this section. 53961
Adoption or amendment of the guidelines requires the approval of 53962
not fewer than six board members. 53963

Under the guidelines, no civil penalty amount shall exceed 53964
twenty thousand dollars. 53965

(B) Amounts received from payment of civil penalties imposed 53966
under this section shall be deposited by the board in accordance 53967
with section 4731.24 of the Revised Code. Amounts received from 53968
payment of civil penalties imposed for violations of division 53969
(B)(6) of section 4760.13 of the Revised Code shall be used by the 53970
board solely for investigations, enforcement, and compliance 53971
monitoring. 53972

Sec. 4762.133. (A)(1) If an oriental medicine practitioner or 53973
acupuncturist violates any section of this chapter or any rule 53974
adopted under this chapter, the state medical board may, pursuant 53975
to an adjudication under Chapter 119. of the Revised Code and an 53976
affirmative vote of not fewer than six of its members, impose a 53977
civil penalty. The amount of the civil penalty shall be determined 53978
by the board in accordance with the guidelines adopted under 53979
division (A)(2) of this section. The civil penalty may be in 53980
addition to any other action the board may take under section 53981
4762.13 of the Revised Code. 53982

(2) The board shall adopt and may amend guidelines regarding 53983
the amounts of civil penalties to be imposed under this section. 53984
Adoption or amendment of the guidelines requires the approval of 53985
not fewer than six board members. 53986

Under the guidelines, no civil penalty amount shall exceed 53987
twenty thousand dollars. 53988

(B) Amounts received from payment of civil penalties imposed 53989
under this section shall be deposited by the board in accordance 53990
with section 4731.24 of the Revised Code. Amounts received from 53991
payment of civil penalties imposed for violations of division 53992
(B)(6) of section 4762.13 of the Revised Code shall be used by the 53993
board solely for investigations, enforcement, and compliance 53994
monitoring. 53995

Sec. 4763.01. As used in this chapter: 53996

(A) "Real estate appraisal" or "appraisal" means an analysis, 53997
opinion, or conclusion relating to the nature, quality, value, or 53998
utility of specified interests in, or aspects of identified real 53999
estate that is classified as either a valuation or an analysis. 54000

(B) "Valuation" means an estimate of the value of real 54001
estate. 54002

(C) "Analysis" means a study of real estate for purposes 54003
other than valuation. 54004

(D) "Appraisal report" means a written communication of a 54005
real estate appraisal, or appraisal review, or appraisal 54006
consulting service or an oral communication of a real estate 54007
appraisal, or appraisal review, or appraisal consulting service 54008
that is documented by a writing that supports the oral 54009
communication. 54010

(E) "Appraisal assignment" means an engagement for which a 54011
person licensed or certified under this chapter is employed, 54012

retained, or engaged to act, or would be perceived by third 54013
parties or the public as acting, as a disinterested third party in 54014
rendering an unbiased real estate appraisal. 54015

(F) "Specialized services" means all appraisal services, 54016
other than appraisal assignments, including, but not limited to, 54017
valuation and analysis given in connection with activities such as 54018
real estate brokerage, mortgage banking, real estate counseling, 54019
and real estate tax counseling, and specialized marketing, 54020
financing, and feasibility studies. 54021

(G) "Real estate" has the same meaning as in section 4735.01 54022
of the Revised Code. 54023

(H) "Appraisal foundation" means a nonprofit corporation 54024
incorporated under the laws of the state of Illinois on November 54025
30, 1987, for the purposes of establishing and improving uniform 54026
appraisal standards by defining, issuing, and promoting those 54027
standards; establishing appropriate criteria for the certification 54028
and recertification of qualified appraisers by defining, issuing, 54029
and promoting the qualification criteria and disseminating the 54030
qualification criteria to others; and developing or assisting in 54031
development of appropriate examinations for qualified appraisers. 54032

(I) "Prepare" means to develop and communicate, whether 54033
through a personal physical inspection or through the act or 54034
process of critically studying a report prepared by another who 54035
made the physical inspection, an appraisal, analysis, or opinion, 54036
or specialized service and to report the results. If the person 54037
who develops and communicates the appraisal or specialized service 54038
does not make the personal inspection, the name of the person who 54039
does make the personal inspection shall be identified on the 54040
appraisal or specialized service reported. 54041

(J) "Report" means any communication, written, oral, or by 54042
any other means of transmission of information, of a real estate 54043

appraisal, appraisal review, ~~appraisal consulting service~~, or 54044
specialized service that is transmitted to a client or employer 54045
upon completion of the appraisal or service. 54046

(K) "State-certified general real estate appraiser" means any 54047
person who satisfies the certification requirements of this 54048
chapter relating to the appraisal of all types of real property 54049
and who holds a current and valid certificate or renewal 54050
certificate issued to the person pursuant to this chapter. 54051

(L) "State-certified residential real estate appraiser" means 54052
any person who satisfies the certification requirements only 54053
relating to the appraisal of one to four units of single-family 54054
residential real estate without regard to transaction value or 54055
complexity and who holds a current and valid certificate or 54056
renewal certificate issued to the person pursuant to this chapter. 54057

(M) "State-licensed residential real estate appraiser" means 54058
any person who satisfies the licensure requirements of this 54059
chapter relating to the appraisal of noncomplex one-to-four unit 54060
single-family residential real estate having a transaction value 54061
of less than one million dollars and complex one-to-four unit 54062
single-family residential real estate having a transaction value 54063
of less than two hundred fifty thousand dollars and who holds a 54064
current and valid license or renewal license issued to the person 54065
pursuant to this chapter. 54066

(N) "Certified or licensed real estate appraisal" means an 54067
appraisal prepared and reported by a certificate holder or 54068
licensee under this chapter acting within the scope of 54069
certification or licensure and as a disinterested third party. 54070

(O) "State-registered real estate appraiser assistant" means 54071
any person, other than a state-certified general real estate 54072
appraiser, state-certified residential real estate appraiser, or a 54073
state-licensed residential real estate appraiser, who satisfies 54074

the registration requirements of this chapter for participating in 54075
the development and preparation of real estate appraisals and who 54076
holds a current and valid registration or renewal registration 54077
issued to the person pursuant to this chapter. 54078

(P) "Institution of higher education" means a state 54079
university or college, a private college or university located in 54080
this state that possesses a certificate of authorization issued by 54081
the ~~Ohio board of regents~~ director of higher education pursuant to 54082
Chapter 1713. of the Revised Code, or an accredited college or 54083
university located outside this state that is accredited by an 54084
accrediting organization or professional accrediting association 54085
recognized by the ~~Ohio board of regents~~ director of higher 54086
education. 54087

(Q) "Division of real estate" may be used interchangeably 54088
with, and for all purposes has the same meaning as, "division of 54089
real estate and professional licensing." 54090

(R) "Superintendent" or "superintendent of real estate" means 54091
the superintendent of the division of real estate and professional 54092
licensing of this state. Whenever the division or superintendent 54093
of real estate is referred to or designated in any statute, rule, 54094
contract, or other document, the reference or designation shall be 54095
deemed to refer to the division or superintendent of real estate 54096
and professional licensing, as the case may be. 54097

(S) "Appraisal review" means the act or process of developing 54098
and communicating an opinion about the quality of another 54099
appraiser's work that was performed as part of an appraisal, or 54100
appraisal review, ~~or appraisal consulting assignment~~. 54101

(T) ~~"Appraisal consulting" means the act or process of~~ 54102
~~developing an analysis, recommendation, or opinion to solve a~~ 54103
~~problem related to real estate.~~ 54104

~~(U)~~ "Work file" means documentation used during the 54105

preparation of an appraisal report or necessary to support an 54106
appraiser's analyses, opinions, or conclusions. 54107

Sec. 4763.07. (A) Every state-certified general real estate 54108
appraiser, state-certified residential real estate appraiser and 54109
state-licensed residential real estate appraiser shall submit 54110
proof of successfully completing a minimum of fourteen classroom 54111
hours of continuing education instruction in courses or seminars 54112
approved by the real estate appraiser board. The certificate 54113
holder and licensee shall have satisfied the fourteen-hour 54114
continuing education requirements within the one-year period 54115
immediately following the issuance of the initial certificate or 54116
license and shall satisfy those requirements annually thereafter. 54117
A 54118

In accordance with federal law, each state-registered real 54119
estate appraiser assistant ~~who remains in this classification for~~ 54120
~~more than two years shall satisfy in the third and successive~~ 54121
~~years this section's requirements~~ submit proof of successfully 54122
completing a minimum of fourteen classroom hours of continuing 54123
education instruction in courses or seminars approved by the real 54124
estate appraiser board. Each registrant shall satisfy the 54125
fourteen-hour continuing education requirements annually. 54126

This division does not apply to an appraiser with a 54127
certification or license from another state that is temporarily 54128
recognized in this state pursuant to division (E)(2) of section 54129
4763.05 of the Revised Code. A 54130

A certificate holder, licensee, or registrant who fails to 54131
submit proof to the superintendent of meeting these requirements 54132
is ineligible to obtain a renewal certificate, license, or 54133
registration and shall comply with section 4763.05 of the Revised 54134
Code in order to regain a certificate, license, or registration, 54135
except that the certificate holder, licensee, or registrant may 54136

submit proof to the superintendent of meeting these requirements 54137
within three months after the date of expiration of the 54138
certificate, license, or registration, or by obtaining a medical 54139
exception under division (E) of this section, without having to 54140
comply with section 4763.05 of the Revised Code. A certificate 54141
holder, licensee, or registrant may not engage in any activities 54142
permitted by the certificate, license, or registration during the 54143
three-month period following the certificate's, license's, or 54144
registration's normal expiration date or during the time period 54145
for which a medical exception applies. 54146

A certificate holder, licensee, or registrant may satisfy all 54147
or a portion of the required hours of classroom instruction in the 54148
following manner: 54149

(1) Completion of an educational program of study determined 54150
by the board to be equivalent, for continuing education purposes, 54151
to courses or seminars approved by the board; 54152

(2) Participation, other than as a student, in educational 54153
processes or programs approved by the board that relate to real 54154
estate appraisal theory, practices, or techniques. 54155

A certificate holder, licensee, or registrant shall present 54156
to the superintendent of real estate evidence of the manner in 54157
which the certificate holder, licensee, or registrant satisfied 54158
the requirements of division (A) of this section. 54159

(B) The board shall adopt rules for implementing a continuing 54160
education program for state-certified general real estate 54161
appraisers, state-certified residential real estate appraisers, 54162
state-licensed residential real estate appraisers, and 54163
state-registered real estate appraiser assistants for the purpose 54164
of assuring that certificate holders, licensees, and registrants 54165
have current knowledge of real estate appraisal theories, 54166
practices, and techniques that will provide a high degree of 54167

service and protection to members of the public. In addition to 54168
any other provisions the board considers appropriate, the rules 54169
adopted by the board shall prescribe the following: 54170

(1) Policies and procedures for obtaining board approval of 54171
courses of instruction and seminars; 54172

(2) Standards, policies, and procedures to be applied in 54173
evaluating the alternative methods of complying with continuing 54174
education requirements set forth in divisions (A)(1) and (2) of 54175
this section; 54176

(3) Standards, monitoring methods, and systems for recording 54177
attendance to be employed by course sponsors as a prerequisite to 54178
approval of courses for continuing education credit. 54179

(C) No amendment or rescission of a rule the board adopts 54180
pursuant to division (B) of this section shall operate to deprive 54181
a certificate holder or licensee of credit toward renewal of 54182
certification or licensure for any course of instruction completed 54183
by the certificate holder or licensee prior to the effective date 54184
of the amendment or rescission that would have qualified for 54185
credit under the rule as it existed prior to amendment or 54186
rescission. 54187

(D) The superintendent of real estate shall not issue a 54188
renewal certificate, registration, or license to any person who 54189
does not meet applicable minimum criteria for state certification, 54190
registration, or licensure prescribed by federal law or rule. 54191

(E) The superintendent may grant a medical exception upon 54192
application by a person certified, registered, or licensed under 54193
this chapter. To receive an exception, the certificate holder, 54194
registrant, or licensee shall submit a request to the 54195
superintendent with proof satisfactory that a medical exception is 54196
warranted. If the superintendent makes a determination that 54197
satisfactory proof has not been presented, within fifteen days of 54198

the date of the denial of the medical exception, the certificate holder, registrant, or licensee may file with the division of real estate a request that the real estate appraiser board review the determination. The board may adopt reasonable rules in accordance with Chapter 119. of the Revised Code to implement this division.

Sec. 4765.161. The state board of emergency medical, fire, and transportation services shall adopt rules under section 4765.11 of the Revised Code to establish an expedited veterans paramedic certification program for any person who is a veteran of the armed forces of the United States and who, while serving in the armed forces of the United States, received training as what this state categorizes as a paramedic. The program shall provide for a method or procedure whereby, upon application by such a veteran, the veteran is evaluated to determine the extent of the training the veteran received while serving in the armed forces of the United States. If the evaluation indicates that the training the veteran received while serving in the armed forces of the United States was such that the veteran is eligible to be issued a certificate to practice as a paramedic, the board shall issue the veteran a certificate to practice as a paramedic as provided in section 4765.30 of the Revised Code upon payment of the appropriate fee.

If the evaluation indicates that the training the veteran received while serving in the armed forces of the United States was such that the veteran is not eligible to be issued a certificate to practice as a paramedic, the veteran shall receive credit for the training the veteran received while serving in the armed forces of the United States and shall be required to successfully complete only the necessary additional training or instruction in order to be issued a certificate to practice as a paramedic.

Sec. 4774.133. (A)(1) If a radiologist assistant violates any section of this chapter or any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4774.13 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(6) of section 4774.13 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring.

Sec. 4778.06. (A) An individual seeking to renew a license to practice as a genetic counselor shall, on or before the thirty-first day of January of each even-numbered year, apply for renewal of the license. The state medical board shall send renewal notices at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be

accompanied by a biennial renewal fee of one hundred fifty 54260
dollars. 54261

The applicant shall report any criminal offense to which the 54262
applicant has pleaded guilty, of which the applicant has been 54263
found guilty, or for which the applicant has been found eligible 54264
for intervention in lieu of conviction, since last signing an 54265
application for a license to practice as a genetic counselor. 54266

(B) To be eligible for renewal, a genetic counselor shall 54267
certify to the board that the counselor has done both of the 54268
following: 54269

(1) Maintained the counselor's status as a certified genetic 54270
counselor; 54271

(2) Completed at least thirty hours of continuing education 54272
in genetic counseling that has been approved by the national 54273
society of genetic counselors or American board of genetic 54274
counseling. 54275

(C) If an applicant submits a renewal application that the 54276
board considers to be complete and qualifies for renewal pursuant 54277
to division (B) of this section, the board shall issue to the 54278
applicant a renewed license to practice as a genetic counselor. 54279

(D) The board may require a random sample of genetic 54280
counselors to submit materials documenting that their status as 54281
certified genetic counselors has been maintained and that the 54282
number of hours of continuing education required under division 54283
(B)(2) of this section has been completed. 54284

If a genetic counselor certifies that the genetic counselor 54285
has completed the number of hours and type of continuing education 54286
required for renewal of a license, and the board finds through the 54287
random sample or any other means that the genetic counselor did 54288
not complete the requisite continuing education, the board may 54289
impose a civil penalty of not more than five thousand dollars. ~~The~~ 54290

If a civil penalty is imposed in addition to any other action the board takes under section 4778.14 of the Revised Code, the board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six members. A civil penalty imposed under this division may be in addition to or in lieu of any other action the board may take under section 4778.14 of the Revised Code. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

Sec. 4778.141. (A)(1) If a genetic counselor violates any section of this chapter other than section 4778.06 of the Revised Code or violates any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4778.14 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(6) of section 4778.14 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance

monitoring. 54322

Sec. 4905.71. (A) Every telephone or electric light company 54323
that is a public utility as defined by section 4905.02 of the 54324
Revised Code and, subject to section 4927.15 of the Revised Code, 54325
every incumbent local exchange carrier as defined by section 54326
4927.01 of the Revised Code shall permit, upon reasonable terms 54327
and conditions and the payment of reasonable charges, the 54328
attachment of any wire, cable, facility, or apparatus to its 54329
poles, pedestals, or placement of same in conduit duct space, by 54330
any person or entity other than a public utility that is 54331
authorized and has obtained, under law, any necessary public or 54332
private authorization and permission to construct and maintain the 54333
attachment, so long as the attachment does not interfere, 54334
obstruct, or delay the service and operation of the ~~telephone or~~ 54335
~~electric light~~ company or carrier, or create a hazard to safety. 54336
Every such ~~telephone or electric light~~ company or carrier shall 54337
file tariffs with the public utilities commission containing the 54338
charges, terms, and conditions established for such use. 54339

(B) The commission shall regulate the justness and 54340
reasonableness of the charges, terms, and conditions contained in 54341
any such tariff, and may, upon complaint of any persons in which 54342
it appears that reasonable grounds for complaint are stated, or 54343
upon its own initiative, investigate such charges, terms, and 54344
conditions and conduct a hearing to establish just and reasonable 54345
charges, terms, and conditions, and to resolve any controversy 54346
that may arise among the parties as to such attachment. 54347

Sec. 4905.81. The public utilities commission shall: 54348

(A) Supervise and regulate each motor carrier; 54349

(B) Regulate the safety of operation of each motor carrier, 54350
and of each intermodal equipment provider as defined in section 54351

| | |
|---|---|
| <u>4923.041 of the Revised Code;</u> | 54352 |
| (C) Adopt reasonable safety rules applicable to the highway transportation of persons or property in interstate and intrastate commerce by motor carriers; | 54353 54354 54355 |
| (D) Adopt safety rules applicable to the transportation and offering for transportation of hazardous materials in interstate and intrastate commerce by motor carriers. The rules shall not be incompatible with the requirements of the United States department of transportation. | 54356 54357 54358 54359 54360 |
| (E) Require the filing of reports and other data by motor carriers; | 54361 54362 |
| (F) Adopt reasonable rules for the administration and enforcement of this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code applying to each motor carrier in this state; | 54363 54364 54365 54366 |
| (G) Supervise and regulate motor carriers in all other matters affecting the relationship between those carriers and the public to the exclusion of all local authorities, except as provided in this section. The commission, in the exercise of the jurisdiction conferred upon it by this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code, may adopt rules affecting motor carriers, notwithstanding the provisions of any ordinance, resolution, license, or permit enacted, adopted, or granted by any township, municipal corporation, municipal corporation and county, or county. In case of conflict between any such ordinance, resolution, license, or permit, the order or rule of the commission shall prevail. Local subdivisions may adopt reasonable local police rules within their respective boundaries not inconsistent with those chapters and rules adopted under them. | 54367 54368 54369 54370 54371 54372 54373 54374 54375 54376 54377 54378 54379 54380 54381 |
| The commission has jurisdiction to receive, hear, and | 54382 |

determine as a question of fact, upon complaint of any party or 54383
upon its own motion, and upon not less than fifteen days' notice 54384
of the time and place of the hearing and the matter to be heard, 54385
whether any corporation, company, association, joint-stock 54386
association, person, firm, or copartnership, or their lessees, 54387
legal or personal representatives, trustees, or receivers or 54388
trustees appointed by any court, is engaged as a motor carrier. 54389
The finding of the commission on such a question is a final order 54390
that may be reviewed as provided in section 4923.15 of the Revised 54391
Code. 54392

Sec. 4923.04. (A)~~(1)~~ The public utilities commission shall 54393
adopt rules applicable to ~~the~~ all of the following: 54394

(1) The transportation of persons or property by motor 54395
carriers operating in interstate and intrastate commerce; 54396

(2) ~~The commission shall adopt rules applicable to the~~ 54397
highway transportation and offering for transportation of 54398
hazardous materials by motor carriers, and persons engaging in the 54399
highway transportation and offering for transportation of 54400
hazardous materials, operating in interstate or intrastate 54401
commerce; 54402

(3) The use and interchange of intermodal equipment, as those 54403
terms are defined in section 4923.041 of the Revised Code. 54404

(B) The rules adopted under division (A) of this section 54405
shall not be incompatible with the requirements of the United 54406
States department of transportation. 54407

(C) To achieve the purposes of this chapter and to assist the 54408
commission in the performance of any of its powers or duties, the 54409
commission, either through the public utilities commissioners or 54410
employees authorized by it, may do either or both of the 54411
following: 54412

(1) Apply for, and any judge of a court of record of 54413
competent jurisdiction may issue, an appropriate search warrant; 54414

(2) Examine under oath, at the offices of the commission, any 54415
officer, agent, or employee of any person subject to this chapter. 54416
The commission, by subpoena, also may compel the attendance of a 54417
witness for the purpose of the examination and, by subpoena duces 54418
tecum, may compel the production of all books, contracts, records, 54419
and documents that relate to ~~the transportation and offering for~~ 54420
transportation of hazardous materials compliance with this chapter 54421
or compliance with rules adopted under this chapter. 54422

Sec. 4923.041. (A) As used in section 4923.04 of the Revised 54423
Code: 54424

"Interchange" means the act of providing intermodal equipment 54425
to a motor carrier pursuant to an intermodal equipment interchange 54426
agreement for the purpose of transporting the equipment for 54427
loading or unloading by any person or repositioning the equipment 54428
for the benefit of the equipment provider, but it does not include 54429
the leasing of equipment to a motor carrier for primary use in the 54430
motor carrier's freight hauling operations. 54431

"Intermodal equipment" means trailing equipment that is used 54432
in the intermodal transportation of containers over public 54433
highways in interstate commerce, including trailers and chassis. 54434

(B) As used in this section: 54435

"Intermodal equipment interchange agreement" means the 54436
uniform intermodal interchange and facilities access agreement or 54437
any other written document executed by an intermodal equipment 54438
provider or its agent and a motor carrier or its agent, the 54439
primary purpose of which is to establish the responsibilities and 54440
liabilities of both parties with respect to the interchange of the 54441
intermodal equipment. 54442

"Intermodal equipment provider" means any person that 54443
interchanges intermodal equipment with a motor carrier pursuant to 54444
a written interchange agreement or has a contractual 54445
responsibility for the maintenance of the intermodal equipment. 54446

"Person" means any individual, partnership, association, 54447
corporation, business trust, or any other organized group of 54448
individuals. 54449

Sec. 4927.01. (A) As used in this chapter: 54450

(1) "Basic local exchange service" means residential-end-user 54451
access to and usage of telephone-company-provided services over a 54452
single line or small-business-end-user access to and usage of 54453
telephone-company-provided services over the primary access line 54454
of service, which in the case of residential and small-business 54455
access and usage is not part of a bundle or package of services, 54456
that does both of the following: 54457

(a) Enables a customer to originate or receive voice 54458
communications within a local service area as that area exists on 54459
September 13, 2010, ~~the effective date of the amendment of this~~ 54460
~~section by S.B. 162 of the 128th general assembly~~ or as that area 54461
is changed with the approval of the public utilities commission; 54462

(b) Consists of all of the following services: 54463

(i) Local dial tone service; 54464

(ii) For residential end users, flat-rate telephone exchange 54465
service; 54466

(iii) Touch tone dialing service; 54467

(iv) Access to and usage of 9-1-1 services, where such 54468
services are available; 54469

(v) Access to operator services and directory assistance; 54470

(vi) Provision of a telephone directory in any reasonable 54471

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| format for no additional charge and a listing in that directory, | 54472 |
| with reasonable accommodations made for private listings; | 54473 |
| (vii) Per call, caller identification blocking services; | 54474 |
| (viii) Access to telecommunications relay service; and | 54475 |
| (ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies. | 54476 54477 |
| <u>"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.</u> | 54478 54479 54480 |
| (2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price. | 54481 54482 54483 |
| (3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access. | 54484 54485 54486 54487 54488 54489 |
| (4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined. | 54490 54491 54492 54493 54494 54495 54496 |
| (5) "Incumbent local exchange carrier" means, with respect to an area, the local exchange carrier that: | 54497 54498 |
| (a) On February 8, 1996, provided telephone exchange service in such area; and | 54499 54500 |
| (b)(i) On February 8, 1996, was deemed to be a member of the | 54501 |

exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 54502

(ii) Is a person or entity that, on or after February 8, 54503
1996, became a successor or assign of a member described in 54504
division (A)(5)(b)(i) of this section. 54505

(6) "Internet protocol-enabled services" means any services, 54506
capabilities, functionalities, or applications that are provided 54507
using internet protocol or a successor protocol to enable an end 54508
user to send or receive communications in internet protocol format 54509
or a successor format, regardless of how any particular such 54510
service is classified by the federal communications commission, 54511
and includes voice over internet protocol service. 54512

(7) "Interstate-access component" means the portion of 54513
carrier access that is within the jurisdiction of the federal 54514
communications commission. 54515

(8) "Local exchange carrier" means any person engaged in the 54516
provision of telephone exchange service, or the offering of access 54517
to telephone exchange service or facilities for the purpose of 54518
originating or terminating telephone toll service. 54519

~~(8)~~(9) "Local service area" means the geographic area that 54520
may encompass more than one exchange area and within which a 54521
telephone customer, by paying the rate for basic local exchange 54522
service, may complete calls to other telephone customers without 54523
being assessed long distance toll charges. 54524

~~(9)~~(10) "Small business" means a nonresidential service 54525
customer with three or fewer service access lines. 54526

~~(10)~~(11) "Telecommunications" means the transmission, between 54527
or among points specified by the user, of information of the 54528
user's choosing, without change in the form or content of the 54529
information as sent and received. 54530

~~(11)~~(12) "Telecommunications carrier" has the same meaning as 54531

in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 54532
153. 54533

~~(12)~~(13) "Telecommunications service" means the offering of 54534
telecommunications for a fee directly to the public, or to such 54535
classes of users as to be effectively available directly to the 54536
public, regardless of the facilities used. 54537

~~(13)~~(14) "Telephone company" means a company described in 54538
division (A) of section 4905.03 of the Revised Code that is a 54539
public utility under section 4905.02 of the Revised Code. 54540

~~(14)~~(15) "Telephone exchange service" means 54541
telecommunications service that is within a telephone exchange, or 54542
within a connected system of telephone exchanges within the same 54543
exchange area operated to furnish to subscribers 54544
intercommunicating service of the character ordinarily furnished 54545
by a single exchange, and that is covered by the exchange service 54546
charge; or comparable service provided through a system of 54547
switches, transmission equipment, or other facilities, or 54548
combination thereof, by which a customer can originate and 54549
terminate a telecommunications service. 54550

~~(15)~~(16) "Telephone toll service" means telephone service 54551
between stations in different exchange areas for which there is 54552
made a separate charge not included in contracts with customers 54553
for exchange service. 54554

~~(16)~~(17) "Voice over internet protocol service" means a 54555
service that ~~uses a broadband connection from an end user's~~ 54556
~~location and~~ enables real-time, two-way, voice communications that 54557
originate or terminate from the user's location using internet 54558
protocol or a successor protocol, including, but not limited to, 54559
any such service that permits an end user to receive calls from 54560
and terminate calls to the public switched network. 54561

~~(17)~~(18) "Voice service" includes all of the applicable 54562

functionalities described in 47 C.F.R. 54.101(a). "Voice service" 54563
is not the same as basic local exchange service. 54564

(19) "Wireless service" means federally licensed commercial 54565
mobile service as defined in the "Telecommunications Act of 1996," 54566
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 54567
commercial mobile radio service in 47 C.F.R. 20.3. Under division 54568
(A)~~(17)~~(19) of this section, commercial mobile radio service is 54569
specifically limited to mobile telephone, mobile cellular 54570
telephone, paging, personal communications services, and 54571
specialized mobile radio service provided by a common carrier in 54572
this state and excludes fixed wireless service. 54573

~~(18)~~(20) "Wireless service provider" means a facilities-based 54574
provider of wireless service to one or more end users in this 54575
state. 54576

(B) The definitions of this section shall be applied 54577
consistent with the definitions in the "Telecommunications Act of 54578
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 54579
federal decisions interpreting those definitions. 54580

Sec. 4927.02. (A) It is the policy of this state to: 54581

(1) Ensure the availability of adequate basic local exchange 54582
service or voice service to citizens throughout the state; 54583

(2) Provide incentives for competing providers of 54584
telecommunications service to provide advanced, high-quality 54585
telecommunications service to citizens throughout the state; 54586

(3) Rely primarily on market forces, where they exist, to 54587
maintain reasonable service levels for telecommunications services 54588
at reasonable rates; 54589

(4) Encourage innovation in the telecommunications industry 54590
and the deployment of advanced telecommunications services; 54591

(5) Create a regulatory climate that provides incentives to 54592

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| create and maintain high technology jobs for Ohioans; | 54593 |
| (6) Promote diversity and options in the supply of telecommunications services and equipment throughout the state; | 54594 |
| (7) Recognize the continuing emergence of a competitive telecommunications environment through flexible regulatory treatment of telecommunications services where appropriate; | 54596 |
| (8) Consider the regulatory treatment of competing and functionally equivalent services and, to the extent practicable, provide for equivalent regulation of all telephone companies and services; | 54597 |
| (9) Not unduly favor or advantage any provider and not unduly disadvantage providers of competing and functionally equivalent services; and | 54598 |
| (10) Protect the affordability of telephone service for low-income subscribers through the continuation of federal lifeline assistance programs. | 54599 |
| (B) The public utilities commission shall consider the policy set forth in this section in carrying out this chapter. | 54600 |
| Sec. 4927.07. (A) <u>Except as provided under the notice requirements of section 4927.10 of the Revised Code,</u> a telephone company may withdraw any telecommunications service if it gives at least thirty days' prior notice to the public utilities commission and to its affected customers. | 54601 |
| (B) <u>Except as provided under the notice requirements of section 4927.10 of the Revised Code,</u> a telephone company may abandon entirely telecommunications service in this state if it gives at least thirty days' prior notice to the commission, to its wholesale and retail customers, and to any telephone company wholesale provider of its services. | 54602 |
| (C) Divisions (A) and (B) of this section do not apply to any | 54603 |

of the following: 54623

(1) ~~Basic local exchange service provided by an incumbent local exchange carrier;~~ 54624
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~~(2)~~ Pole attachments under section 4905.71 of the Revised Code; 54626
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~~(3)~~(2) Conduit occupancy under section 4905.71 of the Revised Code; 54628
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~~(4)~~(3) Interconnection and resale agreements approved under the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended. 54630
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(D) ~~An~~ Except as provided in section 4927.10 of the Revised Code, an incumbent local exchange carrier may not withdraw or abandon basic local exchange service. 54633
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(E) ~~A~~ Neither a telephone company nor an incumbent local exchange carrier may ~~not~~, without first filing a request with the commission and obtaining commission approval, withdraw any tariff filed with the commission for pole attachments or conduit occupancy under section 4905.71 of the Revised Code or abandon service provided under that section. 54636
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Sec. 4927.10. (A) Subject to division (B) of this section, if the federal communications commission adopts an order that allows an incumbent local exchange carrier to withdraw the interstate-access component of its basic local exchange service under 47 U.S.C. 214, neither of the following shall apply, beginning when the order is adopted, with regard to any exchange area in which an incumbent local exchange carrier withdraws that component: 54642
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(1) The prohibition contained in division (D) of section 4927.07 of the Revised Code against the withdrawal or abandonment of basic local exchange service by an incumbent local exchange 54650
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carrier, provided that the carrier gives at least one hundred 54653
twenty days' prior notice to the public utilities commission and 54654
to its affected customers of the withdrawal or abandonment; 54655

(2) The requirements contained in division (A) of section 54656
4927.11 of the Revised Code. 54657

(B) If a residential customer to whom notice has been given 54658
under this section will be unable to obtain reasonable and 54659
comparatively priced voice service upon the carrier's withdrawal 54660
or abandonment of basic local exchange service, the customer may 54661
file a petition with the public utilities commission not later 54662
than ninety days prior to the effective date of the withdrawal or 54663
abandonment. If a residential customer is identified by the 54664
collaborative process established under Section 749.10 of H.B. 64 54665
of the 131st general assembly as a customer who will be unable to 54666
obtain reasonable and comparatively priced voice service upon the 54667
withdrawal or abandonment of basic local exchange service, that 54668
customer shall be treated as though the customer filed a timely 54669
petition under this division. 54670

(1) The public utilities commission shall issue an order 54671
disposing of the petition not later than ninety days after the 54672
filing of the petition. 54673

(a) If the public utilities commission determines after an 54674
investigation that no reasonable and comparatively priced voice 54675
service will be available to the customer at the customer's 54676
residence, the public utilities commission shall attempt to 54677
identify a willing provider of a reasonable and comparatively 54678
priced voice service to serve the customer. 54679

(b) If no willing provider is identified, the public 54680
utilities commission may order the withdrawing or abandoning 54681
carrier to provide a reasonable and comparatively priced voice 54682
service to the customer at the customer's residence. 54683

(c) The willing provider or the carrier, as applicable, may 54684
utilize any technology or service arrangement to provide the voice 54685
service. 54686

(2) Except as provided in division (B)(2) of this section, an 54687
order adopted under division (B)(1)(b) of this section shall not 54688
be in effect for more than twelve months after the date that it is 54689
issued. If an order is issued under division (B)(1)(b) of this 54690
section, the public utilities commission shall evaluate, during 54691
the twelve-month period in which the order is effective, whether 54692
an alternative reasonable and comparatively priced voice service 54693
is found to exist for the affected customer. If no such voice 54694
service is available, the public utilities commission may extend 54695
the order for one additional twelve-month period. If, at the end 54696
of the second twelve-month period, no alternative reasonable and 54697
comparatively priced voice service is available, the public 54698
utilities commission may order the withdrawing or abandoning 54699
carrier to continue to provide a reasonable and comparatively 54700
priced voice service to the affected customer, utilizing any 54701
technology or service arrangement to provide the voice service. 54702

(3) For purposes of this division, the public utilities 54703
commission shall define the term "reasonable and comparatively 54704
priced voice service" to include service that provides voice grade 54705
access to the public switched network or its functional 54706
equivalent, access to 9-1-1, and that is competitively priced, 54707
when considering all the alternatives in the marketplace and their 54708
functionalities. 54709

Sec. 4927.101. (A) Section 4927.10 of the Revised Code and 54710
the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 54711
of the Revised Code made by H.B. 64 of the 131st general assembly 54712
shall not affect any of the following: 54713

(1) Any contractual obligation, including agreements under 54714

the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 251 54715
and 252, as amended; 54716

(2) Any right or obligation under federal law or rules; 54717

(3) The carrier-access requirements under section 4927.15 of 54718
the Revised Code; 54719

(4) Any right or obligation under section 4905.71 of the 54720
Revised Code. 54721

(B) The amendments to section 4927.15 of the Revised Code 54722
made by H.B. 64 of the 131st general assembly shall not affect the 54723
obligations and rights described in divisions (A)(1), (2), and (4) 54724
of this section. 54725

Sec. 4927.11. (A) Except as otherwise provided in this 54726
section and section 4927.10 of the Revised Code, an incumbent 54727
local exchange carrier shall provide basic local exchange service 54728
to all persons or entities in its service area requesting that 54729
service, and that service shall be provided on a reasonable and 54730
nondiscriminatory basis. 54731

(B)(1) An incumbent local exchange carrier is not obligated 54732
to construct facilities and provide basic local exchange service, 54733
or any other telecommunications service, to the occupants of 54734
multitenant real estate, including, but not limited to, 54735
apartments, condominiums, subdivisions, office buildings, or 54736
office parks, if the owner, operator, or developer of the 54737
multitenant real estate does any of the following to the benefit 54738
of any other telecommunications service provider: 54739

(a) Permits only one provider of telecommunications service 54740
to install the company's facilities or equipment during the 54741
construction or development phase of the multitenant real estate; 54742

(b) Accepts or agrees to accept incentives or rewards that 54743
are offered by a telecommunications service provider to the owner, 54744

operator, developer, or occupants of the multitenant real estate 54745
and are contingent on the provision of telecommunications service 54746
by that provider to the occupants, to the exclusion of services 54747
provided by other telecommunications service providers; 54748

(c) Collects from the occupants of the multitenant real 54749
estate any charges for the provision of telecommunications service 54750
to the occupants, including charges collected through rents, fees, 54751
or dues. 54752

(2) A carrier not obligated to construct facilities and 54753
provide basic local exchange service pursuant to division (B)(1) 54754
of this section shall notify the public utilities commission of 54755
that fact within one hundred twenty days of receiving knowledge 54756
thereof. 54757

(3) The commission by rule may establish a process for 54758
determining a necessary successor telephone company to provide 54759
service to real estate described in division (B)(1) of this 54760
section when the circumstances described in that division cease to 54761
exist. 54762

(4) An incumbent local exchange carrier that receives a 54763
request from any person or entity to provide service under the 54764
circumstances described in division (B)(1) of this section shall, 54765
within fifteen days of such receipt, provide notice to the person 54766
or entity specifying whether the carrier will provide the 54767
requested service. If the carrier provides notice that it will not 54768
serve the person or entity, the notice shall describe the person's 54769
or entity's right to file a complaint with the commission under 54770
section 4927.21 of the Revised Code within thirty days after 54771
receipt of the notice. In resolving any such complaint, the 54772
commission's determination shall be limited to whether any 54773
circumstance described in divisions (B)(1)(a) to (c) of this 54774
section exists. Upon a finding by the commission that such a 54775
circumstance exists, the complaint shall be dismissed. Upon a 54776

finding that such circumstances do not exist, the person's or 54777
entity's sole remedy shall be provision by the carrier of the 54778
requested service within a reasonable time. 54779

(C) An incumbent local exchange carrier may apply to the 54780
commission for a waiver from compliance with division (A) of this 54781
section. The application shall include, at a minimum, the reason 54782
for the requested waiver, the number of persons or entities who 54783
would be impacted by the waiver, and the alternatives that would 54784
be available to those persons or entities if the waiver were 54785
granted. The incumbent local exchange carrier applying for the 54786
waiver shall publish notice of the waiver application one time in 54787
a newspaper of general circulation throughout the service area 54788
identified in the application and shall provide additional notice 54789
to affected persons or entities as required by the commission in 54790
rules adopted under this division. The commission's rules shall 54791
define "affected" for purposes of this division. The commission 54792
shall afford such persons or entities a reasonable opportunity to 54793
comment to the commission on the application. This opportunity 54794
shall include a public hearing conducted in accordance with rules 54795
adopted under this division and conducted in the service area 54796
identified in the application. After a reasonable opportunity to 54797
comment has been provided, but not later than one hundred twenty 54798
days after the application is filed, the commission either shall 54799
issue an order granting the waiver if, upon investigation, it 54800
finds the waiver to be just, reasonable, and not contrary to the 54801
public interest, and that the applicant demonstrates a financial 54802
hardship or an unusual technical limitation, or shall issue an 54803
order denying the waiver based on a failure to meet those 54804
standards and specifying the reasons for the denial. The 54805
commission shall adopt rules to implement division (C) of this 54806
section. 54807

Sec. 4927.15. (A)(1) The rates, terms, and conditions for 54808

9-1-1 service provided in this state by a telephone company or a 54809
telecommunications carrier and each of the following provided in 54810
this state by a telephone company shall be approved and tariffed 54811
in the manner prescribed by rule adopted by the public utilities 54812
commission and shall be subject to the applicable laws, including 54813
rules or regulations adopted and orders issued by the commission 54814
or the federal communications commission: 54815

~~(1) Carrier access;~~ 54816

~~(2)(a) N-1-1 services, other than 9-1-1 service;~~ 54817

~~(3) Pole attachments and conduit occupancy under section 54818
4905.71 of the Revised Code;~~ 54819

~~(4)(b) Pay telephone access lines;~~ 54820

~~(5)(c) Toll presubscription;~~ 54821

~~(6)(d) Telecommunications relay service.~~ 54822

(2) The rates, terms, and conditions for both of the 54823
following provided in this state by a telephone company or an 54824
incumbent local exchange carrier shall be approved and tariffed in 54825
the manner prescribed by rule adopted by the public utilities 54826
commission and shall be subject to the applicable laws, including 54827
rules or regulations adopted and orders issued by the commission 54828
or the federal communications commission: 54829

(a) Carrier access; 54830

(b) Pole attachments and conduit occupancy under section 54831
4905.71 of the Revised Code. 54832

(B) The public utilities commission may order changes in a 54833
telephone company's rates for carrier access in this state subject 54834
to this division. In the event that the public utilities 54835
commission reduces a telephone company's rates for carrier access 54836
that are in effect on September 13, 2010, that reduction shall be 54837

on a revenue-neutral basis under terms and conditions established 54838
by the public utilities commission, and any resulting rate changes 54839
necessary to comply with division (B) or (C) of this section shall 54840
be in addition to any upward rate alteration made under section 54841
4927.12 of the Revised Code. 54842

(C) The public utilities commission has authority to address 54843
carrier access policy and to create and administer mechanisms for 54844
carrier access reform, including, but not limited to, high cost 54845
support. 54846

Sec. 5101.073. There is hereby created in the state treasury 54847
the ODJFS ~~general services administration~~ audit settlements and 54848
~~operating~~ contingency fund. The ~~director of job and family~~ 54849
~~services may submit a deposit modification and payment detail~~ 54850
~~report to the treasurer of state after the completion of the~~ 54851
~~reconciliation of all final transactions with the federal~~ 54852
~~government regarding a federal grant for a program the department~~ 54853
~~of job and family services administers and a final closeout for~~ 54854
~~the grant. On receipt of the report, the treasurer of state shall~~ 54855
~~transfer the money in the refunds and audit settlements fund that~~ 54856
~~is the subject of the report to the ODJFS general services~~ 54857
~~administration and operating fund. Money in the ODJFS general~~ 54858
~~services administration and operating~~ fund shall be used to pay 54859
for the expenses of the programs the department administers and 54860
the department's administrative expenses, including the costs of 54861
state hearings under section 5101.35 of the Revised Code, required 54862
~~audit adjustments~~ audits, settlements, contingencies, and other 54863
related expenses. As necessary for the purposes of the fund, the 54864
director of job and family services may request the director of 54865
budget and management to transfer money from any of the funds used 54866
by the department of job and family services, except the general 54867
revenue fund, to the ODJFS audit settlements and contingency fund. 54868
Upon receipt of such a request, the director of budget and 54869

management may transfer the money requested. The director of 54870
budget and management, in consultation with the director of job 54871
and family services, may transfer money from the ODJFS audit 54872
settlements and contingency fund to any fund used by the 54873
department or to the general revenue fund. 54874

Sec. 5101.54. (A) The director of job and family services 54875
shall administer the supplemental nutrition assistance program in 54876
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 54877
et seq.). The department may: 54878

(1) Prepare and submit to the secretary of the United States 54879
department of agriculture a plan for the administration of the 54880
supplemental nutrition assistance program; 54881

(2) Prescribe forms for applications, certificates, reports, 54882
records, and accounts of county departments of job and family 54883
services, and other matters; 54884

(3) Require such reports and information from each county 54885
department of job and family services as may be necessary and 54886
advisable; 54887

(4) Administer and expend any sums appropriated by the 54888
general assembly for the purposes of the supplemental nutrition 54889
assistance program and all sums paid to the state by the United 54890
States as authorized by the Food and Nutrition Act of 2008; 54891

(5) Conduct such investigations as are necessary; 54892

(6) Enter into interagency agreements and cooperate with 54893
investigations conducted by the department of public safety, 54894
including providing information for investigative purposes, 54895
exchanging property and records, passing through federal financial 54896
participation, modifying any agreements with the United States 54897
department of agriculture, providing for the supply, security, and 54898
accounting of supplemental nutrition assistance program benefits 54899

for investigative purposes, and meeting any other requirements 54900
necessary for the detection and deterrence of illegal activities 54901
in the supplemental nutrition assistance program; 54902

(7) Adopt rules in accordance with Chapter 119. of the 54903
Revised Code governing employment and training requirements of 54904
recipients of supplemental nutrition assistance program benefits, 54905
including rules specifying which recipients are subject to the 54906
requirements and establishing sanctions for failure to satisfy the 54907
requirements. The rules shall be consistent with 7 U.S.C. 2015, 54908
including its work and employment and training requirements, and, 54909
to the extent practicable, ~~may~~ shall provide for the recipients to 54910
participate in work activities, developmental activities, and 54911
alternative work activities ~~established under~~ described in 54912
sections 5107.40 to 5107.69 of the Revised Code that are 54913
comparable to programs authorized by 7 U.S.C. 2015(d)(4). The 54914
rules may reference rules adopted under section 5107.05 of the 54915
Revised Code governing work activities, developmental activities, 54916
and alternative work activities ~~established under~~ described in 54917
sections 5107.40 to 5107.69 of the Revised Code. 54918

(8) Adopt rules in accordance with section 111.15 of the 54919
Revised Code that are consistent with the Food and Nutrition Act 54920
of 2008, as amended, and regulations adopted thereunder governing 54921
the following: 54922

(a) Eligibility requirements for the supplemental nutrition 54923
assistance program; 54924

(b) Sanctions for failure to comply with eligibility 54925
requirements; 54926

(c) Allotment of supplemental nutrition assistance program 54927
benefits; 54928

(d) To the extent permitted under federal statutes and 54929
regulations, a system under which some or all recipients of 54930

supplemental nutrition assistance program benefits subject to 54931
employment and training requirements established by rules adopted 54932
under division (A)(7) of this section receive the benefits after 54933
satisfying the requirements; 54934

(e) Administration of the program by county departments of 54935
job and family services; 54936

(f) Other requirements necessary for the efficient 54937
administration of the program. 54938

(9) Submit a plan to the United States secretary of 54939
agriculture for the department of job and family services to 54940
operate a simplified supplemental nutrition assistance program 54941
pursuant to 7 U.S.C. 2035 under which requirements governing the 54942
Ohio works first program established under Chapter 5107. of the 54943
Revised Code also govern the supplemental nutrition assistance 54944
program in the case of households receiving supplemental nutrition 54945
assistance program benefits and participating in Ohio works first. 54946

(B) A household that is entitled to receive supplemental 54947
nutrition assistance program benefits and that is determined to be 54948
in immediate need of nutrition assistance, shall receive 54949
certification of eligibility for program benefits, pending 54950
verification, within twenty-four hours, or, if mitigating 54951
circumstances occur, within seventy-two hours, after application, 54952
if: 54953

(1) The results of the application interview indicate that 54954
the household will be eligible upon full verification; 54955

(2) Information sufficient to confirm the statements in the 54956
application has been obtained from at least one additional source, 54957
not a member of the applicant's household. Such information shall 54958
be recorded in the case file, and shall include: 54959

(a) The name of the person who provided the name of the 54960
information source; 54961

(b) The name and address of the information source; 54962

(c) A summary of the information obtained. 54963

The period of temporary eligibility shall not exceed one 54964
month from the date of certification of temporary eligibility. If 54965
eligibility is established by full verification, benefits shall 54966
continue without interruption as long as eligibility continues. 54967

At the time of application, the county department of job and 54968
family services shall provide to a household described in this 54969
division a list of community assistance programs that provide 54970
emergency food. 54971

(C) All applications shall be approved or denied through full 54972
verification within thirty days from receipt of the application by 54973
the county department of job and family services. 54974

(D) Nothing in this section shall be construed to prohibit 54975
the certification of households that qualify under federal 54976
regulations to receive supplemental nutrition assistance program 54977
benefits without charge under the Food and Nutrition Act of 2008. 54978

(E) Any person who applies for the supplemental nutrition 54979
assistance program shall receive a voter registration application 54980
under section 3503.10 of the Revised Code. 54981

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 54982
Revised Code: 54983

(A) "Abuse" means the infliction upon an adult by self or 54984
others of injury, unreasonable confinement, intimidation, or cruel 54985
punishment with resulting physical harm, pain, or mental anguish. 54986

(B) "Adult" means any person sixty years of age or older 54987
within this state who is handicapped by the infirmities of aging 54988
or who has a physical or mental impairment which prevents the 54989
person from providing for the person's own care or protection, and 54990
who resides in an independent living arrangement. An "independent 54991

living arrangement" is a domicile of a person's own choosing, 54992
including, but not limited to, a private home, apartment, trailer, 54993
or rooming house. An "independent living arrangement" includes a 54994
residential facility licensed under section 5119.34 of the Revised 54995
Code that provides accommodations, supervision, and personal care 54996
services for three to sixteen unrelated adults, but does not 54997
include other institutions or facilities licensed by the state or 54998
facilities in which a person resides as a result of voluntary, 54999
civil, or criminal commitment. 55000

(C) "Caretaker" means the person assuming the responsibility 55001
for the care of an adult on a voluntary basis, by contract, 55002
through receipt of payment for care, as a result of a family 55003
relationship, or by order of a court of competent jurisdiction. 55004

(D) "Court" means the probate court in the county where an 55005
adult resides. 55006

(E) "Emergency" means that the adult is living in conditions 55007
which present a substantial risk of immediate and irreparable 55008
physical harm or death to self or any other person. 55009

(F) "Emergency services" means protective services furnished 55010
to an adult in an emergency. 55011

(G) "Exploitation" means the unlawful or improper act of a 55012
caretaker using an adult or an adult's resources for monetary or 55013
personal benefit, profit, or gain when the caretaker obtained or 55014
exerted control over the adult or the adult's resources in any of 55015
the following ways: 55016

(1) Without the adult's consent or the consent of the person 55017
authorized to give consent on the adult's behalf; 55018

(2) Beyond the scope of the express or implied consent of the 55019
adult or the person authorized to give consent on the adult's 55020
behalf; 55021

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| <u>(3) By deception;</u> | 55022 |
| <u>(4) By threat;</u> | 55023 |
| <u>(5) By intimidation.</u> | 55024 |
| (H) "In need of protective services" means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish, or mental illness results or is likely to result. | 55025 55026 55027 55028 |
| (I) "Incapacitated person" means a person who is impaired for any reason to the extent that the person lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. "Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support. | 55029 55030 55031 55032 55033 55034 55035 55036 55037 |
| (J) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. | 55038 55039 55040 55041 |
| (K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services. | 55042 55043 55044 55045 |
| (L) "Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code. | 55046 55047 |
| (M) "Physical harm" means bodily pain, injury, impairment, or disease suffered by an adult. | 55048 55049 |
| (N) "Protective services" means services provided by the county department of job and family services or its designated | 55050 55051 |

agency to an adult who has been determined by evaluation to 55052
require such services for the prevention, correction, or 55053
discontinuance of an act of as well as conditions resulting from 55054
abuse, neglect, or exploitation. Protective services may include, 55055
but are not limited to, case work services, medical care, mental 55056
health services, legal services, fiscal management, home health 55057
care, homemaker services, housing-related services, guardianship 55058
services, and placement services as well as the provision of such 55059
commodities as food, clothing, and shelter. 55060

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 55061
and Friday, except when such day is a holiday as defined in 55062
section 1.14 of the Revised Code. 55063

Sec. 5101.61. (A) As used in this section: 55064

(1) "Senior service provider" means any person who provides 55065
care or services to a person who is an adult as defined in 55066
division (B) of section 5101.60 of the Revised Code. 55067

(2) "Ambulatory health facility" means a nonprofit, public or 55068
proprietary freestanding organization or a unit of such an agency 55069
or organization that: 55070

(a) Provides preventive, diagnostic, therapeutic, 55071
rehabilitative, or palliative items or services furnished to an 55072
outpatient or ambulatory patient, by or under the direction of a 55073
physician or dentist in a facility which is not a part of a 55074
hospital, but which is organized and operated to provide medical 55075
care to outpatients; 55076

(b) Has health and medical care policies which are developed 55077
with the advice of, and with the provision of review of such 55078
policies, an advisory committee of professional personnel, 55079
including one or more physicians, one or more dentists, if dental 55080
care is provided, and one or more registered nurses; 55081

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a registered professional nurse on duty at all times of clinical operations;

(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals;

(h) Has established an accounting and record keeping system to determine reasonable and allowable costs;

(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of mental health and addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification.

(3) "Community mental health facility" means a facility which provides community mental health services and is included in the comprehensive mental health plan for the alcohol, drug addiction, and mental health service district in which it is located.

(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility. 55113
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(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which: 55116
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(a) Is primarily engaged in providing home health services; 55118

(b) Has home health policies which are established by a group of professional personnel, including one or more duly licensed doctors of medicine or osteopathy and one or more registered professional nurses, to govern the home health services it provides and which includes a requirement that every patient must be under the care of a duly licensed doctor of medicine or osteopathy; 55119
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(c) Is under the supervision of a duly licensed doctor of medicine or doctor of osteopathy or a registered professional nurse who is responsible for the execution of such home health policies; 55126
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(d) Maintains comprehensive records on all patients; 55130

(e) Is operated by the state, a political subdivision, or an agency of either, or is operated not for profit in this state and is licensed or registered, if required, pursuant to law by the appropriate department of the state, county, or municipality in which it furnishes services; or is operated for profit in this state, meets all the requirements specified in divisions (A)(5)(a) to (d) of this section, and is certified under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 55131
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(6) "Home health service" means the following items and services, provided, except as provided in division (A)(6)(g) of this section, on a visiting basis in a place of residence used as the patient's home: 55140
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| (a) Nursing care provided by or under the supervision of a registered professional nurse; | 55144 55145 |
| (b) Physical, occupational, or speech therapy ordered by the patient's attending physician; | 55146 55147 |
| (c) Medical social services performed by or under the supervision of a qualified medical or psychiatric social worker and under the direction of the patient's attending physician; | 55148 55149 55150 |
| (d) Personal health care of the patient performed by aides in accordance with the orders of a doctor of medicine or osteopathy and under the supervision of a registered professional nurse; | 55151 55152 55153 |
| (e) Medical supplies and the use of medical appliances; | 55154 |
| (f) Medical services of interns and residents-in-training under an approved teaching program of a nonprofit hospital and under the direction and supervision of the patient's attending physician; | 55155 55156 55157 55158 |
| (g) Any of the foregoing items and services which: | 55159 |
| (i) Are provided on an outpatient basis under arrangements made by the home health agency at a hospital or skilled nursing facility; | 55160 55161 55162 |
| (ii) Involve the use of equipment of such a nature that the items and services cannot readily be made available to the patient in the patient's place of residence, or which are furnished at the hospital or skilled nursing facility while the patient is there to receive any item or service involving the use of such equipment. | 55163 55164 55165 55166 55167 |
| Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, psychologist, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of a residential facility licensed under section 5119.34 | 55168 55169 55170 55171 55172 55173 |

of the Revised Code that provides accommodations, supervision, and 55174
personal care services for three to sixteen unrelated adults, any 55175
employee of a nursing home, residential care facility, or home for 55176
the aging, as defined in section 3721.01 of the Revised Code, any 55177
senior service provider, any peace officer, coroner, member of the 55178
clergy, any employee of a community mental health facility, and 55179
any person engaged in professional counseling, social work, or 55180
marriage and family therapy having reasonable cause to believe 55181
that an adult is being abused, neglected, or exploited, or is in a 55182
condition which is the result of abuse, neglect, or exploitation 55183
shall immediately report such belief to the county department of 55184
job and family services. This section does not apply to employees 55185
of any hospital or public hospital as defined in section 5122.01 55186
of the Revised Code. 55187

(B) Any person having reasonable cause to believe that an 55188
adult has suffered abuse, neglect, or exploitation may report, or 55189
cause reports to be made of such belief to the department. 55190

(C) The reports made under this section shall be made orally 55191
or in writing except that oral reports shall be followed by a 55192
written report if a written report is requested by the department. 55193
Written reports shall include: 55194

(1) The name, address, and approximate age of the adult who 55195
is the subject of the report; 55196

(2) The name and address of the individual responsible for 55197
the adult's care, if any individual is, and if the individual is 55198
known; 55199

(3) The nature and extent of the alleged abuse, neglect, or 55200
exploitation of the adult; 55201

(4) The basis of the reporter's belief that the adult has 55202
been abused, neglected, or exploited. 55203

(D) Any person with reasonable cause to believe that an adult 55204

is suffering abuse, neglect, or exploitation who makes a report 55205
pursuant to this section or who testifies in any administrative or 55206
judicial proceeding arising from such a report, or any employee of 55207
the state or any of its subdivisions who is discharging 55208
responsibilities under section 5101.62 of the Revised Code shall 55209
be immune from civil or criminal liability on account of such 55210
investigation, report, or testimony, except liability for perjury, 55211
unless the person has acted in bad faith or with malicious 55212
purpose. 55213

(E) No employer or any other person with the authority to do 55214
so shall discharge, demote, transfer, prepare a negative work 55215
performance evaluation, or reduce benefits, pay, or work 55216
privileges, or take any other action detrimental to an employee or 55217
in any way retaliate against an employee as a result of the 55218
employee's having filed a report under this section. 55219

(F) ~~Neither the~~ The written or oral report provided for in 55220
this section ~~nor~~ and the investigatory report provided for in 55221
section 5101.62 of the Revised Code ~~shall be considered a~~ are 55222
confidential and are not public record records, as defined in 55223
section 149.43 of the Revised Code. ~~Information~~ In accordance with 55224
rules adopted by the department of job and family services, 55225
information contained in the report shall upon request be made 55226
available to the adult who is the subject of the report, ~~to~~ 55227
~~agencies authorized by the department to receive information~~ 55228
~~contained in the report,~~ and to legal counsel for the adult. 55229

(G) The county department of job and family services shall be 55230
available to receive the written or oral report provided for in 55231
this section twenty-four hours a day and seven days a week. 55232

Sec. 5101.611. (A) If a county department of job and family 55233
services knows or has reasonable cause to believe that the subject 55234
of a report made under section 5101.61 or of an investigation 55235

conducted under sections 5101.62 to 5101.64 ~~or on the initiative~~ 55236
~~of the department of the Revised Code is mentally retarded or~~ 55237
~~developmentally disabled~~ an individual with a developmental 55238
disability as defined in section 5126.01 of the Revised Code, the 55239
county department shall refer the case to the county board of 55240
developmental disabilities of that county for review pursuant to 55241
section 5126.31 of the Revised Code. 55242

If a county board of developmental disabilities refers a case 55243
to the county department of job and family services in accordance 55244
with section 5126.31, the county department of job and family 55245
services shall proceed with the case in accordance with sections 55246
5101.60 to 5101.71 of the Revised Code. 55247

(B) If a county department of job and family services knows 55248
or has reasonable cause to believe that the subject of a report 55249
made under section 5101.61 or of an investigation conducted under 55250
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 55251
long-term care facility, as defined in section 173.14 of the 55252
Revised Code, the department shall refer the case to the office of 55253
the state long-term care ombudsman program for review pursuant to 55254
section 173.19 of the Revised Code. 55255

If the state ombudsman or regional long-term care ombudsman 55256
program refers a case to the county department of job and family 55257
services in accordance with rules adopted pursuant to section 55258
173.20 of the Revised Code, the county department shall proceed 55259
with the case in accordance with sections 5101.60 to 5101.71 of 55260
the Revised Code. 55261

(C) If a county department of job and family services knows 55262
or has reasonable cause to believe that the subject of a report 55263
made under section 5101.61 or of an investigation conducted under 55264
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 55265
nursing home, as defined in section 3721.01 of the Revised Code, 55266
and has allegedly been abused, neglected, or exploited by an 55267

employee of the nursing home, the department shall refer the case 55268
to the department of health for investigation pursuant to section 55269
3721.031 of the Revised Code. 55270

(D) If a county department of job and family services knows 55271
or has reasonable cause to believe that the subject of a report 55272
made under section 5101.61 or of an investigation conducted under 55273
sections 5101.62 to 5101.64 of the Revised Code is a child, as 55274
defined in section 5153.01 of the Revised Code, the department 55275
shall refer the case to the public children services agency of 55276
that county. 55277

(E) A referral by the county department of job and family 55278
services of a case to another public regulatory agency or 55279
investigatory entity pursuant to this section shall be made in 55280
accordance with rules adopted by the department of job and family 55281
services. 55282

Sec. 5101.612. (A) The department of job and family services 55283
shall establish and maintain a uniform statewide automated adult 55284
protective services information system. The information system 55285
shall contain records regarding all of the following: 55286

(1) All reports of abuse, neglect, or exploitation of adults 55287
made to county departments of job and family services under 55288
section 5101.61 of the Revised Code; 55289

(2) Investigations conducted under section 5101.62 of the 55290
Revised Code; 55291

(3) Protective services provided to adults pursuant to 55292
sections 5101.60 to 5101.71 of the Revised Code; 55293

(4) Any other information related to adults in need of 55294
protective services that state or federal law, regulation, or rule 55295
requires the department or a county department to maintain. 55296

(B) The department shall plan implementation of the 55297

information system on a county-by-county basis. The department 55298
shall promptly notify all county departments of the initiation and 55299
completion of statewide implementation of the information system. 55300

(C) Except as provided in division (C)(3) of this section and 55301
in rules adopted by the department pursuant to that division: 55302

(1) The information contained in or obtained from the 55303
information system is confidential and is not subject to 55304
disclosure pursuant to section 149.43 or 1347.08 of the Revised 55305
Code. 55306

(2) No person shall knowingly do either of the following: 55307

(a) Access or use information contained in the information 55308
system; 55309

(b) Disclose information obtained from the information 55310
system. 55311

(3) Information contained in the information system may be 55312
accessed or used only in a manner, to the extent, and for the 55313
purposes, authorized by rules adopted by the department. 55314

Sec. 5101.62. The county department of job and family 55315
services or its designee shall be responsible for the 55316
investigation of all reports provided for in section 173.20 or 55317
5101.61 and all cases referred to it under section 5126.31 of the 55318
Revised Code and for evaluating the need for and, to the extent of 55319
available funds, providing or arranging for the provision of 55320
protective services. ~~The department may designate another agency~~ 55321
~~to perform the department's duties under this section.~~ 55322

Investigation of the report provided for in section 5101.61 55323
or a case referred to the department under section 5126.31 of the 55324
Revised Code shall be initiated within twenty-four hours after the 55325
department receives the report or case if any emergency exists; 55326
otherwise investigation shall be initiated within three working 55327

days. 55328

Investigation of the need for protective services shall 55329
include a face-to-face visit with the adult who is the subject of 55330
the report, preferably in the adult's residence, and consultation 55331
with the person who made the report, if feasible, and agencies or 55332
persons who have information about the adult's alleged abuse, 55333
neglect, or exploitation. 55334

The department shall give written notice of the intent of the 55335
investigation and an explanation of the notice in language 55336
reasonably understandable to the adult who is the subject of the 55337
investigation, at the time of the initial interview with that 55338
person. 55339

Upon completion of the investigation, the department shall 55340
determine from its findings whether or not the adult who is the 55341
subject of the report is in need of protective services. No adult 55342
shall be determined to be abused, neglected, or in need of 55343
protective services for the sole reason that, in lieu of medical 55344
treatment, the adult relies on or is being furnished spiritual 55345
treatment through prayer alone in accordance with the tenets and 55346
practices of a church or religious denomination of which the adult 55347
is a member or adherent. The department shall write a report which 55348
confirms or denies the need for protective services and states why 55349
it reached this conclusion. 55350

Sec. 5101.621. (A) Each county department of job and family 55351
services shall prepare a memorandum of understanding that is 55352
signed by all of the following: 55353

(1) The director of the county department of job and family 55354
services; 55355

(2) If the county department has entered into an interagency 55356
agreement with a local agency pursuant to section 5101.622 of the 55357

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| <u>Revised Code, the director of the local agency;</u> | 55358 |
| <u>(3) The county peace officer;</u> | 55359 |
| <u>(4) All chief municipal peace officers within the county;</u> | 55360 |
| <u>(5) Other law enforcement officers handling adult abuse,</u> <u>neglect, and exploitation cases in the county;</u> | 55361 55362 |
| <u>(6) The prosecuting attorney of the county;</u> | 55363 |
| <u>(7) The coroner of the county.</u> | 55364 |
| <u>(B) The memorandum of understanding shall set forth the</u> <u>procedures to be followed by the persons listed in division (A) of</u> <u>this section in the execution of their respective responsibilities</u> <u>related to cases of adult abuse, neglect, and exploitation. The</u> <u>memorandum of understanding shall establish all of the following:</u> | 55365 55366 55367 55368 55369 |
| <u>(1) An interdisciplinary team to coordinate efforts related</u> <u>to the prevention, reporting, and treatment of abuse, neglect, and</u> <u>exploitation of adults;</u> | 55370 55371 55372 |
| <u>(2) The roles and responsibilities for handling cases that</u> <u>have been referred by the county department to another agency</u> <u>pursuant to section 5101.611 of the Revised Code;</u> | 55373 55374 55375 |
| <u>(3) The roles and responsibilities for filing criminal</u> <u>charges against persons alleged to have abused, neglected, or</u> <u>exploited adults.</u> | 55376 55377 55378 |
| <u>Failure to follow the procedure set forth in the memorandum</u> <u>of understanding is not grounds for, and shall not result in, the</u> <u>dismissal of any charge or complaint arising from a report of</u> <u>abuse, neglect, or exploitation or the suppression of any evidence</u> <u>obtained as a result of a report of abuse, neglect, or</u> <u>exploitation and does not give any rights or grounds for appeal or</u> <u>post-conviction relief to any person.</u> | 55379 55380 55381 55382 55383 55384 55385 |
| <u>(C) The memorandum of understanding may, in addition, be</u> <u>signed by any of the following persons who are also members of the</u> | 55386 55387 |

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| <u>interdisciplinary team described in division (B)(1) of this</u> | 55388 |
| <u>section:</u> | 55389 |
| <u>(1) A representative of the area agency on aging, as defined</u> | 55390 |
| <u>in section 173.14 of the Revised Code;</u> | 55391 |
| <u>(2) The regional long-term care ombudsman;</u> | 55392 |
| <u>(3) A representative of the board of alcohol, drug addiction,</u> | 55393 |
| <u>and mental health services;</u> | 55394 |
| <u>(4) A representative of the board of health of a city or</u> | 55395 |
| <u>general health district;</u> | 55396 |
| <u>(5) A representative of the county board of developmental</u> | 55397 |
| <u>disabilities;</u> | 55398 |
| <u>(6) A representative of a victim assistance program;</u> | 55399 |
| <u>(7) A representative of a local housing authority;</u> | 55400 |
| <u>(8) Any other person whose participation furthers the goals</u> | 55401 |
| <u>of the memorandum of understanding.</u> | 55402 |
| | |
| <u>Sec. 5101.622. The county department of job and family</u> | 55403 |
| <u>services may enter into an agreement or contract with another</u> | 55404 |
| <u>person or government entity to perform the following duties:</u> | 55405 |
| <u>(A) In accordance with division (G) of section 5101.61 of the</u> | 55406 |
| <u>Revised Code, receive reports made under that section;</u> | 55407 |
| <u>(B) Perform the county department's duties under section</u> | 55408 |
| <u>5101.62 of the Revised Code;</u> | 55409 |
| <u>(C) Petition the court pursuant to section 5101.65 or 5101.69</u> | 55410 |
| <u>of the Revised Code for an order authorizing the provision of</u> | 55411 |
| <u>protective services.</u> | 55412 |
| | |
| <u>Sec. 5101.69. (A) Upon petition by the county department of</u> | 55413 |
| <u>human job and family services or its designee, the court may issue</u> | 55414 |
| <u>an order authorizing the provision of protective services on an</u> | 55415 |

emergency basis to an adult. The petition for any emergency order shall include all of the following:

(1) The name, age, and address of the adult in need of protective services;

(2) The nature of the emergency;

(3) The proposed protective services;

(4) The petitioner's reasonable belief, together with facts supportive thereof, as to the existence of the circumstances described in divisions (D)(1) to (3) of this section;

(5) Facts showing the petitioner's attempts to obtain the adult's consent to the protective services.

(B) Notice of the filing and contents of the petition provided for in division (A) of this section, the rights of the person in the hearing provided for in division (C) of this section, and the possible consequences of a court order, shall be given to the adult. Notice shall also be given to the spouse of the adult or, if ~~he~~ the adult has none, to ~~his~~ the adult's adult children or next of kin, and ~~his~~ the adult's guardian, if any, if ~~his~~ the guardian's whereabouts are known. The notice shall be given in language reasonably understandable to its recipients at least twenty-four hours prior to the hearing provided for in this section. The court may waive the twenty-four ~~hour~~ hours' notice ~~requiement~~ requirement upon a showing that both of the following are the case:

(1) Immediate and irreparable physical harm or immediate and irreparable financial harm to the adult or others will result from the twenty-four hour delay; ~~and~~

(2) Reasonable attempts have been made to notify the adult, ~~his~~ the adult's spouse, or, if ~~he~~ the adult has none, ~~his~~ the adult's adult children or next of kin, if any, and ~~his~~ the adult's

guardian, if any, if ~~his~~ the guardian's whereabouts are known. 55446

Notice of the court's determination shall be given to all 55447
persons receiving notice of the filing of the petition provided 55448
for in this division. 55449

(C) Upon receipt of a petition for an order for emergency 55450
services, the court shall hold a hearing no sooner than 55451
twenty-four and no later than seventy-two hours after the notice 55452
provided for in division (B) of this section has been given, 55453
unless the court has waived the notice. The adult who is the 55454
subject of the petition shall have the right to be present at the 55455
hearing, present, evidence, and examine and cross-examine 55456
witnesses. 55457

(D) The court shall issue an order authorizing the provision 55458
of protective services on an emergency basis if it finds, on the 55459
basis of clear and convincing evidence, ~~that~~ all of the following: 55460

(1) The adult is an incapacitated person; 55461

(2) An emergency exists; 55462

(3) No person authorized by law or court order to give 55463
consent for the adult is available or willing to consent to 55464
emergency services. 55465

(E) In issuing an emergency order, the court shall adhere to 55466
the following limitations: 55467

(1) The court shall order only such protective services as 55468
are necessary and available locally to remove the conditions 55469
creating the emergency, and the court shall specifically designate 55470
those protective services the adult shall receive; 55471

(2) The court shall not order any change of residence under 55472
this section unless the court specifically finds that a change of 55473
residence is necessary; 55474

(3) The court may order emergency ~~series~~ services only for 55475

fourteen days. The county department or its designee may petition 55476
the court for a renewal of the order for a fourteen-day period 55477
upon a showing that continuation of the order is necessary to 55478
remove the emergency. 55479

(4) In its order the court shall authorize the director of 55480
the county department ~~or his,~~ the director's designee, or a 55481
representative of the department's designee to give consent for 55482
the person for the approved emergency services until the 55483
expiration of the order; 55484

(5) The court shall not order a person to a hospital or 55485
public hospital as defined in section 5122.01 of the Revised Code. 55486

(F) If the county department or its designee determines that 55487
the adult continues to need protective services after the order 55488
provided for in division (D) of this section has expired, the 55489
county department or its designee may petition the court for an 55490
order to continue protective services, pursuant to section 5101.65 55491
of the Revised Code. After the filing of the petition, the county 55492
department or its designee may continue to provide protective 55493
services pending a hearing by the court. 55494

Sec. 5101.691. (A) A court, through a probate judge or a 55495
magistrate under the direction of a probate judge, may issue by 55496
telephone an ex parte emergency order authorizing the provision of 55497
protective services, including the relief available under division 55498
(B) of section 5101.692 of the Revised Code, to an adult on an 55499
emergency basis if all of the following are the case: 55500

(1) The court receives notice from the county department of 55501
job and family services, an authorized employee of the county 55502
department, the department's designee, or an authorized employee 55503
of the department's designee, that the county department, 55504
designee, or employee believes an emergency order is needed as 55505
described in this section. 55506

(2) There is reasonable cause to believe that the adult is incapacitated. 55507
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(3) There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm, or death. 55509
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(B)(1) The judge or magistrate shall journalize any order issued under this section. 55512
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(2) An order issued under this section shall be in effect for not longer than twenty-four hours, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day. 55514
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(C)(1) Except as provided in division (C)(2) of this section, not later than twenty-four hours after an order is issued under this section, a petition shall be filed with the court in accordance with division (A) of section 5101.69 of the Revised Code. 55518
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(2) If the day following the day on which the order was issued is not a working day, the petition shall be filed with the court on the next working day. 55523
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(3) Except as provided in section 5101.692 of the Revised Code, proceedings on the petition shall be conducted in accordance with section 5101.69 of the Revised Code. 55526
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Sec. 5101.692. (A) If an order is issued pursuant to section 5101.691 of the Revised Code, the court shall hold a hearing not later than twenty-four hours after the issuance to determine whether there is probable cause for the order, except that if the day following the day on which the order is issued is not a working day, the court shall hold the hearing on the next working day. 55529
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(B) At the hearing, the court: 55536

(1) Shall determine whether protective services are the least restrictive alternative available for meeting the adult's needs; 55537
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(2) May issue temporary orders to protect the adult from immediate and irreparable physical harm or immediate and irreparable financial harm, including, but not limited to, temporary protection orders, evaluations, and orders requiring a party to vacate the adult's place of residence or legal settlement; 55539
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(3) May order emergency services; 55545

(4) May freeze the financial assets of the adult. 55546

(C) A temporary order issued pursuant to division (B)(2) of this section is effective for thirty days. The court may renew the order for an additional thirty-day period. 55547
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Information contained in the order may be entered into the law enforcement automated data system. 55550
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Sec. 5101.71. (A) The county departments of job and family services shall implement sections 5101.60 to 5101.71 of the Revised Code. The department of job and family services ~~may~~ shall provide a program of ongoing, comprehensive, formal training ~~to county departments and other agencies authorized to implement~~ regarding the implementation of sections 5101.60 to 5101.71 of the Revised Code and require all adult protective services caseworkers and their supervisors to undergo the training. Training shall not be limited to the procedures for implementing section 5101.62 of the Revised Code. The department of job and family services shall adopt any rules it deems necessary regarding the training. 55552
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(B) The director of job and family services may adopt rules in accordance with section 111.15 of the Revised Code ~~governing the county departments' implementation to carry out the purposes~~ of sections 5101.60 to 5101.71 of the Revised Code. The rules 55563
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adopted pursuant to this division may include a requirement that 55567
the county departments provide on forms prescribed by the rules a 55568
plan of proposed expenditures, and a report of actual 55569
expenditures, of funds necessary to implement sections 5101.60 to 55570
5101.71 of the Revised Code and other requirements for intake 55571
procedures, investigations, case management, and the provision of 55572
protective services. 55573

Sec. 5101.72. The department of job and family services, ~~to~~ 55574
~~the extent of available funds,~~ may reimburse county departments of 55575
job and family services for all or part of the costs they incur in 55576
implementing sections 5101.60 to 5101.71 of the Revised Code. The 55577
director of job and family services shall adopt internal 55578
management rules in accordance with section 111.15 of the Revised 55579
Code that provide for reimbursement of county departments of job 55580
and family services under this section. 55581

The director shall adopt internal management rules in 55582
accordance with section 111.15 of the Revised Code that do both of 55583
the following: 55584

(A) Implement sections 5101.60 to 5101.71 of the Revised 55585
Code; 55586

(B) Require the county departments to collect and submit to 55587
the department, or ensure that a designated agency collects and 55588
submits to the department, data concerning the implementation of 55589
sections 5101.60 to 5101.71 of the Revised Code. 55590

Sec. 5101.91. (A) As used in sections 5101.91 and 5101.92 of 55591
the Revised Code: 55592

(1) "Political subdivision" has the same meaning as in 55593
section 2744.01 of the Revised Code. 55594

(2) "Publicly funded assistance program" means any physical 55595
health, behavioral health, social, employment, education, housing, 55596

or similar program funded or provided by the state or a political subdivision of the state. 55597
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(B) There is hereby created the Ohio healthier buckeye advisory council in the department of job and family services. The council shall meet at the discretion of the director of job and family services and shall consist of the following members: 55599
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(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor; 55603
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(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the senate; 55607
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(3) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives; 55610
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(4) One member representing the judicial branch of government, appointed by the chief justice of the supreme court; 55613
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(5) Additional members representing any other entities or organizations the director of job and family services determines are necessary, appointed by the governor. 55615
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(C) Initial appointments to the council shall be made not later than thirty days after ~~the effective date of this section~~ September 15, 2014. 55618
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A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the council. Vacancies on the council shall be filled in the same manner as the original appointments. 55621
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(D) The director of job and family services shall serve as chairperson of the council. 55625
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(E) The department of job and family services shall provide administrative assistance to the council. 55627
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(F) Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. 55629
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(G) Annually, the Ohio healthier buckeye advisory council shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, to the general assembly. Each report shall contain a description of the council's activities for the preceding year and any other information the council considers appropriate to include in the report. 55632
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Sec. 5101.92. The Ohio healthier buckeye advisory council ~~may~~ shall do all of the following: 55638
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(A) Develop the means by which ~~county~~ local healthier buckeye councils established under section 355.02 of the Revised Code may reduce the reliance of individuals on publicly funded assistance programs as provided in section 355.03 of the Revised Code; 55640
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~~(B) Recommend to the director of job and family services eligibility criteria, application processes, and maximum grant amounts for~~ Administer the Ohio healthier buckeye grant program created under section 5101.93 of the Revised Code; 55644
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~~(C) Not later than December 1, 2014, submit to the director recommendations for doing all of the following:~~ 55648
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~~(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty;~~ 55650
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~~(2) Revising incentives for public assistance programs to foster person centered case management;~~ 55653
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~~(3) Standardizing and automating eligibility determination policies and processes for public assistance programs~~ Provide 55655
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assistance in the establishment of local healthier buckeye 55657
councils under Chapter 355. of the Revised Code; 55658

(D) Identify barriers and gaps to achieving greater financial 55659
independence for individuals and families, and provide advice to 55660
remove those barriers and gaps; 55661

(E) Collect, analyze, and report performance measure 55662
information. 55663

Sec. 5101.93. (A) There is hereby created the healthier 55664
buckeye grant program under which grants are awarded to local 55665
healthier buckeye councils established under section 355.02 of the 55666
Revised Code, other public entities, private entities, and 55667
individuals. The program shall be administered by the Ohio 55668
healthier buckeye advisory council. The council may request 55669
assistance from the department of job and family services. 55670

Eligibility criteria established for the program shall give 55671
priority to proposals including the following factors: 55672

(1) Prior effectiveness in providing services that achieve 55673
lasting self-sufficiency for low-income individuals; 55674

(2) Alignment and coordination of public and private 55675
resources to assist low-income individuals achieve 55676
self-sufficiency; 55677

(3) Maintenance of continuous mentoring support for 55678
participants; 55679

(4) Use of local matching funds; 55680

(5) Use of volunteers and peer supports; 55681

(6) Evidence of previous experience managing or providing 55682
similar services with public funds; 55683

(7) Evidence of capability to effectively report relevant 55684
participant data; 55685

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| <u>(8) Creation through local assessment and planning processes;</u> | 55686 |
| <u>(9) Collaboration between entities that participate in assessment and planning processes.</u> | 55687 55688 |
| <u>(B) Funds for grants awarded under the program shall be made from the healthier buckeye fund, which is hereby created in the state treasury. The fund shall consist of moneys appropriated to it and any grants or donations received. Interest earned on the money in the fund shall be credited to the fund.</u> | 55689 55690 55691 55692 55693 |
| Sec. 5101.99. (A) Whoever violates division (A) or (B) of section 5101.61 of the Revised Code shall be fined not more than five hundred dollars. | 55694 55695 55696 |
| (B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree. | 55697 55698 |
| (C) Whoever violates section 5101.133 <u>or division (C)(2) of section 5101.612</u> of the Revised Code is guilty of a misdemeanor of the fourth degree. | 55699 55700 55701 |
| Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the Revised Code: | 55702 55703 |
| (A)(1) "Association" or "institution" includes all of the following: | 55704 55705 |
| (a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; | 55706 55707 55708 |
| (b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; | 55709 55710 55711 55712 |
| (c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with | 55713 55714 |

section 5103.03 of the Revised Code, who in any manner becomes a 55715
party to the placing of children in foster homes, unless the 55716
individual is related to such children by blood or marriage or is 55717
the appointed guardian of such children. 55718

(2) "Association" or "institution" does not include any of 55719
the following: 55720

(a) Any organization, society, association, school, agency, 55721
child guidance center, detention or rehabilitation facility, or 55722
children's clinic licensed, regulated, approved, operated under 55723
the direction of, or otherwise certified by the department of 55724
education, a local board of education, the department of youth 55725
services, the department of mental health and addiction services, 55726
or the department of developmental disabilities; 55727

(b) Any individual who provides care for only a single-family 55728
group, placed there by their parents or other relative having 55729
custody; 55730

(c) A private, nonprofit therapeutic wilderness camp. 55731

(B) "Family foster home" means a foster home that is not a 55732
specialized foster home. 55733

(C) "Foster caregiver" means a person holding a valid foster 55734
home certificate issued under section 5103.03 of the Revised Code. 55735

(D) "Foster home" means a private residence in which children 55736
are received apart from their parents, guardian, or legal 55737
custodian, by an individual reimbursed for providing the children 55738
nonsecure care, supervision, or training twenty-four hours a day. 55739
"Foster home" does not include care provided for a child in the 55740
home of a person other than the child's parent, guardian, or legal 55741
custodian while the parent, guardian, or legal custodian is 55742
temporarily away. Family foster homes and specialized foster homes 55743
are types of foster homes. 55744

(E) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.

(3) The children require the services of a registered nurse on a daily basis.

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(F) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

(G) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03

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| of the Revised Code regarding a foster home: | 55775 |
| (1) Issue a certificate; | 55776 |
| (2) Deny a certificate; | 55777 |
| (3) Renew a certificate; | 55778 |
| (4) Deny renewal of a certificate; | 55779 |
| (5) Revoke a certificate. | 55780 |
| (G) <u>(H)</u> "Specialized foster home" means a medically fragile foster home or a treatment foster home. | 55781 55782 |
| (H) <u>(I)</u> "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, developmentally disabled, or who otherwise have exceptional needs. | 55783 55784 55785 55786 55787 55788 |
| <u>Sec. 5103.50. (A) As used in this section and sections 5103.51 to 5103.55 of the Revised Code, "private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.</u> | 55789 55790 55791 55792 |
| <u>(B) The director of job and family services shall issue a license to a private, nonprofit therapeutic wilderness camp that meets the minimum standards for such camps specified in division (C) of this section and applies to the director for a license on a form prescribed by the director.</u> | 55793 55794 55795 55796 55797 |
| <u>(C) Both of the following apply as the minimum standards to be met by a private, nonprofit therapeutic wilderness camp:</u> | 55798 55799 |
| <u>(1) The camp shall develop and implement a written policy that establishes all of the following:</u> | 55800 55801 |
| <u>(a) Standards for hiring, training, and supervising staff;</u> | 55802 |

(b) Standards for behavioral intervention, including standards prohibiting the use of prone restraint and governing the use of other restraints or isolation; 55803
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(c) Standards for recordkeeping, including specifying information that must be included in each child's record, who may access records, confidentiality, maintenance, security, and disposal of records; 55806
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(d) A procedure for handling complaints about the camp from the children attending the camp, their families, staff, and the public; 55810
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(e) Standards for emergency and disaster preparedness, including procedures for emergency evacuation and standards requiring that a method of emergency communication be accessible at all times; 55813
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(f) Standards that ensure the protection of children's civil rights; 55817
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(g) Standards for the admission and discharge of children attending the camp, including standards for emergency discharge. 55819
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(2) The camp shall cooperate with any request from the director for an inspection or for access to records or written policies of the camp. 55821
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Sec. 5103.51. A license issued under section 5103.50 of the Revised Code is valid for five years, unless earlier revoked by the director of job and family services. The license may be renewed. 55824
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Each private, nonprofit therapeutic wilderness camp seeking license renewal shall submit to the director an application for license renewal on such form as the director prescribes. If the camp meets the minimum standards specified in section 5103.50 of the Revised Code, the director shall renew the license. 55828
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Sec. 5103.52. (A) The director of job and family services may inspect a private, nonprofit therapeutic wilderness camp at any time. The director may delegate this authority to a county department of job and family services. 55833
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(B) The director may request access to the camp's records or to the written policies adopted by the camp pursuant to section 5103.50 of the Revised Code. The director may delegate this authority to a county department of job and family services. 55837
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Sec. 5103.53. A private, nonprofit therapeutic wilderness camp shall not operate without a license issued under section 5103.50 of the Revised Code. If the director of job and family services determines that a camp is operating without a license, the director may petition the court of common pleas in the county in which the camp is located for an order enjoining its operation. The court shall grant injunctive relief upon a showing that the camp is operating without a license. 55841
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Sec. 5103.54. If a licensed private, nonprofit therapeutic wilderness camp fails to meet the minimum standards set forth in section 5103.50 of the Revised Code, the director of job and family services shall notify the camp that the director intends to revoke the license. Unless the violation poses an imminent risk to the life, health, or safety of one or more children attending the camp, the director shall give the camp ninety days to meet the minimum standards. If the violation poses an imminent risk to the life, health, or safety of one or more children attending the camp or the camp fails to meet the minimum standards within ninety days of receipt of the notice of revocation, the director shall revoke the license. An order of revocation under this section may be appealed in accordance with Chapter 119. of the Revised Code. 55849
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Sec. 5103.55. A parent of a child attending a private, nonprofit therapeutic wilderness camp is not relieved of the parent's obligations regarding compulsory school attendance pursuant to section 3321.04 of the Revised Code.

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Sec. 5104.01. As used in this chapter: 55866

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person.

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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

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(C) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.

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(D) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:

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(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;

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(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

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(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco

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parentis with respect to the child and whose presence in the home 55891
is needed as the caretaker of the child. 55892

(F) "Chartered nonpublic school" means a school that meets 55893
standards for nonpublic schools prescribed by the state board of 55894
education for nonpublic schools pursuant to section 3301.07 of the 55895
Revised Code. 55896

(G) "Child" includes an infant, toddler, preschool-age child, 55897
or school-age child. 55898

(H) "Child care block grant act" means the "Child Care and 55899
Development Block Grant Act of 1990," established in section 5082 55900
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 55901
1388-236 (1990), 42 U.S.C. 9858, as amended. 55902

(I) "Child day camp" means a program in which only school-age 55903
children attend or participate, that operates for no more than 55904
seven hours per day, that operates only during one or more public 55905
school district's regular vacation periods or for no more than 55906
fifteen weeks during the summer, and that operates outdoor 55907
activities for each child who attends or participates in the 55908
program for a minimum of fifty per cent of each day that children 55909
attend or participate in the program, except for any day when 55910
hazardous weather conditions prevent the program from operating 55911
outdoor activities for a minimum of fifty per cent of that day. 55912
For purposes of this division, the maximum seven hours of 55913
operation time does not include transportation time from a child's 55914
home to a child day camp and from a child day camp to a child's 55915
home. 55916

(J) "Child care" means administering all of the following: 55917

(1) Administering to the needs of infants, toddlers, 55918
preschool-age children, and school-age children outside of school 55919
hours by: 55920

(2) By persons other than their parents ~~or~~, guardians, or 55921

custodians, ~~or relatives by blood, marriage, or adoption for;~~ 55922

(3) For any part of the twenty-four-hour day ~~in;~~ 55923

(4) In a place ~~or residence~~ other than a child's own home, 55924
except that an in-home aide provides child care in the child's own 55925
home. 55926

(K) "Child day-care center" and "center" mean any place in 55927
which child care or publicly funded child care is provided for 55928
thirteen or more children at one time or any place that is not the 55929
permanent residence of the licensee or administrator in which 55930
child care or publicly funded child care is provided for seven to 55931
twelve children at one time. In counting children for the purposes 55932
of this division, any children under six years of age who are 55933
related to a licensee, administrator, or employee and who are on 55934
the premises of the center shall be counted. "Child day-care 55935
center" and "center" do not include any of the following: 55936

(1) A place located in and operated by a hospital, as defined 55937
in section 3727.01 of the Revised Code, in which the needs of 55938
children are administered to, if all the children whose needs are 55939
being administered to are monitored under the on-site supervision 55940
of a physician licensed under Chapter 4731. of the Revised Code or 55941
a registered nurse licensed under Chapter 4723. of the Revised 55942
Code, and the services are provided only for children who, in the 55943
opinion of the child's parent, guardian, or custodian, are 55944
exhibiting symptoms of a communicable disease or other illness or 55945
are injured; 55946

(2) A child day camp; 55947

(3) A place that provides child care, but not publicly funded 55948
child care, if all of the following apply: 55949

(a) An organized religious body provides the child care; 55950

(b) A parent, custodian, or guardian of at least one child 55951

receiving child care is on the premises and readily accessible at 55952
all times; 55953

(c) The child care is not provided for more than thirty days 55954
a year; 55955

(d) The child care is provided only for preschool-age and 55956
school-age children. 55957

(L) "Child care resource and referral service organization" 55958
means a community-based nonprofit organization that provides child 55959
care resource and referral services but not child care. 55960

(M) "Child care resource and referral services" means all of 55961
the following services: 55962

(1) Maintenance of a uniform data base of all child care 55963
providers in the community that are in compliance with this 55964
chapter, including current occupancy and vacancy data; 55965

(2) Provision of individualized consumer education to 55966
families seeking child care; 55967

(3) Provision of timely referrals of available child care 55968
providers to families seeking child care; 55969

(4) Recruitment of child care providers; 55970

(5) Assistance in the development, conduct, and dissemination 55971
of training for child care providers and provision of technical 55972
assistance to current and potential child care providers, 55973
employers, and the community; 55974

(6) Collection and analysis of data on the supply of and 55975
demand for child care in the community; 55976

(7) Technical assistance concerning locally, state, and 55977
federally funded child care and early childhood education 55978
programs; 55979

(8) Stimulation of employer involvement in making child care 55980

more affordable, more available, safer, and of higher quality for 55981
their employees and for the community; 55982

(9) Provision of written educational materials to caretaker 55983
parents and informational resources to child care providers; 55984

(10) Coordination of services among child care resource and 55985
referral service organizations to assist in developing and 55986
maintaining a statewide system of child care resource and referral 55987
services if required by the department of job and family services; 55988

(11) Cooperation with the county department of job and family 55989
services in encouraging the establishment of parent cooperative 55990
child care centers and parent cooperative type A family day-care 55991
homes. 55992

(N) "Child-care staff member" means an employee of a child 55993
day-care center or type A family day-care home who is primarily 55994
responsible for the care and supervision of children. The 55995
administrator may be a part-time child-care staff member when not 55996
involved in other duties. 55997

(O) "Drop-in child day-care center," "drop-in center," 55998
"drop-in type A family day-care home," and "drop-in type A home" 55999
mean a center or type A home that provides child care or publicly 56000
funded child care for children on a temporary, irregular basis. 56001

(P) "Employee" means a person who either: 56002

(1) Receives compensation for duties performed in a child 56003
day-care center or type A family day-care home; 56004

(2) Is assigned specific working hours or duties in a child 56005
day-care center or type A family day-care home. 56006

(Q) "Employer" means a person, firm, institution, 56007
organization, or agency that operates a child day-care center or 56008
type A family day-care home subject to licensure under this 56009
chapter. 56010

(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.

(T) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

(V) "Infant" means a child who is less than eighteen months of age.

(W) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(X) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and

licensed type B family day-care homes in which each licensing 56042
requirement is assigned a weight indicative of the relative 56043
importance of the requirement to the health, growth, and safety of 56044
the children that is used to develop an indicator checklist. 56045

(Y) "License capacity" means the maximum number in each age 56046
category of children who may be cared for in a child day-care 56047
center or type A family day-care home at one time as determined by 56048
the director of job and family services considering building 56049
occupancy limits established by the department of commerce, amount 56050
of available indoor floor space and outdoor play space, and amount 56051
of available play equipment, materials, and supplies. For the 56052
purposes of a provisional license issued under this chapter, the 56053
director shall also consider the number of available child-care 56054
staff members when determining "license capacity" for the 56055
provisional license. 56056

(Z) "Licensed child care program" means any of the following: 56057

(1) A child day-care center licensed by the department of job 56058
and family services pursuant to this chapter; 56059

(2) A type A family day-care home or type B family day-care 56060
home licensed by the department of job and family services 56061
pursuant to this chapter; 56062

(3) A licensed preschool program or licensed school child 56063
program. 56064

(AA) "Licensed preschool program" or "licensed school child 56065
program" means a preschool program or school child program, as 56066
defined in section 3301.52 of the Revised Code, that is licensed 56067
by the department of education pursuant to sections 3301.52 to 56068
3301.59 of the Revised Code. 56069

(BB) "Licensed type B family day-care home" and "licensed 56070
type B home" mean a type B family day-care home for which there is 56071
a valid license issued by the director of job and family services 56072

pursuant to section 5104.03 of the Revised Code. 56073

(CC) "Licensee" means the owner of a child day-care center, 56074
type A family day-care home, or type B family day-care home that 56075
is licensed pursuant to this chapter and who is responsible for 56076
ensuring its compliance with this chapter and rules adopted 56077
pursuant to this chapter. 56078

(DD) "Operate a child day camp" means to operate, establish, 56079
manage, conduct, or maintain a child day camp. 56080

(EE) "Owner" includes a person, as defined in section 1.59 of 56081
the Revised Code, ~~or~~ government entity, firm, organization, 56082
institution, agency, as well as any individual governing board 56083
members, partners, incorporators, agents, or authorized 56084
representatives of the owner. 56085

(FF) "Parent cooperative child day-care center," "parent 56086
cooperative center," "parent cooperative type A family day-care 56087
home," and "parent cooperative type A home" mean a corporation or 56088
association organized for providing educational services to the 56089
children of members of the corporation or association, without 56090
gain to the corporation or association as an entity, in which the 56091
services of the corporation or association are provided only to 56092
children of the members of the corporation or association, 56093
ownership and control of the corporation or association rests 56094
solely with the members of the corporation or association, and at 56095
least one parent-member of the corporation or association is on 56096
the premises of the center or type A home during its hours of 56097
operation. 56098

(GG) "Part-time child day-care center," "part-time center," 56099
"part-time type A family day-care home," and "part-time type A 56100
home" mean a center or type A home that provides child care or 56101
publicly funded child care for ~~no~~ not more than four hours a day 56102
for any child or not more than fifteen consecutive weeks per year. 56103

regardless of the number of hours per day. 56104

(HH) "Place of worship" means a building where activities of 56105
an organized religious group are conducted and includes the 56106
grounds and any other buildings on the grounds used for such 56107
activities. 56108

(II) "Preschool-age child" means a child who is three years 56109
old or older but is not a school-age child. 56110

(JJ) "Protective child care" means publicly funded child care 56111
for the direct care and protection of a child to whom either of 56112
the following applies: 56113

(1) A case plan prepared and maintained for the child 56114
pursuant to section 2151.412 of the Revised Code indicates a need 56115
for protective care and the child resides with a parent, 56116
stepparent, guardian, or another person who stands in loco 56117
parentis as defined in rules adopted under section 5104.38 of the 56118
Revised Code; 56119

(2) The child and the child's caretaker either temporarily 56120
reside in a facility providing emergency shelter for homeless 56121
families or are determined by the county department of job and 56122
family services to be homeless, and are otherwise ineligible for 56123
publicly funded child care. 56124

(KK) "Publicly funded child care" means administering to the 56125
needs of infants, toddlers, preschool-age children, and school-age 56126
children under age thirteen during any part of the 56127
twenty-four-hour day by persons other than their caretaker parents 56128
for remuneration wholly or in part with federal or state funds, 56129
including funds available under the child care block grant act, 56130
Title IV-A, and Title XX, distributed by the department of job and 56131
family services. 56132

(LL) "Religious activities" means any of the following: 56133
worship or other religious services; religious instruction; Sunday 56134

school classes or other religious classes conducted during or 56135
prior to worship or other religious services; youth or adult 56136
fellowship activities; choir or other musical group practices or 56137
programs; meals; festivals; or meetings conducted by an organized 56138
religious group. 56139

(MM) "School-age child" means a child who is enrolled in or 56140
is eligible to be enrolled in a grade of kindergarten or above but 56141
is less than fifteen years old. 56142

(NN) "School-age child care center" and "school-age child 56143
type A home" mean a center or type A home that provides child care 56144
for school-age children only and that does either or both of the 56145
following: 56146

(1) Operates only during that part of the day that 56147
immediately precedes or follows the public school day of the 56148
school district in which the center or type A home is located; 56149

(2) Operates only when the public schools in the school 56150
district in which the center or type A home is located are not 56151
open for instruction with pupils in attendance. 56152

(OO) "Serious risk noncompliance" means a licensure or 56153
certification rule violation that leads to a great risk of harm 56154
to, or death of, a child, and is observable, not inferable. 56155

(PP) "State median income" means the state median income 56156
calculated by the department of development pursuant to division 56157
(A)(1)(g) of section 5709.61 of the Revised Code. 56158

(QQ) "Title IV-A" means Title IV-A of the "Social Security 56159
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 56160

(RR) "Title XX" means Title XX of the "Social Security Act," 56161
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 56162

(SS) "Toddler" means a child who is at least eighteen months 56163
of age but less than three years of age. 56164

(TT) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" and "type A home" do not include any child day camp.

(UU) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. "Type B family day-care home" and "type B home" do not include any child day camp.

Sec. 5104.013. (A)(1) At the times specified in division (A)(3) of this section, the director of job and family services, as part of the process of licensure of child day-care centers, type A family day-care homes, and ~~licensed~~ type B family day-care homes shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to the following persons:

(a) Any owner, licensee, or administrator of a ~~child day-care center~~ center;

(b) Any owner, licensee, or administrator of a type A ~~family day-care home~~ or type B home and any person eighteen years of age

or older who resides in a type A ~~family day care home~~ 56196

~~(c) Any administrator of a licensed type B family day care 56197~~
~~home and any person eighteen years of age or older who resides in 56198~~
~~a licensed type B family day care home or type B home. 56199~~

(2) At the time specified in division (A)(3) of this section, 56200
the director of a county department of job and family services, as 56201
part of the process of certification of in-home aides, shall 56202
request the superintendent of the bureau of criminal 56203
identification and investigation to conduct a criminal records 56204
check with respect to any in-home aide. 56205

(3) The director of job and family services shall request a 56206
criminal records check pursuant to division (A)(1) of this section 56207
at the time of the initial application for licensure and every 56208
five years thereafter. The director of a county department of job 56209
and family services shall request a criminal records check 56210
pursuant to division (A)(2) of this section at the time of the 56211
initial application for certification and every five years 56212
thereafter. When the director of job and family services or the 56213
director of a county department of job and family services 56214
requests pursuant to division (A)(1) or (2) of this section a 56215
criminal records check for a person at the time of the person's 56216
initial application for licensure or certification, the director 56217
shall request that the superintendent of the bureau of criminal 56218
identification and investigation obtain information from the 56219
federal bureau of investigation as a part of the criminal records 56220
check for the person, including fingerprint-based checks of 56221
national crime information databases as described in 42 U.S.C. 671 56222
for the person subject to the criminal records check. In all other 56223
cases in which the director of job and family services or the 56224
director of a county department of job and family services 56225
requests a criminal records check for an applicant pursuant to 56226
division (A)(1) or (2) of this section, the director may request 56227

that the superintendent include information from the federal 56228
bureau of investigation in the criminal records check, including 56229
fingerprint-based checks of national crime information databases 56230
as described in 42 U.S.C. 671. 56231

(4) The director of job and family services shall review the 56232
results of a criminal records check subsequent to a request made 56233
pursuant to divisions (A)(1) and (3) of this section prior to 56234
approval of a license. The director of a county department of job 56235
and family services shall review the results of a criminal records 56236
check subsequent to a request made pursuant to divisions (A)(2) 56237
and (3) of this section prior to approval of certification. 56238

(B) The director of job and family services or the director 56239
of a county department of job and family services shall provide to 56240
each person for whom a criminal records check is required under 56241
this section a copy of the form prescribed pursuant to division 56242
(C)(1) of section 109.572 of the Revised Code and a standard 56243
impression sheet to obtain fingerprint impressions prescribed 56244
pursuant to division (C)(2) of that section, obtain the completed 56245
form and impression sheet from that person, and forward the 56246
completed form and impression sheet to the superintendent of the 56247
bureau of criminal identification and investigation. 56248

(C) A person who receives pursuant to division (B) of this 56249
section a copy of the form and standard impression sheet described 56250
in that division and who is requested to complete the form and 56251
provide a set of fingerprint impressions shall complete the form 56252
or provide all the information necessary to complete the form and 56253
shall provide the impression sheet with the impressions of the 56254
person's fingerprints. If the person, upon request, fails to 56255
provide the information necessary to complete the form or fails to 56256
provide impressions of the person's fingerprints, the director may 56257
consider the failure as a reason to deny licensure or 56258
certification. 56259

(D) Except as provided in rules adopted under division ~~(G)~~(N) 56260
of this section, ~~the:~~ 56261

(1) The director of job and family services shall not grant a 56262
license to a ~~child day-care center~~, type A ~~family day-care home~~, 56263
or type B ~~family day-care home~~ and a county director of job and 56264
family services shall not certify an in-home aide if a person for 56265
whom a criminal records check was required in connection with the 56266
center or home previously has been convicted of or pleaded guilty 56267
to any of the violations described in division (A)(5) of section 56268
109.572 of the Revised Code. 56269

(2) The director of job and family services shall not grant a 56270
license to a type A home or type B home if a resident of the type 56271
A home or type B home is under eighteen years of age and has been 56272
adjudicated a delinquent child for committing a violation of any 56273
section listed in division (A)(5) of section 109.572 of the 56274
Revised Code. 56275

(E) Each ~~child day-care center~~, type A ~~family day-care home~~, 56276
and type B ~~family day-care home~~ shall pay to the bureau of 56277
criminal identification and investigation the fee prescribed 56278
pursuant to division (C)(3) of section 109.572 of the Revised Code 56279
for each criminal records check conducted in accordance with that 56280
section upon a request made pursuant to division (A) of this 56281
section. 56282

(F)(1) At the times specified in division (F)(2) of this 56283
section, the administrator of a center, type A home or licensed 56284
type B home shall request the superintendent of the bureau of 56285
criminal identification and investigation to conduct a criminal 56286
records check with respect to any applicant who has applied to the 56287
center, type A home, or licensed type B home for employment. 56288

(2) The administrator shall request a criminal records check 56289
pursuant to division (F)(1) of this section at the time of the 56290

applicant's initial application for employment and every five 56291
years thereafter. When the administrator requests pursuant to 56292
division (F)(1) of this section a criminal records check for an 56293
applicant at the time of the applicant's initial application for 56294
employment, the administrator shall request that the 56295
superintendent obtain information from the federal bureau of 56296
investigation as a part of the criminal records check for the 56297
applicant, including fingerprint-based checks of national crime 56298
information databases as described in 42 U.S.C. 671, for the 56299
person subject to the criminal records check. In all other cases 56300
in which the administrator requests a criminal records check for 56301
an applicant pursuant to division (F)(1) of this section, the 56302
administrator may request that the superintendent include 56303
information from the federal bureau of investigation in the 56304
criminal records check, including fingerprint-based checks of 56305
national crime information databases as described in 42 U.S.C. 56306
671. 56307

(G) Any person required by division (F) of this section to 56308
request a criminal records check shall inform each person, at the 56309
time of the person's initial application for employment, that the 56310
person is required to provide a set of impressions of the person's 56311
fingerprints and that a criminal records check is required to be 56312
conducted and satisfactorily completed in accordance with section 56313
109.572 of the Revised Code if the person comes under final 56314
consideration for appointment or employment as a precondition to 56315
employment for that position. 56316

(H) A person required by division (F) of this section to 56317
request a criminal records check shall provide to each applicant a 56318
copy of the form prescribed pursuant to division (C)(1) of section 56319
109.572 of the Revised Code, provide to each applicant a standard 56320
impression sheet to obtain fingerprint impressions prescribed 56321
pursuant to division (C)(2) of section 109.572 of the Revised 56322

Code, obtain the completed form and impression sheet from each 56323
applicant, and forward the completed form and impression sheet to 56324
the superintendent of the bureau of criminal identification and 56325
investigation at the time the person requests a criminal records 56326
check pursuant to division (F) of this section. 56327

(I) An applicant who receives pursuant to division (H) of 56328
this section a copy of the form prescribed pursuant to division 56329
(C)(1) of section 109.572 of the Revised Code and a copy of an 56330
impression sheet prescribed pursuant to division (C)(2) of that 56331
section and who is requested to complete the form and provide a 56332
set of fingerprint impressions shall complete the form or provide 56333
all the information necessary to complete the form and shall 56334
provide the impression sheet with the impressions of the 56335
applicant's fingerprints. If an applicant, upon request, fails to 56336
provide the information necessary to complete the form or fails to 56337
provide impressions of the applicant's fingerprints, the center or 56338
type A home shall not employ that applicant for any position for 56339
which a criminal records check is required by division (F) of this 56340
section. 56341

(J)(1) Except as provided in rules adopted under division (N) 56342
of this section, no center, type A home, or licensed type B home 56343
shall employ or contract with another entity for the services of a 56344
person if the person previously has been convicted of or pleaded 56345
guilty to any of the violations described in division (A)(5) of 56346
section 109.572 of the Revised Code. 56347

(2) A center, type A home, or licensed type B home may employ 56348
an applicant conditionally until the criminal records check 56349
required by this section is completed and the center or home 56350
receives the results of the criminal records check. If the results 56351
of the criminal records check indicate that, pursuant to division 56352
(J)(1) of this section, the applicant does not qualify for 56353
employment, the center, type A home, or licensed type B home shall 56354

release the applicant from employment. 56355

(3) The administrator of a center, type A home, or licensed type B home shall review the results of the criminal records check before an applicant has sole responsibility for the care, custody, or control of any child. 56356
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(K)(1) Each center, type A home, and licensed type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (F) of this section of the administrator of the center, type A home, or licensed type B home. 56360
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(2) A center, type A home, or licensed type B home may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the center, type A home, or licensed type B home pays under division (K)(1) of this section. If a fee is charged under this division, the center, type A home, or licensed type B home shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, type A home, or licensed type B home will not consider the applicant for employment. 56367
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~~(F)~~(L) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) or (F) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, 56378
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the center, type A home, or type B home involved, and any court, 56387
hearing officer, or other necessary individual involved in a case 56388
dealing with a denial of licensure or certification related to the 56389
criminal records check. 56390

(M)(1) Each of the following persons shall sign a statement 56391
on forms prescribed by the director of job and family services 56392
attesting to the fact that the person has not been convicted of or 56393
pleaded guilty to any offense set forth in division (A)(5) of 56394
section 109.572 of the Revised Code and that no child has been 56395
removed from the person's home pursuant to section 2151.353 of the 56396
Revised Code: 56397

(a) An employee of a center, type A home, or licensed type B 56398
home; 56399

(b) A person eighteen years of age or older who resides in a 56400
type A home or licensed type B home; 56401

(c) An in-home aide; 56402

(d) An owner, licensee, or administrator of a center, type A 56403
home, or licensed type B home. 56404

(2) Each licensee of a type A home or type B home shall sign 56405
a statement on a form prescribed by the director of job and family 56406
services attesting to the fact that no person who resides at the 56407
type A home or licensed type B home and is under eighteen years of 56408
age has been adjudicated a delinquent child for committing a 56409
violation of any section listed in division (A)(5) of section 56410
109.572 of the Revised Code. 56411

(3) The statements required under divisions (M)(1) and (2) of 56412
this section shall be kept on file as follows: 56413

(a) With respect to an owner, licensee, administrator, or 56414
employee of a center, type A home, or licensed type B home, or a 56415
person eighteen years of age or older residing in a type A home or 56416

licensed type B home, at the center, type A home, or licensed type B home; 56417
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(b) With respect to in-home aides, at the county department of job and family services. 56419
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(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section. 56421
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~~(G)~~(N) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the ~~prohibition~~ prohibitions in division divisions (D) and (J) of this section for persons who have been convicted of an offense listed in ~~that division~~ division (A)(5) of section 109.572 of the Revised Code but who meet standards in regard to rehabilitation set by the director. 56427
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~~(H)~~(O) As used in this section, ~~"criminal:~~ 56435

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a center, a type A home, or licensed type B home or any person who would serve in any position with a center, type A home, or licensed type B home pursuant to a contract with another entity. 56436
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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 56441
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Sec. 5104.015. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the operation of child day-care centers, including parent cooperative centers, part-time centers, drop-in centers, 56443
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and school-age child care centers. The rules shall reflect the 56447
various forms of child care and the needs of children receiving 56448
child care or publicly funded child care and shall include 56449
specific rules for school-age child care centers that are 56450
developed in consultation with the department of education. The 56451
rules shall not require an existing school facility that is in 56452
compliance with applicable building codes to undergo an additional 56453
building code inspection or to have structural modifications. The 56454
rules shall include the following: 56455

(A) Submission of a site plan and descriptive plan of 56456
operation to demonstrate how the center proposes to meet the 56457
requirements of this chapter and rules adopted pursuant to this 56458
chapter for the initial license application; 56459

(B) Standards for ensuring that the physical surroundings of 56460
the center are safe and sanitary including the physical 56461
environment, the physical plant, and the equipment of the center; 56462

(C) Standards for the supervision, care, and discipline of 56463
children receiving child care or publicly funded child care in the 56464
center; 56465

(D) Standards for a program of activities, and for play 56466
equipment, materials, and supplies, to enhance the development of 56467
each child; however, any educational curricula, philosophies, and 56468
methodologies that are developmentally appropriate and that 56469
enhance the social, emotional, intellectual, and physical 56470
development of each child shall be permissible. As used in this 56471
division, "program" does not include instruction in religious or 56472
moral doctrines, beliefs, or values that is conducted at child 56473
day-care centers owned and operated by churches and does include 56474
methods of disciplining children at child day-care centers. 56475

(E) Admissions policies and procedures; 56476

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|---|----------------------------------|
| (F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases; | 56477 56478 |
| (G) First aid and emergency procedures; | 56479 |
| (H) Procedures for discipline and supervision of children; | 56480 |
| (I) Standards for the provision of nutritious meals and snacks; | 56481 56482 |
| (J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code; | 56483 56484 56485 |
| (K) Procedures for screening employees that may include any necessary physical examinations and immunizations; | 56486 56487 |
| (L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met; | 56488 56489 56490 56491 |
| (M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee; | 56492 56493 56494 |
| (N) Procedures for record keeping, organization, and administration; | 56495 56496 |
| (O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code; | 56497 56498 56499 |
| (P) Inspection procedures; | 56500 |
| (Q) Procedures and standards for setting initial license application fees; | 56501 56502 |
| (R) Procedures for receiving, recording, and responding to complaints about centers; | 56503 56504 |
| (S) Procedures for enforcing section 5104.04 of the Revised | 56505 |

Code; 56506

(T) A standard requiring the inclusion of a current 56507
department of job and family services toll-free telephone number 56508
on each center provisional license or license which any person may 56509
use to report a suspected violation by the center of this chapter 56510
or rules adopted pursuant to this chapter; 56511

(U) Requirements for the training of administrators and 56512
child-care staff members, including training in first aid, in 56513
prevention, recognition, and management of communicable diseases, 56514
and in child abuse recognition and prevention. ~~Training~~ 56515
~~requirements for child day care centers adopted under this~~ 56516
~~division shall be consistent with sections 5104.034 and 5104.037~~ 56517
~~of the Revised Code.;~~ 56518

(V) Standards providing for the special needs of children who 56519
are handicapped or who require treatment for health conditions 56520
while the child is receiving child care or publicly funded child 56521
care in the center; 56522

(W) A procedure for reporting of injuries of children that 56523
occur at the center; 56524

(X) Standards for licensing child day-care centers for 56525
children with short-term illnesses and other temporary medical 56526
conditions; 56527

(Y) Minimum requirements for instructional time for child 56528
day-care centers rated through the tiered quality rating and 56529
improvement system established pursuant to section 5104.30 of the 56530
Revised Code; 56531

(Z) Any other procedures and standards necessary to carry out 56532
the provisions of this chapter regarding child day-care centers. 56533

Sec. 5104.016. The director of job and family services, in 56534
addition to the rules adopted under section 5104.015 of the 56535

Revised Code, shall adopt rules establishing minimum requirements 56536
for child day-care centers. The rules shall include the 56537
requirements set forth in sections 5104.032 to ~~5104.037~~ 5104.036 56538
of the Revised Code. Except as provided in section 5104.07 of the 56539
Revised Code, the rules shall not change the square footage 56540
requirements of section 5104.032 of the Revised Code; the maximum 56541
number of children per child-care staff member and maximum group 56542
size requirements of section 5104.033 of the Revised Code; the 56543
educational and experience requirements of section 5104.035 of the 56544
Revised Code; the age, educational, and experience requirements of 56545
section 5104.036 of the Revised Code; ~~the number and type of~~ 56546
~~inservice training hours required under section 5104.037 of the~~ 56547
~~Revised Code;~~ however, the rules shall provide procedures for 56548
determining compliance with those requirements. 56549

Sec. 5104.017. The director of job and family services shall 56550
adopt rules pursuant to Chapter 119. of the Revised Code governing 56551
the operation of type A family day-care homes, including parent 56552
cooperative type A homes, part-time type A homes, drop-in type A 56553
homes, and school-age child type A homes. The rules shall reflect 56554
the various forms of child care and the needs of children 56555
receiving child care. The rules shall include the following: 56556

(A) Submission of a site plan and descriptive plan of 56557
operation to demonstrate how the type A home proposes to meet the 56558
requirements of this chapter and rules adopted pursuant to this 56559
chapter for the initial license application; 56560

(B) Standards for ensuring that the physical surroundings of 56561
the type A home are safe and sanitary, including the physical 56562
environment, the physical plant, and the equipment of the type A 56563
home; 56564

(C) Standards for the supervision, care, and discipline of 56565

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| children receiving child care or publicly funded child care in the type A home; | 56566 56567 |
| (D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible; | 56568 56569 56570 56571 56572 56573 |
| (E) Admissions policies and procedures; | 56574 |
| (F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases; | 56575 56576 |
| (G) First aid and emergency procedures; | 56577 |
| (H) Procedures for discipline and supervision of children; | 56578 |
| (I) Standards for the provision of nutritious meals and snacks; | 56579 56580 |
| (J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code; | 56581 56582 56583 |
| (K) Procedures for screening employees, including any necessary physical examinations and immunizations; | 56584 56585 |
| (L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met; | 56586 56587 56588 56589 |
| (M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee; | 56590 56591 56592 |
| (N) Procedures for record keeping, organization, and administration; | 56593 56594 |

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| (O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code; | 56595 56596 56597 |
| (P) Inspection procedures; | 56598 |
| (Q) Procedures and standards for setting initial license application fees; | 56599 56600 |
| (R) Procedures for receiving, recording, and responding to complaints about type A homes; | 56601 56602 |
| (S) Procedures for enforcing section 5104.04 of the Revised Code; | 56603 56604 |
| (T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter; | 56605 56606 56607 56608 56609 |
| (U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention; | 56610 56611 56612 56613 |
| (V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home; | 56614 56615 56616 56617 |
| (W) Standards for the maximum number of children per child-care staff member; | 56618 56619 |
| (X) Requirements for the amount of usable indoor floor space for each child; | 56620 56621 |
| (Y) Requirements for safe outdoor play space; | 56622 |
| (Z) Qualifications and training requirements for administrators and for child-care staff members; | 56623 56624 |

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| (AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation; | 56625 56626 56627 |
| (BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians; | 56628 56629 |
| (CC) <u>Minimum requirements for instructional time for type A homes rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code;</u> | 56630 56631 56632 56633 |
| (DD) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes. | 56634 56635 |
| Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following: | 56636 56637 56638 56639 56640 56641 56642 |
| (A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code-; | 56643 56644 56645 |
| (B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment; | 56646 56647 56648 |
| (C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home; | 56649 56650 56651 |
| (D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and | 56652 56653 56654 |

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| methodologies that are developmentally appropriate and that | 56655 |
| enhance the social, emotional, intellectual, and physical | 56656 |
| development of each child shall be permissible; | 56657 |
| (E) Admission policies and procedures; | 56658 |
| (F) Health care, first aid and emergency procedures; | 56659 |
| (G) Procedures for the care of sick children; | 56660 |
| (H) Procedures for discipline and supervision of children; | 56661 |
| (I) Nutritional standards; | 56662 |
| (J) Procedures for screening children, including any | 56663 |
| necessary physical examinations and the immunizations required | 56664 |
| pursuant to section 5104.014 of the Revised Code; | 56665 |
| (K) Procedures for screening administrators and employees, | 56666 |
| including any necessary physical examinations and immunizations; | 56667 |
| (L) Methods of encouraging parental participation and | 56668 |
| ensuring that the rights of children, parents, and administrators | 56669 |
| are protected and the responsibilities of parents and | 56670 |
| administrators are met; | 56671 |
| (M) Standards for the safe transport of children when under | 56672 |
| the care of administrators; | 56673 |
| (N) Procedures for issuing, denying, or revoking licenses; | 56674 |
| (O) Procedures for the inspection of type B homes that | 56675 |
| require, at a minimum, that each type B home be inspected prior to | 56676 |
| licensure to ensure that the home is safe and sanitary; | 56677 |
| (P) Procedures for record keeping and evaluation; | 56678 |
| (Q) Procedures for receiving, recording, and responding to | 56679 |
| complaints; | 56680 |
| (R) Standards providing for the special needs of children who | 56681 |
| are handicapped or who receive treatment for health conditions | 56682 |
| while the child is receiving child care or publicly funded child | 56683 |

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| care in the type B home; | 56684 |
| (S) Requirements for the amount of usable indoor floor space for each child; | 56685 56686 |
| (T) Requirements for safe outdoor play space; | 56687 |
| (U) Qualification and training requirements for administrators; | 56688 56689 |
| (V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation; | 56690 56691 56692 |
| (W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code; | 56693 56694 56695 |
| (X) <u>Minimum requirements for instructional time for type B homes rated through the tiered quality rating and improvement system established pursuant to section 5104.30 of the Revised Code;</u> | 56696 56697 56698 56699 |
| (Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes. | 56700 56701 56702 |
| Sec. 5104.03. (A) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form. | 56703 56704 56705 56706 56707 56708 56709 56710 56711 |
| Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be | 56712 56713 |

paid at the time of application for a license to operate a center, 56714
type A home, or type B home. Fees collected under this section 56715
shall be paid into the state treasury to the credit of the general 56716
revenue fund. 56717

(B)(1) Upon filing of the application for a license, the 56718
director shall investigate and inspect the center, type A home, or 56719
type B home to determine the license capacity for each age 56720
category of children of the center, type A home, or type B home 56721
and to determine whether the center, type A home, or type B home 56722
complies with this chapter and rules adopted pursuant to this 56723
chapter. When, after investigation and inspection, the director is 56724
satisfied that this chapter and rules adopted pursuant to it are 56725
complied with, subject to division (H) of this section, a license 56726
shall be issued as soon as practicable in such form and manner as 56727
prescribed by the director. The license shall be designated as 56728
provisional and shall be valid for twelve months from the date of 56729
issuance unless revoked. 56730

(2) The director may contract with a government entity or a 56731
private nonprofit entity for the entity to inspect type A or type 56732
B family day-care homes pursuant to this section. If the director 56733
contracts with a government entity or private nonprofit entity for 56734
that purpose, the entity may contract with another government 56735
entity or private nonprofit entity for the other entity to inspect 56736
type A or type B homes pursuant to this section. The director, 56737
government entity, or private nonprofit entity shall conduct an 56738
inspection prior to the issuance of a license for a type A or type 56739
B home and, as part of that inspection, ensure that the ~~type B~~ 56740
home is safe and sanitary. 56741

(C)(1) On receipt of an application for licensure as a type B 56742
family day-care home to provide publicly funded child care, the 56743
director shall search the uniform statewide automated child 56744
welfare information system for information concerning any abuse or 56745

neglect report made pursuant to section 2151.421 of the Revised Code of which the applicant, any other adult residing in the applicant's home, or a person designated by the applicant to be an emergency or substitute caregiver for the applicant is the subject.

(2) The director shall consider any information discovered pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the director determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the applicant may directly or indirectly endanger the health, safety, or welfare of children, the director shall deny the application for licensure or revoke the license of a type B family day-care home.

(D) The director shall investigate and inspect the center, type A home, or type B home at least once during operation under a license designated as provisional. If after the investigation and inspection the director determines that the requirements of this chapter and rules adopted pursuant to this chapter are met, subject to division (H) of this section, the director shall issue a new license to the center or home.

(E) Each license shall state the name of the licensee, the name of the administrator, the address of the center, type A home, or licensed type B home, and the license capacity for each age category of children. The license shall include thereon, in accordance with sections 5104.015, 5104.017, and 5104.018 of the Revised Code, the toll-free telephone number to be used by persons suspecting that the center, type A home, or licensed type B home has violated a provision of this chapter or rules adopted pursuant to this chapter. A license is valid only for the licensee, administrator, address, and license capacity for each age category of children designated on the license. The license capacity

specified on the license is the maximum number of children in each 56778
age category that may be cared for in the center, type A home, or 56779
licensed type B home at one time. 56780

The center or type A home licensee shall notify the director 56781
when the administrator of the center or home changes. The director 56782
shall amend the current license to reflect a change in an 56783
administrator, if the administrator meets the requirements of this 56784
chapter and rules adopted pursuant to this chapter, or a change in 56785
license capacity for any age category of children as determined by 56786
the director of job and family services. 56787

(F) If the director revokes the license of a center, a type A 56788
home, or a type B home, the director shall not issue another 56789
license to the owner of the center, type A home, or type B home 56790
until five years have elapsed from the date the license is 56791
revoked. 56792

If the director denies an application for a license, the 56793
director shall not ~~accept~~ consider another application from the 56794
applicant until five years have elapsed from the date the 56795
application is denied. 56796

(G) If during the application for licensure process the 56797
director determines that the license of the owner has been 56798
revoked, the investigation of the center, type A home, or type B 56799
home shall cease. This action does not constitute denial of the 56800
application and may not be appealed under division (H) of this 56801
section. 56802

(H) ~~All~~ (1) Except as provided in division (H)(2) of this 56803
section, all actions of the director with respect to licensing 56804
centers, type A homes, or type B homes, refusal to license, and 56805
revocation of a license shall be in accordance with Chapter 119. 56806
of the Revised Code. ~~Any~~ Except as provided in division (H)(2) of 56807
this section, any applicant who is denied a license or any owner 56808

whose license is revoked may appeal in accordance with section 56809
119.12 of the Revised Code. 56810

(2) The following actions by the director are not subject to 56811
Chapter 119. of the Revised Code: 56812

(a) The director does not issue a license to the owner of a 56813
center, type A home, or type B home because the owner sought a 56814
license before five years had elapsed from the date the previous 56815
license was revoked. 56816

(b) The director does not issue a license because the 56817
applicant applied for licensure before five years had elapsed from 56818
the date the previous application was denied. 56819

(I) In no case shall the director issue a license under this 56820
section for a center, type A home, or type B home if the director, 56821
based on documentation provided by the appropriate county 56822
department of job and family services, determines that the 56823
applicant had been certified as a type B family day-care home when 56824
such certifications were issued by county departments prior to 56825
January 1, 2014, that the county department revoked that 56826
certification within the immediately preceding five years, that 56827
the revocation was based on the applicant's refusal or inability 56828
to comply with the criteria for certification, and that the 56829
refusal or inability resulted in a risk to the health or safety of 56830
children. 56831

(J)(1) Except as provided in division (J)(2) of this section, 56832
an administrator of a type B family day-care home that receives a 56833
license pursuant to this section to provide publicly funded child 56834
care is an independent contractor and is not an employee of the 56835
department of job and family services. 56836

(2) For purposes of Chapter 4141. of the Revised Code, 56837
determinations concerning the employment of an administrator of a 56838
type B family day-care home that receives a license pursuant to 56839

this section shall be determined under Chapter 4141. of the 56840
Revised Code. 56841

Sec. 5104.036. (A) All child-care staff members of a child 56842
day-care center shall be at least eighteen years of age, shall 56843
comply with the training requirements set forth in rules adopted 56844
pursuant to section 5104.015 of the Revised Code, and shall 56845
furnish the director of job and family services or the director's 56846
designee evidence of at least high school graduation or 56847
certification of high school equivalency by the state board of 56848
education or the appropriate agency of another state or evidence 56849
of completion of a training program approved by the department of 56850
job and family services or state board of education, except as 56851
follows: 56852

(B) A child-care staff member may be less than eighteen years 56853
of age if the staff member is either of the following: 56854

(1) A graduate of a two-year vocational child-care training 56855
program approved by the state board of education; 56856

(2) A student enrolled in the second year of a vocational 56857
child-care training program approved by the state board of 56858
education which leads to high school graduation, provided that the 56859
student performs the student's duties in the child day-care center 56860
under the continuous supervision of an experienced child-care 56861
staff member, receives periodic supervision from the vocational 56862
child-care training program teacher-coordinator in the student's 56863
high school, and meets all other requirements of this chapter and 56864
rules adopted pursuant to this chapter. 56865

(C) A child-care staff member shall be exempt from the 56866
educational requirements of division (A) of this section if the 56867
staff member: 56868

(1) Prior to January 1, 1972, was employed or designated by a 56869

child day-care center and has been continuously employed since 56870
either by the same child day-care center employer or at the same 56871
child day-care center; 56872

(2) Is a student enrolled in the second year of a vocational 56873
child-care training program approved by the state board of 56874
education which leads to high school graduation, provided that the 56875
student performs the student's duties in the child day-care center 56876
under the continuous supervision of an experienced child-care 56877
staff member, receives periodic supervision from the vocational 56878
child-care training program teacher-coordinator in the student's 56879
high school, and meets all other requirements of this chapter and 56880
rules adopted pursuant to this chapter; 56881

(3) Is receiving or has completed the final year of 56882
instruction at home as authorized under section 3321.04 of the 56883
Revised Code or has graduated from a nonchartered, nonpublic 56884
school in Ohio. 56885

Sec. 5104.04. (A) The department of job and family services 56886
shall establish procedures to be followed in investigating, 56887
inspecting, and licensing child day-care centers, type A family 56888
day-care homes, and licensed type B family day-care homes. 56889

(B)(1)(a) The department shall, at least once during every 56890
twelve-month period of operation of a center, type A home, or 56891
licensed type B home, inspect the center, type A home, or licensed 56892
type B home. The department shall inspect a part-time center or 56893
part-time type A home at least once during every twelve-month 56894
period of operation. The department shall provide a written 56895
inspection report to the licensee within a reasonable time after 56896
each inspection. The licensee shall display its most recent 56897
inspection report in a conspicuous place in the center, type A 56898
home, or licensed type B home. 56899

Inspections may be unannounced. No person, firm, 56900

organization, institution, or agency shall interfere with the 56901
inspection of a center, type A home, or licensed type B home by 56902
any state or local official engaged in performing duties required 56903
of the state or local official by this chapter or rules adopted 56904
pursuant to this chapter, including inspecting the center, type A 56905
home, or licensed type B home, reviewing records, or interviewing 56906
licensees, employees, children, or parents. 56907

(b) Upon receipt of any complaint that a center, type A home 56908
or licensed type B home is out of compliance with the requirements 56909
of this chapter or rules adopted pursuant to this chapter, the 56910
department shall investigate the center or home, and both of the 56911
following apply: 56912

(i) If the complaint alleges that a child suffered physical 56913
harm while receiving child care at the center or home or that the 56914
noncompliance alleged in the complaint involved, resulted in, or 56915
poses a substantial risk of physical harm to a child receiving 56916
child care at the center or home, the department shall inspect the 56917
center or home. 56918

(ii) If division (B)(1)(b)(i) of this section does not apply 56919
regarding the complaint, the department may inspect the center or 56920
home. 56921

(c) Division (B)(1)(b) of this section does not limit, 56922
restrict, or negate any duty of the department to inspect a 56923
center, type A home, or licensed type B home that otherwise is 56924
imposed under this section, or any authority of the department to 56925
inspect a center, type A home, or licensed type B home that 56926
otherwise is granted under this section when the department 56927
believes the inspection is necessary and it is permitted under the 56928
grant. 56929

(2) If the department implements an instrument-based program 56930
monitoring information system, it may use an indicator checklist 56931

to comply with division (B)(1) of this section. 56932

(3) The department shall contract with a third party by the 56933
first day of October in each even-numbered year to collect 56934
information concerning the amounts charged by the center or home 56935
for providing child care services for use in establishing 56936
reimbursement ceilings and payment pursuant to section 5104.30 of 56937
the Revised Code. The third party shall compile the information 56938
and report the results of the survey to the department not later 56939
than the first day of December in each even-numbered year. 56940

(C) The department may deny an application or revoke a 56941
license of a center, type A home, or licensed type B home, if the 56942
applicant knowingly makes a false statement on the application, 56943
the center or home does not comply with the requirements of this 56944
chapter or rules adopted pursuant to this chapter, or the 56945
applicant or owner has pleaded guilty to or been convicted of an 56946
offense described in division (A)(5) of section 5104.09 109.572 of 56947
the Revised Code. 56948

(D) If the department finds, after notice and hearing 56949
pursuant to Chapter 119. of the Revised Code, that any applicant, 56950
person, firm, organization, institution, or agency applying for 56951
licensure or licensed under section 5104.03 of the Revised Code is 56952
in violation of any provision of this chapter or rules adopted 56953
pursuant to this chapter, the department may issue an order of 56954
denial to the applicant or an order of revocation to the center, 56955
type A home, or licensed type B home revoking the license 56956
previously issued by the department. Upon the issuance of such an 56957
order, the person whose application is denied or whose license is 56958
revoked may appeal in accordance with section 119.12 of the 56959
Revised Code. 56960

(E) The surrender of a center, type A home, or licensed type 56961
B home license to the department or the withdrawal of an 56962
application for licensure by the owner or administrator of the 56963

center, type A home, or licensed type B home shall not prohibit 56964
the department from instituting any of the actions set forth in 56965
this section. 56966

(F) Whenever the department receives a complaint, is advised, 56967
or otherwise has any reason to believe that a center or type A 56968
home is providing child care without a license issued pursuant to 56969
section 5104.03 and is not exempt from licensing pursuant to 56970
section 5104.02 of the Revised Code, the department shall 56971
investigate the center or type A home and may inspect the areas 56972
children have access to or areas necessary for the care of 56973
children in the center or type A home during suspected hours of 56974
operation to determine whether the center or type A home is 56975
subject to the requirements of this chapter or rules adopted 56976
pursuant to this chapter. 56977

(G) The department, upon determining that the center or type 56978
A home is operating without a license, shall notify the attorney 56979
general, the prosecuting attorney of the county in which the 56980
center or type A home is located, or the city attorney, village 56981
solicitor, or other chief legal officer of the municipal 56982
corporation in which the center or type A home is located, that 56983
the center or type A home is operating without a license. Upon 56984
receipt of the notification, the attorney general, prosecuting 56985
attorney, city attorney, village solicitor, or other chief legal 56986
officer of a municipal corporation shall file a complaint in the 56987
court of common pleas of the county in which the center or type A 56988
home is located requesting that the court grant an order enjoining 56989
the owner from operating the center or type A home in violation of 56990
section 5104.02 of the Revised Code. The court shall grant such 56991
injunctive relief upon a showing that the respondent named in the 56992
complaint is operating a center or type A home and is doing so 56993
without a license. 56994

(H) The department shall prepare an annual report on 56995

inspections conducted under this section. The report shall include 56996
the number of inspections conducted, the number and types of 56997
violations found, and the steps taken to address the violations. 56998
The department shall file the report with the governor, the 56999
president and minority leader of the senate, and the speaker and 57000
minority leader of the house of representatives on or before the 57001
first day of January of each year, beginning in 1999. 57002

Sec. 5104.042. (A) The department of job and family services 57003
may suspend, without a prior hearing, the license of a child 57004
day-care center, type A family day-care home, or licensed type B 57005
family day-care home if any of the following occur: 57006

(1) A child dies or suffers a serious injury while receiving 57007
child care in the center, type A home, or licensed type B home. 57008

(2) A public children services agency receives a report 57009
pursuant to section 2151.421 of the Revised Code, and the person 57010
alleged to have inflicted abuse or neglect on the child who is the 57011
subject of the report is any of the following: 57012

(a) The owner, licensee, or administrator of the center, type 57013
A home, or licensed type B home; 57014

(b) An employee of the center, type A home, or licensed type 57015
B home; 57016

(c) Any person who resides in the type A home or licensed 57017
type B home. 57018

(3) An owner, licensee, administrator, or employee of the 57019
center, type A home, or licensed type B home, or a resident of the 57020
type A home or licensed type B home is charged by an indictment, 57021
information, or complaint with an offense relating to the abuse or 57022
neglect of a child. 57023

(4) The department or a county department of job and family 57024
services determines that the center, type A home, or licensed type 57025

B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury. 57026
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(5) The owner, licensee, or administrator of the center, type A home, or licensed type B home is charged by indictment, information, or complaint with fraud. 57030
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(B) The department shall issue a written order of suspension and furnish a copy to the licensee. The licensee may appeal the suspension in accordance with section 119.12 of the Revised Code. 57033
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(C) Except as provided in division (D) of this section, any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until any of the following occurs: 57036
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(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code. 57040
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(2) All criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 57043
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(3) A final order is issued by the department pursuant to Chapter 119. of the Revised Code becomes effective. 57045
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(D) If the department initiates the revocation of a license that has been suspended pursuant to this section, the suspension shall continue until the revocation process is completed. 57047
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(E) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension. 57050
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(F) The director of job and family services may adopt rules 57056
in accordance with Chapter 119. of the Revised Code establishing 57057
standards and procedures for the summary suspension of licenses. 57058

~~Sec. 5104.09. (A)(1) Except as provided in rules adopted~~ 57059
~~pursuant to division (D) of this section, no individual who has~~ 57060
~~been convicted of or pleaded guilty to a violation described in~~ 57061
~~division (A)(5) of section 109.572 of the Revised Code, a~~ 57062
~~violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05,~~ 57063
~~2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35~~ 57064
~~of the Revised Code or a violation of an existing or former law or~~ 57065
~~ordinance of any municipal corporation, this state, any other~~ 57066
~~state, or the United States that is substantially equivalent to~~ 57067
~~any of those violations, or two violations of section 4511.19 of~~ 57068
~~the Revised Code during operation of the center or home shall be~~ 57069
~~certified as an in home aide or be employed in any capacity in or~~ 57070
~~own or operate a child day care center, type A family day care~~ 57071
~~home, type B family day care home, or licensed type B family~~ 57072
~~day care home.~~ 57073

~~(2) Each employee of a child day care center and type A home~~ 57074
~~and every person eighteen years of age or older residing in a type~~ 57075
~~A home or licensed type B home shall sign a statement on forms~~ 57076
~~prescribed by the director of job and family services attesting to~~ 57077
~~the fact that the employee or resident person has not been~~ 57078
~~convicted of or pleaded guilty to any offense set forth in~~ 57079
~~division (A)(1) of this section and that no child has been removed~~ 57080
~~from the employee's or resident person's home pursuant to section~~ 57081
~~2151.353 of the Revised Code. Each licensee of a type A family~~ 57082
~~day care home or type B family day care home shall sign a~~ 57083
~~statement on a form prescribed by the director attesting to the~~ 57084
~~fact that no person who resides at the type A home or licensed~~ 57085
~~type B home and who is under the age of eighteen has been~~ 57086
~~adjudicated a delinquent child for committing a violation of any~~ 57087

~~section listed in division (A)(1) of this section. The statements shall be kept on file at the center, type A home, or licensed type B home.~~ 57088
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~~(3) Each in-home aide shall sign a statement on forms prescribed by the director of job and family services attesting that the aide has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the aide's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the county department of job and family services.~~ 57091
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~~(4) Each administrator and licensee of a center, type A home, or licensed type B home shall sign a statement on a form prescribed by the director of job and family services attesting that the administrator or licensee has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the administrator's or licensee's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the center, type A home, or licensed type B home.~~ 57098
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~~(B) No in-home aide, no administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home shall withhold information from, or falsify information on, any statement required pursuant to division (A)(2), (3), or (4) of this section.~~ 57107
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~~(C) No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of race, color, religion, sex, or national origin.~~ 57113
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~~(D) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement~~ 57117
57118

~~this section, including rules specifying exceptions to the 57119
prohibition in division (A) of this section for persons who have 57120
been convicted of an offense listed in that division but meet 57121
rehabilitation standards set by the director. 57122~~

Sec. 5104.30. (A) The department of job and family services 57123
is hereby designated as the state agency responsible for 57124
administration and coordination of federal and state funding for 57125
publicly funded child care in this state. Publicly funded child 57126
care shall be provided to the following: 57127

(1) Recipients of transitional child care as provided under 57128
section 5104.34 of the Revised Code; 57129

(2) Participants in the Ohio works first program established 57130
under Chapter 5107. of the Revised Code; 57131

(3) Individuals who would be participating in the Ohio works 57132
first program if not for a sanction under section 5107.16 of the 57133
Revised Code and who continue to participate in a work activity, 57134
developmental activity, or alternative work activity pursuant to 57135
an assignment under section 5107.42 of the Revised Code; 57136

(4) A family receiving publicly funded child care on October 57137
1, 1997, until the family's income reaches one hundred fifty per 57138
cent of the federal poverty line; 57139

(5) Subject to available funds, other individuals determined 57140
eligible in accordance with rules adopted under section 5104.38 of 57141
the Revised Code. 57142

The department shall apply to the United States department of 57143
health and human services for authority to operate a coordinated 57144
program for publicly funded child care, if the director of job and 57145
family services determines that the application is necessary. For 57146
purposes of this section, the department of job and family 57147
services may enter into agreements with other state agencies that 57148

are involved in regulation or funding of child care. The 57149
department shall consider the special needs of migrant workers 57150
when it administers and coordinates publicly funded child care and 57151
shall develop appropriate procedures for accommodating the needs 57152
of migrant workers for publicly funded child care. 57153

(B) The department of job and family services shall 57154
distribute state and federal funds for publicly funded child care, 57155
including appropriations of state funds for publicly funded child 57156
care and appropriations of federal funds available under the child 57157
care block grant act, Title IV-A, and Title XX. The department may 57158
use any state funds appropriated for publicly funded child care as 57159
the state share required to match any federal funds appropriated 57160
for publicly funded child care. 57161

(C) In the use of federal funds available under the child 57162
care block grant act, all of the following apply: 57163

(1) The department may use the federal funds to hire staff to 57164
prepare any rules required under this chapter and to administer 57165
and coordinate federal and state funding for publicly funded child 57166
care. 57167

(2) Not more than five per cent of the aggregate amount of 57168
the federal funds received for a fiscal year may be expended for 57169
administrative costs. 57170

(3) The department shall allocate and use at least four per 57171
cent of the federal funds for the following: 57172

(a) Activities designed to provide comprehensive consumer 57173
education to parents and the public; 57174

(b) Activities that increase parental choice; 57175

(c) Activities, including child care resource and referral 57176
services, designed to improve the quality, and increase the 57177
supply, of child care; 57178

(d) Establishing a tiered quality rating and improvement system in which participation in the program may allow child day-care providers to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating.

(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means.

(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the ~~board of regents~~ director of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter.

The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing

procedures and requirements for the registry's administration. 57211

(E)(1) The director shall adopt rules in accordance with 57212
Chapter 119. of the Revised Code establishing both of the 57213
following: 57214

(a) Reimbursement ceilings for providers of publicly funded 57215
child care not later than the first day of July in each 57216
odd-numbered year; 57217

(b) A procedure for reimbursing and paying providers of 57218
publicly funded child care. 57219

(2) In establishing reimbursement ceilings under division 57220
(E)(1)(a) of this section, the director shall do all of the 57221
following: 57222

(a) Use the information obtained under division (B)(3) of 57223
section 5104.04 of the Revised Code; 57224

(b) Establish an enhanced reimbursement ceiling for providers 57225
who provide child care for caretaker parents who work 57226
nontraditional hours; 57227

(c) For an in-home aide, establish a an hourly reimbursement 57228
~~ceiling that is seventy five per cent of the reimbursement ceiling~~ 57229
~~that applies to a licensed type B family day care home;~~ 57230

(d) With regard to the tiered quality rating and improvement 57231
system established pursuant to division (C)(3)(d) of this section, 57232
do both of the following: 57233

(i) Establish enhanced reimbursement ceilings for child 57234
day-care providers that participate in the system and maintain 57235
quality ratings under the system; 57236

(ii) In the case of child day-care providers that have been 57237
given access to the system by the department, weigh any reduction 57238
in reimbursement ceilings more heavily against those providers 57239
that do not participate in the system or do not maintain quality 57240

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| ratings under the system. | 57241 |
| (3) In establishing reimbursement ceilings under division | 57242 |
| (E)(1)(a) of this section, the director may establish different | 57243 |
| reimbursement ceilings based on any of the following: | 57244 |
| (a) Geographic location of the provider; | 57245 |
| (b) Type of care provided; | 57246 |
| (c) Age of the child served; | 57247 |
| (d) Special needs of the child served; | 57248 |
| (e) Whether the expanded hours of service are provided; | 57249 |
| (f) Whether weekend service is provided; | 57250 |
| (g) Whether the provider has exceeded the minimum | 57251 |
| requirements of state statutes and rules governing child care; | 57252 |
| (h) Any other factors the director considers appropriate. | 57253 |
| (F) The director shall adopt rules in accordance with Chapter | 57254 |
| 119. of the Revised Code to implement the tiered quality rating | 57255 |
| and improvement system described in division (C)(3)(d) of this | 57256 |
| section. | 57257 |
| Sec. 5104.37. (A) As used in this section, "eligible | 57258 |
| provider" means an individual or entity eligible to provide | 57259 |
| publicly funded child care pursuant to section 5104.31 of the | 57260 |
| Revised Code. | 57261 |
| (B) The department of job and family services may withhold | 57262 |
| any money due under this chapter and recover through any | 57263 |
| appropriate method any money erroneously paid under this chapter | 57264 |
| if evidence exists of less than full compliance with this chapter | 57265 |
| and any rules adopted under it. | 57266 |
| (C) Notwithstanding any other provision of this chapter to | 57267 |
| the contrary, the department shall take action against an eligible | 57268 |

provider as described in this section. 57269

(D) Subject to the notice and appeal provisions of divisions 57270
(G) and (H) of this section, the department may suspend a contract 57271
entered into under section 5104.32 of the Revised Code with an 57272
eligible provider if the department has initiated an investigation 57273
of the provider for either of the following reasons: 57274

(1) The department has evidence that the eligible provider 57275
received an improper child care payment as a result of the 57276
provider's intentional act. 57277

(2) The department receives notice and a copy of an 57278
indictment, information, or complaint charging the eligible 57279
provider or the owner or operator of the provider with committing 57280
any of the following: 57281

(a) An act that is a felony or misdemeanor relating to 57282
providing or billing for publicly funded child care or providing 57283
management or administrative services relating to providing 57284
publicly funded child care; 57285

(b) An act that would constitute an offense described in 57286
division (A)(5) of section 5104.09 109.572 of the Revised Code. 57287

(E)(1) Except as provided in division (E)(2) of this section, 57288
the suspension of a contract under division (D) of this section 57289
shall continue until the department completes its investigation or 57290
all criminal charges are disposed of through dismissal, a finding 57291
of not guilty, conviction, or a plea of guilty. 57292

(2) If the department initiates the termination of a contract 57293
that has been suspended pursuant to division (D) of this section, 57294
the suspension shall continue until the termination process is 57295
completed. 57296

(F) An eligible provider shall not provide publicly funded 57297
child care while the provider's contract is under suspension 57298

pursuant to division (D) of this section. As of the date the 57299
eligible provider's contract is suspended, the department shall 57300
withhold payment to the eligible provider for publicly funded 57301
child care. 57302

(G) Before suspending an eligible provider's contract 57303
pursuant to division (D) of this section, the department shall 57304
notify the eligible provider. The notice shall include all of the 57305
following: 57306

(1) A description, which need not disclose specific 57307
information concerning any ongoing administrative or criminal 57308
investigation, of the reason that the department initiated its 57309
investigation of the provider; 57310

(2) A statement that the eligible provider will be prohibited 57311
from providing publicly funded child care while the contract is 57312
under suspension; 57313

(3) A statement that the suspension will continue until the 57314
department completes its investigation or all criminal charges are 57315
disposed of through dismissal, a finding of not guilty, 57316
conviction, or a plea of guilty, and that if the department 57317
initiates the termination of the contract, the suspension will 57318
continue until the termination process is completed. 57319

(H) An eligible provider may file an appeal with the 57320
department regarding any proposal by the department to suspend the 57321
provider's contract pursuant to division (D) of this section. The 57322
appeal must be received by the department not later than fifteen 57323
days after the date the provider receives the notification 57324
described in division (G) of this section. The department shall 57325
review the evidence and issue a decision not later than thirty 57326
days after receiving the appeal. The department shall not suspend 57327
a contract pursuant to division (D) of this section until the time 57328
for filing the appeal has passed or, if the provider files a 57329

timely appeal, the department has issued a decision on the appeal. 57330

Sec. 5104.38. In addition to any other rules adopted under 57331
this chapter, the director of job and family services shall adopt 57332
rules in accordance with Chapter 119. of the Revised Code 57333
governing financial and administrative requirements for publicly 57334
funded child care and establishing all of the following: 57335

(A) Procedures and criteria to be used in making 57336
determinations of eligibility for publicly funded child care that 57337
give priority to children of families with lower incomes and 57338
procedures and criteria for eligibility for publicly funded 57339
protective child care. The rules shall specify the maximum amount 57340
of income a family may have for initial and continued eligibility. 57341
The maximum amount shall not exceed ~~two~~ three hundred per cent of 57342
the federal poverty line. The rules may specify exceptions to the 57343
eligibility requirements in the case of a family that previously 57344
received publicly funded child care and is seeking to have the 57345
child care reinstated after the family's eligibility was 57346
terminated. 57347

(B) Procedures under which an applicant for publicly funded 57348
child care may receive publicly funded child care while the county 57349
department of job and family services determines eligibility and 57350
under which a licensed child care program may appeal a denial of 57351
payment under division (A)(2)(b) of section 5104.34 of the Revised 57352
Code; 57353

(C) A schedule of fees requiring all eligible caretaker 57354
parents to pay a fee for publicly funded child care according to 57355
income and family size, which shall be uniform for all types of 57356
publicly funded child care, except as authorized by rule, and, to 57357
the extent permitted by federal law, shall permit the use of state 57358
and federal funds to pay the customary deposits and other advance 57359
payments that a provider charges all children who receive child 57360

~~care from that provider. The schedule of fees may not provide for 57361
a caretaker parent to pay a fee that exceeds ten per cent of the 57362
parent's family income. 57363~~

(D) A formula for determining the amount of state and federal 57364
funds appropriated for publicly funded child care that may be 57365
allocated to a county department to use for administrative 57366
purposes; 57367

(E) Procedures to be followed by the department and county 57368
departments in recruiting individuals and groups to become 57369
providers of child care; 57370

(F) Procedures to be followed in establishing state or local 57371
programs designed to assist individuals who are eligible for 57372
publicly funded child care in identifying the resources available 57373
to them and to refer the individuals to appropriate sources to 57374
obtain child care; 57375

(G) Procedures to deal with fraud and abuse committed by 57376
either recipients or providers of publicly funded child care; 57377

(H) Procedures for establishing a child care grant or loan 57378
program in accordance with the child care block grant act; 57379

(I) Standards and procedures for applicants to apply for 57380
grants and loans, and for the department to make grants and loans; 57381

(J) A definition of "person who stands in loco parentis" for 57382
the purposes of division (JJ)(1) of section 5104.01 of the Revised 57383
Code; 57384

(K) Procedures for a county department of job and family 57385
services to follow in making eligibility determinations and 57386
redeterminations for publicly funded child care available through 57387
telephone, computer, and other means at locations other than the 57388
county department; 57389

(L) If the director establishes a different reimbursement 57390

ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;

(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period;

(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.

Sec. 5104.99. (A) Whoever violates section 5104.02 of the Revised Code shall be punished as follows:

(1) For each offense, the offender shall be fined not less than one hundred dollars nor more than five hundred dollars multiplied by the number of children receiving child care at the child day-care center or type A family day-care home that either exceeds the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, exceeds the license capacity of the type A home.

(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply:

(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number

that does not exceed either the number of children to which a type 57421
B family day-care home may provide child care or, if the offender 57422
is a licensed type A family day-care home that is operating as a 57423
child day-care center without being licensed as a center, the 57424
license capacity of the type A home. 57425

(b) If the offender previously has been convicted of or 57426
pleaded guilty to one violation of section 5104.02 of the Revised 57427
Code, the court shall order the offender to cease the provision of 57428
child care to any person until it obtains a child day-care center 57429
license or a type A family day-care home license, as appropriate, 57430
under section 5104.03 of the Revised Code. 57431

(c) If the offender previously has been convicted of or 57432
pleaded guilty to two violations of section 5104.02 of the Revised 57433
Code, the offender is guilty of a misdemeanor of the first degree, 57434
and the court shall order the offender to cease the provision of 57435
child care to any person until it obtains a child day-care center 57436
license or a type A family day-care home license, as appropriate, 57437
under section 5104.03 of the Revised Code. The court shall impose 57438
the fine specified in division (A)(1) of this section and may 57439
impose an additional fine provided that the total amount of the 57440
fines so imposed does not exceed the maximum fine authorized for a 57441
misdemeanor of the first degree under section 2929.28 of the 57442
Revised Code. 57443

(d) If the offender previously has been convicted of or 57444
pleaded guilty to three or more violations of section 5104.02 of 57445
the Revised Code, the offender is guilty of a felony of the fifth 57446
degree, and the court shall order the offender to cease the 57447
provision of child care to any person until it obtains a child 57448
day-care center license or a type A family day-care home license, 57449
as appropriate, under section 5104.03 of the Revised Code. The 57450
court shall impose the fine specified in division (A)(1) of this 57451
section and may impose an additional fine provided that the total 57452

amount of the fines so imposed does not exceed the maximum fine 57453
authorized for a felony of the fifth degree under section 2929.18 57454
of the Revised Code. 57455

(B) Whoever violates division ~~(B)~~(M)(4) of section ~~5104.09~~ 57456
5104.013 of the Revised Code is guilty of a misdemeanor of the 57457
first degree. If the offender is a licensee of a center ~~or~~, type A 57458
home, or licensed type B home, the conviction shall constitute 57459
grounds for denial or revocation of an application for licensure 57460
pursuant to section 5104.04 of the Revised Code. Except as 57461
otherwise provided in this division, the offense established under 57462
division (M)(4) of section 5104.013 of the Revised Code is a 57463
strict liability offense, and section 2901.20 of the Revised Code 57464
does not apply. If the offender is a person eighteen years of age 57465
or older residing in a ~~center or~~ type A home or licensed type B 57466
home or is an employee of a center ~~or a~~, type A home, or licensed 57467
type B home and if the licensee had knowledge of, and acquiesced 57468
in, the commission of the offense, the conviction shall constitute 57469
grounds for denial or revocation of an application for licensure 57470
pursuant to section 5104.04 of the Revised Code. 57471

(C) Whoever violates ~~division (C)~~ of section 5104.09 of the 57472
Revised Code is guilty of a misdemeanor of the third degree. 57473

Sec. 5107.05. The director of job and family services shall 57474
adopt rules to implement this chapter. The rules shall be 57475
consistent with Title IV-A, Title IV-D, federal regulations, state 57476
law, the Title IV-A state plan submitted to the United States 57477
secretary of health and human services under section 5101.80 of 57478
the Revised Code, amendments to the plan, and waivers granted by 57479
the United States secretary. Rules governing eligibility, program 57480
participation, and other applicant and participant requirements 57481
shall be adopted in accordance with Chapter 119. of the Revised 57482
Code. Rules governing financial and other administrative 57483

requirements applicable to the department of job and family 57484
services and county departments of job and family services shall 57485
be adopted in accordance with section 111.15 of the Revised Code. 57486

(A) The rules shall specify, establish, or govern all of the 57487
following: 57488

(1) A payment standard for Ohio works first based on federal 57489
and state appropriations that is increased in accordance with 57490
section 5107.04 of the Revised Code; 57491

(2) For the purpose of section 5107.04 of the Revised Code, 57492
the method of determining the amount of cash assistance an 57493
assistance group receives under Ohio works first; 57494

(3) Requirements for initial and continued eligibility for 57495
Ohio works first, including requirements regarding income, 57496
citizenship, age, residence, and assistance group composition; 57497

(4) For the purpose of section 5107.12 of the Revised Code, 57498
application and verification procedures, including the minimum 57499
information an application must contain; 57500

(5) The extent to which a participant of Ohio works first 57501
must notify, pursuant to section 5107.12 of the Revised Code, a 57502
county department of job and family services of additional income 57503
not previously reported to the county department; 57504

(6) For the purpose of section 5107.16 of the Revised Code, 57505
both of the following: 57506

(a) Standards for the determination of good cause for failure 57507
or refusal to comply in full with a provision of a 57508
self-sufficiency contract; 57509

(b) The compliance activities a member of an assistance group 57510
must complete for the member to be considered to have ceased to 57511
fail or refuse to comply in full with a provision of a 57512
self-sufficiency contract. 57513

(7) The department of job and family services providing 57514
written notice of a sanction under section 5107.161 of the Revised 57515
Code; 57516

(8) For the purpose of division (B) of section 5107.17 of the 57517
Revised Code, the circumstances under which the adult member of an 57518
assistance group or an assistance group's minor head of household 57519
whose failure or refusal, without good cause, to comply in full 57520
with a provision of a self-sufficiency contract causes a sanction 57521
under section 5107.16 of the Revised Code must enter into a new, 57522
or amend an existing, self-sufficiency contract before the 57523
assistance group may resume participation in Ohio works first 57524
following the sanction; 57525

(9) Requirements for the collection and distribution of 57526
support payments owed participants of Ohio works first pursuant to 57527
section 5107.20 of the Revised Code; 57528

(10) For the purpose of section 5107.22 of the Revised Code, 57529
what constitutes cooperating in establishing a minor child's 57530
paternity or establishing, modifying, or enforcing a child support 57531
order and good cause for failure or refusal to cooperate; 57532

(11) The requirements governing the LEAP program, including 57533
the definitions of "equivalent of a high school diploma" and "good 57534
cause," and the incentives provided under the LEAP program; 57535

(12) If the director implements section 5107.301 of the 57536
Revised Code, the requirements governing the award provided under 57537
that section, including the form that the award is to take and 57538
requirements an individual must satisfy to receive the award; 57539

(13) Circumstances under which a county department of job and 57540
family services may exempt a minor head of household or adult from 57541
participating in a work activity or developmental activity for all 57542
or some of the weekly hours otherwise required by section 5107.43 57543
of the Revised Code. 57544

(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;

(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;

(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code;

(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code;

(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.

The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29).

The rules adopted under division (A)(13) of this section shall specify that the circumstances include that a school or place of work is closed due to a holiday or weather or other emergency and that an employer grants the minor head of household or adult leave for illness or earned vacation.

(C) The rules may provide that a county department of job and family services is not required to take action under section 5107.76 of the Revised Code to recover an erroneous payment under circumstances the rules specify.

Sec. 5107.64. County departments of job and family services

shall establish and administer alternative work activities for 57575
minor heads of households and adults participating in Ohio works 57576
first. In establishing alternative work activities, county 57577
departments are not limited by the restrictions Title IV-A imposes 57578
on work activities. The following are examples of alternative work 57579
activities that a county department may establish: 57580

(A) Parenting classes and life-skills training; 57581

(B) Participation in addiction services provided by a 57582
community addiction services provider ~~certified by the department~~ 57583
~~of mental health and addiction services under section 5119.36, as~~ 57584
defined in section 5119.01 of the Revised Code; 57585

(C) In the case of a homeless assistance group, finding a 57586
home; 57587

(D) In the case of a minor head of household or adult with a 57588
disability, active work in an individual written rehabilitation 57589
plan with the opportunities for Ohioans with disabilities agency; 57590

(E) In the case of a minor head of household or adult who has 57591
been the victim of domestic violence, residing in a domestic 57592
violence shelter, receiving counseling or treatment related to the 57593
domestic violence, or participating in criminal justice activities 57594
against the domestic violence offender; 57595

(F) An education program under which a participant who does 57596
not speak English attends English as a second language course. 57597

Sec. 5108.01. As used in this chapter: 57598

(A) "Additional benefits and services" means the benefits and 57599
services that a county department of job and family services may 57600
include in its county prevention, retention, and contingency 57601
program plan. "Additional benefits and services" are in addition 57602
to required benefits and services. 57603

(B) "County family services planning committee" means the 57604

county family services planning committee established under 57605
section 329.06 of the Revised Code or the board created by 57606
consolidation under division (C) of section 6301.06 of the Revised 57607
Code. 57608

~~(B)~~(C) "County prevention, retention, and contingency program 57609
plan" and "county plan" mean the plan each county department of 57610
job and family services must adopt under section 5108.04 of the 57611
Revised Code. 57612

(D) "Ohio works first" has the same meaning as in section 57613
5107.02 of the Revised Code. 57614

(E) "Prevention, retention, and contingency program" means 57615
the program established by this chapter and funded in part with 57616
federal funds provided under Title IV-A. 57617

~~(C)~~(F) "Required benefits and services" means the benefits 57618
and services specified in rules adopted under section 5108.03 of 57619
the Revised Code that a county department of job and family 57620
services must include in its county prevention, retention, and 57621
contingency program plan. 57622

(G) "Title IV-A" means Title IV-A of the "Social Security 57623
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 57624

Sec. 5108.021. All of the following apply to all benefits and 57625
services provided under the prevention, retention, and contingency 57626
program, regardless of whether they are required benefits and 57627
services or additional benefits and services: 57628

(A) The benefits and services must be allowable uses of 57629
federal Title IV-A funds under sections 401 and 404(a) of the 57630
"Social Security Act," 42 U.S.C. 601 and 604(a). 57631

(B) The benefits and services must not be "assistance" as 57632
defined in 45 C.F.R. 260.31(a) and, except as provided in division 57633
(C) of this section, must be benefits and services that 45 C.F.R. 57634

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| <u>260.31(b) excludes from the definition of "assistance."</u> | 57635 |
| <u>(C) The benefits and services must not include work subsidies specified in 45 C.F.R. 260.31(b)(2).</u> | 57636 |
| <u>(D) The benefits and services must have the following primary purposes:</u> | 57637 |
| <u>(1) Diverting families from participating in Ohio works first;</u> | 57638 |
| <u>(2) Meeting an emergent need that, if not met, would threaten the safety, health, or well-being of one or more members of a family.</u> | 57639 |
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additional benefits and services an eligible individual may receive in a year; 57664
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(4) Other requirements for county prevention, retention, and contingency program plans, including requirements for adopting, updating, amending, and suspending county plans. 57666
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(B) All of the following shall be specified as required benefits and services in the rules adopted under division (A)(1) of this section: 57669
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(1) Short-term supportive services that address the specific crisis or episode of need, including assistance with employment, housing, utilities, transportation, or other employment-related needs; 57672
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(2) Disaster assistance; 57676

(3) Any other benefits and services the director specifies. 57677

Sec. 5108.04. Each county department of job and family services shall adopt a written ~~statement of policies governing the~~ county prevention, retention, and contingency program plan for the county. The ~~statement of policies~~ initial county plan shall be adopted not later than ~~October 1~~ November 15, 2003, and 2015. The county plan shall be updated not later than October 1, 2017, and at least every two years thereafter. A county department may amend its ~~statement of policies to modify, terminate, and establish new policies~~ county plan, except that required benefits and services may be suspended only as provided in section 5108.022 of the Revised Code. A county department ~~also may amend its statement of policies to suspend operation of its prevention, retention, and contingency program temporarily.~~ The county director of job and family services shall sign and date the ~~statement of policies~~ county plan and any amendment to it. Neither the ~~statement of policies~~ county plan nor any amendment to it may have an effective 57678
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date that is earlier than the date of the county director's signature. 57694
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Each county department ~~of job and family services~~ shall provide the department of job and family services a written copy of the ~~statement of policies~~ county department's initial and updated county plans, and any amendments it adopts to ~~the statement~~ a county plan, including any amendment concerning a suspension, not later than ten calendar days after the ~~statement~~ county plan's or amendment's effective date. 57696
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Each county department shall comply with section 5108.022 of the Revised Code and rules adopted under section 5108.03 of the Revised Code when adopting, updating, amending, or suspending a county plan under this section. 57703
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Sec. 5108.05 5108.041. ~~In adopting a statement of policies under section 5108.04 of the Revised Code for the county's (A) Each county prevention, retention, and contingency program, each county department of job and family services plan shall do all of the following:~~ 57707
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~~(A) Establish or specify all of the following:~~ 57712

~~(1) Benefits include all required benefits and services and may include additional benefits and services to be provided under the program that are allowable uses of federal Title IV A funds under 42 U.S.C. 601 and 604(a), except that they may not be "assistance" as defined in 45 C.F.R. 260.31(a) but rather benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance;~~ 57713
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~~(2). If a county plan includes additional benefits and services, the county plan shall establish or specify all of the following:~~ 57720
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~~(1) Restrictions on the amount, duration, and frequency of~~ 57723

the additional benefits and services; 57724

~~(3)~~(2) Eligibility requirements for the additional benefits 57725
and services that do not exceed the maximum eligibility 57726
requirements for additional benefits and services specified in 57727
rules adopted under section 5108.03 of the Revised Code; 57728

~~(4)~~(3) Fair and equitable procedures for both of the 57729
following: 57730

(a) The certification of eligibility for the additional 57731
benefits and services that do not have a financial need 57732
eligibility requirement; 57733

(b) The determination and verification of eligibility for the 57734
additional benefits and services that have a financial need 57735
eligibility requirement. 57736

~~(5)~~(4) Objective criteria for the delivery of the additional 57737
benefits and services; 57738

~~(6)~~(5) Administrative requirements; 57739

~~(7)~~(6) Other matters the county department of job and family 57740
services determines are necessary. 57741

(B) ~~Provide for the statement of policies to be~~ Each county 57742
prevention, retention, and contingency program plan shall be 57743
consistent with all of the following: 57744

(1) The plan of cooperation the board of county commissioners 57745
develops under section 307.983 of the Revised Code; 57746

(2) The review and analysis of the county family services 57747
committee conducted in accordance with division (B)(2) of section 57748
329.06 of the Revised Code; 57749

(3) Title IV-A, federal regulations, state law, the Title 57750
IV-A state plan submitted to the United States secretary of health 57751
and human services under section 5101.80 of the Revised Code, ~~and~~ 57752
amendments to the plan, and rules adopted under section 5108.03 of 57753

the Revised Code. 57754

(C) ~~Either~~ Each county department of job and family services 57755
shall either provide the public and local government entities at 57756
least thirty days to submit comments on, or have the county family 57757
services planning committee review, the ~~statement of policies~~ 57758
county prevention, retention, and contingency program plan, 57759
including the design of the county's prevention, retention, and 57760
contingency program, before the county ~~director signs and dates~~ 57761
the statement of policies plan is submitted to the department of 57762
job and family services under section 5108.04 of the Revised Code. 57763

Sec. 5108.03 ~~5108.05~~. ~~Under the prevention, retention, and~~ 57764
~~contingency program, each~~ Each county department of job and family 57765
services shall do ~~both~~ all of the following in accordance with its 57766
county prevention, retention, and contingency program plan and the 57767
~~statement of policies the county department develops~~ rules adopted 57768
under section ~~5108.04~~ 5108.03 of the Revised Code: 57769

(A) ~~Provide~~ Make all required benefits and services ~~that~~ 57770
~~individuals need to overcome immediate barriers to achieving or~~ 57771
~~maintaining self sufficiency and personal responsibility~~ available 57772
in the county or counties the county department serves; 57773

(B) Make the additional benefits and services, if any, 57774
included in its county plan available in the county or counties 57775
the county department serves; 57776

~~(B)~~(C) Perform related administrative duties. 57777

Sec. 5108.06. In adopting a ~~statement of policies under~~ 57778
~~section 5108.04 of the Revised Code for the county's prevention,~~ 57779
~~retention, and contingency program~~ county prevention, retention, 57780
and contingency program plan, a county department of job and 57781
family services may specify both of the following: 57782

(A) Benefits and services to be provided under the program 57783

that prevent and reduce the incidence of out-of-wedlock 57784
pregnancies or encourage the formation and maintenance of 57785
two-parent families as permitted by 45 C.F.R. 260.20(c) and (d); 57786

(B) How the county department will certify individuals' 57787
eligibility for such benefits and services. 57788

Sec. 5108.07. (A) Each ~~statement of policies adopted under~~ 57789
~~section 5108.04 of the Revised Code~~ county prevention, retention, 57790
and contingency program plan shall include the board of county 57791
commissioners' certification that the county department of job and 57792
family services complied with this chapter and rules adopted under 57793
section 5108.03 of the Revised Code in adopting the ~~statement of~~ 57794
~~policies~~ county plan. 57795

(B) The board of county commissioners shall revise its 57796
certification under division (A) of this section if the county 57797
department ~~adopts an amendment under section 5108.04 of the~~ 57798
~~Revised Code~~ amends its county prevention, retention, and 57799
contingency program plan to suspend operation of its prevention, 57800
retention, and contingency program temporarily or to make any 57801
other ~~amendment under that section~~ change the board considers to 57802
be significant. 57803

Sec. 5108.09. When a state hearing under division (B) of 57804
section 5101.35 of the Revised Code or an administrative appeal 57805
under division (C) of that section is held regarding the 57806
prevention, retention, and contingency program, the hearing 57807
officer, director of job and family services, or director's 57808
designee shall base the decision in the hearing or appeal on the 57809
county department of job and family services' ~~written statement of~~ 57810
~~policies adopted under section 5108.04 of the Revised Code~~ county 57811
prevention, retention, and contingency program plan and any 57812
amendments ~~the county department adopted to the statement~~ county 57813

plan if the county department provides a written copy of the 57814
~~statement of policies~~ county plan and all amendments to the 57815
hearing officer, director, or director's designee at the hearing 57816
or appeal. 57817

Sec. 5108.11. (A) To the extent permitted by section 307.982 57818
of the Revised Code, a board of county commissioners may enter 57819
into a written contract with a private or government entity for 57820
the entity to do either or both of the following for the county's 57821
prevention, retention, and contingency program: 57822

(1) Certify eligibility for benefits and services that do not 57823
have a financial need eligibility requirement; 57824

(2) Accept applications and determine and verify eligibility 57825
for benefits and services that have a financial need eligibility 57826
requirement. 57827

(B) If a board of county commissioners enters into a contract 57828
under division (A) of this section with a private or government 57829
entity, the county department of job and family services shall do 57830
all of the following: 57831

(1) Ensure that eligibility for benefits and services is 57832
certified or determined and verified in accordance with the 57833
~~statement of policies adopted under section 5108.04~~ county 57834
prevention, retention, and contingency program plan and rules 57835
adopted under section 5108.03 of the Revised Code; 57836

(2) Ensure that the private or government entity maintains 57837
all records that are necessary for audits; 57838

(3) Monitor the private or government entity for compliance 57839
with Title IV-A, this chapter of the Revised Code, ~~and~~ the 57840
~~statement of policies~~ county prevention, retention, and 57841
contingency program plan, and rules adopted under section 5108.03 57842
of the Revised Code; 57843

(4) Take actions that are necessary to recover any funds that 57844
are not spent in accordance with Title IV-A ~~or~~, this chapter of 57845
the Revised Code, or rules adopted under section 5108.03 of the 57846
Revised Code. 57847

Sec. 5115.04. ~~(A)~~ The department of job and family services 57848
shall supervise and administer the disability financial assistance 57849
program, ~~except that the~~ subject to the following exceptions: 57850

The department may require county departments of job and 57851
family services to perform any administrative function for the 57852
program, as specified in rules adopted by the director of job and 57853
family services. 57854

~~(B)~~ If the department requires county departments to perform 57855
administrative functions under this ~~section~~ division, the director 57856
shall adopt rules in accordance with section 111.15 of the Revised 57857
Code governing the performance of the functions ~~to be performed~~ by 57858
county departments. County departments shall perform the functions 57859
in accordance with the rules. The director shall conduct 57860
investigations to determine whether disability financial 57861
assistance is being administered in compliance with the Revised 57862
Code and rules adopted by the director. 57863

~~(C)~~ If disability financial assistance payments are made by 57864
the county department of job and family services, the department 57865
shall advance sufficient funds to provide the county treasurer 57866
with the amount estimated for the payments. Financial assistance 57867
payments shall be distributed in accordance with sections 126.35, 57868
319.16, and 329.03 of the Revised Code. 57869

The department may enter into an agreement with a state 57870
agency whereby the state agency agrees to make eligibility 57871
determinations for the program. If the department enters into such 57872
an agreement, the department shall cover the administrative costs 57873
incurred by the state agency to make the eligibility 57874

determinations. 57875

As used in this division, "state agency" has the same meaning 57876
as in section 117.01 of the Revised Code. 57877

Sec. 5119.01. (A) As used in this chapter: 57878

(1) "Addiction" means the chronic and habitual use of 57879
alcoholic beverages, the use of a drug of abuse as defined in 57880
section 3719.011 of the Revised Code, or the use of gambling by an 57881
individual to the extent that the individual no longer can control 57882
the individual's use of alcohol, the individual becomes physically 57883
or psychologically dependent on the drug, the individual's use of 57884
alcohol or drugs endangers the health, safety, or welfare of the 57885
individual or others, or the individual's gambling causes 57886
psychological, financial, emotional, marital, legal, or other 57887
difficulties endangering the health, safety, or welfare of the 57888
individual or others. 57889

(2) "Addiction services" means services, including 57890
intervention, for the treatment of persons with alcohol, drug, or 57891
gambling addictions, and for the prevention of such addictions. 57892

(3) "Alcohol and drug addiction services" means services, 57893
including intervention, for the treatment of alcoholics or persons 57894
who abuse drugs of abuse and for the prevention of alcoholism and 57895
drug addiction. 57896

(4) "Alcoholic" means a person suffering from alcoholism. 57897

(5) "Alcoholism" means the chronic and habitual use of 57898
alcoholic beverages by an individual to the extent that the 57899
individual no longer can control the individual's use of alcohol 57900
or endangers the health, safety, or welfare of the individual or 57901
others. 57902

(6) "Community addiction services provider" means an agency, 57903
association, corporation, individual, or program that provides 57904

~~community~~ alcohol, drug addiction, or gambling addiction services 57905
that are certified by the department of mental health and 57906
addiction services under section 5119.36 of the Revised Code. 57907

(7) "Community mental health services provider" means an 57908
agency, association, corporation, individual, or program that 57909
provides ~~community~~ mental health services that are certified by 57910
the department of mental health and addiction services under 57911
section 5119.36 of the Revised Code. 57912

(8) "Drug addiction" means the use of a drug of abuse, as 57913
defined in section 3719.011 of the Revised Code, by an individual 57914
to the extent that the individual becomes physically or 57915
psychologically dependent on the drug or endangers the health, 57916
safety, or welfare of the individual or others. 57917

(9) "Gambling addiction" means the use of gambling by an 57918
individual to the extent that it causes psychological, financial, 57919
emotional, marital, legal, or other difficulties endangering the 57920
health, safety, or welfare of the individual or others. 57921

(10) "Gambling addiction services" means services for the 57922
treatment of persons who have a gambling addiction and for the 57923
prevention of gambling addiction. 57924

(11) "Hospital" means a hospital or inpatient unit licensed 57925
by the department of mental health and addiction services under 57926
section 5119.33 of the Revised Code, and any institution, 57927
hospital, or other place established, controlled, or supervised by 57928
the department under Chapter 5119. of the Revised Code. 57929

(12) "Mental illness" means a substantial disorder of 57930
thought, mood, perception, orientation, or memory that grossly 57931
impairs judgment, behavior, capacity to recognize reality, or 57932
ability to meet the ordinary demands of life. 57933

(13) "Mental health services" means services for the 57934
assessment, care, or treatment of persons who have a mental 57935

illness as defined in this section. 57936

(14)(a) "Residence" means a person's physical presence in a 57937
county with intent to remain there, except in either of the 57938
following circumstances: 57939

(i) If a person is receiving a mental health treatment 57940
service at a facility that includes nighttime sleeping 57941
accommodations, "residence" means that county in which the person 57942
maintained the person's primary place of residence at the time the 57943
person entered the facility; 57944

(ii) If a person is committed pursuant to section 2945.38, 57945
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 57946
"residence" means the county where the criminal charges were 57947
filed. 57948

(b) When the residence of a person is disputed, the matter of 57949
residence shall be referred to the department of mental health and 57950
addiction services for investigation and determination. Residence 57951
shall not be a basis for a board of alcohol, drug addiction, and 57952
mental health services to deny services to any person present in 57953
the board's service district, and the board shall provide services 57954
for a person whose residence is in dispute while residence is 57955
being determined and for a person in an emergency situation. 57956

(B) Any reference in this chapter to a board of alcohol, drug 57957
addiction, and mental health services also refers to an alcohol 57958
and drug addiction services board or a community mental health 57959
board in a service district in which an alcohol and drug addiction 57960
services board or a community mental health board has been 57961
established under section 340.021 or former section 340.02 of the 57962
Revised Code. 57963

Sec. 5119.10. (A) The director of mental health and addiction 57964
services is the chief executive and appointing authority of the 57965

department of mental health and addiction services. The director 57966
may organize the department for its efficient operation, including 57967
creating divisions or offices as necessary. The director may 57968
establish procedures for the governance of the department, conduct 57969
of its employees and officers, performance of its business, and 57970
custody, use, and preservation of departmental records, papers, 57971
books, documents, and property. Whenever the Revised Code imposes 57972
a duty upon or requires an action of the department or any of its 57973
institutions, the director or the director's designee shall 57974
perform the action or duty in the name of the department, except 57975
that the medical director appointed pursuant to section 5119.11 of 57976
the Revised Code shall be responsible for decisions relating to 57977
medical diagnosis, treatment, rehabilitation, quality assurance, 57978
and the clinical aspects of the following: licensure of hospitals 57979
and residential facilities, research, community addiction and 57980
mental health services plans, and certification and delivery of 57981
~~mental health and~~ addiction and mental health services. 57982

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(B) The director shall:

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(1) Adopt rules for the proper execution of the powers and 57985
duties of the department with respect to the institutions under 57986
its control, and require the performance of additional duties by 57987
the officers of the institutions as necessary to fully meet the 57988
requirements, intents, and purposes of this chapter. In case of an 57989
apparent conflict between the powers conferred upon any managing 57990
officer and those conferred by such sections upon the department, 57991
the presumption shall be conclusive in favor of the department. 57992

(2) Adopt rules for the nonpartisan management of the 57993
institutions under the department's control. An officer or 57994
employee of the department or any officer or employee of any 57995
institution under its control who, by solicitation or otherwise, 57996
exerts influence directly or indirectly to induce any other 57997

officer or employee of the department or any of its institutions 57998
to adopt the exerting officer's or employee's political views or 57999
to favor any particular person, issue, or candidate for office 58000
shall be removed from the exerting officer's or employee's office 58001
or position, by the department in case of an officer or employee, 58002
and by the governor in case of the director. 58003

(3) Appoint such employees, including the medical director, 58004
as are necessary for the efficient conduct of the department, and 58005
prescribe their titles and duties; 58006

(4) Prescribe the forms of affidavits, applications, medical 58007
certificates, orders of hospitalization and release, and all other 58008
forms, reports, and records that are required in the 58009
hospitalization or admission and release of all persons to the 58010
institutions under the control of the department, or are otherwise 58011
required under this chapter or Chapter 5122. of the Revised Code; 58012

(5) Exercise the powers and perform the duties relating to 58013
~~community~~ addiction and mental health facilities and services that 58014
are assigned to the director under this chapter and Chapter 340. 58015
of the Revised Code; 58016

(6) Develop and implement clinical evaluation and monitoring 58017
of services that are operated by the department; 58018

(7) Adopt rules establishing standards for the performance of 58019
evaluations by a forensic center or other psychiatric program or 58020
facility of the mental condition of defendants ordered by the 58021
court under section 2919.271, or 2945.371 of the Revised Code, and 58022
for the treatment of defendants who have been found incompetent to 58023
stand trial and ordered by the court under section 2945.38, 58024
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 58025
treatment in facilities; 58026

(8) On behalf of the department, have the authority and 58027
responsibility for entering into contracts and other agreements 58028

with providers, agencies, institutions, and other entities, both 58029
public and private, as necessary for the department to carry out 58030
its duties under this chapter and Chapters 340., 2919., 2945., and 58031
5122. of the Revised Code. Chapter 125. of the Revised Code does 58032
not apply to contracts the director enters into under this section 58033
for services provided to individuals with mental illness by 58034
providers, agencies, institutions, and other entities not owned or 58035
operated by the department. 58036

(9) Adopt rules in accordance with Chapter 119. of the 58037
Revised Code specifying the supplemental services that may be 58038
provided through a trust authorized by section 5815.28 of the 58039
Revised Code; 58040

(10) Adopt rules in accordance with Chapter 119. of the 58041
Revised Code establishing standards for the maintenance and 58042
distribution to a beneficiary of assets of a trust authorized by 58043
section 5815.28 of the Revised Code. 58044

(C) The director may contract with hospitals licensed by the 58045
department under section 5119.33 of the Revised Code for the care 58046
and treatment of mentally ill patients, or with persons, 58047
organizations, or agencies for the custody, evaluation, 58048
supervision, care, or treatment of mentally ill persons receiving 58049
services elsewhere than within the enclosure of a hospital 58050
operated under section 5119.14 of the Revised Code. 58051

Sec. 5119.11. (A) The director of mental health and addiction 58052
services shall appoint a medical director who is eligible or 58053
certified by the American board of psychiatry and neurology or the 58054
American osteopathic board of neurology and psychiatry, and has at 58055
least five years of clinical and two years of administrative 58056
experience. The medical director shall also have certification or 58057
substantial training and experience in the field of addiction 58058
medicine or addiction psychiatry. The medical director shall be 58059

responsible for decisions relating to medical diagnosis, 58060
treatment, prevention, rehabilitation, quality assurance, and the 58061
clinical aspects of ~~mental health and~~ addiction and mental health 58062
services involving all of the following: 58063

(1) Licensure of hospitals, residential facilities, and 58064
outpatient facilities; 58065

(2) Research; 58066

(3) Community addiction and mental health services plans; 58067

(4) Certification and delivery of ~~mental health and~~ addiction 58068
and mental health services. 58069

(B) The medical director shall also exercise clinical 58070
supervision of the chief clinical officers of hospitals and 58071
institutions under the jurisdiction of the department and shall 58072
review and approve decisions relating to the employment of the 58073
chief clinical officers. The medical director or the medical 58074
director's designee shall advise the director on matters relating 58075
to licensure, research, and the certification and delivery of 58076
~~mental health and~~ addiction and mental health services and 58077
community addiction and mental health plans. The medical director 58078
shall participate in the development of guidelines for community 58079
addiction and mental health services plans. The director of mental 58080
health and addiction services may establish other duties of the 58081
medical director. 58082

Sec. 5119.161. The department of mental health and addiction 58083
services, in conjunction with the department of job and family 58084
services, shall develop a joint state plan to improve the 58085
accessibility and timeliness of alcohol and drug addiction 58086
services for individuals identified by a public children services 58087
agency as in need of those services. The plan shall address the 58088
fact that Ohio works first participants may be among the persons 58089

receiving services under section 340.15 of the Revised Code and 58090
shall require the department of job and family services to seek 58091
federal funds available under Title IV-A of the "Social Security 58092
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the 58093
provision of the services to Ohio works first participants who are 58094
receiving services under section 340.15 of the Revised Code. 58095

~~The plan shall address the need and manner for sharing 58096
information and include a request for the general assembly to 58097
appropriate an amount of funds specified in the report to be used 58098
by the departments to pay for services under section 340.15 of the 58099
Revised Code. The departments shall review and amend the plan as 58100
necessary. 58101~~

~~Not later than the first day of July of each even numbered 58102
year, the departments shall submit a report on the progress made 58103
under the joint state plan to the governor, president of the 58104
senate, and speaker of the house of representatives. The report 58105
shall include information on treatment capacity, needs 58106
assessments, and number of individuals who received services 58107
pursuant to section 340.15 of the Revised Code. 58108~~

Sec. 5119.186. (A) The director of mental health and 58109
addiction services or the managing officer of an institution of 58110
the department may enter into an agreement with boards of trustees 58111
or boards of directors of one or more institutions of higher 58112
education or hospitals licensed pursuant to section 5119.33 of the 58113
Revised Code to establish, manage, and conduct collaborative 58114
training efforts for students enrolled in courses of studies for 58115
occupations or professions that involve the care and treatment for 58116
persons receiving ~~mental health or~~ addiction or mental health 58117
services. 58118

(B) Such collaborative training efforts may include but are 58119
not limited to programs in psychiatry, psychology, nursing, social 58120

work, counseling professions, and others considered appropriate by 58121
the director of mental health and addiction services. Any such 58122
program shall be approved or accredited by its respective 58123
professional organization or state board having jurisdiction over 58124
the profession. 58125

(1) The department shall require that the following be 58126
provided for in agreements between the department and institutions 58127
of higher education or hospitals licensed pursuant to section 58128
5119.33 of the Revised Code: 58129

(a) Establishment of inter-disciplinary committees to advise 58130
persons responsible for training programs. Each committee shall 58131
have representation drawn from the geographical community the 58132
institution of higher education or hospital serves and shall 58133
include representatives of agencies, boards, targeted populations 58134
as determined by the department, racial and ethnic minority 58135
groups, and publicly funded programs; 58136

(b) Funding procedures; 58137

(c) Specific outcomes and accomplishments that are expected 58138
or required of a program under such agreement; 58139

(d) The types of services to be provided under such 58140
agreement. 58141

(2) The department may require that the following be provided 58142
for in agreements between the department and institutions of 58143
higher education or hospitals licensed pursuant to section 5119.33 58144
of the Revised Code: 58145

(a) Special arrangements for individual residents or trainees 58146
to encourage their employment in publicly funded settings upon 58147
completion of their training; 58148

(b) Procedures for the selection of residents or trainees to 58149
promote the admission, retention, and graduation of women, 58150

minorities, and disabled persons; 58151

(c) Cross-cultural training and other subjects considered 58152
necessary to enhance training efforts and the care and treatment 58153
of patients and clients; 58154

(d) Funding of faculty positions oriented toward meeting the 58155
needs of publicly funded programs. 58156

Subject to appropriations by the general assembly, the 58157
director of mental health and addiction services has final 58158
approval of the funding of these collaborative training efforts. 58159

Sec. 5119.21. (A) The department of mental health and 58160
addiction services shall: 58161

(1) To the extent the department has available resources and 58162
in consultation with boards of alcohol, drug addiction, and mental 58163
health services, support a continuum of care in accordance with 58164
Chapter 340. of the Revised Code on a district or multi-district 58165
basis. The department shall define the essential elements of a 58166
continuum of care, shall assist in identifying resources, and may 58167
prioritize support for one or more of the elements. 58168

(2) Provide training, consultation, and technical assistance 58169
regarding ~~mental health and~~ addiction and mental health services 58170
and appropriate prevention, recovery, and mental health promotion 58171
activities, including those that are culturally competent, to 58172
employees of the department, community mental health and addiction 58173
services providers, boards of alcohol, drug addiction, and mental 58174
health services, and other agencies providing ~~mental health and~~ 58175
addiction and mental health services; 58176

(3) To the extent the department has available resources, 58177
promote and support a full range of ~~mental health and~~ addiction 58178
and mental health services that are available and accessible to 58179
all residents of this state, especially for severely ~~mentally~~ 58180

~~disabled~~ emotionally disturbed children, ~~and~~ adolescents, severely
mentally disabled adults, pregnant women, parents, guardians or
custodians of children at risk of abuse or neglect, and other
special target populations, including racial and ethnic
minorities, as determined by the department;

(4) Develop standards and measures for evaluating the
effectiveness of ~~mental health and~~ addiction and mental health
services, including services that use methadone treatment, of
gambling addiction services, and for increasing the accountability
of community mental health and ~~alcohol and~~ addiction services
providers ~~and of gambling addiction services providers~~;

(5) Design and set criteria for the determination of priority
populations;

(6) Promote, direct, conduct, and coordinate scientific
research, taking ethnic and racial differences into consideration,
concerning the causes and prevention of mental illness and
addiction, methods of providing effective services and ~~treatment~~
recovery supports, and means of enhancing the mental health of and
recovery from addiction of all residents of this state;

(7) Foster the establishment and availability of vocational
rehabilitation services and the creation of employment
opportunities for ~~consumers of mental health and~~ individuals with
addiction ~~services~~ and mental health needs, including members of
racial and ethnic minorities;

(8) Establish a program to protect and promote the rights of
persons receiving ~~mental health and~~ addiction and mental health
services, including the issuance of guidelines on informed consent
and other rights;

(9) Promote the involvement of persons who are receiving or
have received ~~mental health or~~ addiction or mental health
services, including families and other persons having a close

relationship to a person receiving those services, in the 58212
planning, evaluation, delivery, and operation of ~~mental health and~~ 58213
addiction and mental health services; 58214

(10) Notify and consult with the relevant constituencies that 58215
may be affected by rules, standards, and guidelines issued by the 58216
department of mental health and addiction services. These 58217
constituencies shall include consumers of ~~mental health and~~ 58218
addiction and mental health services and their families, and may 58219
include public and private providers, employee organizations, and 58220
others when appropriate. Whenever the department proposes the 58221
adoption, amendment, or rescission of rules under Chapter 119. of 58222
the Revised Code, the notification and consultation required by 58223
this division shall occur prior to the commencement of proceedings 58224
under Chapter 119. The department shall adopt rules under Chapter 58225
119. of the Revised Code that establish procedures for the 58226
notification and consultation required by this division. 58227

(11) Provide consultation to the department of rehabilitation 58228
and correction concerning the delivery of ~~mental health and~~ 58229
addiction and mental health services in state correctional 58230
institutions; ~~i~~ 58231

(12) Promote and coordinate efforts in the provision of 58232
alcohol and drug addiction services and of gambling addiction 58233
services by other state agencies, as defined in section 1.60 of 58234
the Revised Code; courts; hospitals; clinics; physicians in 58235
private practice; public health authorities; boards of alcohol, 58236
drug addiction, and mental health services; ~~alcohol and drug~~ 58237
community addiction services providers; law enforcement agencies; 58238
~~gambling addiction services providers;~~ and related groups; 58239

(13) Provide to each court of record, and biennially update, 58240
a list of the treatment and education programs within that court's 58241
jurisdiction that the court may require an offender, sentenced 58242
pursuant to section 4511.19 of the Revised Code, to attend; 58243

(14) Make the warning sign described in sections 3313.752, 58244
3345.41, and 3707.50 of the Revised Code available on the 58245
department's internet web site; 58246

(15) Provide a program of gambling addiction services on 58247
behalf of the state lottery commission, pursuant to an agreement 58248
entered into with the director of the commission under division 58249
(K) of section 3770.02 of the Revised Code, and provide a program 58250
of gambling addiction services on behalf of the Ohio casino 58251
control commission, under an agreement entered into with the 58252
executive director of the commission under section 3772.062 of the 58253
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 58254
Constitution, the department may enter into agreements with boards 58255
of alcohol, drug addiction, and mental health services, including 58256
boards with districts in which a casino facility is not located, 58257
and nonprofit organizations to provide gambling addiction services 58258
and ~~substance abuse~~ alcohol and drug addiction services, and with 58259
state institutions of higher education or private nonprofit 58260
institutions that possess a certificate of authorization issued 58261
under Chapter 1713. of the Revised Code to perform related 58262
research. 58263

(B) The department may accept and administer grants from 58264
public or private sources for carrying out any of the duties 58265
enumerated in this section. 58266

(C) ~~Pursuant to Chapter 119. of the Revised Code, the~~ 58267
~~department shall adopt a rule defining the term "intervention" as~~ 58268
~~it is used in this chapter in connection with alcohol and drug~~ 58269
~~addiction services and in connection with gambling addiction~~ 58270
~~services.~~ The department may adopt ~~other~~ rules in accordance with 58271
Chapter 119. of the Revised Code as necessary to implement the 58272
requirements of this chapter. 58273

Sec. 5119.23. (A) The department of mental health and 58274

addiction services shall establish a methodology for allocating to 58275
boards of alcohol, drug addiction, and mental health services the 58276
funds appropriated by the general assembly to the department for 58277
the purpose of ~~local mental health and addiction services~~ 58278
~~continuum~~ the continuum of care that each board establishes under 58279
section 340.03 of the Revised Code. The department shall establish 58280
the methodology after notifying and consulting with relevant 58281
constituencies as required by division (A)(10) of section 5119.21 58282
of the Revised Code. The methodology may provide for the funds to 58283
be allocated to boards on a district or multi-district basis. 58284

(B) Subject to section 5119.25 of the Revised Code, and to 58285
required submissions and approvals under section 340.08 of the 58286
Revised Code, the department shall allocate the funds to the 58287
boards in a manner consistent with the methodology, this section, 58288
other state and federal laws, rules, and regulations. 58289

(C) In consultation with boards, community addiction services 58290
providers, community mental health ~~and addiction~~ services 58291
providers, and persons receiving services or recovery supports, 58292
the department shall establish guidelines for the use of funds 58293
allocated ~~and distributed~~ under this section. 58294

Sec. 5119.25. (A) The director of mental health and addiction 58295
services, in whole or in part, may withhold funds otherwise to be 58296
allocated to a board of alcohol, drug addiction, and mental health 58297
services under section 5119.23 of the Revised Code if the board 58298
fails to comply with Chapter 340. or ~~section 5119.22, 5119.24,~~ 58299
~~5119.36, or 5119.37~~ 5119. of the Revised Code or rules of the 58300
department of mental health and addiction services. However, 58301
beginning September 15, 2016, the director shall withhold all such 58302
funds from the board when required to do so under division (A)(4) 58303
of section 340.08 of the Revised Code or division (G)(1) of 58304
section 5119.22 of the Revised Code. 58305

(B) The director of mental health and addiction services may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if the board denies available service on the basis of race, color, religion, creed, sex, age, national origin, disability as defined in section 4112.01 of the Revised Code, or developmental disability.

(C) The director shall issue a notice identifying the areas of noncompliance and the action necessary to achieve compliance. The director may offer technical assistance to the board to achieve compliance. The board shall have thirty days from receipt of the notice of noncompliance to present its position that it is in compliance or to submit to the director evidence of corrective action the board took to achieve compliance. Before withholding funds, the director or the director's designee shall hold a hearing within thirty days of receipt of the board's position or evidence to determine if there are continuing violations and that either assistance is rejected or the board is unable, or has failed, to achieve compliance. The director may appoint a representative from another board of alcohol, drug addiction, and mental health services to serve as a mentor for the board in developing and executing a plan of corrective action to achieve compliance. Any such representative shall be from a board that is in compliance with Chapter 340. of the Revised Code, ~~sections 5119.22, 5119.24, 5119.36, and 5119.371 of the Revised Code~~ this chapter, and the department's rules. Subsequent to the hearing process, if it is determined that compliance has not been achieved, the director may allocate all or part of the withheld funds to one or more community mental health services providers or community addiction services providers to provide the ~~community~~ mental health or community service or addiction service for which the board is not in compliance until the time that there is compliance. The director shall adopt rules in accordance with

Chapter 119. of the Revised Code to implement this section. 58339

Sec. 5119.28. (A) All records, and reports, other than court 58340
journal entries or court docket entries, identifying a person and 58341
pertaining to the person's mental health condition, assessment, 58342
provision of care or treatment, or payment for assessment, care or 58343
treatment that are maintained in connection with any services 58344
certified by the department of mental health and addiction 58345
services, or any hospitals or facilities licensed or operated by 58346
the department, shall be kept confidential and shall not be 58347
disclosed by any person except: 58348

(1) If the person identified, or the person's legal guardian, 58349
if any, or if the person is a minor, the person's parent or legal 58350
guardian, consents; 58351

(2) When disclosure is provided for in this chapter or 58352
Chapter 340. or 5122. of the Revised Code or in accordance with 58353
other provisions of state or federal law authorizing such 58354
disclosure; 58355

(3) That hospitals, boards of alcohol, drug addiction, and 58356
mental health services, licensed facilities, and community mental 58357
health services providers may release necessary information to 58358
insurers and other third-party payers, including government 58359
entities responsible for processing and authorizing payment, to 58360
obtain payment for goods and services furnished to the person; 58361

(4) Pursuant to a court order signed by a judge; 58362

(5) That a person shall be granted access to the person's own 58363
psychiatric and medical records, unless access specifically is 58364
restricted in a person's treatment plan for clear treatment 58365
reasons; 58366

(6) That the department of mental health and addiction 58367
services may exchange psychiatric records and other pertinent 58368

information with community mental health services providers and 58369
boards of alcohol, drug addiction, and mental health services 58370
relating to the person's care or services. Records and information 58371
that may be exchanged pursuant to this division shall be limited 58372
to medication history, physical health status and history, 58373
financial status, summary of course of treatment, summary of 58374
treatment needs, and a discharge summary, if any. 58375

(7) That the department of mental health and addiction 58376
services, hospitals and community providers operated by the 58377
department, hospitals licensed by the department under section 58378
5119.33 of the Revised Code, and community mental health services 58379
providers may exchange psychiatric records and other pertinent 58380
information with payers and other providers of treatment and 58381
health services if the purpose of the exchange is to facilitate 58382
continuity of care for the person or for the emergency treatment 58383
of the person; 58384

(8) That the department of mental health and addiction 58385
services and community mental health services providers may 58386
exchange psychiatric records and other pertinent information with 58387
boards of alcohol, drug addiction, and mental health services for 58388
purposes of any board function set forth in Chapter 340. of the 58389
Revised Code. Boards of alcohol, drug addiction, and mental health 58390
services shall not access any personal information from the 58391
department or providers except as required or permitted by this 58392
section, or Chapter 340. or 5122. of the Revised Code for purposes 58393
related to payment, care coordination, health care operations, 58394
program and service evaluation, reporting activities, research, 58395
system administration, oversight, or other authorized purposes. 58396

(9) That a person's family member who is involved in the 58397
provision, planning, and monitoring of services to the person may 58398
receive medication information, a summary of the person's 58399
diagnosis and prognosis, and a list of the services and personnel 58400

available to assist the person and the person's family, if the 58401
person's treatment provider determines that the disclosure would 58402
be in the best interests of the person. No such disclosure shall 58403
be made unless the person is notified first and receives the 58404
information and does not object to the disclosure. 58405

(10) That community mental health services providers may 58406
exchange psychiatric records and certain other information with 58407
the board of alcohol, drug addiction, and mental health services 58408
and other providers in order to provide services to a person 58409
involuntarily committed to a board. Release of records under this 58410
division shall be limited to medication history, physical health 58411
status and history, financial status, summary of course of 58412
treatment, summary of treatment needs, and discharge summary, if 58413
any. 58414

(11) That information may be disclosed to the executor or the 58415
administrator of an estate of a deceased person when the 58416
information is necessary to administer the estate; 58417

(12) That information may be disclosed to staff members of 58418
the appropriate board or to staff members designated by the 58419
director of mental health and addiction services for the purpose 58420
of evaluating the quality, effectiveness, and efficiency of 58421
services and determining if the services meet minimum standards. 58422
Information obtained during such evaluations shall not be retained 58423
with the name of any person. 58424

(13) That records pertaining to the person's diagnosis, 58425
course of treatment, treatment needs, and prognosis shall be 58426
disclosed and released to the appropriate prosecuting attorney if 58427
the person was committed pursuant to section 2945.38, 2945.39, 58428
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 58429
attorney designated by the board for proceedings pursuant to 58430
involuntary commitment under Chapter 5122. of the Revised Code. 58431

(14) That the department of mental health and addiction 58432
services may exchange psychiatric hospitalization records, other 58433
mental health treatment records, and other pertinent information 58434
with the department of rehabilitation and correction and with the 58435
department of youth services to ensure continuity of care for 58436
inmates and offenders who are receiving mental health services in 58437
an institution of the department of rehabilitation and correction 58438
or the department of youth services and may exchange psychiatric 58439
hospitalization records, other mental health treatment records, 58440
and other pertinent information with boards of alcohol, drug 58441
addiction, and mental health services and community mental health 58442
services providers to ensure continuity of care for inmates or 58443
offenders who are receiving mental health services in an 58444
institution and are scheduled for release within six months. The 58445
release of records under this division is limited to records 58446
regarding an inmate's or offender's medication history, physical 58447
health status and history, summary of course of treatment, summary 58448
of treatment needs, and a discharge summary, if any. 58449

(15) That a community mental health services provider that 58450
ceases to operate may transfer to either a community mental health 58451
services provider that assumes its caseload or to the board of 58452
alcohol, drug addiction, and mental health services of the service 58453
district in which the person resided at the time services or 58454
recovery supports were most recently provided any ~~treatment~~ 58455
records concerning treatment or recovery supports that have not 58456
been transferred elsewhere at the person's request; 58457

(16) That records and reports relating to a person who has 58458
been deceased for fifty years or more are no longer considered 58459
confidential. 58460

(B) Before records are disclosed pursuant to divisions 58461
(A)(3), (6), and (10) of this section, the custodian of the 58462
records shall attempt to obtain the person's consent for the 58463

disclosure. 58464

(C) No person shall reveal the content of a medical record of 58465
a person that is confidential pursuant to this section, except as 58466
authorized by law. 58467

Sec. 5119.31. The department of administrative services shall 58468
purchase all supplies needed for the proper support and 58469
maintenance of the institutions under the control of the 58470
department of mental health and addiction services in accordance 58471
with the competitive selection procedures of Chapter 125. of the 58472
Revised Code and such rules as the department of administrative 58473
services adopts. All bids shall be publicly opened on the day and 58474
hour and at the place specified in the advertisement. 58475

Preference shall be given to bidders in localities wherein 58476
the institution is located, if the price is fair and reasonable 58477
and not greater than the usual price; but bids not meeting the 58478
specifications shall be rejected. 58479

The department of administrative services may require such 58480
security as it considers proper to accompany the bids and shall 58481
fix the security to be given by the contractor. 58482

The department of administrative services may reject any or 58483
all bids and secure new bids, if for any reason it is deemed for 58484
the best interest of the state to do so, and it may authorize the 58485
managing officer of any institution to purchase perishable goods 58486
and supplies for use in cases of emergency, in which cases such 58487
managing officer shall certify such fact in writing and the 58488
department of administrative services shall record the reasons for 58489
such purchase. 58490

Sec. 5119.33. (A)(1) The department of mental health and 58491
addiction services shall inspect and license all hospitals that 58492
receive mentally ill persons, except those hospitals managed by 58493

the department. No hospital may receive for care or treatment, 58494
either at public or private expense, any person who is or appears 58495
to be mentally ill, whether or not so adjudicated, unless the 58496
hospital has received a license from the department authorizing it 58497
to receive for care or treatment persons who are mentally ill or 58498
the hospital is managed by the department. 58499

(2) No such license shall be granted to a hospital for the 58500
treatment of mentally ill persons unless the department is 58501
satisfied, after investigation, that the hospital is managed and 58502
operated by qualified persons and has on its staff one or more 58503
qualified physicians responsible for the medical care of the 58504
patients confined there. At least one such physician shall be a 58505
psychiatrist. 58506

(B) The department shall adopt rules under Chapter 119. of 58507
the Revised Code prescribing minimum standards for the operation 58508
of hospitals for the care and treatment of mentally ill persons 58509
and establishing standards and procedures for the issuance, 58510
renewal, or revocation of full, probationary, and interim 58511
licenses. No license shall be granted to any hospital established 58512
or used for the care of mentally ill persons unless such hospital 58513
is operating in accordance with this section and rules adopted 58514
pursuant to this section. A full license shall expire one year 58515
after the date of issuance, a probationary license shall expire at 58516
the time prescribed by rule adopted pursuant to Chapter 119. of 58517
the Revised Code by the director of mental health and addiction 58518
services, and an interim license shall expire ninety days after 58519
the date of issuance. A full, probationary, or interim license may 58520
be renewed, except that an interim license may be renewed only 58521
twice. The department may fix reasonable fees for licenses and for 58522
license renewals. Such hospitals are subject to inspection and 58523
on-site review by the department. 58524

(C) Except as otherwise provided in Chapter 5122. of the 58525

Revised Code, neither the director of mental health and addiction services; an employee of the department; a board of alcohol, drug addiction, and mental health services or employee of a community mental health services provider; nor any other public official shall hospitalize any mentally ill person for care or treatment in any hospital that is not licensed in accordance with this section.

(D) The department may issue an order suspending the admission of patients who are mentally ill to a hospital for care or treatment if it finds either of the following:

(1) The hospital is not in compliance with rules adopted by the director pursuant to this section.

(2) The hospital has been cited for more than one violation of statutes or rules during any previous period of time during which the hospital is licensed pursuant to this section.

(E) Any license issued by the department under this section may be revoked or not renewed by the department for any of the following reasons:

~~(A)~~(1) The hospital is no longer a suitable place for the care or treatment of mentally ill persons.

~~(B)~~(2) The hospital refuses to be subject to inspection or on-site review by the department.

~~(C)~~(3) The hospital has failed to furnish humane, kind, and adequate treatment and care.

~~(D)~~(4) The hospital fails to comply with the licensure rules of the department.

(F) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.

Sec. 5119.34. (A) As used in this section and sections 58554

| | |
|--|---|
| 5119.341 and 5119.342 of the Revised Code: | 58555 |
| (1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care. | 58556 58557 58558 58559 58560 |
| (2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services. | 58561 58562 |
| (3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age. | 58563 58564 58565 |
| (4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age. | 58566 58567 58568 |
| (5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code. | 58569 58570 58571 |
| (6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code. | 58572 58573 58574 |
| (7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license. | 58575 58576 58577 58578 58579 |
| (8) "Personal care services" means services including, but not limited to, the following: | 58580 58581 |
| (a) Assisting residents with activities of daily living; | 58582 |
| (b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; | 58583 58584 |

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section.

"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services.

~~(9) "Residential facility" means a publicly or privately operated home or facility that provides one of the following:~~

~~(a) Accommodations, supervision, personal care services, and community mental health services for one or more unrelated adults with mental illness or severe mental disabilities or to one or more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.~~

~~(b) Accommodations, supervision, and personal care services to any of the following:~~

~~(i) One or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider, hospital, or practitioner;~~

~~(ii) One or two unrelated adults who are receiving residential state supplement payments;~~

~~(iii) Three to sixteen unrelated adults.~~

~~(c) Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or~~

~~are receiving community mental health services from a community 58615
mental health services provider, hospital, or practitioner. 58616~~

~~(10) "Residential facility" does not include any of the 58617
following: 58618~~

~~(a) A hospital subject to licensure under section 5119.33 of 58619
the Revised Code; 58620~~

~~(b) A residential facility licensed under section 5123.19 of 58621
the Revised Code or otherwise regulated by the department of 58622
developmental disabilities; 58623~~

~~(c) An institution or association subject to certification 58624
under section 5103.03 of the Revised Code; 58625~~

~~(d) A facility operated by a hospice care program licensed 58626
under section 3712.04 of the Revised Code that is used exclusively 58627
for care of hospice patients; 58628~~

~~(e) A nursing home, residential care facility, or home for 58629
the aging as defined in section 3721.02 of the Revised Code; 58630~~

~~(f) Alcohol or drug addiction services certified pursuant to 58631
section 5119.36 of the Revised Code; 58632~~

~~(g) A facility licensed to provide methadone treatment under 58633
section 5119.391 of the Revised Code; 58634~~

~~(h) Any facility that receives funding for operating costs 58635
from the development services agency under any program established 58636
to provide emergency shelter housing or transitional housing for 58637
the homeless; 58638~~

~~(i) A terminal care facility for the homeless that has 58639
entered into an agreement with a hospice care program under 58640
section 3712.07 of the Revised Code; 58641~~

~~(j) A facility approved by the veterans administration under 58642
section 104(a) of the "Veterans Health Care Amendments of 1983," 58643
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 58644~~

~~the placement and care of veterans.~~ 58645

~~(11)~~ "Room and board" means the provision of sleeping and 58646
living space, meals or meal preparation, laundry services, 58647
housekeeping services, or any combination thereof. 58648

~~(12)~~(10) "Residential state supplement" means the program 58649
administered under section 5119.41 of the Revised Code and related 58650
provisions of the Administrative Code under which the state 58651
supplements the supplemental security income payments received by 58652
aged, blind, or disabled adults under Title XVI of the Social 58653
Security Act. Residential state supplement payments are used for 58654
the provision of accommodations, supervision, and personal care 58655
services to supplemental security income recipients the department 58656
of mental health and addition services determines are at risk of 58657
needing institutional care. 58658

~~(13)~~(11) "Supervision" means any of the following: 58659

(a) Observing a resident to ensure the resident's health, 58660
safety, and welfare while the resident engages in activities of 58661
daily living or other activities; 58662

(b) Reminding a resident to perform or complete an activity, 58663
such as reminding a resident to engage in personal hygiene or 58664
other self-care activities; 58665

(c) Assisting a resident in making or keeping an appointment. 58666

~~(14)~~(12) "Unrelated" means that a resident is not related to 58667
the owner or operator of a residential facility or to the owner's 58668
or operator's spouse as a parent, grandparent, child, stepchild, 58669
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 58670
the child of an aunt or uncle. 58671

(B)(1) A "residential facility" is a publicly or privately 58672
operated home or facility that falls into one of the following 58673
categories: 58674

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|---|-------|
| <u>(a) Class one facilities provide accommodations, supervision,</u> | 58675 |
| <u>personal care services, and mental health services for one or more</u> | 58676 |
| <u>unrelated adults with mental illness or one or more unrelated</u> | 58677 |
| <u>children or adolescents with severe emotional disturbances;</u> | 58678 |
| <u>(b) Class two facilities provide accommodations, supervision,</u> | 58679 |
| <u>and personal care services to any of the following:</u> | 58680 |
| <u>(i) One or two unrelated persons with mental illness;</u> | 58681 |
| <u>(ii) One or two unrelated adults who are receiving</u> | 58682 |
| <u>residential state supplement payments;</u> | 58683 |
| <u>(iii) Three to sixteen unrelated adults.</u> | 58684 |
| <u>(c) Class three facilities provide room and board for five or</u> | 58685 |
| <u>more unrelated adults with mental illness.</u> | 58686 |
| <u>(2) "Residential facility" does not include any of the</u> | 58687 |
| <u>following:</u> | 58688 |
| <u>(a) A hospital subject to licensure under section 5119.33 of</u> | 58689 |
| <u>the Revised Code or an institution maintained, operated, managed,</u> | 58690 |
| <u>and governed by the department of mental health and addiction</u> | 58691 |
| <u>services for the hospitalization of mentally ill persons pursuant</u> | 58692 |
| <u>to section 5119.14 of the Revised Code;</u> | 58693 |
| <u>(b) A residential facility licensed under section 5123.19 of</u> | 58694 |
| <u>the Revised Code or otherwise regulated by the department of</u> | 58695 |
| <u>developmental disabilities;</u> | 58696 |
| <u>(c) An institution or association subject to certification</u> | 58697 |
| <u>under section 5103.03 of the Revised Code;</u> | 58698 |
| <u>(d) A facility operated by a hospice care program licensed</u> | 58699 |
| <u>under section 3712.04 of the Revised Code that is used exclusively</u> | 58700 |
| <u>for care of hospice patients;</u> | 58701 |
| <u>(e) A nursing home, residential care facility, or home for</u> | 58702 |
| <u>the aging as defined in section 3721.02 of the Revised Code;</u> | 58703 |

(f) A facility licensed to provide methadone treatment under section 5119.319 of the Revised Code; 58704
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(g) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless; 58706
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(h) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 58710
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(i) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans; 58713
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(j) The residence of a relative or guardian of a person with mental illness. 58717
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(C) Nothing in division ~~(A)(9)~~(B) of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance. 58719
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~~(C)~~(D) Except in the case of a residential facility described in division ~~(A)(9)(a)~~ (B)(1)(a) of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, but may do any of the following: 58723
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(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container; 58727
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(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open 58729
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the container for the resident. 58734

(3) Assist a physically impaired but mentally alert resident, 58735
such as a resident with arthritis, cerebral palsy, or Parkinson's 58736
disease, in removing oral or topical medication from containers 58737
and in consuming or applying the medication, upon request by or 58738
with the consent of the resident. If a resident is physically 58739
unable to place a dose of medicine to the resident's mouth without 58740
spilling it, a staff member may place the dose in a container and 58741
place the container to the mouth of the resident. 58742

~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this 58743
section, a person operating or seeking to operate a residential 58744
facility shall apply for licensure of the facility to the 58745
department of mental health and addiction services. The 58746
application shall be submitted by the operator. When applying for 58747
the license, the applicant shall pay to the department the 58748
application fee specified in rules adopted under division ~~(K)~~(L) 58749
of this section. The fee is nonrefundable. 58750

The department shall send a copy of an application to the 58751
ADAMHS board serving the county in which the person operates or 58752
seeks to operate the facility. The ADAMHS board shall review the 58753
application and provide to the department any information about 58754
the applicant or the facility that the board would like the 58755
department to consider in reviewing the application. 58756

(2) A person may not apply for a license to operate a 58757
residential facility if the person is or has been the owner, 58758
operator, or manager of a residential facility for which a license 58759
to operate was revoked or for which renewal of a license was 58760
refused for any reason other than nonpayment of the license 58761
renewal fee, unless both of the following conditions are met: 58762

(a) A period of not less than two years has elapsed since the 58763
date the director of mental health and addiction services issued 58764

the order revoking or refusing to renew the facility's license. 58765

(b) The director's revocation or refusal to renew the license 58766
was not based on an act or omission at the facility that violated 58767
a resident's right to be free from abuse, neglect, or 58768
exploitation. 58769

~~(E)~~(F)(1) The department of mental health and addiction 58770
services shall inspect and license the operation of residential 58771
facilities. The department shall consider the past record of the 58772
facility and the applicant or licensee in arriving at its 58773
licensure decision. 58774

The department may issue full, probationary, and interim 58775
licenses. A full license shall expire up to three years after the 58776
date of issuance, a probationary license shall expire in a shorter 58777
period of time as specified in rules adopted by the director of 58778
~~mental health~~ mental health and addiction services under division 58779
~~(K)~~(L) of this section, and an interim license shall expire ninety 58780
days after the date of issuance. A license may be renewed in 58781
accordance with rules adopted by the director under division 58782
~~(K)~~(L) of this section. The renewal application shall be submitted 58783
by the operator. When applying for renewal of a license, the 58784
applicant shall pay to the department the renewal fee specified in 58785
rules adopted under division ~~(K)~~(L) of this section. The fee is 58786
nonrefundable. 58787

(2) The department may issue an order suspending the 58788
admission of residents to the facility or refuse to issue or renew 58789
and may revoke a license if it finds ~~the~~ any of the following: 58790

(a) The facility is not in compliance with rules adopted by 58791
the director pursuant to division ~~(K)~~(L) of this section ~~or if~~ 58792
any: 58793

(b) Any facility operated by the applicant or licensee has 58794
been cited for a pattern of serious noncompliance or repeated 58795

violations of statutes or rules during the period of current or 58796
previous licenses. ~~Proceedings;~~ 58797

(c) The applicant or licensee submits false or misleading 58798
information as part of a license application, renewal, or 58799
investigation. 58800

Proceedings initiated to deny applications for full or 58801
probationary licenses or to revoke such licenses are governed by 58802
Chapter 119. of the Revised Code. An order issued pursuant to this 58803
division remains in effect during the pendency of those 58804
proceedings. 58805

~~(F)~~(G) The department may issue an interim license to operate 58806
a residential facility if both of the following conditions are 58807
met: 58808

(1) The department determines that the closing of or the need 58809
to remove residents from another residential facility has created 58810
an emergency situation requiring immediate removal of residents 58811
and an insufficient number of licensed beds are available. 58812

(2) The residential facility applying for an interim license 58813
meets standards established for interim licenses in rules adopted 58814
by the director under division ~~(K)~~(L) of this section. 58815

An interim license shall be valid for ninety days and may be 58816
renewed by the director no more than twice. Proceedings initiated 58817
to deny applications for or to revoke interim licenses under this 58818
division are not subject to Chapter 119. of the Revised Code. 58819

~~(G)~~(H)(1) The department of mental health and addiction 58820
services may conduct an inspection of a residential facility as 58821
follows: 58822

(a) Prior to issuance of a license for the facility; 58823

(b) Prior to renewal of the license; 58824

(c) To determine whether the facility has completed a plan of 58825

correction required pursuant to division ~~(G)~~(H)(2) of this section 58826
and corrected deficiencies to the satisfaction of the department 58827
and in compliance with this section and rules adopted pursuant to 58828
it; 58829

(d) Upon complaint by any individual or agency; 58830

(e) At any time the director considers an inspection to be 58831
necessary in order to determine whether the facility is in 58832
compliance with this section and rules adopted pursuant to this 58833
section. 58834

(2) In conducting inspections the department may conduct an 58835
on-site examination and evaluation of the residential facility and 58836
its personnel, activities, and services. The department shall have 58837
access to examine and copy all records, accounts, and any other 58838
documents relating to the operation of the residential facility, 58839
including records pertaining to residents, and shall have access 58840
to the facility in order to conduct interviews with the operator, 58841
staff, and residents. Following each inspection and review, the 58842
department shall complete a report listing any deficiencies, and 58843
including, when appropriate, a time table within which the 58844
operator shall correct the deficiencies. The department may 58845
require the operator to submit a plan of correction describing how 58846
the deficiencies will be corrected. 58847

~~(H)~~(I) No person shall do any of the following: 58848

(1) Operate a residential facility unless the facility holds 58849
a valid license; 58850

(2) Violate any of the conditions of licensure after having 58851
been granted a license; 58852

(3) Interfere with a state or local official's inspection or 58853
investigation of a residential facility; 58854

(4) Violate any of the provisions of this section or any 58855

rules adopted pursuant to this section. 58856

~~(I)~~(J) The following may enter a residential facility at any 58857
time: 58858

(1) Employees designated by the director of mental health and 58859
addiction services; 58860

(2) Employees of an ADAMHS board under either of the 58861
following circumstances: 58862

(a) When a resident of the facility is receiving services 58863
from a community mental health services provider under contract 58864
with that ADAMHS board or another ADAMHS board; 58865

(b) When authorized by section 340.05 of the Revised Code. 58866

(3) Employees of a community mental health services provider 58867
under either of the following circumstances: 58868

(a) When the ~~services~~ provider has a person receiving 58869
services residing in the facility; 58870

(b) When the ~~services~~ provider is acting as an agent of an 58871
ADAMHS board other than the board with which it is under contract. 58872

(4) Representatives of the state long-term care ombudsman 58873
program when the facility provides accommodations, supervision, 58874
and personal care services for three to sixteen unrelated adults 58875
or to one or two unrelated adults who are recipients under the 58876
residential state supplement program. 58877

The persons specified in division ~~(I)~~(J) of this section 58878
shall be afforded access to examine and copy all records, 58879
accounts, and any other documents relating to the operation of the 58880
residential facility, including records pertaining to residents. 58881

~~(J)~~(K) Employees of the department of mental health and 58882
addiction services may enter, for the purpose of investigation, 58883
any institution, residence, facility, or other structure which has 58884
been reported to the department as, or that the department has 58885

reasonable cause to believe is, operating as a residential facility without a valid license. 58886
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~~(K)~~(L) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following: 58888
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(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities; 58892
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(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities; 58895
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(3) Procedures for conducting ~~criminal records checks~~ background investigations for prospective or current operators, employees, ~~and~~ volunteers, and other non-resident occupants who may have direct access to facility residents; 58897
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(4) The fee to be paid when applying for a new residential facility license or renewing the license; 58901
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(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification; 58903
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(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility; 58909
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(7) Measures to be taken by residential facilities relative to residents' medication; 58911
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(8) Requirements relating to preparation of special diets; 58913

(9) The maximum number of residents who may be served in a residential facility; 58914
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|--|--|
| (10) The rights of residents of residential facilities and procedures to protect such rights; | 58916 58917 |
| (11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health services provider; | 58918 58919 58920 |
| (12) Standards and procedures under which the director may waive the requirements of any of the rules adopted. | 58921 58922 |
| (L) <u>(M)</u> (1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction. | 58923 58924 58925 58926 58927 58928 58929 58930 |
| (2) Any person who makes a complaint under division (L) <u>(M)</u> (1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose. | 58931 58932 58933 58934 58935 58936 |
| (M) <u>(N)</u> (1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or | 58937 58938 58939 58940 58941 58942 58943 58944 58945 58946 |

safety of any residents of the facility. 58947

(2) When the court grants injunctive relief in the case of a 58948
facility operating without a license, the court shall issue, at a 58949
minimum, an order enjoining the facility from admitting new 58950
residents to the facility and an order requiring the facility to 58951
assist with the safe and orderly relocation of the facility's 58952
residents. 58953

(3) If injunctive relief is granted against a facility for 58954
operating without a license and the facility continues to operate 58955
without a license, the director shall refer the case to the 58956
attorney general for further action. 58957

~~(N)~~(O) The director may fine a person for violating division 58958
~~(H)~~(I) of this section. The fine shall be five hundred dollars for 58959
a first offense; for each subsequent offense, the fine shall be 58960
one thousand dollars. The director's actions in imposing a fine 58961
shall be taken in accordance with Chapter 119. of the Revised 58962
Code. 58963

Sec. 5119.341. (A) Any person may operate a residential 58964
facility providing accommodations and personal care services for 58965
one to five unrelated persons and licensed as a residential 58966
facility that meets the criteria specified in division ~~(A)(9)(b)~~ 58967
(B)(1)(b) of section 5119.34 of the Revised Code as a permitted 58968
use in any residential district or zone, including any 58969
single-family residential district or zone of any political 58970
subdivision. Such facilities may be required to comply with area, 58971
height, yard, and architectural compatibility requirements that 58972
are uniformly imposed upon all single-family residences within the 58973
district or zone. 58974

(B) Any person may operate a residential facility providing 58975
accommodations and personal care services for six to sixteen 58976
persons and licensed as a residential facility that meets the 58977

criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned-unit developments as defined in section 519.021 of the Revised Code may exclude such facilities from such districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate such facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to:

(1) Require the architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;

(2) Require compliance with yard, parking, and sign regulation.

(C) Divisions (A) and (B) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under section 5119.34 of the Revised Code in a single-family residential district or zone under conditions established by the political subdivision.

(D)(1) Notwithstanding divisions (A) and (B) of this section and except as provided in division (D)(2) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code.

(2) Division (D)(1) of this section does not authorize a

political subdivision to prevent or limit the continued existence 59009
and operation of residential facilities existing and operating on 59010
September 10, 2012, and that meet the criteria specified in 59011
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 59012
Code. A political subdivision may consider the existence of such 59013
facilities for the purpose of limiting the excessive concentration 59014
of such facilities that meet the criteria specified in division 59015
~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code that 59016
are not existing and operating on September 10, 2012. 59017

Sec. 5119.36. (A) A community mental health services provider 59018
applicant or community addiction services provider applicant that 59019
seeks certification of its ~~community~~ mental health services or 59020
~~community~~ addiction services shall submit an application to the 59021
director of mental health and addiction services. On receipt of 59022
the application, the director may conduct an on-site review and 59023
shall evaluate the ~~provider applicant~~ to determine whether its 59024
services satisfy the standards established by rules adopted under 59025
division (E) of this section. The director shall make the 59026
evaluation, and, if the director conducts an on-site review of the 59027
~~provider applicant~~, may make the review, in cooperation with the 59028
board of alcohol, drug addiction, and mental health services for 59029
treatment or prevention services with which the ~~provider applicant~~ 59030
seeks to contract under division (A)(8)(a) of section 340.03 of 59031
the Revised Code. 59032

(B) Subject to section 5119.371 of the Revised Code, the 59033
director shall determine whether the services of ~~an~~ a community 59034
mental health services provider applicant or community addiction 59035
services applicant satisfy the standards for certification of the 59036
services. If the director determines that ~~a community mental~~ 59037
~~health services provider's or a community addiction services~~ 59038
~~provider's~~ an applicant's services satisfy the standards for 59039
certification and the ~~provider applicant~~ has paid the fee required 59040

under division (D) of this section, the director shall certify the 59041
services. No community mental health services provider or 59042
community addiction services provider shall be eligible to receive 59043
state or federal funds, or funds administered by a board of 59044
alcohol, drug addiction, and mental health services for treatment 59045
or prevention services unless its services have been certified by 59046
the department. 59047

(C) If the director determines that a community mental health 59048
services ~~provider's~~ provider applicant's or a community addiction 59049
services ~~provider's~~ provider applicant's services do not satisfy 59050
the standards for certification, the director shall identify the 59051
areas of noncompliance, specify what action is necessary to 59052
satisfy the standards, and may offer technical assistance to the 59053
~~provider~~ applicant and to the board of alcohol, drug addiction, 59054
and mental health services so that the board may assist the 59055
~~provider~~ applicant in satisfying the standards. The director shall 59056
give the ~~provider~~ applicant a reasonable time within which to 59057
demonstrate that its services satisfy the standards or to bring 59058
the services into compliance with the standards. If the director 59059
concludes that the services continue to fail to satisfy the 59060
standards, the director may request that the board reallocate any 59061
funds for the mental health or addiction services the ~~provider~~ 59062
applicant was to provide to another community mental health or 59063
addiction services provider whose ~~community~~ mental health or 59064
~~community~~ addiction services satisfy the standards. If the board 59065
does not reallocate such funds in a reasonable period of time, the 59066
director may withhold state and federal funds for the services and 59067
allocate those funds directly to a community mental health or 59068
community addiction services provider whose services satisfy the 59069
standards. 59070

(D) Each community mental health services provider applicant 59071
or community addiction services provider applicant seeking 59072

certification of its ~~mental health or~~ addiction or mental health 59073
services under this section shall pay a fee for the certification 59074
required by this section, unless the ~~provider~~ applicant is exempt 59075
under rules adopted under division (E) of this section. Fees shall 59076
be paid into the state treasury to the credit of the sale of goods 59077
and services fund created pursuant to section 5119.45 of the 59078
Revised Code. 59079

(E) The director shall adopt rules in accordance with Chapter 59080
119. of the Revised Code to implement this section. The rules 59081
shall do all of the following: 59082

(1) Establish certification standards for mental health 59083
services and addiction services that are consistent with 59084
nationally recognized applicable standards and facilitate 59085
participation in federal assistance programs. The rules shall 59086
include as certification standards only requirements that improve 59087
the quality of services or the health and safety of persons 59088
receiving ~~community mental health and~~ addiction and mental health 59089
services. The standards shall address at a minimum all of the 59090
following: 59091

(a) Reporting major unusual incidents to the director; 59092

(b) Procedures for applicants for and persons receiving 59093
~~community mental health and~~ addiction and mental health services 59094
to file grievances and complaints; 59095

(c) Seclusion; 59096

(d) Restraint; 59097

(e) Requirements regarding physical facilities of service 59098
delivery sites; 59099

(f) Requirements with regard to health, safety, adequacy, and 59100
cultural specificity and sensitivity; 59101

(g) Standards for evaluating services; 59102

(h) Standards and procedures for granting full ~~or~~ 59103
~~conditional, probationary, and interim~~ certification to a ~~service~~ 59104
~~community mental health services~~ provider ~~applicant or community~~ 59105
~~addiction services applicant;~~ 59106

(i) Standards and procedures for revoking the certification 59107
of a ~~community mental health or addiction services~~ provider's 59108
services that do not continue to meet the minimum standards 59109
established pursuant to this section; 59110

(j) The limitations to be placed on a provider that is 59111
granted ~~conditional~~ ~~probationary or interim~~ certification; 59112

(k) Development of written policies addressing the rights of 59113
persons receiving services, including all of the following: 59114

(i) The right to a copy of the written policies addressing 59115
the rights of persons receiving services; 59116

(ii) The right at all times to be treated with consideration 59117
and respect for the person's privacy and dignity; 59118

(iii) The right to have access to the person's own 59119
psychiatric, medical, or other treatment records unless access is 59120
specifically restricted in the person's treatment plan for clear 59121
treatment reasons; 59122

(iv) The right to have a client rights officer provided by 59123
the ~~services~~ provider or board of alcohol, drug addiction, and 59124
mental health services advise the person of the person's rights, 59125
including the person's rights under Chapter 5122. of the Revised 59126
Code if the person is committed to the provider or board. 59127

(2) Establish the process for certification of ~~community~~ 59128
~~mental health and~~ addiction ~~and mental health~~ services; 59129

(3) Set the amount of certification review fees; 59130

(4) Specify the type of notice and hearing to be provided 59131
prior to a decision on whether to reallocate funds. 59132

(F) The department may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if it finds either of the following: 59133
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(1) The provider is not in compliance with rules adopted by the director pursuant to division (E) of this section; 59136
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(2) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider. 59138
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(G) The department shall maintain a current list of community addiction services providers ~~whose addiction services are certified by the department under division (B) of this section~~ and shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list ~~of certified addiction services~~ shall identify each provider by its name, its address, and the county in which it is located. 59141
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~~(G)~~(H) No person shall represent in any manner that a provider is certified by the department if the provider is not certified at the time the representation is made. 59149
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Sec. 5119.361. The director of mental health and addiction services shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health services provider and community addiction services provider with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide ~~community mental health or addiction~~ or mental health services or recovery supports establish grievance procedures consistent with rules adopted under section 5119.36 of the Revised Code that are available to all persons seeking or receiving services or supports from a community mental health or addiction services provider. 59152
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Sec. 5119.365. The director of mental health and addiction services shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following:

(A) Streamline the intake procedures used by a community addiction services provider accepting and beginning to serve a new ~~patient~~ individual, including procedures regarding intake forms and questionnaires;

(B) Enable a community addiction services provider to retain a ~~patient~~ an individual as an active patient even though the patient last received services from the provider more than thirty days before resumption of services so that the ~~patient~~ individual and provider do not have to repeat the intake procedures.

Sec. 5119.41. (A) As used in this section ~~and section 5119.411 of the Revised Code:~~

(1) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

(2) "Residential state supplement administrative agency" means the department of mental health and addiction services or, if the department designates an entity under division (C) of this section for a particular area, the designated entity.

(3) "Residential state supplement program" means the program administered pursuant to this section.

(B) The department of mental health and addiction services shall implement the residential state supplement program under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. Residential state supplement payments shall be used for the provision of accommodations, supervision, and personal care services to social security, supplemental security income, and

social security disability insurance recipients who the department determines are at risk of needing institutional care. 59193
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(C) In implementing the program, the department may designate one or more entities to be responsible for providing administrative services regarding the program. The department may designate an entity to be a residential state supplement administrative agency under this division either by entering into a contract with the entity to serve in that capacity or by otherwise delegating to the entity the responsibility to serve in that capacity. 59195
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(D) For an individual to be eligible for residential state supplement payments, all of the following must be the case: 59203
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(1) Except as provided by division ~~(H)~~(G) of this section, the individual must reside in one of the following living arrangements: 59205
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59207

(a) A residential care facility licensed by the department of health under Chapter 3721. of the Revised Code or an assisted living program as defined in section 5111.89 of the Revised Code; 59208
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(b) A residential facility ~~as defined in division (A)(9)(b) of licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code licensed by the department of mental health and addiction services;~~ 59211
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~~(c) An apartment or room used to provide community mental health housing services certified by the department of mental health and addiction services under section 5119.36 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code.~~ 59215
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~~(2) A residential state supplement administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the~~ 59221
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~~individual's needs. If the individual is eligible for social security payments, supplemental security income payments, or social security disability insurance benefits because of a mental disability, the~~ If a residential state supplement administrative agency is aware that an individual enrolled in the program has mental health needs, the agency shall refer the individual to a community mental health services provider for an assessment under pursuant to division (A) of section 340.091 of the Revised Code.

(3) The individual satisfies all eligibility requirements established by rules adopted under division (E) of this section.

(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement.

(E) The director of mental health and addiction services and medicaid director shall adopt rules in accordance with ~~section 111.15~~ Chapter 119. of the Revised Code as necessary to implement the residential state supplement program.

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the medicaid director may adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The medicaid director also may adopt rules that establish eligibility standards for aged, blind, or disabled individuals who

reside in one of the homes or facilities specified in division 59256
(D)(1) of this section but who, because of their income, do not 59257
receive supplemental security income payments. The rules may 59258
provide that these individuals may include individuals who receive 59259
other types of benefits, including, social security payments or 59260
social security disability insurance benefits provided under Title 59261
II of the "Social Security Act," 42 U.S.C. 401, et seq. 59262
Notwithstanding division (B) of this section, such payments may be 59263
made if funds are available for them. 59264

The director of mental health and addiction services may 59265
adopt rules establishing the method to be used to determine the 59266
amount an eligible individual will receive under the program. The 59267
amount the general assembly appropriates for the program may be a 59268
factor included in the method that director establishes. 59269

(F) The county department of job and family services of the 59270
county in which an applicant for the residential state supplement 59271
program resides or the department of medicaid shall determine 59272
whether the applicant meets income and resource requirements for 59273
the program. 59274

~~(G) The department of mental health and addiction services 59275
shall maintain a waiting list of any individuals eligible for 59276
payments under this section but not receiving them because moneys 59277
appropriated to the department for the purposes of this section 59278
are insufficient to make payments to all eligible individuals. An 59279
individual may apply to be placed on the waiting list even though 59280
the individual does not reside in one of the homes or facilities 59281
specified in division (D)(1) of this section at the time of 59282
application. The director of mental health and addiction services, 59283
by rules adopted in accordance with Chapter 119. of the Revised 59284
Code, may specify procedures and requirements for placing an 59285
individual on the waiting list and priorities for the order in 59286
which individuals placed on the waiting list are to begin to 59287~~

~~receive residential state supplement payments. The rules 59288
specifying priorities may give priority to individuals placed on 59289
the waiting list on or after July 1, 2006, who receive social 59290
security payments, social security disability insurance, or 59291
supplemental security income benefits under Title XVI of the 59292
"Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not 59293
affect the place on the waiting list of any person who was on the 59294
list on July 1, 2006. The rules specifying priorities may also set 59295
additional priorities based on living arrangement, such as whether 59296
an individual resides in a facility listed in division (D)(1) of 59297
this section or has been admitted to a nursing facility. 59298~~

~~(H) An individual in a licensed or certified living 59299
arrangement receiving state supplementation on November 15, 1990, 59300
under former section 5101.531 of the Revised Code shall not become 59301
ineligible for payments under this section solely by reason of the 59302
individual's living arrangement as long as the individual remains 59303
in the living arrangement in which the individual resided on 59304
November 15, 1990. 59305~~

~~(I)(H) The county department of job and family services from 59306
which the person is receiving benefits or the department of 59307
medicaid shall notify each person denied approval for payments 59308
under this section of the person's right to a hearing. On request, 59309
the hearing shall be provided in accordance with ~~Chapter 119.~~ 59310
section 5101.35 of the Revised Code. 59311~~

Sec. 5119.44. As used in this section, "free clinic" has the 59312
same meaning as in section 2305.2341 of the Revised Code. 59313

(A) The department of mental health and addiction services 59314
may provide certain goods and services for the department of 59315
mental health and addiction services, the department of 59316
developmental disabilities, the department of rehabilitation and 59317
correction, the department of youth services, and other state, 59318

county, or municipal agencies requesting such goods and services 59319
when the department of mental health and addiction services 59320
determines that it is in the public interest, and considers it 59321
advisable, to provide these goods and services. The department of 59322
mental health and addiction services also may provide goods and 59323
services to agencies operated by the United States government and 59324
to public or private nonprofit agencies, other than free clinics, 59325
that are funded in whole or in part by the state if the public or 59326
private nonprofit agencies are designated for participation in 59327
this program by the director of mental health and addiction 59328
services for community addiction services providers and community 59329
mental health services providers, the director of developmental 59330
disabilities for community mental retardation and developmental 59331
disabilities agencies, the director of rehabilitation and 59332
correction for community rehabilitation and correction agencies, 59333
or the director of youth services for community youth services 59334
agencies. 59335

Designated community agencies or services providers shall 59336
receive goods and services through the department of mental health 59337
and addiction services only in those cases where the designating 59338
state agency certifies that providing such goods and services to 59339
the agency or services provider will conserve public resources to 59340
the benefit of the public and where the provision of such goods 59341
and services is considered feasible by the department of mental 59342
health and addiction services. 59343

(B) The department of mental health and addiction services 59344
may permit free clinics to purchase certain goods and services to 59345
the extent the purchases fall within the exemption to the 59346
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 59347
institutions, in 15 U.S.C. 13c, as amended. 59348

(C) The goods and services that may be provided by the 59349
department of mental health and addiction services under divisions 59350

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| (A) and (B) of this section may include: | 59351 |
| (1) Procurement, storage, processing, and distribution of food and professional consultation on food operations; | 59352 59353 |
| (2) Procurement, storage, and distribution of medical and laboratory supplies, dental supplies, medical records, forms, optical supplies, and sundries, subject to section 5120.135 of the Revised Code; | 59354 59355 59356 59357 |
| (3) Procurement, storage, repackaging, distribution, and dispensing of drugs, the provision of professional pharmacy consultation, and drug information services; | 59358 59359 59360 |
| (4) Other goods and services. | 59361 |
| (D) The department of mental health and addiction services may provide the goods and services designated in division (C) of this section to its institutions and to state-operated community-based mental health or addiction services providers. | 59362 59363 59364 59365 |
| (E) After consultation with and advice from the director of developmental disabilities, the director of rehabilitation and correction, and the director of youth services, the department of mental health and addiction services may provide the goods and services designated in division (C) of this section to the department of developmental disabilities, the department of rehabilitation and correction, and the department of youth services. | 59366 59367 59368 59369 59370 59371 59372 59373 |
| (F) The cost of administration of this section shall be determined by the department of mental health and addiction services and paid by the agencies, services providers, or free clinics receiving the goods and services to the department for deposit in the state treasury to the credit of the office of support <u>Ohio pharmacy</u> services fund, which is hereby created. The fund shall be used to pay the cost of administration of this section to the department. | 59374 59375 59376 59377 59378 59379 59380 59381 |

(G) Whenever a state agency fails to make a payment for goods 59382
and services provided under this section within thirty-one days 59383
after the date the payment was due, the office of budget and 59384
management may transfer moneys from the state agency to the 59385
department of mental health and addiction services. The amount 59386
transferred shall not exceed the amount of overdue payments. Prior 59387
to making a transfer under this division, the office of budget and 59388
management shall apply any credits the state agency has 59389
accumulated in payments for goods and services provided under this 59390
section. 59391

(H) Purchases of goods and services under this section are 59392
not subject to section 307.86 of the Revised Code. 59393

Sec. 5119.61. (A) The department of mental health and 59394
addiction services shall collect and compile statistics and other 59395
information on the care and treatment of mentally disabled 59396
persons, and the care, treatment, and rehabilitation of 59397
alcoholics, drug dependent persons, and persons in danger of drug 59398
dependence in this state, including, without limitation, 59399
information on the number of such persons, the type of drug 59400
involved, the type of care, treatment, or rehabilitation 59401
prescribed or undertaken, and the success or failure of the care, 59402
treatment, or rehabilitation. The department shall collect 59403
information about services delivered and persons served as 59404
required for reporting and evaluation relating to state and 59405
federal funds expended for such purposes. 59406

(B) No alcohol, drug addiction, or mental health services 59407
provider shall fail to supply statistics and other information 59408
within its knowledge and with respect to its services, upon 59409
request of the department. 59410

(C) Communications by a person seeking aid in good faith for 59411
alcoholism or drug dependence are confidential, and this section 59412

does not require the collection or permit the disclosure of 59413
information which reveals or comprises the identity of any person 59414
seeking aid. 59415

(D) Based on the information collected and compiled under 59416
division (A) of this section, the department shall develop a 59417
project to assess the outcomes of persons served by community 59418
alcohol and drug addiction services providers and community mental 59419
health services providers that receive funds distributed by the 59420
department. 59421

Sec. 5119.94. (A) Upon receipt of a petition filed under 59422
section 5119.93 of the Revised Code and the payment of the 59423
appropriate filing fee, if any, the probate court shall examine 59424
the petitioner under oath as to the contents of the petition. 59425

(B) If, after reviewing the allegations contained in the 59426
petition and examining the petitioner under oath, it appears to 59427
the probate court that there is probable cause to believe the 59428
respondent may reasonably benefit from treatment, the court shall 59429
do all of the following: 59430

(1) Schedule a hearing to be held within seven days to 59431
determine if there is clear and convincing evidence that the 59432
respondent may reasonably benefit from treatment for alcohol and 59433
other drug abuse; 59434

(2) Notify the respondent, the legal guardian, if any and if 59435
known, and the spouse, parents, or nearest relative or friend of 59436
the respondent concerning the allegations and contents of the 59437
petition and of the date and purpose of the hearing; 59438

(3) Notify the respondent that the respondent may retain 59439
counsel and, if the person is unable to obtain an attorney, that 59440
the respondent may be represented by court-appointed counsel at 59441
public expense if the person is indigent. Upon the appointment of 59442

an attorney to represent an indigent respondent, the court shall 59443
notify the respondent of the name, address, and telephone number 59444
of the attorney appointed to represent the respondent. 59445

(4) Notify the respondent that the court shall cause the 59446
respondent to be examined not later than twenty-four hours before 59447
the hearing date by a physician for the purpose of a physical 59448
examination and by a qualified health professional for the purpose 59449
of a drug and alcohol addiction assessment and diagnosis. In 59450
addition, the court shall notify the respondent that the 59451
respondent may have an independent expert evaluation of the 59452
person's physical and mental condition conducted at the 59453
respondent's own expense. 59454

(5) Cause the respondent to be examined not later than 59455
twenty-four hours before the hearing date by a physician for the 59456
purpose of a physical examination and by a qualified health 59457
professional for the purpose of a drug and alcohol addiction 59458
assessment and diagnosis; 59459

(6) Conduct the hearing. 59460

(C) The physician and qualified health professional who 59461
examine the respondent pursuant to division (B)(5) of this section 59462
or who are obtained by the respondent at the respondent's own 59463
expense shall certify their findings to the court within 59464
twenty-four hours of the examinations. The findings of each 59465
qualified health professional shall include a recommendation for 59466
treatment if the qualified health professional determines that 59467
treatment is necessary. 59468

(D)(1) If upon completion of the hearing held under this 59469
section the probate court finds by clear and convincing evidence 59470
that the respondent may reasonably benefit from treatment, the 59471
court may order the treatment after considering the qualified 59472
health professionals' recommendations for treatment that have been 59473

submitted to the court under division (C) of this section. If the 59474
court orders the treatment under this division, the court shall 59475
order the treatment to be provided through a community addiction 59476
services provider ~~certified under section 5119.36 of the Revised~~ 59477
~~Code~~ or by an individual licensed or certified by the state 59478
medical board under Chapter 4731. of the Revised Code, the 59479
chemical dependency professionals board under Chapter 4758. of the 59480
Revised Code, the counselor, social worker, and marriage and 59481
family therapist board under Chapter 4757. of the Revised Code, or 59482
a similar board of another state authorized to provide substance 59483
abuse treatment. 59484

(2) Failure of a respondent to undergo and complete any 59485
treatment ordered pursuant to this division is contempt of court. 59486
Any ~~alcohol and drug~~ community addiction program services provider 59487
or person providing treatment under this division shall notify the 59488
probate court of a respondent's failure to undergo or complete the 59489
ordered treatment. 59490

(E) If, at any time after a petition is filed under section 59491
5119.93 of the Revised Code, the probate court finds that there is 59492
not probable cause to continue treatment or if the petitioner 59493
withdraws the petition, then the court shall dismiss the 59494
proceedings against the respondent. 59495

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 59496
Revised Code is guilty of a misdemeanor of the first degree. 59497

(B) Whoever violates division (B) of section 5119.61 of the 59498
Revised Code is guilty of a misdemeanor of the fourth degree. 59499

(C) Whoever violates section 5119.27 or 5119.28 or division 59500
~~(G)~~(H) of section 5119.36 of the Revised Code is guilty of a 59501
felony of the fifth degree. 59502

Sec. 5120.112. (A) The division of parole and community 59503

services shall accept applications for state financial assistance 59504
for the renovation, maintenance, and operation of proposed and 59505
approved community-based correctional facilities and programs and 59506
district community-based correctional facilities and programs that 59507
are filed in accordance with section 2301.56 of the Revised Code. 59508
The division, upon receipt of an application for a particular 59509
facility and program, shall determine whether the application is 59510
in proper form, whether the applicant satisfies the standards of 59511
operation that are prescribed by the department of rehabilitation 59512
and correction under section 5120.111 of the Revised Code, whether 59513
the applicant has established the facility and program, and, if 59514
the applicant has not at that time established the facility and 59515
program, whether the proposal of the applicant sufficiently 59516
indicates that the standards will be satisfied upon the 59517
establishment of the facility and program. If the division 59518
determines that the application is in proper form and that the 59519
applicant has satisfied or will satisfy the standards of the 59520
department, the division shall notify the applicant that it is 59521
qualified to receive state financial assistance for the facility 59522
and program under this section from moneys made available to the 59523
division for purposes of providing assistance to community-based 59524
correctional facilities and programs and district community-based 59525
correctional facilities and programs. 59526

(B) The amount of state financial assistance that is awarded 59527
to a qualified applicant under this section shall be determined by 59528
the division of parole and community services in accordance with 59529
this division. In determining the amount of state financial 59530
assistance to be awarded to a qualified applicant under this 59531
section, the division shall not calculate the cost of an offender 59532
incarcerated in a community-based correctional facility and 59533
program or district community-based correctional facility program 59534
to be greater than the average yearly cost of incarceration per 59535
inmate in all state correctional institutions, as defined in 59536

section 2967.01 of the Revised Code, as determined by the 59537
department of rehabilitation and correction. 59538

The times and manner of distribution of state financial 59539
assistance to be awarded to a qualified applicant under this 59540
section shall be determined by the division of parole and 59541
community services. 59542

(C) Upon approval of a proposal for a community-based 59543
correctional facility and program or a district community-based 59544
correctional facility and program by the division of parole and 59545
community services, the facility governing board, upon the advice 59546
of the judicial advisory board, shall enter into an award 59547
agreement with the department of rehabilitation and correction 59548
that outlines terms and conditions of the agreement on an annual 59549
basis. In the award agreement, the facility governing board shall 59550
identify a fiscal agent responsible for the deposit of funds and 59551
compliance with sections 2301.55 and 2301.56 of the Revised Code. 59552

(D) No state financial assistance shall be distributed to a 59553
qualified applicant until an agreement concerning the assistance 59554
has been entered into by the director of rehabilitation and 59555
correction and the deputy director of the division of parole and 59556
community services on the part of the state, and by the 59557
chairperson of the facility governing board of the community-based 59558
correctional facility and program or district community-based 59559
correctional facility and program to receive the financial 59560
assistance, whichever is applicable. The agreement shall be 59561
effective for a period of one year from the date of the agreement 59562
and shall specify all terms and conditions that are applicable to 59563
the awarding of the assistance, including, but not limited to: 59564

(1) The total amount of assistance to be awarded for each 59565
community-based correctional facility and program or district 59566
community-based correctional facility and program, and the times 59567
and manner of the payment of the assistance; 59568

(2) How persons who will staff and operate the facility and program are to be utilized during the period for which the assistance is to be granted, including descriptions of their positions and duties, and their salaries and fringe benefits;

(3) A statement that none of the persons who will staff and operate the facility and program, including those who are receiving some or all of their salaries out of funds received by the facility and program as state financial assistance, are employees or are to be considered as being employees of the department of rehabilitation and correction, and a statement that the employees who will staff and operate that facility and program are employees of the facility and program;

(4) A list of the type of expenses, other than salaries of persons who will staff and operate the facility and program, for which the state financial assistance can be used, and a requirement that purchases made with funds received as state financial assistance follow established fiscal guidelines as determined by the division of parole and community services and any applicable sections of the Revised Code, including, but not limited to, sections 125.01 to 125.11 and Chapter 153. of the Revised Code;

(5) The accounting procedures that are to be used by the facility and program in relation to the state financial assistance;

(6) A requirement that the facility and program file reports, during the period that it receives state financial assistance, with the division of parole and community services, which reports shall be statistical in nature and shall contain that information required under a research design agreed upon by all parties to the agreement, for purposes of evaluating the facility and program;

(7) A requirement that the facility and program comply with

standards of operation as prescribed by the department under 59600
section 5120.111 of the Revised Code, and with all information 59601
submitted on its application; 59602

(8) A statement that the facility and program will make a 59603
reasonable effort to augment the funding received from the state. 59604

(E)(1) No state financial assistance shall be distributed to 59605
a qualified applicant until its proposal for a community-based 59606
correctional facility and program or district community-based 59607
correctional facility and program has been approved by the 59608
division of parole and community services. 59609

(2) State financial assistance may be denied to any applicant 59610
if it fails to comply with the terms of any agreement entered into 59611
pursuant to division (D) of this section. 59612

(F) The division of parole and community services may expend 59613
up to one-half per cent of the annual appropriation made for 59614
community-based correctional facility programs, for goods or 59615
services that benefit those programs. 59616

Sec. 5120.135. (A) As used in this section, "laboratory 59617
services" includes the performance of medical laboratory analysis; 59618
professional laboratory and pathologist consultation; the 59619
procurement, storage, and distribution of laboratory supplies; and 59620
the performance of phlebotomy services. 59621

(B) The department of rehabilitation and correction may 59622
provide laboratory services to the departments of mental health 59623
and addiction services, developmental disabilities, youth 59624
services, and rehabilitation and correction. The department of 59625
rehabilitation and correction may also provide laboratory services 59626
to other state, county, or municipal agencies and to private 59627
persons that request laboratory services if the department of 59628
rehabilitation and correction determines that the provision of 59629

laboratory services is in the public interest and considers it 59630
advisable to provide such services. The department of 59631
rehabilitation and correction may also provide laboratory services 59632
to agencies operated by the United States government and to public 59633
and private entities funded in whole or in part by the state if 59634
the director of rehabilitation and correction designates them as 59635
eligible to receive such services. 59636

The department of rehabilitation and correction shall provide 59637
laboratory services from a laboratory that complies with the 59638
standards for certification set by the United States department of 59639
health and human services under the "Clinical Laboratory 59640
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 59641
In addition, the laboratory shall maintain accreditation or 59642
certification with an appropriate accrediting or certifying 59643
organization as considered necessary by the recipients of its 59644
laboratory services and as authorized by the director of 59645
rehabilitation and correction. 59646

~~(C) The cost of administering this section shall be 59647
determined by the department of rehabilitation and correction and 59648
shall be paid by entities that receive laboratory services to the 59649
department for deposit in the state treasury to the credit of the 59650
laboratory services fund, which is hereby created. The fund shall 59651
be used to pay the costs the department incurs in administering 59652
this section. 59653~~

~~(D) Whenever a state agency fails to make a payment for 59654
laboratory services provided to it by the department of 59655
rehabilitation and correction under this section within thirty one 59656
days after the date the payment was due, the office of budget and 59657
management may transfer moneys from that state agency to the 59658
department of rehabilitation and correction for deposit to the 59659
credit of the laboratory services fund. The amount transferred 59660
shall not exceed the amount of the overdue payments. Prior to 59661~~

~~making a transfer under this division, the office shall apply any~~ 59662
~~credits the state agency has accumulated in payment for laboratory~~ 59663
~~services provided under this section.~~ 59664

Sec. 5120.28. (A) The department of rehabilitation and 59665
correction, ~~subject to the approval of the office of budget and~~ 59666
~~management,~~ shall fix the prices at which all labor and services 59667
performed, all agricultural products produced, and all articles 59668
manufactured in correctional and penal institutions shall be 59669
furnished to the state, the political subdivisions of the state, 59670
and the public institutions of the state and the political 59671
subdivisions, and to private persons. The prices shall be uniform 59672
to all and not higher than the usual market price for like labor, 59673
products, services, and articles. 59674

(B) Any money received by the department of rehabilitation 59675
and correction for labor and services performed shall be deposited 59676
into the institutional services fund created pursuant to division 59677
(A) of section 5120.29 of the Revised Code and shall be used and 59678
accounted for as provided in that section and division (B) of 59679
section 5145.03 of the Revised Code. 59680

(C) Any money received by the department of rehabilitation 59681
and correction for articles manufactured and agricultural products 59682
produced in penal and correctional institutions shall be deposited 59683
into the Ohio penal industries manufacturing fund created pursuant 59684
to division (B) of section 5120.29 of the Revised Code and shall 59685
be used and accounted for as provided in that section and division 59686
(B) of section 5145.03 of the Revised Code. 59687

Sec. 5120.38. Subject to the rules of the department of 59688
rehabilitation and correction, each institution under the 59689
department's jurisdiction other than an institution operated 59690
pursuant to a contract entered into under section 9.06 of the 59691

Revised Code shall be under the control of a managing officer 59692
known as a warden or other appropriate title. The managing officer 59693
shall be appointed by the director of ~~the department of~~ 59694
rehabilitation and correction and shall be in the unclassified 59695
service and serve at the pleasure of the director. Appointment to 59696
the position of managing officer shall be made from persons who 59697
have criminal justice experience. 59698

A person who is appointed to the position of managing officer 59699
from a permanent, classified position in the classified service 59700
within the department shall retain the right to resume the 59701
position and status that the person held in the classified service 59702
immediately prior to the person's appointment to the position in 59703
the unclassified service, regardless of the number of positions 59704
the person held in the unclassified service. ~~Upon being relieved~~ 59705
~~of the person's duties as managing officer, the person shall be~~ 59706
~~reinstated to the~~ An employee's right to resume a position in the 59707
classified service ~~that the person held immediately prior~~ may be 59708
exercised only when an appointing authority demotes the employee 59709
to a pay range lower than the employee's current pay range or 59710
revokes the employee's appointment to the position of managing 59711
~~officer or to another position that~~ in the unclassified service. 59712
An employee forfeits the right to resume a position in the 59713
classified service if the employee is removed from a position in 59714
the unclassified service due to incompetence, inefficiency, 59715
dishonesty, drunkenness, immoral conduct, insubordination, 59716
discourteous treatment of the public, neglect of duty, a violation 59717
of this chapter or the rules of the department or the director, 59718
~~with approval of the state department of administrative services,~~ 59719
~~certifies as being~~ any other failure of good behavior, any other 59720
acts of misfeasance, malfeasance, or nonfeasance in office, or 59721
conviction of or plea of guilty to a felony. An employee also 59722
forfeits the right to resume the prior position in the classified 59723
service upon transfer to a different agency. Reinstatement to a 59724

position in the classified service shall be to a position 59725
substantially equal to ~~that prior~~ the position in the classified 59726
service that the person previously held, as certified by the 59727
director of rehabilitation and correction and approved by the 59728
director of administrative services. If the position the person 59729
previously held in the classified service has been placed in the 59730
unclassified service or is otherwise unavailable, the person shall 59731
be appointed to a position in the classified service within the 59732
department that the director of administrative services certifies 59733
is comparable in compensation to the position the person 59734
previously held in the classified service. Service as a ~~managing~~ 59735
~~officer~~ in a position in the unclassified service shall be counted 59736
as service in the position in the classified service held by the 59737
person immediately preceding the person's appointment as ~~managing~~ 59738
~~officer~~ to the position in the unclassified service. ~~A~~ When a 59739
person ~~who~~ is reinstated to a position in the classified service, 59740
as provided in this section, ~~shall be~~ the person is entitled to 59741
all rights and ~~emoluments~~ benefits and any status accruing to the 59742
position in the classified service during the time of the person's 59743
service as ~~managing officer~~ in the position in the unclassified 59744
service. 59745

The managing officer, under the director of rehabilitation 59746
and correction, shall have entire executive charge of the 59747
institution for which the managing officer is appointed. Subject 59748
to civil service rules and regulations, the managing officer shall 59749
appoint the necessary employees and the managing officer or the 59750
director may remove such employees for cause. ~~A report of all~~ 59751
~~appointments, resignations, and discharges shall be filed with the~~ 59752
~~director at the close of each month.~~ 59753

Sec. 5120.381. Subject to the rules of the department of 59754
rehabilitation and correction, the director of rehabilitation and 59755
correction may appoint a deputy warden for each institution under 59756

the jurisdiction of the department. A deputy warden shall be in 59757
the unclassified service and serve at the pleasure of the director 59758
of rehabilitation and correction. The director of rehabilitation 59759
and correction shall make an appointment to the position of deputy 59760
warden from persons having criminal justice experience. A person 59761
who is appointed to a position as deputy warden from a permanent, 59762
classified position in the classified service within the 59763
department shall retain the right to resume the position and 59764
status that the person held in the classified service immediately 59765
prior to the person's appointment to the position in the 59766
unclassified service, regardless of the number of positions the 59767
person held in the unclassified service. If the person is relieved 59768
of the person's duties as deputy warden, the director shall 59769
reinstate the person to the An employee's right to resume a 59770
position in the classified service that the person held 59771
immediately prior to the appointment as deputy warden or to 59772
another position that is certified by may be exercised only when 59773
an appointing authority demotes the employee to a pay range lower 59774
than the employee's current pay range or revokes the employee's 59775
appointment to the unclassified service. An employee forfeits the 59776
right to resume a position in the classified service when the 59777
employee is removed from the position in the unclassified service 59778
due to incompetence, inefficiency, dishonesty, drunkenness, 59779
immoral conduct, insubordination, discourteous treatment of the 59780
public, neglect of duty, a violation of this chapter or the rules 59781
of the department or the director, with approval of the department 59782
of administrative services, as being any other failure of good 59783
behavior, any other acts of misfeasance, malfeasance, or 59784
nonfeasance in office, or conviction of or plea of guilty to a 59785
felony. An employee also forfeits the right to resume the prior 59786
position in the classified service upon transfer to a different 59787
agency. Reinstatement to a position in the classified service 59788
shall be to a position substantially equal to that prior the 59789

position in the classified service that the person previously 59790
held, as certified by the director of rehabilitation and 59791
correction and approved by the director of administrative 59792
services. If the position the person previously held in the 59793
classified service has been placed in the unclassified service or 59794
is otherwise unavailable, the person shall be appointed to a 59795
position in the classified service within the department that the 59796
director of administrative services certifies is comparable in 59797
compensation to the position the person previously held in the 59798
classified service. Service as ~~deputy warden~~ in the position in 59799
the unclassified service shall be counted as service in the 59800
position in the classified service that the person held 59801
immediately preceding the person's appointment as ~~deputy warden~~ to 59802
the position in the unclassified service. ~~A~~ When a person who is 59803
reinstated to a position in the classified service as provided in 59804
this section, the person is entitled to all rights and ~~emoluments~~ 59805
benefits and any status accruing to the position during the time 59806
of the person's service as ~~deputy warden~~ in the unclassified 59807
service. 59808

Sec. 5120.382. Except as otherwise provided in this chapter 59809
for appointments by division chiefs and managing officers, the 59810
director of rehabilitation and correction shall appoint employees 59811
who are necessary for the efficient conduct of the department of 59812
rehabilitation and correction and prescribe their titles and 59813
duties. A person who is appointed to an unclassified position from 59814
a permanent, classified position ~~in the classified service within~~ 59815
the department shall ~~serve at the pleasure of the director and~~ 59816
retain the right to resume the position and status that the person 59817
held in the classified service immediately prior to the person's 59818
appointment to the position in the unclassified service, 59819
regardless of the number of positions the person held in the 59820
unclassified service. If the person is relieved of the person's 59821

~~duties for the unclassified position, the director shall reinstate~~ 59822
~~the person to the~~ An employee's right to resume a position in the 59823
~~classified service that the person held immediately prior to the~~ 59824
~~appointment or to another position that is certified by~~ may be 59825
~~exercised only when an appointing authority demotes the employee~~ 59826
~~to a pay range lower than the employee's current pay range or~~ 59827
~~revokes the employee's appointment to the unclassified service. An~~ 59828
~~employee forfeits the right to resume a position in the classified~~ 59829
~~service when the employee is removed from the position in the~~ 59830
~~unclassified service due to incompetence, inefficiency,~~ 59831
~~dishonesty, drunkenness, immoral conduct, insubordination,~~ 59832
~~discourteous treatment of the public, neglect of duty, a violation~~ 59833
~~of this chapter or the rules of the department or the director,~~ 59834
~~with approval of the department of administrative services, as~~ 59835
~~being~~ any other failure of good behavior, any other acts of 59836
misfeasance, malfeasance, or nonfeasance in office, or conviction 59837
of or plea of guilty to a felony. An employee also forfeits the 59838
right to resume the prior position in the classified service upon 59839
transfer to a different agency. Reinstatement to a position in the 59840
classified service shall be to a position substantially equal to 59841
~~that prior classified~~ the position in the classified service that 59842
the person previously held, as certified by the director of 59843
rehabilitation and correction and approved by the director of 59844
administrative services. If the position the person previously 59845
held in the classified service has been placed in the unclassified 59846
service or is otherwise unavailable, the person shall be appointed 59847
to a position in the classified service within the department that 59848
the director of administrative services certifies is comparable in 59849
compensation to the position the person previously held in the 59850
classified service. Service in the position in the unclassified 59851
~~service pursuant to the appointment~~ shall be counted as service in 59852
the position in the classified service that the person held 59853
immediately preceding the person's appointment to the position in 59854

the unclassified service. ~~A~~ When a person who is reinstated to a 59855
position in the classified service as provided in this section, 59856
the person is entitled to all rights and ~~emoluments~~ benefits and 59857
any status accruing to the position in the classified service 59858
during the time of the person's service in the position in the 59859
unclassified service. 59860

Sec. 5122.31. (A) All certificates, applications, records, 59861
and reports made for the purpose of this chapter and sections 59862
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 59863
Code, other than court journal entries or court docket entries, 59864
and directly or indirectly identifying a patient or former patient 59865
or person whose hospitalization or commitment has been sought 59866
under this chapter, shall be kept confidential and shall not be 59867
disclosed by any person except: 59868

(1) If the person identified, or the person's legal guardian, 59869
if any, or if the person is a minor, the person's parent or legal 59870
guardian, consents, and if the disclosure is in the best interests 59871
of the person, as may be determined by the court for judicial 59872
records and by the chief clinical officer for medical records; 59873

(2) When disclosure is provided for in this chapter or 59874
Chapters 340. or 5119. of the Revised Code or in accordance with 59875
other provisions of state or federal law authorizing such 59876
disclosure; 59877

(3) That hospitals, boards of alcohol, drug addiction, and 59878
mental health services, and community mental health services 59879
providers may release necessary medical information to insurers 59880
and other third-party payers, including government entities 59881
responsible for processing and authorizing payment, to obtain 59882
payment for goods and services furnished to the patient; 59883

(4) Pursuant to a court order signed by a judge; 59884

(5) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for clear treatment reasons;

(6) That hospitals and other institutions and facilities within the department of mental health and addiction services may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health services providers and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be released pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(7) That hospitals within the department and other institutions and facilities within the department may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for a patient or for the emergency treatment of an individual;

(8) That a patient's family member who is involved in the provision, planning, and monitoring of services to the patient may receive medication information, a summary of the patient's diagnosis and prognosis, and a list of the services and personnel available to assist the patient and the patient's family, if the patient's treating physician determines that the disclosure would be in the best interests of the patient. No such disclosure shall be made unless the patient is notified first and receives the information and does not object to the disclosure.

(9) That community mental health services providers may

exchange psychiatric records and certain other information with 59917
the board of alcohol, drug addiction, and mental health services 59918
and other services providers in order to provide services to a 59919
person involuntarily committed to a board. Release of records 59920
under this division shall be limited to medication history, 59921
physical health status and history, financial status, summary of 59922
course of treatment, summary of treatment needs, and discharge 59923
summary, if any. 59924

(10) That information may be disclosed to the executor or the 59925
administrator of an estate of a deceased patient when the 59926
information is necessary to administer the estate; 59927

(11) That records in the possession of the Ohio historical 59928
society may be released to the closest living relative of a 59929
deceased patient upon request of that relative; 59930

(12) That records pertaining to the patient's diagnosis, 59931
course of treatment, treatment needs, and prognosis shall be 59932
disclosed and released to the appropriate prosecuting attorney if 59933
the patient was committed pursuant to section 2945.38, 2945.39, 59934
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 59935
attorney designated by the board for proceedings pursuant to 59936
involuntary commitment under this chapter. 59937

(13) That the department of mental health and addiction 59938
services may exchange psychiatric hospitalization records, other 59939
mental health treatment records, and other pertinent information 59940
with the department of rehabilitation and correction and with the 59941
department of youth services to ensure continuity of care for 59942
inmates or offenders who are receiving mental health services in 59943
an institution of the department of rehabilitation and correction 59944
or the department of youth services and may exchange psychiatric 59945
hospitalization records, other mental health treatment records, 59946
and other pertinent information with boards of alcohol, drug 59947
addiction, and mental health services and community mental health 59948

services providers to ensure continuity of care for inmates or 59949
offenders who are receiving mental health services in an 59950
institution and are scheduled for release within six months. The 59951
department shall not disclose those records unless the inmate or 59952
offender is notified, receives the information, and does not 59953
object to the disclosure. The release of records under this 59954
division is limited to records regarding an inmate's or offender's 59955
medication history, physical health status and history, summary of 59956
course of treatment, summary of treatment needs, and a discharge 59957
summary, if any; 59958

(14) That records and reports relating to a person who has 59959
been deceased for fifty years or more are no longer considered 59960
confidential. 59961

(B) Before records are disclosed pursuant to divisions 59962
(A)(3), (6), and (9) of this section, the custodian of the records 59963
shall attempt to obtain the patient's consent for the disclosure. 59964
No person shall reveal the contents of a medical record of a 59965
patient except as authorized by law. 59966

(C) The managing officer of a hospital who releases necessary 59967
medical information under division (A)(3) of this section to allow 59968
an insurance carrier or other third party payor to comply with 59969
section 5121.43 of the Revised Code shall neither be subject to 59970
criminal nor civil liability. 59971

Sec. 5122.36. If the legal residence of a person suffering 59972
from mental illness is in another county of the state, the 59973
necessary expense of the person's return is a proper charge 59974
against the county of legal residence. If an adjudication and 59975
order of hospitalization by the probate court of the county of 59976
temporary residence are required, the regular probate court fees 59977
and expenses incident to the order of hospitalization under this 59978
chapter and any other expense incurred on the person's behalf 59979

shall be charged to and paid by the county of the person's legal residence upon the approval and certification of the probate judge of ~~that~~ the county of the person's legal residence. The ordering court shall send to the probate court of the person's county of legal residence a certified ~~transcript of all proceedings had in~~ copy of the commitment order from the ordering court. The receiving court shall enter and record the ~~transcript~~ commitment order. The certified ~~transcript~~ commitment order is prima facie evidence of the residence of the person. When the residence of the person cannot be established as represented by the ordering court, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination.

Sec. 5123.032. (A) As used in this section, ~~"developmental:~~ 59993

(1) "Closed" or "closure" means a situation in which either 59994
of the following occurs: 59995

(a) A developmental center ceases operations; 59996

(b) Control of a developmental center is transferred from the 59997
department of developmental disabilities to another entity that is 59998
not a government entity. 59999

(2) "Developmental center" means any institution or facility 60000
of the department of developmental disabilities that, on or after 60001
January 30, 2004, is named, designated, or referred to as a 60002
developmental center. 60003

(B) Notwithstanding any other provision of law, any closure 60004
of a developmental center shall be subject to, and in accordance 60005
with, this section. 60006

(C) ~~Notwithstanding any other provision of law, at least ten~~ 60007
~~days prior to making any official, public announcement that the~~ 60008
~~governor intends to close one or more developmental centers, the~~ 60009

~~governor shall notify the general assembly in writing that the 60010
governor intends to close one or more developmental centers. The 60011
governor shall notify the general assembly in writing of the prior 60012
announcement and that the governor intends to close the center 60013
identified in the prior announcement, and the notification to the 60014
general assembly shall constitute, for purposes of this section, 60015
the governor's official, public announcement that the governor 60016
intends to close that center. 60017~~

~~The notice required by this division shall identify by name 60018
each developmental center that the governor intends to close or, 60019
if the governor has not determined any specific developmental 60020
center to close, shall state the governor's general intent to 60021
close one or more developmental centers. When the governor 60022
notifies the general assembly as required by this division, the 60023
legislative service commission promptly shall conduct an 60024
independent study of the developmental centers of the department 60025
of developmental disabilities and of the department's operation of 60026
the centers, and the study shall address relevant criteria and 60027
factors, including, but not limited to, all of the following If 60028
the governor determines that one or more developmental centers 60029
should be closed, all of the following apply: 60030~~

~~(1) For each developmental center, the governor shall notify 60031
the general assembly and the department of developmental 60032
disabilities of that determination and the rationale for it. If 60033
the rationale is expenditure reductions or budget cuts, the notice 60034
shall specify the anticipated savings to be obtained through the 60035
closure. 60036~~

~~(2) Not later than seven days after the governor provides 60037
notice under this section, the officials who are to appoint 60038
members of the commission under division (D) of this section, 60039
shall appoint the members. As soon as possible after the 60040
appointments, the commission shall meet and commence 60041~~

deliberations. Not later than thirty days after the governor 60042
provides the notice, the commission shall provide to the general 60043
assembly, the governor, and the department a report of its 60044
recommendation concerning the developmental center. The commission 60045
may recommend closure for expenditure reductions or budget cuts 60046
only if the anticipated savings to be obtained by the closure are 60047
approximately the same as the anticipated savings specified in the 60048
governor's notice. If the governor gave notice of the proposed 60049
closure of more than one developmental center, the report shall 60050
list them in order of the commission's preference for closure. 60051

(3) On receipt of a report that recommends closure of a 60052
developmental center, the governor may close the developmental 60053
center. Except as otherwise provided in this division, the 60054
governor shall not close a developmental center that is not listed 60055
in the commission's recommendation, and shall not close multiple 60056
developmental centers in any order other than the order of the 60057
commission's preference as specified in the recommendation. If the 60058
governor determines that it is not feasible to implement the 60059
recommendation because there has been a significant change in 60060
circumstances, the governor may call for a new commission 60061
regarding the developmental center. The new commission shall be 60062
created and function in accordance with this section. 60063

(D) Each developmental center closure commission shall 60064
consist of thirteen members. Three members shall be members of the 60065
house of representatives, two of whom are members of the majority 60066
political party in the house of representatives appointed by the 60067
speaker of the house of representatives and one of whom is a 60068
member of the minority political party in the house of 60069
representatives appointed by the minority leader of the house of 60070
representatives. Three members shall be members of the senate, two 60071
of whom are members of the majority political party in the senate 60072
appointed by the president of the senate and one of whom is a 60073

member of the minority political party in the senate appointed by 60074
the minority leader of the senate. One member shall be the 60075
director of budget and management. One member shall be the 60076
director of developmental disabilities. Four members shall be 60077
persons with experience in the work of the department of 60078
developmental disabilities, with one of these members appointed by 60079
the speaker of the house of representatives, one by the minority 60080
leader of the house of representatives, one by the president of 60081
the senate, and one by the minority leader of the senate. One 60082
member shall be a representative of the employees' association 60083
representing the largest number of employees of the department, as 60084
certified by the director of developmental disabilities, with that 60085
member being appointed by the president of the association. At the 60086
commission's first meeting, the members shall organize and appoint 60087
a chairperson and vice-chairperson. The members shall serve 60088
without compensation. 60089

(E) In making its determination of whether a developmental 60090
center should close, the commission shall consider the following 60091
factors and any other factors it considers appropriate: 60092

~~(1) The manner in which the closure of developmental centers~~ 60093
~~in general would affect the safety, health, well being, and~~ 60094
~~lifestyle of the centers' residents and their family members and~~ 60095
~~would affect public safety and, if the governor's notice~~ 60096
~~identifies by name one or more developmental centers that the~~ 60097
~~governor intends to close, the manner in which the closure of each~~ 60098
~~center so identified would affect the safety, health, well being,~~ 60099
~~and lifestyle of the center's residents and their family members~~ 60100
~~and would affect public safety~~ Whether there is a need to reduce 60101
the number of developmental centers; 60102

(2) The availability of alternate facilities; 60103

(3) The cost effectiveness of the facilities ~~identified for~~ 60104
~~closure~~ developmental center; 60105

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| (4) A comparison of the cost of residing at a facility | 60106 |
| identified for closure and the cost of new living arrangements | 60107 |
| The opportunities for, and barriers to, transitioning staff of the | 60108 |
| center to other appropriate employment; | 60109 |
| (5) The geographic factors associated with each facility <u>the</u> | 60110 |
| <u>center</u> and its proximity to other similar facilities; | 60111 |
| (6) The impact of collective bargaining on facility | 60112 |
| operations; | 60113 |
| (7) The utilization and maximization of resources; | 60114 |
| (8)(7) Continuity of the staff and ability to serve the | 60115 |
| facility <u>center's</u> population; | 60116 |
| (9)(8) Continuing costs following closure of a facility <u>the</u> | 60117 |
| <u>center</u>; | 60118 |
| (10)(9) The impact of the closure on the local economy; | 60119 |
| (11)(10) Alternatives and opportunities for consolidation | 60120 |
| with other <u>centers or</u> facilities; | 60121 |
| (12) How the closing of a facility identified for closure | 60122 |
| relates to the department's plans for the future of developmental | 60123 |
| centers in this state; | 60124 |
| (13) The effect of the closure of developmental centers in | 60125 |
| general upon the state's fiscal resources and fiscal status and, | 60126 |
| if the governor's notice identifies by name one or more | 60127 |
| developmental centers that the governor intends to close, the | 60128 |
| effect of the closure of each center so identified upon the | 60129 |
| state's fiscal resources and fiscal status. | 60130 |
| (D) The legislative service commission shall complete the | 60131 |
| study required by division (C) of this section, and prepare a | 60132 |
| report that contains its findings, not later than sixty days after | 60133 |
| the governor makes the official, public announcement that the | 60134 |
| governor intends to close one or more developmental centers as | 60135 |

~~described in division (C) of this section. The commission shall
provide a copy of the report to each member of the general
assembly who requests a copy of the report and for collaboration
with other state agencies and political subdivisions.~~

(F) The commission shall meet as often as necessary to make
its determination and may take testimony and consider all relevant
information.

On providing its report, the commission shall cease to exist,
provided that another commission shall be created if the governor
calls for a new commission pursuant to division (D) of this
section or the governor provides another notice of closure under
division (C)(1) of this section.

Sec. 5123.033. The program fee fund is hereby created in the
state treasury. All fees collected pursuant to sections 5123.161,
5123.164, and 5123.19 of the Revised Code shall be credited to the
fund. Money credited to the fund shall be used solely for the
department of developmental disabilities' duties under sections
5123.16 to ~~5123.1610~~, 5123.1611 and 5123.19 of the Revised Code
and to provide continuing education and professional training to
providers of services to individuals with mental retardation or a
developmental disability. If the money credited to the fund is
inadequate to pay all of the department's costs in performing
those duties and providing the continuing education and
professional training, the department may use other available
funds appropriated to the department to pay the remaining costs of
performing those duties and providing the continuing education and
professional training.

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1610~~
5123.1611 of the Revised Code:

(1) "Applicant" means any of the following:

- (a) The chief executive officer of a business that applies under section 5123.161 of the Revised Code for a certificate to provide supported living; 60166
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- (b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code; 60169
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- (c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider; 60172
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- (d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code. 60175
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- (2) "Business" means an association, corporation, nonprofit organization, partnership, trust, or other group of persons. "Business" does not mean an independent provider. 60178
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- (3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 60181
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- (4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 60183
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- (5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another person to provide the supported living. 60186
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- (6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. For the purpose of division (A)(8) of this section, "provider" includes a person or government entity that seeks or previously held a certificate to provide supported living. 60190
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- (7) "Minor drug possession offense" has the same meaning as 60195

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| in section 2925.01 of the Revised Code. | 60196 |
| (8) "Related party" means any of the following: | 60197 |
| (a) In the case of a provider who is an individual, any of the following: | 60198 |
| (i) The spouse of the provider; | 60199 |
| (ii) A parent or stepparent of the provider or provider's spouse; | 60200 |
| (iii) A child of the provider or provider's spouse; | 60201 |
| (iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse; | 60202 |
| (v) A grandparent of the provider or provider's spouse; | 60203 |
| (vi) A grandchild of the provider or provider's spouse. | 60204 |
| (b) In the case of a provider that is a person other than an individual, any of the following: | 60205 |
| (i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider; | 60206 |
| (ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer; | 60207 |
| (iii) A member of the provider's board of directors or trustees; | 60208 |
| (iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or | 60209 |
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| mortgage financial interest; | 60225 |
| (v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the persons specified in divisions (A)(8)(b)(i) to (iv) of this section; | 60226 60227 60228 60229 |
| (vi) A person over which the provider has control of the day-to-day operation; | 60230 60231 |
| (vii) A corporation that has a subsidiary relationship with the provider. | 60232 60233 |
| (c) In the case of a provider that is a government entity, any of the following: | 60234 60235 |
| (i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement; | 60236 60237 60238 60239 60240 60241 |
| (ii) An officer of the provider; | 60242 |
| (iii) A member of the provider's governing board; | 60243 |
| (iv) A person or government entity over which the provider has control of the day-to-day operation. | 60244 60245 |
| (B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities. | 60246 60247 60248 |
| (C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section 5123.1610 <u>5123.1611</u> of the Revised Code. | 60249 60250 60251 |
| Sec. 5123.161. A person or government entity that seeks to provide supported living shall apply to the director of | 60252 60253 |

developmental disabilities for a supported living certificate. 60254

Except as provided in sections 5123.166 and 5123.169 of the 60255
Revised Code, the director shall issue to the person or government 60256
entity a supported living certificate if the person or government 60257
entity follows the application process established in rules 60258
adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, 60259
meets the applicable certification standards established in those 60260
rules, and pays the certification fee established in those rules. 60261

Sec. 5123.162. (A) The director of developmental disabilities 60262
may conduct surveys of persons and government entities that seek a 60263
supported living certificate to determine whether the persons and 60264
government entities meet the certification standards. The director 60265
may also conduct surveys of providers to determine whether the 60266
providers continue to meet the certification standards. The 60267
director may assign to a county board of developmental 60268
disabilities the responsibility to conduct either type of survey. 60269
Each survey shall be conducted in accordance with rules adopted 60270
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 60271

(B) Following each survey of a provider, the director shall 60272
issue a report listing the date of the survey, any citations 60273
issued as a result of the survey, and the statutes or rules that 60274
purportedly have been violated and are the bases of the citations. 60275
The director shall also do both of the following: 60276
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(1) Specify a date by which the provider may appeal any of 60278
the citations; 60279

(2) When appropriate, specify a timetable within which the 60280
provider must submit a plan of correction describing how the 60281
problems specified in the citations will be corrected and the date 60282
by which the provider anticipates the problems will be corrected. 60283

(C) If the director initiates a proceeding to revoke a provider's certification, the director shall include the report required by division (B) of this section with the notice of the proposed revocation the director sends to the provider. In this circumstance, the provider may not submit a plan of correction.

(D) After a plan of correction is submitted, the director shall approve or disapprove the plan. If the plan of correction is approved, a copy of the approved plan shall be provided, not later than five business days after it is approved, to any person or government entity that requests it and made available on the internet web site maintained by the department of developmental disabilities. If the plan of correction is not approved and the director initiates a proceeding to revoke the provider's certification, a copy of the survey report shall be provided to any person or government entity that requests it and shall be made available on the internet web site maintained by the department.

(E) In addition to survey reports described in this section, all other records associated with surveys conducted under this section are public records for the purpose of section 149.43 of the Revised Code and shall be made available on the request of any person or government entity.

Sec. 5123.163. A supported living certificate is valid for a period of time established in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, unless any of the following occur before the end of that period of time:

(A) The director of developmental disabilities issues an order requiring that action be taken against the certificate holder under section 5123.166 of the Revised Code.

(B) The director issues an order terminating the certificate under section 5123.168 of the Revised Code.

(C) The certificate holder voluntarily surrenders the certificate to the director.

Sec. 5123.164. Except as provided in sections 5123.166 and 5123.169 of the Revised Code, the director of developmental disabilities shall renew a supported living certificate if the certificate holder follows the renewal process established in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, continues to meet the applicable certification standards established in those rules, and pays the renewal fee established in those rules.

Sec. 5123.166. (A) If good cause exists as specified in division (B) of this section and determined in accordance with procedures established in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, the director of developmental disabilities may issue an adjudication order requiring that one of the following actions be taken against a person or government entity seeking or holding a supported living certificate:

(1) Refusal to issue or renew a supported living certificate;

(2) Revocation of a supported living certificate;

(3) Suspension of a supported living certificate holder's authority to do either or both of the following:

(a) Continue to provide supported living to one or more individuals from one or more counties who receive supported living from the certificate holder at the time the director takes the action;

(b) Begin to provide supported living to one or more individuals from one or more counties who do not receive supported living from the certificate holder at the time the director takes the action.

(B) The following constitute good cause for taking action under division (A) of this section against a person or government entity seeking or holding a supported living certificate:

(1) The person or government entity's failure to meet or continue to meet the applicable certification standards established in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code;

(2) The person or government entity violates section 5123.165 of the Revised Code;

(3) The person or government entity's failure to satisfy the requirements of section 5123.081 or 5123.52 of the Revised Code;

(4) Misfeasance;

(5) Malfeasance;

(6) Nonfeasance;

(7) Confirmed abuse or neglect;

(8) Financial irresponsibility;

(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.

(C) Except as provided in division (D) of this section, the director shall issue an adjudication order under division (A) of this section in accordance with Chapter 119. of the Revised Code.

(D)(1) The director may issue an order requiring that action specified in division (A)(3) of this section be taken before a provider is provided notice and an opportunity for a hearing if all of the following are the case:

(a) The director determines such action is warranted by the provider's failure to continue to meet the applicable certification standards;

(b) The director determines that the failure either 60372
represents a pattern of serious noncompliance or creates a 60373
substantial risk to the health or safety of an individual who 60374
receives or would receive supported living from the provider; 60375

(c) If the order will suspend the provider's authority to 60376
continue to provide supported living to an individual who receives 60377
supported living from the provider at the time the director issues 60378
the order, both of the following are the case: 60379

(i) The director makes the individual, or the individual's 60380
guardian, aware of the director's determination under division 60381
(D)(1)(b) of this section and the individual or guardian does not 60382
select another provider. 60383

(ii) A county board of developmental disabilities has filed a 60384
complaint with a probate court under section 5126.33 of the 60385
Revised Code that includes facts describing the nature of abuse or 60386
neglect that the individual has suffered due to the provider's 60387
actions that are the basis for the director making the 60388
determination under division (D)(1)(b) of this section and the 60389
probate court does not issue an order authorizing the county board 60390
to arrange services for the individual pursuant to an 60391
individualized service plan developed for the individual under 60392
section 5126.31 of the Revised Code. 60393

(2) If the director issues an order under division (D)(1) of 60394
this section, sections 119.091 to 119.13 of the Revised Code and 60395
all of the following apply: 60396

(a) The director shall send the provider notice of the order 60397
by registered mail, return receipt requested, not later than 60398
twenty-four hours after issuing the order and shall include in the 60399
notice the reasons for the order, the citation to the law or rule 60400
directly involved, and a statement that the provider will be 60401
afforded a hearing if the provider requests it within ten days of 60402

the time of receiving the notice. 60403

(b) If the provider requests a hearing within the required 60404
time and the provider has provided the director the provider's 60405
current address, the director shall immediately set, and notify 60406
the provider of, the date, time, and place for the hearing. 60407

(c) The date of the hearing shall be not later than thirty 60408
days after the director receives the provider's timely request for 60409
the hearing. 60410

(d) The hearing shall be conducted in accordance with section 60411
119.09 of the Revised Code, except for all of the following: 60412

(i) The hearing shall continue uninterrupted until its close, 60413
except for weekends, legal holidays, and other interruptions the 60414
provider and director agree to. 60415

(ii) If the director appoints a referee or examiner to 60416
conduct the hearing, the referee or examiner, not later than ten 60417
days after the date the referee or examiner receives a transcript 60418
of the testimony and evidence presented at the hearing or, if the 60419
referee or examiner does not receive the transcript or no such 60420
transcript is made, the date that the referee or examiner closes 60421
the record of the hearing, shall submit to the director a written 60422
report setting forth the referee or examiner's findings of fact 60423
and conclusions of law and a recommendation of the action the 60424
director should take. 60425

(iii) The provider may, not later than five days after the 60426
date the director, in accordance with section 119.09 of the 60427
Revised Code, sends the provider or the provider's attorney or 60428
other representative of record a copy of the referee or examiner's 60429
report and recommendation, file with the director written 60430
objections to the report and recommendation. 60431

(iv) The director shall approve, modify, or disapprove the 60432
referee or examiner's report and recommendation not earlier than 60433

six days, and not later than fifteen days, after the date the director, in accordance with section 119.09 of the Revised Code, sends a copy of the report and recommendation to the provider or the provider's attorney or other representative of record.

(3) The director may lift an order issued under division (D)(1) of this section even though a hearing regarding the order is occurring or pending if the director determines that the provider has taken action eliminating the good cause for issuing the order. The hearing shall proceed unless the provider withdraws the request for the hearing in a written letter to the director.

(4) The director shall lift an order issued under division (D)(1) of this section if both of the following are the case:

(a) The provider provides the director a plan of compliance the director determines is acceptable.

(b) The director determines that the provider has implemented the plan of compliance correctly.

Sec. 5123.167. If the director of developmental disabilities issues an adjudication order under section 5123.166 of the Revised Code refusing to issue a supported living certificate to a person or government entity ~~or, refusing~~ to renew a person or government entity's supported living certificate, or revoking the person or government entity's supported living certificate, neither the person or government entity nor a related party of the person or government entity may apply for another supported living certificate earlier than the date that is ~~one year~~ five years after the date the order is issued. If a person or government entity's authority to provide medicaid-funded supported living is revoked or renewal of the authority is refused pursuant to section 5123.1610 of the Revised Code, neither the person or government entity nor a related party of the person or government entity may apply for authority to provide medicaid-funded supported living

again earlier than the date this is five years after the date the 60465
authority is revoked or expired. 60466

~~If the director issues an adjudication order under that~~ 60467
~~section revoking a person or government entity's supported living~~ 60468
~~certificate, neither the person or government entity nor a related~~ 60469
~~party of the person or government entity may apply for another~~ 60470
~~supported living certificate earlier than the date that is five~~ 60471
~~years after the date the order is issued.~~ 60472

Sec. 5123.169. (A) The director of developmental disabilities 60473
shall not issue a supported living certificate to an applicant or 60474
renew an applicant's supported living certificate if either of the 60475
following applies: 60476

(1) The applicant fails to comply with division (C)(2) of 60477
this section; 60478

(2) Except as provided in rules adopted under section 60479
~~5123.1610~~ 5123.1611 of the Revised Code, the applicant is found by 60480
a criminal records check required by this section to have been 60481
convicted of, pleaded guilty to, or been found eligible for 60482
intervention in lieu of conviction for a disqualifying offense. 60483

(B) Before issuing a supported living certificate to an 60484
applicant or renewing an applicant's supported living certificate, 60485
the director shall require the applicant to submit a statement 60486
with the applicant's signature attesting that the applicant has 60487
not been convicted of, pleaded guilty to, or been found eligible 60488
for intervention in lieu of conviction for a disqualifying 60489
offense. The director also shall require the applicant to sign an 60490
agreement under which the applicant agrees to notify the director 60491
within fourteen calendar days if, while holding a supported living 60492
certificate, the applicant is formally charged with, is convicted 60493
of, pleads guilty to, or is found eligible for intervention in 60494
lieu of conviction for a disqualifying offense. The agreement 60495

shall provide that the applicant's failure to provide the 60496
notification may result in action being taken by the director 60497
against the applicant under section 5123.166 of the Revised Code. 60498

(C)(1) As a condition of receiving a supported living 60499
certificate or having a supported living certificate renewed, an 60500
applicant shall request the superintendent of the bureau of 60501
criminal identification and investigation to conduct a criminal 60502
records check of the applicant. If an applicant does not present 60503
proof to the director that the applicant has been a resident of 60504
this state for the five-year period immediately prior to the date 60505
that the applicant applies for issuance or renewal of the 60506
supported living certificate, the director shall require the 60507
applicant to request that the superintendent obtain information 60508
from the federal bureau of investigation as a part of the criminal 60509
records check. If the applicant presents proof to the director 60510
that the applicant has been a resident of this state for that 60511
five-year period, the director may require the applicant to 60512
request that the superintendent include information from the 60513
federal bureau of investigation in the criminal records check. For 60514
purposes of this division, an applicant may provide proof of 60515
residency in this state by presenting, with a notarized statement 60516
asserting that the applicant has been a resident of this state for 60517
that five-year period, a valid driver's license, notification of 60518
registration as an elector, a copy of an officially filed federal 60519
or state tax form identifying the applicant's permanent residence, 60520
or any other document the director considers acceptable. 60521

(2) Each applicant shall do all of the following: 60522

(a) Obtain a copy of the form prescribed pursuant to division 60523
(C)(1) of section 109.572 of the Revised Code and a standard 60524
impression sheet prescribed pursuant to division (C)(2) of section 60525
109.572 of the Revised Code; 60526

(b) Complete the form and provide the applicant's fingerprint 60527

impressions on the standard impression sheet; 60528

(c) Forward the completed form and standard impression sheet 60529
to the superintendent at the time the criminal records check is 60530
requested; 60531

(d) Instruct the superintendent to submit the completed 60532
report of the criminal records check directly to the director; 60533

(e) Pay to the bureau of criminal identification and 60534
investigation the fee prescribed pursuant to division (C)(3) of 60535
section 109.572 of the Revised Code for each criminal records 60536
check of the applicant requested and conducted pursuant to this 60537
section. 60538

(D) The director may request any other state or federal 60539
agency to supply the director with a written report regarding the 60540
criminal record of an applicant. The director may consider the 60541
reports when determining whether to issue a supported living 60542
certificate to the applicant or to renew an applicant's supported 60543
living certificate. 60544

(E) An applicant who seeks to be an independent provider or 60545
is an independent provider seeking renewal of the applicant's 60546
supported living certificate shall obtain the applicant's driving 60547
record from the bureau of motor vehicles and provide a copy of the 60548
record to the director if the supported living that the applicant 60549
will provide involves transporting individuals with mental 60550
retardation or developmental disabilities. The director may 60551
consider the applicant's driving record when determining whether 60552
to issue the applicant a supported living certificate or to renew 60553
the applicant's supported living certificate. 60554

(F)(1) A report obtained pursuant to this section is not a 60555
public record for purposes of section 149.43 of the Revised Code 60556
and shall not be made available to any person, other than the 60557
following: 60558

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|---|---|
| (a) The applicant who is the subject of the report or the applicant's representative; | 60559 60560 |
| (b) The director or the director's representative; | 60561 |
| (c) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following: | 60562 60563 |
| (i) The denial of a supported living certificate or refusal to renew a supported living certificate; | 60564 60565 |
| (ii) The denial, suspension, or revocation of a certificate under section 5123.45 of the Revised Code; | 60566 60567 |
| (iii) A civil or criminal action regarding the medicaid program. | 60568 60569 |
| (2) An applicant for whom the director has obtained reports under this section may submit a written request to the director to have copies of the reports sent to any person or state or local government entity. The applicant shall specify in the request the person or entities to which the copies are to be sent. On receiving the request, the director shall send copies of the reports to the persons or entities specified. | 60570 60571 60572 60573 60574 60575 60576 |
| (3) The director may request that a person or state or local government entity send copies to the director of any report regarding a records check or criminal records check that the person or entity possesses, if the director obtains the written consent of the individual who is the subject of the report. | 60577 60578 60579 60580 60581 |
| (4) The director shall provide each applicant with a copy of any report obtained about the applicant under this section. | 60582 60583 |
| <u>Sec. 5123.1610. (A) Both of the following apply if the department of medicaid, pursuant to section 5164.38 of the Revised Code, terminates or refuses to revalidate a provider agreement that authorizes a person or government entity to provide supported living under the medicaid program:</u> | 60584 60585 60586 60587 60588 |

(1) In the case of a terminated provider agreement, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement is terminated. 60589
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(2) In the case of a provider agreement that expires because the department of medicaid refuses to revalidate it, the person or government entity's authority to provide medicaid-funded supported living under a supported living certificate is automatically revoked on the date that the provider agreement expires, unless the expiration date of the provider agreement is the same as the expiration date of the supported living certificate, in which case the director of developmental disabilities shall refuse to renew the person or government entity's authority to provide medicaid-funded supported living under the certificate. 60594
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(B) The director of developmental disabilities is not required to issue an adjudication order in accordance with Chapter 119. of the Revised Code to do either of the following pursuant to this section: 60604
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(1) Revoke a person or government entity's authority to provide medicaid-funded supported living; 60608
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(2) Refuse to renew a person or government entity's authority to provide medicaid-funded supported living. 60610
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(C) This section does not affect a person or government entity's authority to provide nonmedicaid-funded supported living under a supported living certificate. 60612
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Sec. ~~5123.1610~~ 5123.1611. The director of developmental disabilities shall adopt rules under Chapter 119. of the Revised Code establishing all of the following: 60615
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(A) The extent to which a county board of developmental 60618

disabilities may provide supported living; 60619

(B) The application process for obtaining a supported living certificate under section 5123.161 of the Revised Code; 60620
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(C) The certification standards a person or government entity must meet to obtain a supported living certificate to provide supported living; 60622
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(D) The certification fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code; 60625
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(E) The period of time a supported living certificate is valid; 60628
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(F) The process for renewing a supported living certificate under section 5123.164 of the Revised Code; 60630
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(G) The renewal fee for a supported living certificate, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code; 60632
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(H) Procedures for conducting surveys under section 5123.162 of the Revised Code; 60635
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(I) Procedures for determining whether there is good cause to take action under section 5123.166 of the Revised Code against a person or government entity seeking or holding a supported living certificate; 60637
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(J) Circumstances under which the director may issue a supported living certificate to an applicant or renew an applicant's supported living certificate if the applicant is found by a criminal records check required by section 5123.169 of the Revised Code to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense but meets standards in regard to rehabilitation set by the director. 60641
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Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of the Revised Code:

(1) "Independent living arrangement" means an arrangement in which a mentally retarded or developmentally disabled person resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(3) "Political subdivision" means a municipal corporation, county, or township.

(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with mental retardation or a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code; 60679
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(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code; 60681
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(iv) A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living. 60683
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(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, 5119.33, or division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code. 60686
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(C) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered. 60692
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(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, the director may deny issuance of a license, refuse to renew a license, terminate a license, revoke a license, issue an order for the suspension of admissions to a facility, issue an 60704
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order for the placement of a monitor at a facility, issue an order 60710
for the immediate removal of residents, or take any other action 60711
the director considers necessary consistent with the director's 60712
authority under this chapter regarding residential facilities. In 60713
the director's selection and administration of the sanction to be 60714
imposed, all of the following apply: 60715

(1) The director may deny, refuse to renew, or revoke a 60716
license, if the director determines that the applicant or licensee 60717
has demonstrated a pattern of serious noncompliance or that a 60718
violation creates a substantial risk to the health and safety of 60719
residents of a residential facility. 60720

(2) The director may terminate a license if more than twelve 60721
consecutive months have elapsed since the residential facility was 60722
last occupied by a resident or a notice required by division 60723
~~(K)~~(J) of this section is not given. 60724

(3) The director may issue an order for the suspension of 60725
admissions to a facility for any violation that may result in 60726
sanctions under division (D)(1) of this section and for any other 60727
violation specified in rules adopted under division ~~(H)~~(G)(2) of 60728
this section. If the suspension of admissions is imposed for a 60729
violation that may result in sanctions under division (D)(1) of 60730
this section, the director may impose the suspension before 60731
providing an opportunity for an adjudication under Chapter 119. of 60732
the Revised Code. The director shall lift an order for the 60733
suspension of admissions when the director determines that the 60734
violation that formed the basis for the order has been corrected. 60735

(4) The director may order the placement of a monitor at a 60736
residential facility for any violation specified in rules adopted 60737
under division ~~(H)~~(G)(2) of this section. The director shall lift 60738
the order when the director determines that the violation that 60739
formed the basis for the order has been corrected. 60740

~~(5) If the director determines that two or more residential facilities owned or operated by the same person or government entity are not being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, and the director's findings are based on the same or a substantially similar action, practice, circumstance, or incident that creates a substantial risk to the health and safety of the residents, the director shall conduct a survey as soon as practicable at each residential facility owned or operated by that person or government entity. The director may take any action authorized by this section with respect to any facility found to be operating in violation of a provision of this chapter that applies to residential facilities or the rules adopted under such a provision.~~

~~(6)~~ When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. The Except in the case of a licensee that is an ICF/IID, the county board shall send a copy of the letter to each of the following:

- (a) Each resident who receives services from the licensee;
- (b) The guardian of each resident who receives services from the licensee if the resident has a guardian;
- (c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

~~(7)~~(6) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the

immediate removal of residents from a residential facility 60772
whenever conditions at the facility present an immediate danger of 60773
physical or psychological harm to the residents. 60774

~~(8)~~(7) In determining whether a residential facility is being 60775
operated in compliance with a provision of this chapter that 60776
applies to residential facilities or the rules adopted under such 60777
a provision, or whether conditions at a residential facility 60778
present an immediate danger of physical or psychological harm to 60779
the residents, the director may rely on information obtained by a 60780
county board of developmental disabilities or other governmental 60781
agencies. 60782

~~(9)~~(8) In proceedings initiated to deny, refuse to renew, or 60783
revoke licenses, the director may deny, refuse to renew, or revoke 60784
a license regardless of whether some or all of the deficiencies 60785
that prompted the proceedings have been corrected at the time of 60786
the hearing. 60787

~~(E) The director shall establish a program under which public 60788
notification may be made when the director has initiated license 60789
revocation proceedings or has issued an order for the suspension 60790
of admissions, placement of a monitor, or removal of residents. 60791
The director shall adopt rules in accordance with Chapter 119. of 60792
the Revised Code to implement this division. The rules shall 60793
establish the procedures by which the public notification will be 60794
made and specify the circumstances for which the notification must 60795
be made. The rules shall require that public notification be made 60796
if the director has taken action against the facility in the 60797
eighteen-month period immediately preceding the director's latest 60798
action against the facility and the latest action is being taken 60799
for the same or a substantially similar violation of a provision 60800
of this chapter that applies to residential facilities or the 60801
rules adopted under such a provision. The rules shall specify a 60802
method for removing or amending the public notification if the 60803~~

~~director's action is found to have been unjustified or the~~ 60804
~~violation at the residential facility has been corrected.~~ 60805

~~(F)~~(1) Except as provided in division ~~(F)~~(E)(2) of this 60806
section, appeals from proceedings initiated to impose a sanction 60807
under division (D) of this section shall be conducted in 60808
accordance with Chapter 119. of the Revised Code. 60809

(2) Appeals from proceedings initiated to order the 60810
suspension of admissions to a facility shall be conducted in 60811
accordance with Chapter 119. of the Revised Code, unless the order 60812
was issued before providing an opportunity for an adjudication, in 60813
which case all of the following apply: 60814

(a) The licensee may request a hearing not later than ten 60815
days after receiving the notice specified in section 119.07 of the 60816
Revised Code. 60817

(b) If a timely request for a hearing that includes the 60818
licensee's current address is made, the hearing shall commence not 60819
later than thirty days after the department receives the request. 60820

(c) After commencing, the hearing shall continue 60821
uninterrupted, except for Saturdays, Sundays, and legal holidays, 60822
unless other interruptions are agreed to by the licensee and the 60823
director. 60824

(d) If the hearing is conducted by a hearing examiner, the 60825
hearing examiner shall file a report and recommendations not later 60826
than ten days after the last of the following: 60827

(i) The close of the hearing; 60828

(ii) If a transcript of the proceedings is ordered, the 60829
hearing examiner receives the transcript; 60830

(iii) If post-hearing briefs are timely filed, the hearing 60831
examiner receives the briefs. 60832

(e) A copy of the written report and recommendation of the 60833

hearing examiner shall be sent, by certified mail, to the licensee 60834
and the licensee's attorney, if applicable, not later than five 60835
days after the report is filed. 60836

(f) Not later than five days after the hearing examiner files 60837
the report and recommendations, the licensee may file objections 60838
to the report and recommendations. 60839

(g) Not later than fifteen days after the hearing examiner 60840
files the report and recommendations, the director shall issue an 60841
order approving, modifying, or disapproving the report and 60842
recommendations. 60843

(h) Notwithstanding the pendency of the hearing, the director 60844
shall lift the order for the suspension of admissions when the 60845
director determines that the violation that formed the basis for 60846
the order has been corrected. 60847

~~(G)~~(F) Neither a person or government agency whose 60848
application for a license to operate a residential facility is 60849
denied nor a related party of the person or government agency may 60850
apply for a license to operate a residential facility before the 60851
date that is ~~one year~~ five years after the date of the denial. 60852
Neither a licensee whose residential facility license is revoked 60853
nor a related party of the licensee may apply for a residential 60854
facility license before the date that is five years after the date 60855
of the revocation. 60856

~~(H)~~(G) In accordance with Chapter 119. of the Revised Code, 60857
the director shall adopt and may amend and rescind rules for 60858
licensing and regulating the operation of residential facilities. 60859
The rules for residential facilities that are ICFs/IID may differ 60860
from those for other residential facilities. The rules shall 60861
establish and specify the following: 60862

(1) Procedures and criteria for issuing and renewing 60863
licenses, including procedures and criteria for determining the 60864

length of the licensing period that the director must specify for 60865
each license when it is issued or renewed; 60866

(2) Procedures and criteria for denying, refusing to renew, 60867
terminating, and revoking licenses and for ordering the suspension 60868
of admissions to a facility, placement of a monitor at a facility, 60869
and the immediate removal of residents from a facility; 60870

(3) Fees for issuing and renewing licenses, which shall be 60871
deposited into the program fee fund created under section 5123.033 60872
of the Revised Code; 60873

(4) Procedures for surveying residential facilities; 60874

~~(5) Requirements for the training of residential facility 60875
personnel; 60876~~

~~(6) Classifications for the various types of residential 60877
facilities; 60878~~

~~(7) Certification procedures for licensees and management 60879
contractors that the director determines are necessary to ensure 60880
that they have the skills and qualifications to properly operate 60881
or manage residential facilities; 60882~~

~~(8)~~(6) The maximum number of persons who may be served in a 60883
particular type of residential facility; 60884

~~(9)~~(7) Uniform procedures for admission of persons to and 60885
transfers and discharges of persons from residential facilities; 60886

~~(10)~~(8) Other standards for the operation of residential 60887
facilities and the services provided at residential facilities; 60888

~~(11)~~(9) Procedures for waiving any provision of any rule 60889
adopted under this section. 60890

~~(I)~~(H)(1) Before issuing a license, the director shall 60891
conduct a survey of the residential facility for which application 60892
is made. The director shall conduct a survey of each licensed 60893
residential facility at least once during the period the license 60894

is valid and may conduct additional inspections as needed. A 60895
survey includes but is not limited to an on-site examination and 60896
evaluation of the residential facility, its personnel, and the 60897
services provided there. The director may assign to a county board 60898
of developmental disabilities or the department of health the 60899
responsibility to conduct any survey or inspection under this 60900
section. 60901

(2) In conducting surveys, the director shall be given access 60902
to the residential facility; all records, accounts, and any other 60903
documents related to the operation of the facility; the licensee; 60904
the residents of the facility; and all persons acting on behalf 60905
of, under the control of, or in connection with the licensee. The 60906
licensee and all persons on behalf of, under the control of, or in 60907
connection with the licensee shall cooperate with the director in 60908
conducting the survey. 60909

(3) Following each survey, the director shall provide the 60910
licensee with a report listing the date of the survey, any 60911
citations issued as a result of the survey, and the statutes or 60912
rules that purportedly have been violated and are the bases of the 60913
citations. The director shall also do both of the following: 60914

(a) Specify a date by which the licensee may appeal any of 60915
the citations; 60916

(b) When appropriate, specify a timetable within which the 60917
licensee must submit a plan of correction describing how the 60918
problems specified in the citations will be corrected and, the 60919
date by which the licensee anticipates the problems will be 60920
corrected. 60921

(4) If the director initiates a proceeding to revoke a 60922
license, the director shall include the report required by 60923
division ~~(I)~~(H)(3) of this section with the notice of the proposed 60924
revocation the director sends to the licensee. In this 60925

circumstance, the licensee may not submit a plan of correction. 60926

(5) After a plan of correction is submitted, the director 60927
shall approve or disapprove the plan. If the plan of correction is 60928
approved, a copy of the approved plan shall be provided, not later 60929
than five business days after it is approved, to any person or 60930
government entity who requests it and made available on the 60931
internet web site maintained by the department of developmental 60932
disabilities. If the plan of correction is not approved and the 60933
director initiates a proceeding to revoke the license, a copy of 60934
the survey report shall be provided to any person or government 60935
entity that requests it and shall be made available on the 60936
internet web site maintained by the department. 60937

(6) The director shall initiate disciplinary action against 60938
any department employee who notifies or causes the notification to 60939
any unauthorized person of an unannounced survey of a residential 60940
facility by an authorized representative of the department. 60941

~~(J)~~(I) In addition to any other information which may be 60942
required of applicants for a license pursuant to this section, the 60943
director shall require each applicant to provide a copy of an 60944
approved plan for a proposed residential facility pursuant to 60945
section 5123.042 of the Revised Code. This division does not apply 60946
to renewal of a license or to an applicant for an initial or 60947
modified license who meets the requirements of section 5123.197 of 60948
the Revised Code. 60949

~~(K)~~(J)(1) A licensee shall notify the owner of the building 60950
in which the licensee's residential facility is located of any 60951
significant change in the identity of the licensee or management 60952
contractor before the effective date of the change if the licensee 60953
is not the owner of the building. 60954

(2) Pursuant to rules, which shall be adopted in accordance 60955
with Chapter 119. of the Revised Code, the director may require 60956

notification to the department of any significant change in the 60957
ownership of a residential facility or in the identity of the 60958
licensee or management contractor. If the director determines that 60959
a significant change of ownership is proposed, the director shall 60960
consider the proposed change to be an application for development 60961
by a new operator pursuant to section 5123.042 of the Revised Code 60962
and shall advise the applicant within sixty days of the 60963
notification that the current license shall continue in effect or 60964
a new license will be required pursuant to this section. If the 60965
director requires a new license, the director shall permit the 60966
facility to continue to operate under the current license until 60967
the new license is issued, unless the current license is revoked, 60968
refused to be renewed, or terminated in accordance with Chapter 60969
119. of the Revised Code. 60970

(3) A licensee shall transfer to the new licensee or 60971
management contractor all records related to the residents of the 60972
facility following any significant change in the identity of the 60973
licensee or management contractor. 60974

~~(L)~~(K) A county board of developmental disabilities and any 60975
interested person may file complaints alleging violations of 60976
statute or department rule relating to residential facilities with 60977
the department. All complaints shall ~~be in writing and shall~~ state 60978
the facts constituting the basis of the allegation. The department 60979
shall not reveal the source of any complaint unless the 60980
complainant agrees in writing to waive the right to 60981
confidentiality or until so ordered by a court of competent 60982
jurisdiction. 60983

The department shall adopt rules in accordance with Chapter 60984
119. of the Revised Code establishing procedures for the receipt, 60985
referral, investigation, and disposition of complaints filed with 60986
the department under this division. 60987

~~(M) The department shall establish procedures for the 60988~~

~~notification of interested parties of the transfer or interim care 60989
of residents from residential facilities that are closing or are 60990
losing their license. 60991~~

~~(N)(L)~~ Before issuing a license under this section to a 60992
residential facility that will accommodate at any time more than 60993
one mentally retarded or developmentally disabled individual, the 60994
director shall, by first class mail, notify the following: 60995

(1) If the facility will be located in a municipal 60996
corporation, the clerk of the legislative authority of the 60997
municipal corporation; 60998

(2) If the facility will be located in unincorporated 60999
territory, the clerk of the appropriate board of county 61000
commissioners and the fiscal officer of the appropriate board of 61001
township trustees. 61002

The director shall not issue the license for ten days after 61003
mailing the notice, excluding Saturdays, Sundays, and legal 61004
holidays, in order to give the notified local officials time in 61005
which to comment on the proposed issuance. 61006

Any legislative authority of a municipal corporation, board 61007
of county commissioners, or board of township trustees that 61008
receives notice under this division of the proposed issuance of a 61009
license for a residential facility may comment on it in writing to 61010
the director within ten days after the director mailed the notice, 61011
excluding Saturdays, Sundays, and legal holidays. If the director 61012
receives written comments from any notified officials within the 61013
specified time, the director shall make written findings 61014
concerning the comments and the director's decision on the 61015
issuance of the license. If the director does not receive written 61016
comments from any notified local officials within the specified 61017
time, the director shall continue the process for issuance of the 61018
license. 61019

~~(O)~~(M) Any person may operate a licensed residential facility 61020
that provides room and board, personal care, habilitation 61021
services, and supervision in a family setting for at least six but 61022
not more than eight persons with mental retardation or a 61023
developmental disability as a permitted use in any residential 61024
district or zone, including any single-family residential district 61025
or zone, of any political subdivision. These residential 61026
facilities may be required to comply with area, height, yard, and 61027
architectural compatibility requirements that are uniformly 61028
imposed upon all single-family residences within the district or 61029
zone. 61030

~~(P)~~(N) Any person may operate a licensed residential facility 61031
that provides room and board, personal care, habilitation 61032
services, and supervision in a family setting for at least nine 61033
but not more than sixteen persons with mental retardation or a 61034
developmental disability as a permitted use in any multiple-family 61035
residential district or zone of any political subdivision, except 61036
that a political subdivision that has enacted a zoning ordinance 61037
or resolution establishing planned unit development districts may 61038
exclude these residential facilities from those districts, and a 61039
political subdivision that has enacted a zoning ordinance or 61040
resolution may regulate these residential facilities in 61041
multiple-family residential districts or zones as a conditionally 61042
permitted use or special exception, in either case, under 61043
reasonable and specific standards and conditions set out in the 61044
zoning ordinance or resolution to: 61045

(1) Require the architectural design and site layout of the 61046
residential facility and the location, nature, and height of any 61047
walls, screens, and fences to be compatible with adjoining land 61048
uses and the residential character of the neighborhood; 61049

(2) Require compliance with yard, parking, and sign 61050
regulation; 61051

(3) Limit excessive concentration of these residential facilities. 61052
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~~(Q)~~(O) This section does not prohibit a political subdivision from applying to residential facilities nondiscriminatory regulations requiring compliance with health, fire, and safety regulations and building standards and regulations. 61054
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~~(R)~~(P) Divisions ~~(O)~~ and ~~(P)~~(M) and (N) of this section are not applicable to municipal corporations that had in effect on June 15, 1977, an ordinance specifically permitting in residential zones licensed residential facilities by means of permitted uses, conditional uses, or special exception, so long as such ordinance remains in effect without any substantive modification. 61058
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~~(S)~~(O)(1) The director may issue an interim license to operate a residential facility to an applicant for a license under this section if either of the following is the case: 61064
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(a) The director determines that an emergency exists requiring immediate placement of persons in a residential facility, that insufficient licensed beds are available, and that the residential facility is likely to receive a permanent license under this section within thirty days after issuance of the interim license. 61067
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(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 61073
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 61076
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred 61081
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~~fifty~~ eighty days. 61083

(4) The director shall adopt rules in accordance with Chapter 61084
119. of the Revised Code as the director considers necessary to 61085
administer the issuance of interim licenses. 61086

~~(P)~~(R) Notwithstanding rules adopted pursuant to this section 61087
establishing the maximum number of persons who may be served in a 61088
particular type of residential facility, a residential facility 61089
shall be permitted to serve the same number of persons being 61090
served by the facility on the effective date of the rules or the 61091
number of persons for which the facility is authorized pursuant to 61092
a current application for a certificate of need with a letter of 61093
support from the department of developmental disabilities and 61094
which is in the review process prior to April 4, 1986. 61095

This division does not preclude the department from 61096
suspending new admissions to a residential facility pursuant to a 61097
written order issued under section 5124.70 of the Revised Code. 61098

~~(U)~~(S) The director may enter at any time, for purposes of 61099
investigation, any home, facility, or other structure that has 61100
been reported to the director or that the director has reasonable 61101
cause to believe is being operated as a residential facility 61102
without a license issued under this section. 61103

The director may petition the court of common pleas of the 61104
county in which an unlicensed residential facility is located for 61105
an order enjoining the person or governmental agency operating the 61106
facility from continuing to operate without a license. The court 61107
may grant the injunction on a showing that the person or 61108
governmental agency named in the petition is operating a 61109
residential facility without a license. The court may grant the 61110
injunction, regardless of whether the residential facility meets 61111
the requirements for receiving a license under this section. 61112

Sec. 5123.196. (A) Except as provided in division (E) of this 61113
section, the director of developmental disabilities shall not 61114
issue a license under section 5123.19 of the Revised Code on or 61115
after July 1, 2003, if issuance will result in there being more 61116
beds in all residential facilities licensed under that section 61117
than is permitted under division (B) of this section. 61118

(B) The maximum number of beds for the purpose of division 61119
(A) of this section shall not exceed ten thousand eight hundred 61120
thirty-eight minus, except as provided in division (C) of this 61121
section, both of the following: 61122

(1) The number of such beds that cease to be residential 61123
facility beds on or after July 1, 2003, because a residential 61124
facility license is revoked, terminated, or not renewed for any 61125
reason or is surrendered in accordance with section 5123.19 of the 61126
Revised Code; 61127

(2) The number of such beds for which a licensee voluntarily 61128
converts to use for supported living on or after July 1, 2003. 61129

(C) The director is not required to reduce the maximum number 61130
of beds pursuant to division (B) of this section by a bed that 61131
ceases to be a residential facility bed if the director determines 61132
that the bed is needed to provide services to an individual with 61133
mental retardation or a developmental disability who resided in 61134
the residential facility in which the bed was located. 61135

(D) The director shall maintain an up-to-date written record 61136
of the maximum number of residential facility beds provided for by 61137
division (B) of this section. 61138

(E) The director may issue an interim license under division 61139
~~(S)~~(Q) of section 5123.19 of the Revised Code and issue, pursuant 61140
to rules adopted under division ~~(H)~~~~(11)~~(G)(9) of that section, a 61141
waiver allowing a residential facility to admit more residents 61142

than the facility is licensed to admit regardless of whether the 61143
interim license or waiver will result in there being more beds in 61144
all residential facilities licensed under that section than is 61145
permitted under division (B) of this section. 61146

Sec. 5123.198. (A) As used in this section, "date of the 61147
commitment" means the date that an individual specified in 61148
division (B) of this section begins to reside in a state-operated 61149
ICF/IID after being committed to the ICF/IID pursuant to sections 61150
5123.71 to 5123.76 of the Revised Code. 61151

(B) Except as provided in division (C) of this section, 61152
whenever a resident of a residential facility is committed to a 61153
state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of 61154
the Revised Code, the department of developmental disabilities, 61155
pursuant to an adjudication order issued in accordance with 61156
Chapter 119. of the Revised Code, shall reduce by one the number 61157
of residents for which the residential facility in which the 61158
resident resided is licensed. 61159

(C) The department shall not reduce under division (B) of 61160
this section the number of residents for which a residential 61161
facility is licensed if any of the following are the case: 61162

(1) The resident of the residential facility who is committed 61163
to a state-operated ICF/IID resided in the residential facility 61164
because of the closure, on or after June 26, 2003, of another 61165
state-operated ICF/IID; 61166

(2) The residential facility admits within ninety days of the 61167
date of the commitment an individual who resides on the date of 61168
the commitment in a state-operated ICF/IID or another residential 61169
facility; 61170

(3) The department fails to do either of the following within 61171
ninety days of the date of the commitment: 61172

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| (a) Identify an individual to whom all of the following applies: | 61173 61174 |
| (i) Resides on the date of the commitment in a state-operated ICF/IID or another residential facility; | 61175 61176 |
| (ii) Has indicated to the department an interest in relocating to the residential facility or has a parent or guardian who has indicated to the department an interest for the individual to relocate to the residential facility; | 61177 61178 61179 61180 |
| (iii) The department determines the individual has needs that the residential facility can meet. | 61181 61182 |
| (b) Provide the residential facility with information about the individual identified under division (C)(2)(a) of this section that the residential facility needs in order to determine whether the facility can meet the individual's needs. | 61183 61184 61185 61186 |
| (4) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and except as provided in division (D) of this section, the residential facility does all of the following not later than ninety days after the date of the commitment: | 61187 61188 61189 61190 61191 61192 |
| (a) Evaluates the information provided by the department; | 61193 |
| (b) Assesses the identified individual's needs; | 61194 |
| (c) Determines that the residential facility cannot meet the identified individual's needs. | 61195 61196 |
| (5) If the department completes the actions specified in divisions (C)(3)(a) and (b) of this section not later than ninety days after the date of the commitment and the residential facility determines that the residential facility can meet the identified individual's needs, the individual, or a parent or guardian of the individual, refuses placement in the residential facility. | 61197 61198 61199 61200 61201 61202 |

(D) The department may reduce under division (B) of this section the number of residents for which a residential facility is licensed even though the residential facility completes the actions specified in division (C)(4) of this section not later than ninety days after the date of the commitment if all of the following are the case:

(1) The department disagrees with the residential facility's determination that the residential facility cannot meet the identified individual's needs.

(2) The department issues a written decision pursuant to the uniform procedures for admissions, transfers, and discharges established by rules adopted under division ~~(H)(9)~~(G)(7) of section 5123.19 of the Revised Code that the residential facility should admit the identified individual.

(3) After the department issues the written decision specified in division (D)(2) of this section, the residential facility refuses to admit the identified individual.

(E) A residential facility that admits, refuses to admit, transfers, or discharges a resident under this section shall comply with the uniform procedures for admissions, transfers, and discharges established by rules adopted under division ~~(H)(9)~~(G)(7) of section 5123.19 of the Revised Code.

Sec. 5123.376. (A) As used in this section:

(1) "Medicaid-certified capacity" has the same meaning as in section 5124.01 of the Revised Code.

(2) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.

(B)(1) The director of developmental disabilities may change the terms of an agreement entered into with a county board of developmental disabilities or private, nonprofit agency pursuant

to section 5123.36 of the Revised Code or other statutory 61233
authority in effect before July 1, 1980, regarding the 61234
construction, acquisition, or renovation of a residential facility 61235
if all of the following apply: 61236

(a) The agreement was entered into during the period 61237
beginning January 1, 1975, and ending December 31, 1984. 61238

(b) The agreement requires the county board or private, 61239
nonprofit agency to use the residential facility as a residential 61240
facility for at least forty years. 61241

(c) The residential facility is an ICF/IID and, before the 61242
conversion specified in division (B)(1)(d) of this section, the 61243
ICF/IID had a medicaid-certified capacity of at least sixteen. 61244

(d) The residential facility's operator converted at least 61245
fifty per cent of its medicaid-certified beds from providing 61246
ICF/IID services to providing home and community-based services in 61247
accordance with section 5124.60 or 5124.61 of the Revised Code. 61248

(e) The county board or private, nonprofit agency applies to 61249
the director for the change in the agreement's terms. 61250

(2) The terms of an agreement that may be changed pursuant to 61251
division (B)(1) of this section include terms regarding the length 61252
of time the residential facility must be used as a residential 61253
facility. 61254

(C) The director may authorize a county board or nonprofit, 61255
private agency not to repay the amount of an outstanding balance 61256
otherwise owed pursuant to an agreement entered into pursuant to 61257
section 5123.36 of the Revised Code or other statutory authority 61258
in effect before July 1, 1980, regarding the construction, 61259
acquisition, or renovation of a residential facility if all of the 61260
following apply: 61261

(1) The agreement was entered into during the period 61262

beginning January 1, 1975, and ending December 31, 1984. 61263

(2) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 61264
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(3) Before the conversion specified in division (C)(4) of this section, the residential facility was an ICF/IID with a medicaid-certified capacity of at least sixteen. 61267
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(4) The residential facility's operator converted all of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 61270
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(5) The county board or private, nonprofit agency applies to the director for forgiveness of the outstanding balance. 61274
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Sec. 5123.621. It is the intent of the general assembly that all individuals being served on the effective date of this section through the array of adult day services that exists on that date, including services delivered in a sheltered workshop, be fully informed of any new home and community-based services and their option to receive those services. It is also the intent of the general assembly that those individuals be permitted to continue receiving services in a variety of settings as long as those settings offer opportunities for community integration as described in their individual service plans. 61276
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Sec. 5123.86. (A) Except as provided in divisions (C), (D), and (E), and (F) of this section, the chief medical officer shall provide all information, including expected physical and medical consequences, necessary to enable any resident of an institution for the mentally retarded to give a fully informed, intelligent, and knowing consent if any of the following procedures are proposed: 61286
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| (1) Surgery; | 61293 |
| (2) Convulsive therapy; | 61294 |
| (3) Major aversive interventions; | 61295 |
| (4) Sterilization; | 61296 |
| (5)(3) Experimental procedures; | 61297 |
| (6) Any unusual or hazardous treatment procedures. | 61298 |
| (B) No resident shall be subjected to any of the procedures | 61299 |
| listed in division (A)(4), (5), or (6) of this section | 61300 |
| <u>sterilization</u> without the resident's informed consent. | 61301 |
| (C) If a resident is physically or mentally unable to receive | 61302 |
| the information required for surgery <u>or an experimental procedure</u> | 61303 |
| under division (A) (1) of this section, or has been adjudicated | 61304 |
| incompetent, the information may be provided to the resident's | 61305 |
| natural or court-appointed guardian, including an agency providing | 61306 |
| guardianship services under contract with the department of | 61307 |
| developmental disabilities under sections 5123.55 to 5123.59 of | 61308 |
| the Revised Code, who . <u>The guardian</u> may give the informed, | 61309 |
| intelligent, and knowing written consent for surgery <u>or the</u> | 61310 |
| <u>experimental procedure</u> . Consent for surgery shall not be provided | 61311 |
| by a guardian who is an officer or employee of the department of | 61312 |
| mental health and addiction services or the department of | 61313 |
| developmental disabilities. | 61314 |
| If a resident is physically or mentally unable to receive the | 61315 |
| information required for surgery <u>or an experimental procedure</u> | 61316 |
| under division (A) (1) of this section and has no guardian, then | 61317 |
| the information, the recommendation of the chief medical officer, | 61318 |
| and the concurring judgment of a licensed physician who is not a | 61319 |
| full-time employee of the state may be provided to the court in | 61320 |
| the county in which the institution is located, which . <u>The court</u> | 61321 |
| may approve the surgery <u>or experimental procedure</u> . Before | 61322 |

approving the surgery or experimental procedure, the court shall 61323
notify the Ohio protection and advocacy system created by section 61324
5123.60 of the Revised Code, and shall notify the resident of the 61325
resident's rights to consult with counsel, to have counsel 61326
appointed by the court if the resident is indigent, and to contest 61327
the recommendation of the chief medical officer. 61328

(D) If, in the judgment of two licensed physicians, delay in 61329
obtaining consent for surgery would create a grave danger to the 61330
health of a resident, emergency surgery may be performed without 61331
the consent of the resident if the necessary information is 61332
provided to the resident's guardian, including an agency providing 61333
guardianship services under contract with the department of 61334
developmental disabilities under sections 5123.55 to 5123.59 of 61335
the Revised Code, or to the resident's spouse or next of kin to 61336
enable that person or agency to give an informed, intelligent, and 61337
knowing written consent. 61338

If the guardian, spouse, or next of kin cannot be contacted 61339
through exercise of reasonable diligence, or if the guardian, 61340
spouse, or next of kin is contacted, but refuses to consent, then 61341
the emergency surgery may be performed upon the written 61342
authorization of the chief medical officer and after court 61343
approval has been obtained. However, if delay in obtaining court 61344
approval would create a grave danger to the life of the resident, 61345
the chief medical officer may authorize surgery, in writing, 61346
without court approval. If the surgery is authorized without court 61347
approval, the chief medical officer who made the authorization and 61348
the physician who performed the surgery shall each execute an 61349
affidavit describing the circumstances constituting the emergency 61350
and warranting the surgery and the circumstances warranting their 61351
not obtaining prior court approval. The affidavit shall be filed 61352
with the court with which the request for prior approval would 61353
have been filed within five court days after the surgery, and a 61354

copy of the affidavit shall be placed in the resident's file and 61355
shall be given to the guardian, spouse, or next of kin of the 61356
resident, to the hospital at which the surgery was performed, and 61357
to the Ohio protection and advocacy system created by section 61358
5123.60 of the Revised Code. 61359

~~(E)(1) If it is the judgment of two licensed physicians, as 61360
described in division (E)(2) of this section, that a medical 61361
emergency exists and delay in obtaining convulsive therapy creates 61362
a grave danger to the life of a resident who is both mentally 61363
retarded and mentally ill, convulsive therapy may be administered 61364
without the consent of the resident if the resident is physically 61365
or mentally unable to receive the information required for 61366
convulsive therapy and if the necessary information is provided to 61367
the resident's natural or court appointed guardian, including an 61368
agency providing guardianship services under contract with the 61369
department of developmental disabilities under sections 5123.55 to 61370
5123.59 of the Revised Code, or to the resident's spouse or next 61371
of kin to enable that person or agency to give an informed, 61372
intelligent, and knowing written consent. If neither the 61373
resident's guardian, spouse, nor next of kin can be contacted 61374
through exercise of reasonable diligence, or if the guardian, 61375
spouse, or next of kin is contacted, but refuses to consent, then 61376
convulsive therapy may be performed upon the written authorization 61377
of the chief medical officer and after court approval has been 61378
obtained. 61379~~

~~(2) The two licensed physicians referred to in division 61380
(E)(1) of this section shall not be associated with each other in 61381
the practice of medicine or surgery by means of a partnership or 61382
corporate arrangement, other business arrangement, or employment. 61383
At least one of the physicians shall be a psychiatrist as defined 61384
in division (E) of section 5122.01 of the Revised Code. 61385~~

~~(F) Major aversive interventions shall not be used unless a 61386~~

~~resident continues to engage in behavior destructive to self or 61387
others after other forms of therapy have been attempted. Major 61388
aversive interventions shall not be applied to a voluntary 61389
resident without the informed, intelligent, and knowing written 61390
consent of the resident or the resident's guardian, including an 61391
agency providing guardianship services under contract with the 61392
department of developmental disabilities under sections 5123.55 to 61393
5123.59 of the Revised Code. 61394~~

~~(G)(1) This chapter does not authorize any form of compulsory 61395
medical or psychiatric treatment of any resident who is being 61396
treated by spiritual means through prayer alone in accordance with 61397
a recognized religious method of healing. 61398~~

~~(2) For purposes of this section, "convulsive therapy" does 61399
not include defibrillation. 61400~~

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 1 61401
or peer group 2 that becomes a downsized ICF/IID or partially 61402
converted ICF/IID on or after July 1, 2013, or becomes a new 61403
ICF/IID on or after that date, may file with the department of 61404
developmental disabilities a cost report covering the period 61405
specified in division (B) of this section if the following applies 61406
to the ICF/IID: 61407

(1) In the case of an ICF/IID that becomes a downsized 61408
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 61409
the following on the day it becomes a downsized ICF/IID or 61410
partially converted ICF/IID: 61411

(a) A medicaid-certified capacity that is at least ten per 61412
cent less than its medicaid-certified capacity on the day 61413
immediately preceding the day it becomes a downsized ICF/IID or 61414
partially converted ICF/IID; 61415

(b) At least five fewer beds certified as ICF/IID beds than 61416

it has on the day immediately preceding the day it becomes a 61417
downsized ICF/IID or partially converted ICF/IID. 61418

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 61419
a downsized ICF/IID and the downsized ICF/IID has either of the 61420
following on the day it becomes a downsized ICF/IID: 61421

(a) A medicaid-certified capacity that is at least ten per 61422
cent less than its medicaid-certified capacity on the day 61423
immediately preceding the day it becomes a downsized ICF/IID; 61424

(b) At least five fewer beds certified as ICF/IID beds than 61425
it has on the day immediately preceding the day it becomes a 61426
downsized ICF/IID. 61427

(B) A cost report filed under division (A) of this section 61428
shall cover the period that begins and ends as follows: 61429

(1) In the case of an ICF/IID that becomes a downsized 61430
ICF/IID or partially converted ICF/IID: 61431

(a) The period begins with the day that the ICF/IID becomes a 61432
downsized ICF/IID or partially converted ICF/IID. 61433

(b) The period ends on the last day of the last month of the 61434
first three full months of operation as a downsized ICF/IID or 61435
partially converted ICF/IID. 61436

(2) In the case of a new ICF/IID: 61437

(a) The period begins with the day that the provider 61438
agreement for the ICF/IID takes effect. 61439

(b) The period ends on the last day of the last month of the 61440
first three full months that the provider agreement is in effect. 61441

(C) The department shall refuse to accept a cost report filed 61442
under division (A) of this section if either of the following 61443
apply: 61444

(1) Except as provided in division (E) of section 5124.10 of 61445

the Revised Code, the provider fails to file the cost report with 61446
the department not later than ninety days after the last day of 61447
the period the cost report covers; 61448

(2) The cost report is incomplete or inadequate. 61449

(D) If the department accepts a cost report filed under 61450
division (A) of this section, the department shall use that cost 61451
report, rather than the cost report that otherwise would be used 61452
pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the 61453
Revised Code, to determine the ICF/IID's medicaid payment rate in 61454
accordance with this chapter for ICF/IID services the ICF/IID 61455
provides during the period that begins and ends as follows: 61456

(1) The period begins on the following: 61457

(a) In the case of an ICF/IID that becomes a downsized 61458
ICF/IID or partially converted ICF/IID: 61459

(i) The day that the ICF/IID becomes a downsized ICF/IID or 61460
partially converted ICF/IID if that day is the first day of a 61461
month; 61462

(ii) The first day of the month immediately following the 61463
month that the ICF/IID becomes a downsized ICF/IID or partially 61464
converted ICF/IID if division (D)(1)(a)(i) of this section does 61465
not apply. 61466

(b) In the case of a new ICF/IID, the day that the ICF/IID's 61467
provider agreement takes effect. 61468

(2) The period ends on the last day of the fiscal year that 61469
immediately precedes the fiscal year for which the ICF/IID begins 61470
to be paid a rate determined using a cost report that division (E) 61471
of this section requires be filed in accordance with division (A) 61472
of section 5124.10 of the Revised Code. 61473

(E)(1) If the department accepts a cost report filed under 61474
division (A) of this section for an ICF/IID that becomes a 61475

downsized ICF/IID or partially converted ICF/IID on or before the 61476
first day of October of a calendar year, or for a new ICF/IID that 61477
has a provider agreement that takes effect on or before that date, 61478
the provider also shall file a cost report for the ICF/IID in 61479
accordance with division (A) of section 5124.10 of the Revised 61480
Code for the portion of that calendar year that the ICF/IID 61481
operated as a downsized ICF/IID or partially converted ICF/IID or, 61482
in the case of a new ICF/IID, for the portion that the provider 61483
agreement was in effect. 61484

(2) If the department accepts a cost report filed under 61485
division (A) of this section for an ICF/IID that becomes a 61486
downsized ICF/IID or partially converted ICF/IID after the first 61487
day of October of a calendar year, or for a new ICF/IID that has a 61488
provider agreement that takes effect ~~on or~~ after that date, the 61489
provider is not required to file a cost report for that calendar 61490
year in accordance with division (A) of section 5124.10 of the 61491
Revised Code. The provider shall file a cost report for the 61492
ICF/IID in accordance with division (A) of section 5124.10 of the 61493
Revised Code for the immediately following calendar year. 61494

(F) If the department accepts a cost report filed under 61495
division (A) of this section, the following modifications shall be 61496
made for the purpose of determining the medicaid payment rate for 61497
ICF/IID services the ICF/IID provides during the period specified 61498
in division (D) of this section: 61499

(1) In place of the annual average case mix score otherwise 61500
used in determining the ICF/IID's per medicaid day payment rate 61501
for direct care costs under division (A) of section 5124.19 of the 61502
Revised Code, the ICF/IID's case mix score in effect on the last 61503
day of the calendar quarter that ends during the period the cost 61504
report covers (or, if more than one calendar quarter ends during 61505
that period, the last of those calendar quarters) shall be used to 61506
determine the ICF/IID's per medicaid day payment rate for direct 61507

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| <u>care costs.</u> | 61508 |
| <u>(2) If the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID:</u> | 61509 |
| <u>(a) The ICF/IID shall not be subject to the limit on the costs of ownership per diem payment rate specified in divisions (B) and (C) of section 5124.17 of the Revised Code.</u> | 61511 |
| <u>(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code.</u> | 61512 |
| <u>(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless of whether the ICF/IID is in peer group 1 or peer group 2.</u> | 61513 |
| Sec. 5124.15. (A) Except as otherwise provided by <u>section 5124.101 of the Revised Code,</u> sections 5124.151 to 5124.154 <u>5124.155</u> of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following: | 61514 |
| (1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code; | 61515 |
| (2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.19 of the Revised Code; | 61516 |
| (3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised | 61517 |
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Code; 61538

(4) The per medicaid day payment rate for other protected 61539
costs determined for the ICF/IID under section 5124.23 of the 61540
Revised Code. 61541

(B) The total per medicaid day payment rate for an ICF/IID in 61542
peer group 3 shall not exceed the average total per medicaid day 61543
payment rate in effect on July 1, 2013, for developmental centers. 61544

(C) The department shall adjust the total rate otherwise 61545
determined under division (A) of this section as directed by the 61546
general assembly through the enactment of law governing medicaid 61547
payments to ICF/IID providers. 61548

(D) In addition to paying an ICF/IID provider the total rate 61549
determined for the provider's ICF/IID under divisions (A), (B), 61550
and (C) of this section for a fiscal year, the department, in 61551
accordance with section 5124.25 of the Revised Code, may pay the 61552
provider a rate add-on for pediatric ventilator-dependent outlier 61553
ICF/IID services if the rate add-on is to be paid under that 61554
section and the department approves the provider's application for 61555
the rate add-on. The rate add-on is not to be part of the 61556
ICF/IID's total rate. 61557

Sec. 5124.155. The total per medicaid day payment rate for 61558
ICF/IID services an ICF/IID in peer group 1 provides to a medicaid 61559
recipient who is admitted as a resident to the ICF/IID on or after 61560
July 1, 2015, and is placed in the chronic behaviors and typical 61561
adaptive needs classification or the typical adaptive needs and 61562
non-significant behaviors classification established for the 61563
grouper methodology prescribed in rules authorized by section 61564
5124.192 of the Revised Code shall be the lesser of the following: 61565

(A) The rate determined for the ICF/IID under section 5124.15 61566
of the Revised Code; 61567

(B) The following rate: 61568

(1) \$206.90 for ICF/IID services the ICF/IID provides to a 61569
medicaid recipient in the chronic behaviors and typical adaptive 61570
needs classification; 61571

(2) \$174.88 for ICF/IID services the ICF/IID provides to a 61572
medicaid recipient in the typical adaptive needs and 61573
non-significant behaviors classification. 61574

Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 61575
provider for the day a medicaid recipient is discharged from the 61576
ICF/IID, unless the recipient is discharged from the ICF/IID 61577
because all of the beds in the ICF/IID are converted from 61578
providing ICF/IID services to providing home and community-based 61579
services pursuant to section 5124.60 or 5124.61 of the Revised 61580
Code. 61581

Sec. 5124.60. (A) For the purpose of increasing the number of 61582
slots available for home and community-based services, the 61583
operator of an ICF/IID may convert some or all of the beds in the 61584
ICF/IID from providing ICF/IID services to providing home and 61585
community-based services if all of the following requirements are 61586
met: 61587

(1) The operator provides the directors of health and 61588
developmental disabilities at least ninety days' notice of the 61589
operator's intent to make the conversion. 61590

(2) The operator complies with the requirements of sections 61591
5124.50 to 5124.53 of the Revised Code regarding a voluntary 61592
termination if those requirements are applicable. 61593

(3) If the operator intends to convert all of the ICF/IID's 61594
beds, the operator notifies each of the ICF/IID's residents that 61595
the ICF/IID is to cease providing ICF/IID services and inform each 61596
resident that the resident may do either of the following: 61597

(a) Continue to receive ICF/IID services by transferring to 61598
another ICF/IID that is willing and able to accept the resident if 61599
the resident continues to qualify for ICF/IID services; 61600

(b) Begin to receive home and community-based services 61601
instead of ICF/IID services from any provider of home and 61602
community-based services that is willing and able to provide the 61603
services to the resident if the resident is eligible for the 61604
services and a slot for the services is available to the resident. 61605

(4) If the operator intends to convert some but not all of 61606
the ICF/IID's beds, the operator notifies each of the ICF/IID's 61607
residents that the ICF/IID is to convert some of its beds from 61608
providing ICF/IID services to providing home and community-based 61609
services and inform each resident that the resident may do either 61610
of the following: 61611

(a) Continue to receive ICF/IID services from any ICF/IID 61612
that is willing and able to provide the services to the resident 61613
if the resident continues to qualify for ICF/IID services; 61614

(b) Begin to receive home and community-based services 61615
instead of ICF/IID services from any provider of home and 61616
community-based services that is willing and able to provide the 61617
services to the resident if the resident is eligible for the 61618
services and a slot for the services is available to the resident. 61619

(5) The operator meets the requirements for providing home 61620
and community-based services, including the following: 61621

(a) Such requirements applicable to a residential facility if 61622
the operator maintains the facility's license as a residential 61623
facility; 61624

(b) Such requirements applicable to a facility that is not 61625
licensed as a residential facility if the operator surrenders the 61626
facility's license as a residential facility under section 5123.19 61627
of the Revised Code. 61628

(6) The director of developmental disabilities approves the conversion. 61629
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(B) A decision by the director of developmental disabilities to approve or refuse to approve a proposed conversion of beds is final. In making a decision, the director shall consider all of the following: 61631
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(1) The fiscal impact on the ICF/IID if some but not all of the beds are converted; 61635
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(2) The fiscal impact on the medicaid program; 61637

(3) The availability of home and community-based services. 61638

(C) The notice provided to the directors under division (A)(1) of this section shall specify whether some or all of the ICF/IID's beds are to be converted. If some but not all of the beds are to be converted, the notice shall specify how many of the ICF/IID's beds are to be converted and how many of the beds are to continue to provide ICF/IID services. The notice to the director of developmental disabilities shall specify whether the operator wishes to surrender the ICF/IID's license as a residential facility under section 5123.19 of the Revised Code. 61639
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(D)(1) If the director of developmental disabilities approves a conversion under division (B) of this section, the director of health shall do the following: 61648
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(a) Terminate the ICF/IID's medicaid certification if the notice specifies that all of the ICF/IID's beds are to be converted; 61651
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(b) Reduce the ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted. 61654
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(2) The director of health shall notify the medicaid director of the termination or reduction. On receipt of the notice, the 61657
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medicaid director shall do the following: 61659

(a) Terminate the operator's medicaid provider agreement that 61660
authorizes the operator to provide ICF/IID services at the ICF/IID 61661
if the ICF/IID's certification was terminated; 61662

(b) Amend the operator's medicaid provider agreement to 61663
reflect the ICF/IID's reduced medicaid-certified capacity if the 61664
ICF/IID's medicaid-certified capacity is reduced. 61665

~~(3) In the case of action taken under division (D)(2)(a) of~~ 61666
~~this section, the operator~~ The medicaid director is not entitled 61667
~~to notice or a hearing under~~ required to conduct an adjudication 61668
in accordance with Chapter 119. of the Revised Code ~~before the~~ 61669
~~medicaid director terminates the medicaid provider agreement~~ when 61670
taking action under division (D)(2) of this section. 61671

Sec. 5124.61. (A) For the purpose of increasing the number of 61672
slots available for home and community-based services, a person 61673
who acquires, through a request for proposals issued by the 61674
director of developmental disabilities, an ICF/IID for which a 61675
residential facility license was previously surrendered or revoked 61676
may convert some or all of the ICF/IID's beds from providing 61677
ICF/IID services to providing home and community-based services if 61678
all of the following requirements are met: 61679

(1) The person provides the directors of health and 61680
developmental disabilities and medicaid director at least ninety 61681
days' notice of the person's intent to make the conversion. 61682

(2) The person complies with the requirements of sections 61683
5124.50 to 5124.53 of the Revised Code regarding a voluntary 61684
termination if those requirements are applicable. 61685

(3) If the person intends to convert all of the ICF/IID's 61686
beds, the person notifies each of the ICF/IID's residents that the 61687
ICF/IID is to cease providing ICF/IID services and informs each 61688

resident that the resident may do either of the following: 61689

(a) Continue to receive ICF/IID services by transferring to 61690
another ICF/IID willing and able to accept the resident if the 61691
resident continues to qualify for ICF/IID services; 61692

(b) Begin to receive home and community-based services 61693
instead of ICF/IID services from any provider of home and 61694
community-based services that is willing and able to provide the 61695
services to the resident if the resident is eligible for the 61696
services and a slot for the services is available to the resident. 61697

(4) If the person intends to convert some but not all of the 61698
ICF/IID's beds, the person notifies each of the ICF/IID's 61699
residents that the ICF/IID is to convert some of its beds from 61700
providing ICF/IID services to providing home and community-based 61701
services and inform each resident that the resident may do either 61702
of the following: 61703

(a) Continue to receive ICF/IID services from any that is 61704
willing and able to provide the services to the resident if the 61705
resident continues to qualify for ICF/IID services; 61706

(b) Begin to receive home and community-based services 61707
instead of ICF/IID services from any provider of home and 61708
community-based services that is willing and able to provide the 61709
services to the resident if the resident is eligible for the 61710
services and a slot for the services is available to the resident. 61711

(5) The person meets the requirements for providing home and 61712
community-based services at a residential facility. 61713

(B) The notice provided to the directors under division 61714
(A)(1) of this section shall specify whether some or all of the 61715
ICF/IID's beds are to be converted. If some but not all of the 61716
beds are to be converted, the notice shall specify how many of the 61717
ICF/IID's beds are to be converted and how many of the beds are to 61718
continue to provide ICF/IID services. 61719

(C) On receipt of a notice under division (A)(1) of this section, the director of health shall do the following:

(1) Terminate the ICF/IID's medicaid certification if the notice specifies that all of the facility's beds are to be converted;

(2) Reduce the ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted.

(D) The director of health shall notify the medicaid director of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the medicaid director shall do the following:

(1) Terminate the person's medicaid provider agreement that authorizes the person to provide ICF/IID services at the ICF/IID if the ICF/IID's medicaid certification was terminated;

(2) Amend the person's medicaid provider agreement to reflect the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's medicaid-certified capacity is reduced.

~~The person medicaid director is not entitled required to notice or a hearing under conduct an adjudication in accordance with Chapter 119. of the Revised Code before the medicaid director terminates or amends the medicaid provider agreement when taking action under division (D)(1) or (2) of this section.~~

Sec. 5124.67. (A)(1) The department of developmental disabilities shall strive to achieve, not later than July 1, 2018, the following statewide reductions in ICF/IID beds:

(a) At least five hundred beds in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen or more beds;

(b) At least five hundred seventy-five beds in ICFs/IID with any number of beds that convert some or all of their beds from

providing ICF/IID services to providing home and community-based 61750
services pursuant to section 5124.60 or 5124.61 of the Revised 61751
Code. 61752

(2) The department shall strive to achieve a reduction of at 61753
least one thousand two hundred ICF/IID beds through a combination 61754
of the methods specified in divisions (A)(1)(a) and (b) of this 61755
section. 61756

(3) The department shall strive to achieve the reductions 61757
specified in division (A)(1)(b) of this section in accordance with 61758
the following interim time frames: 61759

(a) At least two hundred twenty-five ICF/IID beds converted 61760
by June 30, 2016; 61761

(b) At least three hundred fifty ICF/IID beds converted by 61762
June 30, 2017. 61763

(B) In its efforts to achieve the reductions under division 61764
(A) of this section, the department shall collaborate with the 61765
Ohio association of county boards serving people with 61766
developmental disabilities, the Ohio provider resource 61767
association, the Ohio centers for intellectual disabilities formed 61768
by the Ohio health care association, and the values and faith 61769
alliance. The collaboration efforts may include the following: 61770

(1) Identifying ICFs/IID that may reduce the number of their 61771
beds to help achieve the reductions under division (A) of this 61772
section; 61773

(2) Encouraging ICF/IID providers to reduce the number of 61774
their ICFs/IID's beds; 61775

~~(3) Establishing interim time frames for making progress in 61776~~
~~achieving the reductions; 61777~~

~~(4) Creating incentives for, and removing impediments to, the 61778~~
~~reductions; 61779~~

~~(5)~~(4) In the case of ICF/IID beds that are converted to providing home and community-based services, developing a mechanism to compensate providers for beds that permanently cease to provide ICF/IID services.

(C) The department shall meet not less than twice each year with the organizations specified in division (B) of this section to do all of the following:

(1) Review the progress being made in achieving the reductions under division (A) of this section;

(2) Prepare written reports on the progress;

(3) Identify additional measures needed to achieve the reductions.

Sec. 5124.68. (A) Except as provided in division (D) of this section, an ICF/IID in peer group 1 shall not admit an individual as a resident unless all of the following apply:

(1) The provider of the ICF/IID provides written notice about the individual's pending admission to the county board of developmental disabilities serving the county in which the individual resides at the time the notice is provided.

(2) The county board has provided to the individual and department of developmental disabilities a copy of the findings the county board makes pursuant to division (B) of this section;

(3) Not later than seven business days after the provider provides the county board the notice required by division (A)(1) of this section, the department determines that the individual chooses to receive ICF/IID services from the ICF/IID after being fully informed of all available alternatives.

(B) Not later than five business days after a county board receives notice from the provider of an ICF/IID in peer group 1 about an individual seeking admission to the ICF/IID, the county

board shall do both of the following: 61810

(1) Using the information included in the notification and the additional information, if any, the department specifies pursuant to division (C) of this section, evaluate the individual and counsel the individual about both of the following: 61811
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(a) The nature, extent, and timing of the services that the individual needs; 61815
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(b) The least restrictive environment in which the individual could receive the needed services. 61817
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(2) Using the form prescribed under division (C) of this section, make findings about the individual based on the evaluation and counseling and provide a copy of the findings to the individual and the department. 61819
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(C) The department shall prescribe the form to be used for the purpose of making findings pursuant to division (B)(2) of this section. The department may specify additional information that a county board is to use when evaluating and counseling individuals under division (B)(1) of this section. 61823
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(D) Division (A) of this section does not apply to an individual seeking admission to an ICF/IID in peer group 1 if any of the following is the case: 61828
61829
61830

(1) The individual is a medicaid recipient receiving ICF/IID services on the date immediately preceding the date the individual is admitted to the ICF/IID. 61831
61832
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(2) The individual is a medicaid recipient returning to the ICF/IID following a temporary absence for which the ICF/IID is paid to reserve a bed for the individual pursuant to section 5124.34 of the Revised Code or during which the individual received rehabilitation services in another health care setting. 61834
61835
61836
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(3) The requirements of divisions (A)(1) and (2) of this 61839

section are satisfied but the department fails to make the 61840
determination required by division (A)(3) of this section before 61841
the deadline specified in that division. 61842

Sec. 5124.69. (A) The department of developmental 61843
disabilities shall develop and make available to all ICF/IID a 61844
written pamphlet that describes all of the items and services 61845
covered by medicaid as ICF/IID services and as home and 61846
community-based services. The department shall develop the 61847
pamphlet in consultation with persons and organizations interested 61848
in matters pertaining to individuals eligible for ICF/IID services 61849
and home and community-based services. 61850

(B) Each ICF/IID provider shall provide the pamphlet to the 61851
residents of the ICF/IID who receive ICF/IID services, and the 61852
guardians of such residents, and shall discuss the items and 61853
services described in the pamphlet with those residents and their 61854
guardians, as follows: 61855

(1) At least annually; 61856

(2) Any time such a resident, or resident's guardian, 61857
requests to receive the pamphlet and to discuss the items and 61858
services described in the pamphlet; 61859

(3) Any time such a resident, or resident's guardian, 61860
expresses to the provider an interest in home and community-based 61861
services. 61862

(C) If a resident of an ICF/IID who receives ICF/IID 61863
services, or the resident's guardian, indicates to the ICF/IID 61864
provider an interest in enrolling the resident in a medicaid 61865
waiver component providing home and community-based services, the 61866
provider shall refer the resident or guardian to the county board 61867
of developmental disabilities serving the county in which the 61868
resident would reside while enrolled in a medicaid waiver 61869

component. 61870

(D) Not later than thirty days after a county board is 61871
contacted by an ICF/IID resident or resident's guardian who was 61872
referred to the county board pursuant to division (C) of this 61873
section, the county board, notwithstanding a waiting list for the 61874
component established pursuant to section 5126.042 of the Revised 61875
Code, shall enroll the resident in the component if all of the 61876
following apply: 61877

(1) The resident has been on a waiting list for the component 61878
pursuant to section 5126.042 of the Revised Code since at least 61879
December 1, 2014. 61880

(2) The resident is eligible and chooses to enroll in the 61881
component. 61882

(3) The component has an available slot. 61883

(4) The director of developmental disabilities determines 61884
that the department has the funds necessary to pay the nonfederal 61885
share of the medicaid expenditures for the home and 61886
community-based services provided to the resident under the 61887
component. 61888

Sec. 5124.70. (A) This section does not apply to either of 61889
the following: 61890

(1) An ICF/IID to which both of the following apply: 61891

(a) On or before January 1, 2015, the ICF/IID became a 61892
downsized ICF/IID or partially converted ICF/IID. 61893

(b) On January 1, 2015, the ICF/IID's medicaid-certified 61894
capacity was at least twenty per cent less than the greatest 61895
medicaid-certified capacity it had before it became a downsized 61896
ICF/IID or partially converted ICF/IID. 61897

(2) An ICF/IID's sleeping room in which more than two 61898

residents reside if both of the following apply: 61899

(a) All of the residents of the sleeping room are under 61900
eighteen years of age. 61901

(b) The parents or guardians of all of the residents of the 61902
sleeping room consent to the residents residing in a sleeping room 61903
with more than two residents. 61904

(B) Except as provided in divisions (G) and (H) of this 61905
section, an ICF/IID provider shall not permit more than two 61906
residents to reside in the same sleeping room. 61907

(C)(1) If, on the effective date of this section, more than 61908
two residents of an ICF/IID reside in the same sleeping room, the 61909
ICF/IID provider shall submit to the department of developmental 61910
disabilities for its review a plan to come into compliance with 61911
division (B) of this section. The provider shall submit the plan 61912
not later than December 31, 2015. 61913

(2) The plan shall include all of the following: 61914

(a) The date by which not more than two residents will reside 61915
in the same sleeping room, which shall be not later than June 30, 61916
2025; 61917

(b) Detailed descriptions of the actions the ICF/IID provider 61918
will take to come into compliance with division (B) of this 61919
section, which shall include becoming either a downsized ICF/IID 61920
or a partially converted ICF/IID; 61921

(c) The ICF/IID's projected medicaid-certified capacity for 61922
each year covered by the plan, which must demonstrate that the 61923
provider will make regular progress toward coming into compliance 61924
with division (B) of this section; 61925

(d) A discharge planning process that includes providing 61926
information to residents regarding home and community-based 61927
services; 61928

(e) Additional interim steps the provider will take to demonstrate that the provider is making regular progress toward coming into compliance with division (B) of this section. 61929
61930
61931

(3) The plan shall not include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six unless the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable. If the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable, the plan may include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six. 61932
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(D) The department shall review each plan submitted under division (C) of this section and decide whether to approve the plan. In making this decision, the department shall consider both of the following: 61940
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61942
61943

(1) Whether the plan conforms to the requirements of division (C) of this section; 61944
61945

(2) The feasibility of completing the implementation as described in the plan. 61946
61947

(E) If the department approves an ICF/IID provider's plan under division (D) of this section, the provider shall submit to the department annual reports regarding the plan's implementation. 61948
61949
61950

(F) The department may issue a written order to an ICF/IID provider that suspends new admissions to the ICF/IID if both of the following apply: 61951
61952
61953

(1) The department has approved the provider's plan under division (D) of this section. 61954
61955

(2) The provider fails to do either of the following: 61956

(a) Submit to the department an annual report required by division (E) of this section; 61957
61958

(b) Meet, to the department's satisfaction, the projected
medicaid-certified capacity for the ICF/IID for a year as
specified in the plan and the failure is due to factors within the
provider's control. 61959
61960
61961
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(G)(1) Before January 1, 2016, an ICF/IID provider may permit
more than two residents to reside in the same sleeping room if
more than two residents resided in the same sleeping room on the
effective date of this section. 61963
61964
61965
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(2) On and after January 1, 2016, an ICF/IID provider may
permit more than two residents to reside in the same sleeping room
only if all of the following apply: 61967
61968
61969

(a) More than two residents resided in the same sleeping room
on the effective date of this section. 61970
61971

(b) The provider has submitted a plan in accordance with
division (C) of this section. 61972
61973

(c) Either of the following applies: 61974

(i) The department has approved and the provider complies
with the plan. 61975
61976

(ii) The department has not decided whether to approve the
plan. 61977
61978

(H) The department shall waive application of division (B) of
this section for an ICF/IID's sleeping room in which more than two
residents reside on June 30, 2025, if both of the following apply: 61979
61980
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(1) The same residents have continuously resided in the
sleeping room since the effective date of this section; 61982
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(2) The department determines that at least three of these
residents want to continue to reside together in the sleeping
room. 61984
61985
61986

Sec. 5126.042. (A) As used in this section, "emergency" 61987

status" means a status that an individual with mental retardation 61988
or developmental disabilities has when the individual is at risk 61989
of substantial self-harm or substantial harm to others if action 61990
is not taken within thirty days. An "emergency status" may include 61991
a status resulting from one or more of the following situations: 61992

(1) Loss of present residence for any reason, including legal 61993
action; 61994

(2) Loss of present caretaker for any reason, including 61995
serious illness of the caretaker, change in the caretaker's 61996
status, or inability of the caretaker to perform effectively for 61997
the individual; 61998

(3) Abuse, neglect, or exploitation of the individual; 61999

(4) Health and safety conditions that pose a serious risk to 62000
the individual or others of immediate harm or death; 62001

(5) Change in the emotional or physical condition of the 62002
individual that necessitates substantial accommodation that cannot 62003
be reasonably provided by the individual's existing caretaker. 62004

(B) If a county board of developmental disabilities 62005
determines that available resources are not sufficient to meet the 62006
needs of all individuals who request non-medicaid programs or 62007
services, it shall establish one or more waiting lists for the 62008
non-medicaid programs or services in accordance with its plan 62009
developed under section 5126.04 of the Revised Code. The board may 62010
establish priorities for making placements on its waiting lists 62011
established under this division. Any such priorities shall be 62012
consistent with the board's plan and applicable law. 62013

(C) If a county board~~r~~ determines that available resources 62014
are insufficient to meet the needs of all individuals who request 62015
home and community-based services, it shall establish a waiting 62016
list for the services. An individual's date of placement on the 62017
waiting list shall be the date a request is made to the board for 62018

the individual to receive the home and community-based services. 62019
The board shall provide for an individual who has an emergency 62020
status to receive priority status on the waiting list. The board 62021
shall also provide for an individual to whom any of the following 62022
apply to receive priority status on the waiting list in accordance 62023
with rules adopted under division (E) of this section: 62024

(1) The individual is receiving supported living, family 62025
support services, or adult services for which no federal financial 62026
participation is received under the medicaid program; 62027

(2) The individual's primary caregiver is at least sixty 62028
years of age; 62029

(3) The individual has intensive needs as determined in 62030
accordance with rules adopted under division (E) of this section; 62031

(4) The individual resides in an ICF/IID, as defined in 62032
section 5124.01 of the Revised Code; 62033

(5) The individual resides in a nursing facility, as defined 62034
in section 5165.01 of the Revised Code. 62035

(D) If two or more individuals on a waiting list established 62036
under division (C) of this section ~~for home and community-based~~ 62037
~~services~~ have priority for the services pursuant to that division 62038
~~(C)(1), (2), or (3) of this section~~, a county board shall use 62039
criteria specified in rules adopted under division (E) of this 62040
section in determining the order in which the individuals with 62041
priority will be offered the services. An individual who has 62042
priority for home and community-based services because the 62043
individual has an emergency status has priority for the services 62044
over all other individuals on the waiting list who do not have 62045
emergency status. 62046

(E) The department of developmental disabilities shall adopt 62047
rules in accordance with Chapter 119. of the Revised Code 62048
governing waiting lists established under division (C) of this 62049

section. The rules shall include procedures to be followed to 62050
ensure that the due process rights of individuals placed on 62051
waiting lists are not violated. As part of the rules adopted under 62052
this division, the department shall adopt rules establishing 62053
criteria a county board shall use under division (D) of this 62054
section in determining the order in which individuals with 62055
priority for home and community-based services pursuant to 62056
division (C)~~(1), (2), or (3)~~ of this section will be offered the 62057
services. 62058

(F) The following shall take precedence over the applicable 62059
provisions of this section: 62060

(1) Medicaid rules and regulations; 62061

(2) Any specific requirements that may be contained within a 62062
medicaid state plan amendment or waiver program that a county 62063
board has authority to administer or with respect to which it has 62064
authority to provide services, programs, or supports. 62065

Sec. 5126.0510. (A) Except as otherwise provided in an 62066
agreement entered into under section 5123.048 of the Revised Code 62067
and subject to divisions (B), (C), ~~and (D)~~, and (E) of this 62068
section, a county board of developmental disabilities shall pay 62069
the nonfederal share of medicaid expenditures for the following 62070
home and community-based services provided to an individual with 62071
mental retardation or other developmental disability who the 62072
county board determines under section 5126.041 of the Revised Code 62073
is eligible for county board services: 62074

(1) Home and community-based services provided by the county 62075
board to such an individual; 62076

(2) Home and community-based services provided by a provider 62077
other than the county board to such an individual who is enrolled 62078
as of June 30, 2007, in the medicaid waiver component under which 62079

the services are provided; 62080

(3) Home and community-based services provided by a provider 62081
other than the county board to such an individual who, pursuant to 62082
a request the county board makes, enrolls in the medicaid waiver 62083
component under which the services are provided after June 30, 62084
2007; 62085

(4) Home and community-based services provided by a provider 62086
other than the county board to such an individual for whom there 62087
is in effect an agreement entered into under division ~~(E)~~(F) of 62088
this section between the county board and director of 62089
developmental disabilities. 62090

(B) In the case of medicaid expenditures for home and 62091
community-based services for which division (A)(2) of this section 62092
requires a county board to pay the nonfederal share, the following 62093
shall apply to such services provided during fiscal year 2008 62094
under the individual options medicaid waiver component: 62095

(1) The county board shall pay no less than the total amount 62096
the county board paid as the nonfederal share for home and 62097
community-based services provided in fiscal year 2007 under the 62098
individual options medicaid waiver component; 62099

(2) The county board shall pay no more than the sum of the 62100
following: 62101

(a) The total amount the county board paid as the nonfederal 62102
share for home and community-based services provided in fiscal 62103
year 2007 under the individual options medicaid waiver component; 62104

(b) An amount equal to one per cent of the total amount the 62105
department of developmental disabilities and county board paid as 62106
the nonfederal share for home and community-based services 62107
provided in fiscal year 2007 under the individual options medicaid 62108
waiver component to individuals the county board determined under 62109
section 5126.041 of the Revised Code are eligible for county board 62110

services. 62111

(C) A county board is not required to pay the nonfederal 62112
share of home and community-based services provided after June 30, 62113
2008, that the county board is otherwise required by division 62114
(A)(2) of this section to pay if the department of developmental 62115
disabilities fails to comply with division (A) of section 62116
5123.0416 of the Revised Code. 62117

(D) A county board is not required to pay the nonfederal 62118
share of home and community-based services that the county board 62119
is otherwise required by division (A)(3) of this section to pay if 62120
both of the following apply: 62121

(1) The services are provided to an individual who enrolls in 62122
the medicaid waiver component under which the services are 62123
provided as the result of an order issued following ~~a state~~ 62124
~~hearing, administrative an appeal, made under section 5160.31 of~~ 62125
the Revised Code or an appeal of the order to a court of common 62126
pleas ~~made under section 5101.35 of the Revised Code;~~ 62127

(2) There are more individuals who are eligible for services 62128
from the county board enrolled in home and community-based 62129
services than is required by section 5126.0512 of the Revised 62130
Code. 62131

(E) A county board is not required to pay the nonfederal 62132
share of home and community-based services that the county board 62133
is otherwise required by division (A) of this section to pay if 62134
the services are provided to an individual who enrolls, pursuant 62135
to division (D) of section 5124.69 of the Revised Code, in the 62136
medicaid waiver component under which the services are provided. 62137

(F) A county board may enter into an agreement with the 62138
director of developmental disabilities under which the county 62139
board agrees to pay the nonfederal share of medicaid expenditures 62140
for one or more home and community-based services that the county 62141

board is not otherwise required by division (A)(1), (2), or (3) of 62142
this section to pay and that are provided to an individual the 62143
county board determines under section 5126.041 of the Revised Code 62144
is eligible for county board services. The agreement shall specify 62145
which home and community-based services the agreement covers. The 62146
county board shall pay the nonfederal share of medicaid 62147
expenditures for the home and community-based services that the 62148
agreement covers as long as the agreement is in effect. 62149

Sec. 5126.15. (A) A county board of developmental 62150
disabilities shall provide service and support administration to 62151
each individual three years of age or older who is eligible for 62152
service and support administration if the individual requests, or 62153
a person on the individual's behalf requests, service and support 62154
administration. A board shall provide service and support 62155
administration to each individual receiving home and 62156
community-based services. A board may provide, in accordance with 62157
the service coordination requirements of 34 C.F.R. 303.23, service 62158
and support administration to an individual under three years of 62159
age eligible for early intervention services under 34 C.F.R. part 62160
303. A board may provide service and support administration to an 62161
individual who is not eligible for other services of the board. 62162
Service and support administration shall be provided in accordance 62163
with rules adopted under section 5126.08 of the Revised Code. 62164

A board may provide service and support administration by 62165
directly employing service and support administrators or by 62166
contracting with entities for the performance of service and 62167
support administration. Individuals employed or under contract as 62168
service and support administrators shall not be in the same 62169
collective bargaining unit as employees who perform duties that 62170
are not administrative. 62171

~~Individuals employed by a board as service~~ A service and 62172

~~support administrators~~ administrator shall ~~not be assigned~~ 62173
~~responsibilities for implementing other services for individuals~~ 62174
~~and~~ perform only the duties specified in division (B) of this 62175
section. While employed by or under contract with a board, a 62176
service and support administrator shall ~~not~~ neither be employed by 62177
or serve in a decision-making or policy-making capacity for any 62178
other entity that provides programs or services to individuals 62179
with mental retardation or developmental disabilities nor provide 62180
programs or services to individuals with mental retardation or 62181
developmental disabilities through self-employment. An individual 62182
~~employed as a conditional status service and support administrator~~ 62183
~~shall perform the duties of service and support administration~~ 62184
~~only under the supervision of a management employee who is a~~ 62185
~~service and support administration supervisor.~~ 62186

(B) ~~The individuals employed by or under contract with a~~ 62187
~~board to provide service and support administration~~ A service and 62188
support administrator shall do all of the following: 62189

(1) Establish an individual's eligibility for the services of 62190
the county board of developmental disabilities; 62191

(2) Assess individual needs for services; 62192

(3) Develop individual service plans with the active 62193
participation of the individual to be served, other persons 62194
selected by the individual, and, when applicable, the provider 62195
selected by the individual, and recommend the plans for approval 62196
by the department of developmental disabilities when services 62197
included in the plans are funded through medicaid; 62198

(4) Establish budgets for services based on the individual's 62199
assessed needs and preferred ways of meeting those needs; 62200

(5) Assist individuals in making selections from among the 62201
providers they have chosen; 62202

(6) Ensure that services are effectively coordinated and 62203

provided by appropriate providers; 62204

(7) Establish and implement an ongoing system of monitoring 62205
the implementation of individual service plans to achieve 62206
consistent implementation and the desired outcomes for the 62207
individual; 62208

(8) Perform quality assurance reviews as a distinct function 62209
of service and support administration; 62210

(9) Incorporate the results of quality assurance reviews and 62211
identified trends and patterns of unusual incidents and major 62212
unusual incidents into amendments of an individual's service plan 62213
for the purpose of improving and enhancing the quality and 62214
appropriateness of services rendered to the individual. 62215

Sec. 5126.201. (A) A person may be employed by or under 62216
contract with a county board of developmental disabilities as a 62217
conditional status service and support administrator only if 62218
either of the following is true: 62219

~~(A)(1)~~ The person has at least an appropriate associate 62220
degree; 62221

~~(B)(2)~~ The person meets both of the following requirements: 62222

~~(1)(a)~~ The person was employed by the county board and 62223
performed service and support administration duties on June 30, 62224
2005; 62225

~~(2)(b)~~ The person holds a high school diploma or a general 62226
educational development certificate of high school equivalence. 62227

(B) A conditional status service and support administrator 62228
shall perform the duties of service and support administration, as 62229
specified in division (B) of section 5126.15 of the Revised Code, 62230
only under the supervision of a management employee who is a 62231
service and support administration supervisor. 62232

Sec. 5139.03. (A) The department of youth services shall 62233
control and manage all state institutions or facilities 62234
established or created for the training or rehabilitation of 62235
delinquent children committed to the department, except where the 62236
control and management of an institution or facility is vested by 62237
law in another agency. The department shall employ, in addition to 62238
other personnel authorized under Chapter 5139. of the Revised 62239
Code, sufficient personnel to maintain food service and buildings 62240
and grounds operations. 62241

(B) The department of youth services shall, insofar as 62242
practicable, purchase foods and other commodities incident to food 62243
service operations from the department of mental health and 62244
addiction services. The department of youth services may enter 62245
into agreements with the department of mental health and addiction 62246
services providing for assistance and consultation in the 62247
construction of, or major modifications to, capital facilities of 62248
the department of youth services. 62249

(C) The directors of mental health and addiction services and 62250
of youth services shall enter into written agreements to implement 62251
this section. Such directors may, from time to time, amend any 62252
agreements entered into under this section for the purposes of 62253
making more efficient use of personnel, taking advantage of 62254
economies in quantity purchasing, or for any other purpose which 62255
is mutually advantageous to both the department of youth services 62256
and the department of mental health and addiction services. 62257

~~The department of youth services may transfer any of its 62258
excess or surplus supplies to a community corrections facility. 62259
These supplies shall remain the property of the department for a 62260
period of five years from the date of the transfer. After the 62261
five year period, the supplies shall become the property of the 62262
facility. 62263~~

Sec. 5139.50. (A) The release authority of the department of 62264
youth services is hereby created as a bureau in the department. 62265
The release authority shall consist of a minimum of three, but not 62266
more than five, members who are appointed by the director of youth 62267
services and who have the qualifications specified in division (B) 62268
of this section. The members of the release authority shall devote 62269
their full time to the duties of the release authority and shall 62270
neither seek nor hold other public office. The members shall be in 62271
the unclassified civil service. 62272

(B) A person appointed as a member of the release authority 62273
shall have a bachelor's degree from an accredited college or 62274
university or equivalent relevant experience and shall have the 62275
skills, training, or experience necessary to analyze issues of 62276
law, administration, and public policy. The membership of the 62277
release authority shall represent, insofar as practicable, the 62278
diversity found in the children in the legal custody of the 62279
department of youth services. 62280

In appointing the ~~five~~ members, the director shall ensure 62281
that the appointments include all of the following: 62282

(1) At least ~~four members~~ one member who ~~have~~ has five or 62283
more years of experience in criminal justice, juvenile justice, or 62284
an equivalent relevant profession; 62285

(2) At least one member who has experience in victim services 62286
or advocacy or who has been a victim of a crime or is a family 62287
member of a victim; 62288

(3) At least one member who has experience in direct care 62289
services to delinquent children. 62290

~~(C) The initial appointments of members of the release 62291
authority shall be for a term of six years for the chairperson and 62292
one member, a term of four years for two members, and a term of 62293~~

~~two years for one member. Thereafter, members shall be appointed~~ 62294
~~for six year terms until the effective date of this amendment,~~ 62295
~~after which members~~ Members shall be appointed for four-year 62296
terms. At the conclusion of a term, a member shall hold office 62297
until the appointment and qualification of the member's successor. 62298
The director shall fill a vacancy occurring before the expiration 62299
of a term for the remainder of that term and, if a member is on 62300
extended leave or disability status for more than thirty work 62301
days, may appoint an interim member to fulfill the duties of that 62302
member. A member may be reappointed. A member may be removed for 62303
good cause by the director. 62304

(D) The director of youth services shall designate as 62305
chairperson of the release authority one of the members who has 62306
experience in criminal justice, juvenile justice, or an equivalent 62307
relevant profession. The chairperson shall be a managing officer 62308
of the department, shall supervise the members of the board and 62309
the other staff in the bureau, and shall perform all duties and 62310
functions necessary to ensure that the release authority 62311
discharges its responsibilities. The chairperson shall serve as 62312
the official spokesperson for the release authority. 62313

(E) The release authority shall do all of the following: 62314

(1) Serve as the final and sole authority for making 62315
decisions, in the interests of public safety and the children 62316
involved, regarding the release and discharge of all children 62317
committed to the legal custody of the department of youth 62318
services, except children placed by a juvenile court on judicial 62319
release to court supervision or on judicial release to department 62320
of youth services supervision, children who have not completed a 62321
prescribed minimum period of time or prescribed period of time in 62322
a secure facility, or children who are required to remain in a 62323
secure facility until they attain twenty-one years of age; 62324

(2) Establish written policies and procedures for conducting 62325

reviews of the status for all youth in the custody of the department, setting or modifying dates of release and discharge, specifying the duration, terms, and conditions of release to be carried out in supervised release subject to the addition of additional consistent terms and conditions by a court in accordance with section 5139.51 of the Revised Code, and giving a child notice of all reviews;

(3) Maintain records of its official actions, decisions, orders, and hearing summaries and make the records accessible in accordance with division (D) of section 5139.05 of the Revised Code;

(4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services;

(5) Collect, develop, and maintain statistical information regarding its services and decisions;

(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director.

(F) The release authority may do any of the following:

(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;

(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;

(3) Administer oaths and receive testimony of persons under

oath; 62356

(4) Request assistance, services, and information from a 62357
public agency to enable the authority to discharge its 62358
responsibilities and receive the assistance, services, and 62359
information from the public agency in a reasonable period of time; 62360

(5) Request from a public agency or any other entity that 62361
provides or has provided services to a child committed to the 62362
department's legal custody information to enable the release 62363
authority to properly discharge its responsibilities with respect 62364
to that child and receive the information from the public agency 62365
or other entity in a reasonable period of time. 62366

(G) The release authority may delegate responsibilities to 62367
hearing officers or other designated staff under the release 62368
authority's auspices. However, the release authority shall not 62369
delegate its authority to make final decisions regarding policy or 62370
the release of a child. 62371

The release authority shall adopt a written policy and 62372
procedures governing appeals of its release and discharge 62373
decisions. 62374

(H) The legal staff of the department of youth services shall 62375
provide assistance to the release authority in the formulation of 62376
policy and in its handling of individual cases. 62377

Sec. 5147.07. No articles or supplies manufactured under 62378
~~sections 5147.01~~ this section or sections 5147.12 to 5147.26 62379
5147.22 of the Revised Code by the labor of convicts of state 62380
correctional institutions shall be purchased from any other source 62381
for the state or its institutions unless the department of 62382
administrative services, in consultation with the department of 62383
rehabilitation and correction ~~first certifies, on requisition~~ 62384
~~made,~~ determines that the articles or supplies cannot be furnished 62385

and issues a waiver under section 125.035 of the Revised Code. 62386

Sec. 5160.37. (A) A medical assistance recipient's enrollment 62387
in a medical assistance program gives an automatic right of 62388
recovery to the department of medicaid and a county department of 62389
job and family services against the liability of a third party for 62390
the cost of medical assistance paid on behalf of the recipient. 62391
When an action or claim is brought against a third party by a 62392
medical assistance recipient, any payment, settlement or 62393
compromise of the action or claim, or any court award or judgment, 62394
is subject to the recovery right of the department of medicaid or 62395
county department. Except in the case of a medical assistance 62396
recipient who receives medical assistance through a medicaid 62397
managed care organization, the department's or county department's 62398
claim shall not exceed the amount of medical assistance paid by 62399
the department or county department on behalf of the recipient. A 62400
payment, settlement, compromise, judgment, or award that excludes 62401
the cost of medical assistance paid for by the department or 62402
county department shall not preclude a department from enforcing 62403
its rights under this section. 62404

(B) In the case of a medical assistance recipient who 62405
receives medical assistance through a medicaid managed care 62406
organization, the amount of the department's or county 62407
department's claim shall be the amount the medicaid managed care 62408
organization pays for medical assistance rendered to the 62409
recipient, even if that amount is more than the amount the 62410
department or county department pays to the medicaid managed care 62411
organization for the recipient's medical assistance. 62412

(C) A medical assistance recipient, and the recipient's 62413
attorney, if any, shall cooperate with the departments. In 62414
furtherance of this requirement, the medical assistance recipient, 62415
or the recipient's attorney, if any, shall, not later than thirty 62416

days after initiating informal recovery activity or filing a legal 62417
recovery action against a third party, provide written notice of 62418
the activity or action to the department of medicaid or county 62419
department if it has paid for medical assistance under a medical 62420
assistance program. 62421

(D) The written notice that must be given under division (C) 62422
of this section shall disclose the identity and address of any 62423
third party against whom the medical assistance recipient has or 62424
may have a right of recovery. 62425

(E) No settlement, compromise, judgment, or award or any 62426
recovery in any action or claim by a medical assistance recipient 62427
where the department or county department has a right of recovery 62428
shall be made final without first giving the department or county 62429
department written notice as described in division (C) of this 62430
section and a reasonable opportunity to perfect its rights of 62431
recovery. If the department or county department is not given the 62432
appropriate written notice, the medical assistance recipient and, 62433
if there is one, the recipient's attorney, are liable to reimburse 62434
the department or county department for the recovery received to 62435
the extent of medical assistance payments made by the department 62436
or county department. 62437

(F) The department or county department shall be permitted to 62438
enforce its recovery rights against the third party even though it 62439
accepted prior payments in discharge of its rights under this 62440
section if, at the time the department or county department 62441
received such payments, it was not aware that additional medical 62442
expenses had been incurred but had not yet been paid by the 62443
department or county department. The third party becomes liable to 62444
the department or county department as soon as the third party is 62445
notified in writing of the valid claims for recovery under this 62446
section. 62447

(G)(1) Subject to division (G)(2) of this section, the right 62448

of recovery of the department or county department does not apply 62449
to that portion of any judgment, award, settlement, or compromise 62450
of a claim, to the extent of attorneys' fees, costs, or other 62451
expenses incurred by a medical assistance recipient in securing 62452
the judgment, award, settlement, or compromise, or to the extent 62453
of medical, surgical, and hospital expenses paid by such recipient 62454
from the recipient's own resources. 62455

(2) Reasonable attorneys' fees, not to exceed one-third of 62456
the total judgment, award, settlement, or compromise, plus costs 62457
and other expenses incurred by the medical assistance recipient in 62458
securing the judgment, award, settlement, or compromise, shall 62459
first be deducted from the total judgment, award, settlement, or 62460
compromise. After fees, costs, and other expenses are deducted 62461
from the total judgment, award, settlement, or compromise, there 62462
shall be a rebuttable presumption that the department of medicaid 62463
or county department shall receive no less than one-half of the 62464
remaining amount, or the actual amount of medical assistance paid, 62465
whichever is less. Any party may rebut this presumption by a 62466
showing of clear and convincing evidence that a different 62467
allocation is warranted. The allocation of medical expenses 62468
pursuant to a settlement agreement between a medical assistance 62469
recipient and the third party may be considered by the department 62470
or county department but is not binding on either. 62471

(H) A right of recovery created by this section may be 62472
enforced separately or jointly by the department of medicaid or 62473
county department. To enforce its recovery rights, the department 62474
or county department may do any of the following: 62475

(1) Intervene or join in any action or proceeding brought by 62476
the medical assistance recipient or on the recipient's behalf 62477
against any third party who may be liable for the cost of medical 62478
assistance paid; 62479

(2) Institute and pursue legal proceedings against any third 62480

party who may be liable for the cost of medical assistance paid; 62481

(3) Initiate legal proceedings in conjunction with any 62482
injured, diseased, or disabled medical assistance recipient or the 62483
recipient's attorney or representative. 62484

(I) A medical assistance recipient shall not assess attorney 62485
fees, costs, or other expenses against the department of medicaid 62486
or a county department when the department or county department 62487
enforces its right of recovery created by this section. 62488

(J) The right of recovery given to the department under this 62489
section includes payments made by a third party under contract 62490
with a person having a duty to support. 62491

(K) The department of medicaid may assign to a medical 62492
assistance provider the right of recovery given to the department 62493
under this section with respect to any claim for which the 62494
department has notified the provider that the department intends 62495
to recoup the department's prior payment for the claim. 62496

Sec. 5160.401. (A) A payment made by a third party under 62497
division (A)(4) of section 5160.40 of the Revised Code on a claim 62498
for payment of a medical item or service provided to a medical 62499
assistance recipient is final on the date that is two years after 62500
the payment was made to the department of medicaid or the 62501
applicable medicaid managed care organization. After a claim is 62502
final, the claim is subject to adjustment only if an action for 62503
recovery of an overpayment was commenced under division (B) of 62504
this section before the date the claim became final and the 62505
recovery is agreed to by the department or medicaid managed care 62506
organization under division (C) of this section. 62507

(B) If a third party determines that it overpaid a claim for 62508
payment, the third party may seek to recover all or part of the 62509
overpayment by filing a notice of its intent to seek recovery with 62510

the department or medicaid managed care organization, as 62511
applicable. The notice of recovery must be filed in writing before 62512
the date the payment is final. The notice must specify all of the 62513
following: 62514

(1) The full name of the medical assistance recipient who 62515
received the medical item or service that is the subject of the 62516
claim; 62517

(2) The date or dates on which the medical item or service 62518
was provided; 62519

(3) The amount allegedly overpaid and the amount the third 62520
party seeks to recover; 62521

(4) The claim number and any other number the department or 62522
medicaid managed care organization has assigned to the claim; 62523

(5) The third party's rationale for seeking recovery; 62524

(6) The date the third party made the payment and the method 62525
of payment used; 62526

(7) If payment was made by check, the check number; 62527

(8) Whether the third party would prefer to receive the 62528
amount being sought by obtaining a payment from the department or 62529
medicaid managed care organization, either by check or electronic 62530
means, or by offsetting the amount from a future payment to be 62531
made to the department or medicaid managed care organization. 62532

(C) If the department or appropriate medicaid managed care 62533
organization determines that a notice of recovery was filed before 62534
the claim for payment is final and agrees to the amount sought by 62535
the third party, the department or medicaid managed care 62536
organization, as applicable, shall notify the third party in 62537
writing of its determination and agreement. Recovery of the amount 62538
shall proceed in accordance with the method specified by the third 62539
party pursuant to division (B)(8) of this section. 62540

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| Sec. 5162.01. (A) As used in the Revised Code: | 62541 |
| (1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services. | 62542 62543 62544 62545 62546 62547 |
| (2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq. | 62548 62549 62550 |
| (B) As used in this chapter: | 62551 |
| (1) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. | 62552 62553 |
| (2) "Exchange" has the same meaning as in 45 C.F.R. 155.20. | 62554 |
| (3) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code. | 62555 62556 |
| (4) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). | 62557 62558 62559 62560 62561 62562 |
| (5) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. | 62563 62564 62565 62566 |
| (6) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component. | 62567 62568 62569 |

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| (7) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. | 62570 62571 62572 |
| (8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. | 62573 62574 |
| (9) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. | 62575 62576 |
| (10) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. | 62577 62578 |
| (11) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. | 62579 62580 |
| (12) <u>"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code;</u> | 62581 62582 |
| (13) (13) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. | 62583 62584 |
| (13) (14) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state. | 62585 62586 62587 62588 |
| (14) (15) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. | 62589 62590 |
| (15) (16) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. | 62591 62592 |
| (16) (17) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply: | 62593 62594 62595 62596 62597 62598 |
| (a) It holds a valid provider agreement. | 62599 |

(b) It meets all other conditions for participation in the 62600
medicaid school component of the medicaid program established in 62601
rules authorized by section 5162.364 of the Revised Code. 62602

~~(17)~~(18) "State agency" means every organized body, office, 62603
or agency, other than the department of medicaid, established by 62604
the laws of the state for the exercise of any function of state 62605
government. 62606

~~(18)~~(19) "Vendor offset" means a reduction of a medicaid 62607
payment to a medicaid provider to correct a previous, incorrect 62608
medicaid payment to that provider. 62609

Sec. 5162.11. (A) The department of medicaid shall enter into 62610
an agreement with the department of administrative services for 62611
the department of administrative services to contract through 62612
competitive selection pursuant to section 125.07 of the Revised 62613
Code with a vendor to perform an assessment of the data collection 62614
and data warehouse functions of the medicaid data warehouse 62615
system, including the ability to link the data sets of all 62616
agencies serving medicaid recipients. 62617

The assessment of the data system shall include functions 62618
related to fraud and abuse detection, program management and 62619
budgeting, and performance measurement capabilities of all 62620
agencies serving medicaid recipients, including the departments of 62621
aging, health, job and family services, medicaid, mental health 62622
and addiction services, and developmental disabilities. 62623

A qualified vendor with whom the department of administrative 62624
services contracts to assess the data system shall also assist the 62625
medicaid agencies in the definition of the requirements for an 62626
enhanced data system or a new data system and assist the 62627
department of administrative services in the preparation of a 62628
request for proposals to enhance or develop a data system. 62629

(B) Based on the assessment performed pursuant to division 62630
(A) of this section, the department of administrative services 62631
shall seek a qualified vendor through competitive selection 62632
pursuant to ~~section 125.07~~ Chapter 125. of the Revised Code to 62633
develop or enhance a data collection and data warehouse system for 62634
the department of medicaid and all agencies serving medicaid 62635
recipients. 62636

The department of medicaid shall seek enhanced federal 62637
financial participation for ninety per cent of the funds required 62638
to establish or enhance the data system. The department of 62639
administrative services shall not award a contract for 62640
establishing or enhancing the data system until the department of 62641
medicaid receives approval from the United States secretary of 62642
health and human services for the ninety per cent federal 62643
financial participation. 62644

Sec. 5162.36. ~~(A)~~ ~~(B)~~ The medicaid director shall create, in 62645
accordance with sections 5162.36 to ~~5162.364~~ 5162.365 of the 62646
Revised Code, the medicaid school component of the medicaid 62647
program. 62648

Sec. 5162.361. A qualified medicaid school provider 62649
participating in the medicaid school component of the medicaid 62650
program may submit a claim to the department of medicaid for 62651
federal financial participation for providing, in schools, 62652
services covered by the medicaid school component to medicaid 62653
recipients who are eligible for the services. No qualified 62654
medicaid school provider may submit such a claim before the 62655
provider incurs the cost of providing the service. 62656

The claim shall include certification of the qualified 62657
medicaid school provider's expenditures for the service. The 62658
certification shall show that the money the qualified medicaid 62659

school provider used for the expenditures was nonfederal money the 62660
provider may legally use for providing the service and that the 62661
amount of the expenditures was sufficient to pay the full cost of 62662
the service. 62663

Except as otherwise provided in sections 5162.36 to ~~5162.364~~ 62664
5162.365 of the Revised Code ~~and rules authorized by sections~~ 62665
~~5162.363 and 5162.364 of the Revised Code~~, a qualified medicaid 62666
school provider is subject to all conditions of participation in 62667
the medicaid program that generally apply to providers of goods 62668
and services under the medicaid program, including conditions 62669
regarding claims, audits, and recovery of overpayments. 62670

Sec. 5162.363. The department of medicaid shall enter into an 62671
interagency agreement with the department of education under 62672
section 5162.35 of the Revised Code that provides for the 62673
department of education to administer the medicaid school 62674
component of the medicaid program other than the aspects of the 62675
component that sections 5162.36 to ~~5162.364~~ 5162.365 of the 62676
Revised Code require the department of medicaid to administer. The 62677
interagency agreement may include a provision that provides for 62678
the department of education to pay to the department of medicaid 62679
the nonfederal share of a portion of the administrative expenses 62680
the department of medicaid incurs in administering the aspects of 62681
the component that the department of medicaid administers. 62682

To the extent authorized by rules authorized by section 62683
5162.021 of the Revised Code, the department of education shall 62684
~~establish, in adopt rules adopted under section 5162.02 of the~~ 62685
~~Revised Code, establishing a process by which qualified medicaid~~ 62686
school providers participating in the medicaid school component 62687
pay to the department of education the nonfederal share of the 62688
department's expenses incurred in administering the component. The 62689
rules shall be adopted in accordance with Chapter 119. of the 62690

Revised Code. 62691

Sec. 5162.365. (A) A qualified medicaid school provider is 62692
solely responsible for timely repaying any overpayment that the 62693
provider receives under the medicaid school component of the 62694
medicaid program and that is discovered by a federal or state 62695
audit. This is the case regardless of whether the audit's finding 62696
identifies the provider, department of medicaid, or department of 62697
education as being responsible for the overpayment. 62698

(B) The department of medicaid shall not do any of the 62699
following regarding an overpayment for which a qualified medicaid 62700
school provider is responsible for repaying: 62701

(1) Make a payment to the federal government to meet or delay 62702
the provider's repayment obligation; 62703

(2) Assume the provider's repayment obligation; 62704

(3) Forgive the provider's repayment obligation. 62705

(C) Each qualified medicaid school provider shall indemnify 62706
and hold harmless the department of medicaid for any cost or 62707
penalty resulting from a federal or state audit finding that a 62708
claim submitted by the provider under section 5162.361 of the 62709
Revised Code did not comply with a federal or state requirement 62710
applicable to the claim, including a requirement of a medicaid 62711
waiver component. 62712

Sec. 5163.03. (A) Subject to section 5163.05 of the Revised 62713
Code, the medicaid program shall cover all mandatory eligibility 62714
groups. 62715

(B) The medicaid program shall cover all of the optional 62716
eligibility groups that state statutes require the medicaid 62717
program to cover. 62718

(C) The medicaid program may cover any of the optional 62719

eligibility groups to which either of the following applies: 62720

(1) State statutes expressly permit the medicaid program to 62721
cover the optional eligibility group. 62722

(2) ~~State statutes do not address whether~~ Except as provided 62723
in division (D)(1) of this section, the medicaid program ~~may cover~~ 62724
covers the optional eligibility group on the effective date of 62725
this amendment. 62726

(D) The medicaid program shall not cover any optional 62727
eligibility group ~~that state to which either of the following~~ 62728
applies: 62729

(1) State statutes expressly prohibit the medicaid program 62730
from covering the optional eligibility group. 62731

(2) State statutes do not address whether the medicaid 62732
program may cover the optional eligibility group. 62733

Sec. 5163.04. The income eligibility threshold for an 62734
optional eligibility group shall be the following: 62735

(A) The percentage of the federal poverty line specified in 62736
state statute for the group; 62737

(B) If the income eligibility threshold for the group is not 62738
specified in state statute, a percentage of the federal poverty 62739
line not exceeding the percentage of the federal poverty line 62740
that, on the effective date of this section, is the group's income 62741
eligibility threshold. 62742

Sec. 5163.06. The medicaid program shall cover all of the 62743
following optional eligibility groups: 62744

(A) The group consisting of children placed with adoptive 62745
parents who are specified in the "Social Security Act," section 62746
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 62747

~~(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the sixty day period beginning on the last day of the pregnancy, infants, and children who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);~~ 62748
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~~(C)~~ Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 62753
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~~(D)~~(C) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI); 62757
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~~(E)~~(D) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII); 62762
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~~(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);~~ 62766
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~~(G) The group consisting of nonpregnant individuals who may receive family planning services and supplies and are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI).~~ 62770
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Sec. 5163.30. (A) As used in this section: 62774

(1) "Assets" include all of an individual's income and resources and those of the individual's spouse, including any income or resources the individual or spouse is entitled to but 62775
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does not receive because of action by any of the following: 62778

(a) The individual or spouse; 62779

(b) A person or government entity, including a court or 62780
administrative agency, with legal authority to act in place of or 62781
on behalf of the individual or spouse; 62782

(c) A person or government entity, including a court or 62783
administrative agency, acting at the direction or on the request 62784
of the individual or spouse. 62785

(2) "Home and community-based services" means home and 62786
community-based services furnished under a medicaid waiver granted 62787
by the United States secretary of health and human services under 62788
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 62789
1396n(c) or (d). 62790

(3) "Institutionalized individual" means a resident of a 62791
nursing facility, an inpatient in a medical institution for whom a 62792
payment is made based on a level of care provided in a nursing 62793
facility, or an individual described in the "Social Security Act," 62794
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 62795

(4) "Look-back date" means the date that is a number of 62796
months specified in rules adopted under section 5163.02 of the 62797
Revised Code immediately before either of the following: 62798

(a) The date an individual becomes an institutionalized 62799
individual if the individual is eligible for medicaid on that 62800
date; 62801

(b) The date an individual applies for medicaid while an 62802
institutionalized individual. 62803

(5) "Nursing facility equivalent services" means services 62804
that are covered by the medicaid program, equivalent to nursing 62805
facility services, provided by an institution that provides the 62806
same level of care as a nursing facility, and provided to an 62807

inpatient of the institution who is a medicaid recipient eligible 62808
for medicaid-covered nursing facility equivalent services. 62809

(6) "Undue hardship" means being deprived of either of the 62810
following: 62811

(a) Medical care such that an individual's health or life is 62812
endangered; 62813

(b) Food, clothing, shelter, or other necessities of life. 62814

(B) Except as provided in division (C) of this section and 62815
rules adopted under section 5163.02 of the Revised Code, an 62816
institutionalized individual is ineligible for nursing facility 62817
services, nursing facility equivalent services, and home and 62818
community-based services if the individual or individual's spouse 62819
disposes of assets for less than fair market value on or after the 62820
look-back date. The institutionalized individual's ineligibility 62821
shall begin on a date determined in accordance with rules adopted 62822
under section 5163.02 of the Revised Code and shall continue for a 62823
number of months determined in accordance with such rules. 62824

(C)(1) An institutionalized individual may be granted a 62825
waiver of all or a portion of the period of ineligibility to which 62826
the individual would otherwise be subjected under division (B) of 62827
this section if the ineligibility would cause an undue hardship 62828
for the individual. ~~An~~ 62829

(2) An institutionalized individual shall be granted a waiver 62830
of all or a portion of the period of ineligibility if the 62831
administrator of the nursing facility in which the individual 62832
resides has notified the individual of a proposed transfer or 62833
discharge under section 3721.16 of the Revised Code due to failure 62834
to pay for the care the nursing facility has provided to the 62835
individual, the individual or the individual's sponsor requests a 62836
hearing on the proposed transfer or discharge in accordance with 62837
section 3721.161 of the Revised Code, and the transfer or 62838

discharge is upheld by a final determination that is not subject 62839
to further appeal. Waivers 62840

(3) An institutionalized individual may be granted a waiver 62841
of all of the period of ineligibility if all of the assets that 62842
were disposed of for less than fair market value are returned to 62843
the individual or individual's spouse or if the individual or 62844
individual's spouse receives cash or other personal or real 62845
property that equals the difference between what the individual or 62846
individual's spouse received for the assets and the fair market 62847
value of the assets. Except as provided in division (C)(1) or (2) 62848
of this section, no waiver of any part of the period of 62849
ineligibility shall be granted if the amount the individual or 62850
individual's spouse receives is less than the difference between 62851
what the individual or individual's spouse received for the assets 62852
and the fair market value of the assets. 62853

(4) Waivers shall be granted in accordance with rules adopted 62854
under section 5163.02 of the Revised Code. 62855

(D) To secure compliance with this section, the medicaid 62856
director may require an individual, as a condition of initial or 62857
continued eligibility for medicaid, to provide documentation of 62858
the individual's assets up to five years before the date the 62859
individual becomes an institutionalized individual if the 62860
individual is eligible for medicaid on that date or the date the 62861
individual applies for medicaid while an institutionalized 62862
individual. Documentation may include tax returns, records from 62863
financial institutions, and real property records. 62864

Sec. 5163.33. (A) In determining the amount of income that a 62865
medicaid recipient must apply monthly toward payment of the cost 62866
of care in a nursing facility or ICF/IID, a county department of 62867
job and family services shall deduct from the recipient's monthly 62868
income a monthly personal needs allowance in accordance with the 62869

"Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 62870

(B) In the case of a resident of a nursing facility, the 62871
monthly personal needs allowance shall be ~~as follows:~~ 62872

~~(1) Prior to January 1, 2014, not less than forty dollars for 62873
an individual resident and not less than eighty dollars for a 62874
married couple if both spouses are residents of a nursing facility 62875
and their incomes are considered available to each other in 62876
determining eligibility;~~ 62877

~~(2) For calendar year 2014, not less than forty five dollars 62878
for an individual resident and not less than ninety dollars for a 62879
married couple if both spouses are residents of a nursing facility 62880
and their incomes are considered available to each other in 62881
determining eligibility;~~ 62882

~~(3) For calendar year 2015 and each calendar year thereafter, 62883
not less than fifty dollars for an individual resident and not 62884
less than one hundred dollars for a married couple if both spouses 62885
are residents of a nursing facility and their incomes are 62886
considered available to each other in determining eligibility. 62887~~

(C) In the case of a resident of an ICF/IID, the monthly 62888
personal needs allowance shall be as follows: 62889

(1) Prior to January 1, 2016, forty dollars unless the 62890
resident has earned income, in which case the monthly personal 62891
needs allowance shall be determined by the department of medicaid, 62892
or the department's designee, but shall not exceed one hundred 62893
five dollars; 62894

(2) For calendar year 2016 and each calendar year thereafter, 62895
not less than fifty dollars for an individual resident and not 62896
less than one hundred dollars for a married couple if both spouses 62897
are residents of an ICF/IID and their incomes are considered 62898
available to each other in determining eligibility. 62899

| | |
|---|----------------------------------|
| Sec. 5164.01. As used in this chapter: | 62900 |
| (A) <u>"Adjudication" has the same meaning as in section 119.01 of the Revised Code.</u> | 62901 62902 |
| (B) <u>"Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act," section 1905(r), 42 U.S.C. 1396d(r).</u> | 62903 62904 62905 |
| (B) (C) <u>"Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.</u> | 62906 62907 |
| (C) (D) <u>"Healthcheck" means the component of the medicaid program that provides early and periodic screening, diagnostic, and treatment services.</u> | 62908 62909 62910 |
| (D) (E) <u>"Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u> | 62911 62912 62913 |
| (E) (F) <u>"Hospital" has the same meaning as in section 3727.01 of the Revised Code.</u> | 62914 62915 |
| (F) (G) <u>"ICDS participant" means a dual eligible individual who participates in the integrated care delivery system.</u> | 62916 62917 |
| (G) (H) <u>"ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.</u> | 62918 62919 |
| (H) (I) <u>"Integrated care delivery system" and "ICDS" mean the demonstration project authorized by section 5164.91 of the Revised Code.</u> | 62920 62921 62922 |
| (I) (J) <u>"Mandatory services" means the health care services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.</u> | 62923 62924 62925 62926 |
| (J) (K) <u>"Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.</u> | 62927 62928 |

~~(K)~~(L) "Medicaid provider" means a person or government
entity with a valid provider agreement to provide medicaid
services to medicaid recipients. To the extent appropriate in the
context, "medicaid provider" includes a person or government
entity applying for a provider agreement, a former medicaid
provider, or both.

~~(L)~~(M) "Medicaid services" means either or both of the
following:

(1) Mandatory services;

(2) Optional services that the medicaid program covers.

~~(M)~~ (N) "Nursing facility" has the same meaning as in section
5165.01 of the Revised Code.

~~(N)~~(O) "Optional services" means the health care services and
items that may be covered by the medicaid state plan or a federal
medicaid waiver and for which the medicaid program receives
federal financial participation.

~~(O)~~(P) "Prescribed drug" has the same meaning as in 42 C.F.R.
440.120.

~~(P)~~(Q) "Provider agreement" means an agreement to which all
of the following apply:

(1) It is between a medicaid provider and the department of
medicaid;

(2) It provides for the medicaid provider to provide medicaid
services to medicaid recipients;

(3) It complies with 42 C.F.R. 431.107(b).

~~(Q)~~(R) "Terminal distributor of dangerous drugs" has the same
meaning as in section 4729.01 of the Revised Code.

Sec. 5164.36. (A) As used in this section:

(1) ~~"Credible allegation of fraud" has the same meaning as in 42 C.F.R. 455.2, except that for purposes of this section any reference in that regulation to the "state" or the "state medicaid agency" means the department of medicaid~~ means an allegation of fraud for which there is an indication of reliability and that derives from one or more sources, including any of the following: 62957
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(a) A fraud hotline complaint; 62963

(b) Claims data mining; 62964

(c) A pattern identified through medicaid provider audits, civil false claims cases, and law enforcement investigations; 62965
62966

(d) An indictment charging a medicaid provider or its owner, officer, authorized agent, associate, manager, or employee with committing an act that would be a felony or misdemeanor under the laws of this state or the laws in the jurisdiction in which the act is committed and relates to, or results from, one or more of the following: 62967
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(i) Furnishing, ordering, prescribing, or certifying medicaid services; 62973
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(ii) Billing for medicaid services; 62975

(iii) Referring a person to medicaid services; 62976

(iv) Participating in the performance of management or administrative services related to furnishing medicaid services. 62977
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(e) Any other source. 62979

(2) ~~"Owner" has the same meaning as in section 5164.37 of the Revised Code~~ means any person having at least five per cent ownership in a medicaid provider. 62980
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(B)(1) Except as provided in division (C) of this section and in rules authorized by this section, ~~on determining there is a credible allegation of fraud for which an investigation is pending under the medicaid program against a medicaid provider,~~ the 62983
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department of medicaid shall suspend ~~the~~ a medicaid provider's 62987
provider agreement ~~held by the provider when the department, after~~ 62988
carefully reviewing all allegations, facts, and evidence and 62989
acting judiciously on a case-by-case basis, determines that an 62990
allegation of fraud committed by the medicaid provider or its 62991
owner, officer, authorized agent, associate, manager, or employee 62992
is a credible allegation of fraud. Subject to division (C) of this 62993
section, when the department suspends a medicaid provider's 62994
provider agreement under this section, the department ~~shall:~~ 62995

(a) Shall also terminate suspend all medicaid payments to the 62996
provider for medicaid services rendered the provider provided 62997
before, or provides after, the provider agreement's suspension; 62998

(b) May also suspend the provider agreement of any other 62999
medicaid provider of which the medicaid provider is an owner, 63000
officer, authorized agent, associate, manager, or employee. 63001

(2)(a) The suspension shall continue in effect until either 63002
of the following is the case: 63003

(i) The department or a prosecuting authority determines that 63004
there is insufficient evidence of fraud by the medicaid provider+ 63005
or its owner, officer, authorized agent, associate, manager, or 63006
employee. 63007

(ii) The proceedings in any related criminal case are 63008
completed through dismissal of the indictment or through 63009
conviction, entry of a guilty plea, or finding of not guilty. 63010

(b) If the department commences a process to terminate the 63011
suspended provider agreement, the suspension shall also continue 63012
in effect until the termination process, including any judicial 63013
appeal, is concluded. 63014

(3) When a medicaid provider's provider agreement is subject 63015
to a suspension under this section, ~~a~~ neither the medicaid 63016
provider, nor any owner, officer, authorized agent, associate, 63017

manager, or employee of the provider whose actions resulted in the 63018
credible allegation of fraud, shall ~~not~~ own or provide services to 63019
any other medicaid provider or risk contractor or arrange for, 63020
render, refer, prescribe, certify, or order services to any other 63021
medicaid provider or risk contractor or arrange for, render, 63022
refer, prescribe, certify, or order services for medicaid 63023
recipients during the period of suspension. During the period of 63024
suspension, the provider, owner, officer, authorized agent, 63025
associate, manager, or employee shall not receive direct payments 63026
under the medicaid program or indirect payments of medicaid funds 63027
in the form of salary, shared fees, contracts, kickbacks, or 63028
rebates from or through any other medicaid provider or risk 63029
contractor. 63030

(C) The department shall not suspend a provider agreement or 63031
terminate medicaid payments under division (B) of this section if 63032
the medicaid provider or owner can demonstrate through the 63033
submission of written evidence that the provider or owner did not 63034
directly or indirectly sanction the action of its authorized 63035
agent, associate, manager, or employee that resulted in the 63036
credible allegation of fraud. 63037

~~(D) The termination of medicaid payment under division (B) of~~ 63038
~~this section applies only to payments for medicaid services~~ 63039
~~rendered subsequent to the date on which the notice required by~~ 63040
~~division (E) of this section is sent. Claims for payment of~~ 63041
~~medicaid services rendered by the medicaid provider prior to the~~ 63042
~~issuance of the notice may be subject to prepayment review~~ 63043
~~procedures whereby the department reviews claims to determine~~ 63044
~~whether they are supported by sufficient documentation, are in~~ 63045
~~compliance with state and federal statutes and rules, and are~~ 63046
~~otherwise complete.~~ 63047

~~(E)~~ After suspending a provider agreement under division (B) 63048
of this section, the department shall, as specified in 42 C.F.R. 63049

455.23(b), send notice of the suspension to the affected medicaid provider or owner in accordance with the following ~~timeframes~~ time frames: 63050
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(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice; 63053
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(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division ~~(F)~~(E) of this section. 63056
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~~(F)~~(E) A written request for a temporary delay described in division ~~(E)~~(D)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs. 63060
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~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section shall do all of the following: 63065
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(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23; 63067
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(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation; 63069
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(3) State that the suspension continues to be in effect until either of the following is the case: 63073
63074

(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider or its owner, officer, authorized agent, associate, manager, or employee. 63075
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(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through 63078
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conviction, entry of a guilty plea, or finding of not guilty and, 63080
if the department commences a process to terminate the suspended 63081
provider agreement, until the termination process is concluded. 63082

(4) Specify, if applicable, the type or types of medicaid 63083
claims or business units of the medicaid provider that are 63084
affected by the suspension; 63085

(5) Inform the medicaid provider or owner of the opportunity 63086
to submit to the department, not later than thirty days after 63087
receiving the notice, a request for reconsideration of the 63088
suspension in accordance with division ~~(H)~~(G) of this section. 63089

~~(H)~~(G)(1) Pursuant to the procedure specified in division 63090
~~(H)~~(G)(2) of this section, a medicaid provider or owner subject to 63091
a suspension under this section may request a reconsideration of 63092
the suspension. The request shall be made not later than thirty 63093
days after receipt of a notice required by division ~~(E)~~(D) of this 63094
section. The reconsideration is not subject to an adjudication 63095
hearing pursuant to Chapter 119. of the Revised Code. 63096

(2) In requesting a reconsideration, the medicaid provider or 63097
owner shall submit written information and documents to the 63098
department. The information and documents may pertain to any of 63099
the following issues: 63100

(a) Whether the determination to suspend the provider 63101
agreement was based on ~~a mistake of fact, other than the validity~~ 63102
~~of an indictment in a related criminal case.~~ mistaken identity; 63103

(b) If there has been an indictment in a related criminal 63104
case, whether any offense charged in the indictment resulted from 63105
an ~~offense specified~~ act described in division ~~(E)~~(A)(1)(d) of 63106
this section ~~5164.37 of the Revised Code.~~; 63107

(c) Whether the provider or owner can demonstrate that the 63108
provider or owner did not directly or indirectly sanction the 63109
action of its authorized agent, associate, manager, or employee 63110

that resulted in the suspension under this section or an indictment in a related criminal case.

~~(I)~~(H) The department shall review the information and documents submitted in a request made under division ~~(H)~~(G) of this section for reconsideration of a suspension. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.

Sec. 5164.37. (A) As used in this section, "owner" has the same meaning as in section 5164.36 of the Revised Code.

(B) The department of medicaid may suspend a medicaid provider's provider agreement before conducting an adjudication under Chapter 119. of the Revised Code if the department determines that a credible allegation exists that the provider, by any act or omission, has negatively affected the health, safety, or welfare of one or more medicaid recipients. When the department suspends a medicaid provider's provider agreement under this section, the department:

(1) Shall also suspend all medicaid payments to the provider for medicaid services the provider provided before, or provides after, the provider agreement's suspension;

(2) May also suspend the provider agreement of any other medicaid provider of which the medicaid provider is an owner, officer, authorized agent, associate, manager, or employee.

(C) Not later than five days after suspending a medicaid provider's provider agreement under this section, the department shall notify the provider of the suspension of the provider agreement and medicaid payments. 63141
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(D) Not later than ten days after suspending a medicaid provider's provider agreement under this section, the department shall notify the provider of the department's intent to terminate the provider agreement. The notice shall be provided as part of the adjudication required by section 5164.38 of the Revised Code for the termination. The notice shall state that the provider agreement is to be terminated because of the allegation that the provider negatively affected the health, safety, or welfare of one or more medicaid recipients and may state additional reasons for the termination. 63145
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(E) The suspension of a medicaid provider's provider agreement and medicaid payments to the provider under this section shall continue in effect until the process to terminate the suspended provider agreement, including any judicial appeal, is concluded. However, if the department fails to provide the provider a notice required by division (C) or (D) of this section by the deadline, the suspension shall be lifted on the day immediately following the deadline. 63155
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(F) This section does not limit the department's authority under any other statute to suspend or terminate a provider agreement or medicaid payments to a medicaid provider. 63163
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Sec. 5164.38. (A) As used in this section: 63166

~~(1) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.~~ 63167
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~~(2) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.~~ 63169
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~~(3)~~(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.

(B) This section does not apply to either of the following:

(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;

(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code.

(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:

(1) Refuse to enter into a provider agreement with a medicaid provider;

(2) Refuse to revalidate a medicaid provider's provider agreement;

(3) Suspend or terminate a medicaid provider's provider agreement;

(4) Take any action based upon a final fiscal audit of a medicaid provider.

(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.

(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following

occur: 63201

(1) The terms of a provider agreement require the medicaid 63202
provider to hold a license, permit, or certificate or maintain a 63203
certification issued by an official, board, commission, 63204
department, division, bureau, or other agency of state or federal 63205
government other than the department of medicaid, and the license, 63206
permit, certificate, or certification has been denied, revoked, 63207
not renewed, suspended, or otherwise limited. 63208

(2) The terms of a provider agreement require the medicaid 63209
provider to hold a license, permit, or certificate or maintain 63210
certification issued by an official, board, commission, 63211
department, division, bureau, or other agency of state or federal 63212
government other than the department of medicaid, and the provider 63213
has not obtained the license, permit, certificate, or 63214
certification. 63215

(3) The medicaid provider's application for a provider 63216
agreement is denied, or the provider's provider agreement is 63217
terminated or not revalidated, because of or pursuant to any of 63218
the following: 63219

(a) The termination, refusal to renew, or denial of a 63220
license, permit, certificate, or certification by an official, 63221
board, commission, department, division, bureau, or other agency 63222
of this state other than the department of medicaid, 63223
notwithstanding the fact that the provider may hold a license, 63224
permit, certificate, or certification from an official, board, 63225
commission, department, division, bureau, or other agency of 63226
another state; 63227

(b) Division (D) or (E) of section 5164.35 of the Revised 63228
Code; 63229

(c) The provider's termination, suspension, or exclusion from 63230
the medicare program or from another state's medicaid program and, 63231

in either case, the termination, suspension, or exclusion is 63232
binding on the provider's participation in the medicaid program in 63233
this state; 63234

(d) The provider's pleading guilty to or being convicted of a 63235
criminal activity materially related to either the medicare or 63236
medicaid program; 63237

(e) The provider or its owner, officer, authorized agent, 63238
associate, manager, or employee having been convicted of one of 63239
the offenses that caused the provider's provider agreement to be 63240
suspended pursuant to section 5164.36 of the Revised Code; 63241

(f) The provider's failure to provide the department the 63242
national provider identifier assigned the provider by the national 63243
provider system pursuant to 45 C.F.R. 162.408. 63244

(4) The medicaid provider's application for a provider 63245
agreement is denied, or the provider's provider agreement is 63246
terminated or suspended, as a result of action by the United 63247
States department of health and human services and that action is 63248
binding on the provider's medicaid participation. 63249

(5) Pursuant to either section 5164.36 or 5164.37 of the 63250
Revised Code, the medicaid provider's provider agreement is 63251
suspended and payments to the provider are suspended pending 63252
indictment of the provider. 63253

(6) The medicaid provider's application for a provider 63254
agreement is denied because the provider's application was not 63255
complete; 63256

(7) The medicaid provider's provider agreement is converted 63257
under section 5164.32 of the Revised Code from a provider 63258
agreement that is not time-limited to a provider agreement that is 63259
time-limited. 63260

(8) Unless the medicaid provider is a nursing facility or 63261

ICF/IID, the provider's provider agreement is not revalidated 63262
pursuant to division (B)(1) of section 5164.32 of the Revised 63263
Code. 63264

(9) The medicaid provider's provider agreement is suspended, 63265
terminated, or not revalidated because of either of the following: 63266

(a) Any reason authorized or required by one or more of the 63267
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 63268
455.450; 63269

(b) The provider has not billed or otherwise submitted a 63270
medicaid claim for two years or longer. 63271

(F) In the case of a medicaid provider described in division 63272
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 63273
take its action by sending a notice explaining the action to the 63274
provider. The notice shall be sent to the medicaid provider's 63275
address on record with the department. The notice may be sent by 63276
regular mail. 63277

(G) The department may withhold payments for medicaid 63278
services rendered by a medicaid provider during the pendency of 63279
proceedings initiated under division (C)(1), (2), or (3) of this 63280
section. If the proceedings are initiated under division (C)(4) of 63281
this section, the department may withhold payments only to the 63282
extent that they equal amounts determined in a final fiscal audit 63283
as being due the state. This division does not apply if the 63284
department fails to comply with section 119.07 of the Revised 63285
Code, requests a continuance of the hearing, or does not issue a 63286
decision within thirty days after the hearing is completed. This 63287
division does not apply to nursing facilities and ICFs/IID. 63288

Sec. 5164.57. (A) ~~As used in this section, "adjudication" has 63289
the same meaning as in section 119.01 of the Revised Code. 63290~~

~~(B)(1) Except as provided in division (B)(A)(2) of this 63291~~

section, the department of medicaid may recover a medicaid payment 63292
or portion of a payment made to a medicaid provider to which the 63293
provider is not entitled if the department notifies the provider 63294
of the overpayment during the five-year period immediately 63295
following the end of the state fiscal year in which the 63296
overpayment was made. 63297

(2) In the case of a hospital medicaid provider, if the 63298
department determines as a result of a medicare or medicaid cost 63299
report settlement that the provider received an amount under the 63300
medicaid program to which the provider is not entitled, the 63301
department may recover the overpayment if the department notifies 63302
the provider of the overpayment during the later of the following: 63303

(a) The five-year period immediately following the end of the 63304
state fiscal year in which the overpayment was made; 63305

(b) The one-year period immediately following the date the 63306
department receives from the United States centers for medicare 63307
and medicaid services a completed, audited, medicare cost report 63308
for the provider that applies to the state fiscal year in which 63309
the overpayment was made. 63310

~~(C)~~(B) Among the overpayments that may be recovered under 63311
this section are the following: 63312

(1) Payment for a medicaid service, or a day of service, not 63313
rendered; 63314

(2) Payment for a day of service at a full per diem rate that 63315
should have been paid at a percentage of the full per diem rate; 63316

(3) Payment for a medicaid service, or day of service, that 63317
was paid by, or partially paid by, a third party, as defined in 63318
section 5160.35 of the Revised Code, and the third party's payment 63319
or partial payment was not offset against the amount paid by the 63320
medicaid program to reduce or eliminate the amount that was paid 63321
by the medicaid program; 63322

(4) Payment when a medicaid recipient's responsibility for payment was understated and resulted in an overpayment to the provider. 63323
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~~(D)~~(C) The department may recover an overpayment under this section prior to or after any of the following: 63326
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(1) Adjudication of a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code; 63328
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(2) Adjudication of a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes; 63331
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(3) Expiration of the time to issue a final fiscal audit that section 5164.38 of the Revised Code requires to be conducted in accordance with Chapter 119. of the Revised Code; 63334
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63336

(4) Expiration of the time to issue a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes. 63337
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~~(E)~~(D)(1) Subject to division ~~(E)~~(D)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following: 63340
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(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5164.38 of the Revised Code; 63343
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(b) Issuing a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes. 63346
63347
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(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate. 63349
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~~(F)~~(E) Nothing in this section limits the department's 63352

authority to recover overpayments pursuant to any other provision 63353
of the Revised Code. 63354

Sec. 5164.912. A medical transportation provider may submit a 63355
claim to the medicaid program for a medical transportation service 63356
provided to an ICDS participant without the medicare program first 63357
denying the claim if the medicaid program is responsible for 63358
paying the claim instead of the medicare program. 63359

Sec. 5165.15. ~~(A)~~ Except as otherwise provided by sections 63360
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 63361
per medicaid day payment rate that the department of medicaid 63362
shall pay a nursing facility provider for nursing facility 63363
services the provider's nursing facility provides during a fiscal 63364
year shall ~~equal~~ be determined as follows: 63365

(A) Determine the sum of all of the following: 63366

(1) The per medicaid day payment rate for ancillary and 63367
support costs determined for the nursing facility under section 63368
5165.16 of the Revised Code; 63369

(2) The per medicaid day payment rate for capital costs 63370
determined for the nursing facility under section 5165.17 of the 63371
Revised Code; 63372

(3) The per medicaid day payment rate for direct care costs 63373
determined for the nursing facility under section 5165.19 of the 63374
Revised Code; 63375

(4) The per medicaid day payment rate for tax costs 63376
determined for the nursing facility under section 5165.21 of the 63377
Revised Code; 63378

(5) If the nursing facility qualifies as a critical access 63379
nursing facility, the nursing facility's critical access incentive 63380
payment paid under section 5165.23 of the Revised Code; 63381

(6) ~~The quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code Sixteen dollars and forty-four cents.~~ 63382
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(B) ~~In addition to paying a nursing facility provider the nursing facility's total rate determined under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5165.26 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate. From the sum determined under division (A) of this section, subtract one dollar and seventy-nine cents.~~ 63385
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(C) To the difference determined under division (B) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code. 63394
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Sec. 5165.151. (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 63398
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(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.16 of the Revised Code. 63404
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(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.17 of the Revised Code; 63407
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(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division 63410
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(D) of section 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section.

(4) The initial rate for tax costs shall be the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (C) of section 5165.16 of the Revised Code.

(5) The quality ~~incentive~~ payment shall be the mean quality payment ~~made to~~ rate determined for nursing facilities under section 5165.25 of the Revised Code.

(6) Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to (5) of this section.

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following:

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group;

(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities.

(C) Subject to division (D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate

calculations for all nursing facilities under this chapter. 63443

(D) If a rate for direct care costs is determined under this 63444
section for a new nursing facility using the median annual average 63445
case-mix score for the new nursing facility's peer group, the rate 63446
shall be redetermined to reflect the new nursing facility's actual 63447
semiannual average case-mix score determined under section 63448
5165.192 of the Revised Code after the new nursing facility 63449
submits its first two quarterly assessment data that qualify for 63450
use in calculating a case-mix score in accordance with rules 63451
authorized by section 5165.192 of the Revised Code. If the new 63452
nursing facility's quarterly submissions do not qualify for use in 63453
calculating a case-mix score, the department shall continue to use 63454
the median annual average case-mix score for the new nursing 63455
facility's peer group in lieu of the new nursing facility's 63456
semiannual case-mix score until the new nursing facility submits 63457
two consecutive quarterly assessment data that qualify for use in 63458
calculating a case-mix score. 63459

Sec. 5165.152. The total per medicaid day payment rate 63460
determined under section 5165.15 of the Revised Code shall not be 63461
paid for nursing facility services provided to low resource 63462
utilization residents. Instead, the total rate for such nursing 63463
facility services shall be ~~one~~ the following: 63464

(A) One hundred ~~thirty~~ fifteen dollars per medicaid day if 63465
the department of medicaid is satisfied that the nursing 63466
facility's provider is cooperating with the long-term care 63467
ombudsman program in efforts to help the nursing facility's low 63468
resource utilization residents receive the services that are most 63469
appropriate for such residents' level of care needs; 63470

(B) Ninety-one dollars and seventy cents per medicaid day if 63471
division (A) of this section does not apply to the nursing 63472
facility. 63473

Sec. 5165.192. (A)(1) Except as provided in division (B) of 63474
this section and in accordance with the process specified in rules 63475
authorized by this section, the department of medicaid shall do 63476
all of the following: 63477

(a) Every quarter, determine the following two case-mix 63478
scores for each nursing facility: 63479

(i) A quarterly case-mix score that includes each resident 63480
who is a medicaid recipient and is not a low resource utilization 63481
resident; 63482

(ii) A quarterly case-mix score that includes each resident 63483
regardless of payment source. 63484

(b) Every six months, determine a semiannual average case-mix 63485
score for each nursing facility by using the quarterly case-mix 63486
scores determined for the nursing facility pursuant to division 63487
(A)(1)(a)(i) of this section; 63488

(c) After the end of each calendar year, determine an annual 63489
average case-mix score for each nursing facility by using the 63490
quarterly case-mix scores determined for the nursing facility 63491
pursuant to division (A)(1)(a)(ii) of this section. 63492

(2) When determining case-mix scores under division (A)(1) of 63493
this section, the department shall use all of the following: 63494

(a) Data from a resident assessment instrument specified in 63495
rules authorized by section 5165.191 of the Revised Code; 63496

(b) Except as provided in rules authorized by this section, 63497
the case-mix values established by the United States department of 63498
health and human services; 63499

(c) Except as modified in rules authorized by this section, 63500
the grouper methodology ~~used on June 30, 1999,~~ designated by the 63501
United States department of health and human services ~~for~~ 63502
~~prospective payment of skilled nursing facilities under the~~ 63503

medicare program as the resource utilization group (RUG)-IV, 48 63504
group model. 63505

(B)(1) Subject to division (B)(2) of this section, the 63506
department, for one or more months of a calendar quarter, may 63507
assign to a nursing facility a case-mix score that is five per 63508
cent less than the nursing facility's case-mix score for the 63509
immediately preceding calendar quarter if any of the following 63510
apply: 63511

(a) The provider does not timely submit complete and accurate 63512
resident assessment data necessary to determine the nursing 63513
facility's case-mix score for the calendar quarter; 63514

(b) The nursing facility was subject to an exception review 63515
under section 5165.193 of the Revised Code for the immediately 63516
preceding calendar quarter; 63517

(c) The nursing facility was assigned a case-mix score for 63518
the immediately preceding calendar quarter. 63519

(2) Before assigning a case-mix score to a nursing facility 63520
due to the submission of incorrect resident assessment data, the 63521
department shall permit the provider to correct the data. The 63522
department may assign the case-mix score if the provider fails to 63523
submit the corrected resident assessment data not later than the 63524
earlier of the forty-fifth day after the end of the calendar 63525
quarter to which the data pertains or the deadline for submission 63526
of such corrections established by regulations adopted by the 63527
United States department of health and human services under Title 63528
XVIII and Title XIX. 63529

(3) If, for more than six months in a calendar year, a 63530
provider is paid a rate determined for a nursing facility using a 63531
case-mix score assigned to the nursing facility under division 63532
(B)(1) of this section, the department may assign the nursing 63533
facility a cost per case-mix unit that is five per cent less than 63534

the nursing facility's actual or assigned cost per case-mix unit 63535
for the immediately preceding calendar year. The department may 63536
use the assigned cost per case-mix unit, instead of determining 63537
the nursing facility's actual cost per case-mix unit in accordance 63538
with section 5165.19 of the Revised Code, to establish the nursing 63539
facility's rate for direct care costs for the fiscal year 63540
immediately following the calendar year for which the cost per 63541
case-mix unit is assigned. 63542

(4) The department shall take action under division (B)(1), 63543
(2), or (3) of this section only in accordance with rules 63544
authorized by this section. The department shall not take an 63545
action that affects rates for prior payment periods except in 63546
accordance with sections 5165.41 and 5165.42 of the Revised Code. 63547

(C) The medicaid director shall adopt rules under section 63548
5165.02 of the Revised Code as necessary to implement this 63549
section. 63550

(1) The rules shall do all of the following: 63551

(a) Specify the process for determining the semiannual and 63552
annual average case-mix scores for nursing facilities; 63553

(b) Adjust the case-mix values specified in division 63554
(A)(2)(b) of this section to reflect changes in relative wage 63555
differentials that are specific to this state; 63556

(c) Express all of those case-mix values in numeric terms 63557
that are different from the terms specified by the United States 63558
department of health and human services but that do not alter the 63559
relationship of the case-mix values to one another; 63560

(d) Modify the grouper methodology specified in division 63561
(A)(2)(c) of this section as follows: 63562

(i) Establish a different hierarchy for assigning residents 63563
to case-mix categories under the methodology; 63564

(ii) Prohibit the use of the index maximizer element of the methodology; 63565
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(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999; 63567
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(iv) Make other changes the department determines are necessary. 63570
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(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction; 63572
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(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX. 63575
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(g) Specify when and how the department will assign case-mix scores or costs per case-mix unit to a nursing facility under division (B) of this section if information necessary to calculate the nursing facility's case-mix score is not provided or corrected in accordance with the procedures established by the rules. 63581
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(2) Notwithstanding any other provision of this chapter, the rules may provide for the exclusion of case-mix scores assigned to a nursing facility under division (B) of this section from the determination of the nursing facility's semiannual or annual average case-mix score and the cost per case-mix unit for the nursing facility's peer group. 63586
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Sec. 5165.23. (A) Each fiscal year, the department of medicaid shall determine the critical access incentive payment for each nursing facility that qualifies as a critical access nursing 63592
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facility. To qualify as a critical access nursing facility for a 63595
fiscal year, a nursing facility must meet all of the following 63596
requirements: 63597

(1) The nursing facility must be located in an area that, on 63598
December 31, 2011, was designated an empowerment zone under the 63599
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 63600

(2) The nursing facility must have an occupancy rate of at 63601
least eighty-five per cent as of the last day of the calendar year 63602
immediately preceding the fiscal year. 63603

(3) The nursing facility must have a medicaid utilization 63604
rate of at least sixty-five per cent as of the last day of the 63605
calendar year immediately preceding the fiscal year. 63606

~~(4) The nursing facility must have been awarded at least five 63607
points for meeting accountability measures under section 5165.25 63608
of the Revised Code for the fiscal year and at least one of the 63609
five points must have been awarded for meeting the accountability 63610
measures identified in divisions (C)(9), (10), (11), (12), and 63611
(14) of section 5165.25 of the Revised Code. 63612~~

(B) A critical access nursing facility's critical access 63613
incentive payment for a fiscal year shall equal five per cent of 63614
the portion of the nursing facility's total per medicaid day 63615
payment rate for the fiscal year that is the sum of the rates ~~and~~ 63616
~~payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 63617
5165.15 of the Revised Code. 63618

Sec. 5165.25. (A) As used in this section: 63619

(1) "Long-stay resident" means an individual who has resided 63620
in a nursing facility for at least one hundred one days. 63621

(2) "Measurement period" means the following: 63622

(a) For fiscal year 2017, the period beginning July 1, 2015, 63623

and ending December 31, 2015; 63624

(b) For each subsequent fiscal year, the calendar year 63625
immediately preceding the fiscal year. 63626

(3) "Nurse aide" has the same meaning as in section 3721.21 63627
of the Revised Code. 63628

(4) "Short-stay resident" means a nursing facility resident 63629
who is not a long-stay resident. 63630

(B)(1) Using all of the funds made available for a fiscal 63631
year by the rate reductions under division (B) of section 5165.15 63632
of the Revised Code, the department of medicaid shall determine a 63633
per medicaid day quality payment rate to be paid for that fiscal 63634
year to each nursing facility that meets at least one of the 63635
quality indicators specified in division (B)(2) of this section 63636
for the measurement period. The largest quality payment rate for a 63637
fiscal year shall be paid to nursing facilities that meet all of 63638
the quality indicators for the measurement period. 63639

(2) The following are the quality indicators to be used for 63640
the purpose of division (B)(1) of this section: 63641

(a) Not more than the target percentage of the nursing 63642
facility's short-stay residents had new or worsened pressure 63643
ulcers and not more than the target percentage of long-stay 63644
residents at high risk for pressure ulcers had pressure ulcers. 63645

(b) Not more than the target percentage of the nursing 63646
facility's short-stay residents newly received an antipsychotic 63647
medication and not more than the target percentage of the nursing 63648
facility's long-stay residents received an antipsychotic 63649
medication. 63650

(c) The number of the nursing facility's residents who had 63651
avoidable inpatient hospital admissions did not exceed the target 63652
rate. 63653

(d) The nursing facility's employee retention rate is at least the target rate. 63654
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(e) The nursing facility utilized the nursing home version of the preferences for everyday living inventory for all of its residents. 63656
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(3) The department shall specify the target percentage for the purpose of divisions (B)(2)(a) and (b) of this section. The amount specified for division (B)(2)(a) of this section may differ from the amount specified for division (B)(2)(b) of this section and the amount specified for short-stay residents may differ from the amount specified for long-stay residents. The department also shall specify the target rate for the purpose of division (B)(2)(c) of this section and the target rate for the purpose of division (B)(2)(d) of this section. 63659
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(C) If a nursing facility undergoes a change of operator during a fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following fiscal year, the per medicaid day quality payment rate shall be the following: 63668
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(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately preceding the fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the fiscal year; 63679
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(2) If the effective date of the change of operator is after 63684

the first day of October of the calendar year immediately 63685
preceding the fiscal year, the mean per medicaid day quality 63686
payment rate for all nursing facilities for the fiscal year. 63687

Sec. 5166.16. (A) As used in this section and section 63688
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 63689
component" means all of the following: 63690

(1) The medicaid-funded component of the PASSPORT program, 63691
unless it is terminated pursuant to division (C) of section 173.52 63692
of the Revised Code; 63693

(2) The choices program, unless it is terminated pursuant to 63694
division (B) of section 173.53 of the Revised Code; 63695

(3) The medicaid-funded component of the assisted living 63696
program, unless it is terminated pursuant to division (C) of 63697
section 173.54 of the Revised Code; 63698

(4) The Ohio home care waiver program, unless it is 63699
terminated pursuant to section 5166.12 of the Revised Code; 63700

(5) The Ohio transitions II aging carve-out program, unless 63701
it is terminated pursuant to section 5166.13 of the Revised Code. 63702

(B) The medicaid director may create a home and 63703
community-based services medicaid waiver component as part of the 63704
integrated care delivery system. If the ICDS medicaid waiver 63705
component is created, both of the following apply: 63706

(1) The department of medicaid shall administer it; 63707

(2) When it begins to accept enrollments, no ICDS participant 63708
who is eligible for the ICDS medicaid waiver component shall be 63709
enrolled in an ODA or MCD medicaid waiver component regardless of 63710
whether the participant prefers to remain or be enrolled in an ODA 63711
or MCD medicaid waiver component. 63712

(C) A dual eligible individual who is eligible for an ODA or 63713

MCD medicaid waiver component may enroll in the component before 63714
the individual becomes an ICDS participant. The dual eligible 63715
individual shall disenroll from the ODA or MCD medicaid waiver 63716
component and enroll in the ICDS medicaid waiver component once 63717
the individual becomes an ICDS participant and it is possible to 63718
enroll the individual in the ICDS medicaid waiver component. The 63719
disenrollment from the ODA or MCD medicaid waiver component and 63720
enrollment into the ICDS medicaid waiver component shall occur 63721
regardless of whether the individual prefers to remain enrolled in 63722
the ODA or MCD medicaid waiver component. 63723

(D) An ICDS participant's disenrollment from an ODA or MCD 63724
medicaid waiver component and enrollment in the ICDS medicaid 63725
waiver component resulting from division (B)(2) or (C) of this 63726
section shall be accomplished without a disruption in the 63727
participant's services under the components. 63728

Sec. 5166.161. The department of medicaid shall ensure that 63729
each ICDS participant who is a survivor of the Holocaust that 63730
occurred in Europe during World War II receives, while enrolled in 63731
the ICDS medicaid waiver component, home and community-based 63732
services of the type and in at least the amount, duration, and 63733
scope that the participant is assessed to need and would have 63734
received if the participant were enrolled in an ODA or MCD 63735
medicaid waiver component. 63736

Sec. 5166.52. (A) As used in sections 5166.52 to 5166.5210 of 63737
the Revised Code: 63738

(1) "Adult" means an individual who is at least eighteen 63739
years of age. 63740

(2) "Buckeye account" means a modified health savings account 63741
established under section 5166.522 of the Revised Code. 63742

(3) "Contribution" means the amounts that an individual 63743

contributes to the individual's buckeye account and are 63744
contributed to the account on the individual's behalf under 63745
divisions (C) and (D) of section 5166.522 of the Revised Code. 63746
"Contribution" does not mean the portion of an individual's 63747
buckeye account that consists of medicaid funds deposited under 63748
division (B) of section 5166.522 of the Revised Code or section 63749
5166.524 of the Revised Code. 63750

(4) "Core portion" means the portion of a healthy Ohio 63751
program participant's buckeye account that consists of the 63752
following: 63753

(a) The amount of contributions to the account; 63754

(b) The amounts awarded to the account under divisions (C) 63755
and (D) of section 5166.524 of the Revised Code. 63756

(5) "Eligible employer-sponsored health plan" has the same 63757
meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 63758
1986," 26 U.S.C. 5000A(f)(2). 63759

(6) "Healthy Ohio program" means the medicaid waiver 63760
component established under sections 5166.52 to 5166.5210 of the 63761
Revised Code under which medicaid recipients specified in division 63762
(B)(2) of this section enroll in comprehensive health plans and 63763
contribute to buckeye accounts. 63764

(7) "Healthy Ohio program debit swipe card" means a debit 63765
swipe card issued by a managed care organization to a healthy Ohio 63766
program participant under section 5166.523 of the Revised Code. 63767

(8) "Minor" means an individual who is less than eighteen 63768
years of age. 63769

(9) "Not-for-profit organization" means an organization that 63770
is exempt from federal income taxation under section 501(a) and 63771
(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 63772
and (c)(3). 63773

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| <u>(10) "Ward of the state" means both of the following:</u> | 63774 |
| <u>(a) An individual who is a ward, as defined in section 2111.01 of the Revised Code;</u> | 63775 |
| <u>(b) A minor who is in the temporary or permanent custody of a public children services agency or private child placing agency.</u> | 63776 |
| <u>(11) "Workforce development activity" and "workforce development agency" have the same meanings as in section 6301.01 of the Revised Code.</u> | 63777 |
| <u>(B) The medicaid director shall establish a medicaid waiver component to be known as the healthy Ohio program. Each individual, other than a ward of the state, determined to be eligible for medicaid on the basis of either of the following shall participate in the healthy Ohio program as a condition of medicaid eligibility:</u> | 63778 |
| <u>(1) On the basis of being included in the category identified by the department of medicaid as covered families and children;</u> | 63782 |
| <u>(2) On the basis of being included in the eligibility group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII).</u> | 63783 |
| <u>(C) A healthy Ohio program participant shall not receive medicaid services under the fee-for-service component of medicaid or participate in the care management system. Notwithstanding any other state statute, only medicaid recipients not required to participate in the healthy Ohio program shall receive medicaid services under the fee-for- service component of medicaid or participate in the care management system.</u> | 63784 |
| <u>Sec. 5166.521. A healthy Ohio program participant shall enroll in a comprehensive health plan offered by a managed care organization under contract with the department of medicaid. All of the following apply to the health plan:</u> | 63785 |
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(A) It shall cover physician, hospital inpatient, hospital outpatient, pregnancy-related, mental health, pharmaceutical, laboratory, and other health care services the medicaid director determines necessary. 63804
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(B) In the case of a health professional service also covered by the medicare program, it shall have the same payment rate as the medicare payment rate for the health professional service. 63808
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(C) It shall not begin to pay for any services it covers until the amount of the noncore portion of the participant's buckeye account is zero. 63811
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(D) It shall require copayments for services covered by the health plan, except that a participant's copayments shall be waived whenever the amount of the core portion of the participant's buckeye account is zero. 63814
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(E) It shall have the following payout limits: 63818

(1) Three hundred thousand dollars per year; 63819

(2) One million dollars for a participant's lifetime. 63820

Sec. 5166.522. (A)(1) A buckeye account shall be established for each individual who is determined to be eligible for the healthy Ohio program. Subject to division (A)(2) of this section, an individual's buckeye account shall consist of both of the following: 63821
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(a) The medicaid funds deposited into the account under division (B) of this section and division (A) of section 5166.524 of the Revised Code; 63826
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(b) Contributions made by the individual and on the individual's behalf under divisions (C) and (D) of this section. 63829
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(2) A buckeye account shall not have more than ten thousand dollars in it at one time. 63831
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(B)(1) Subject to division (A)(2) of this section, the 63833
following amount of medicaid funds shall be deposited each year 63834
into the buckeye account of an individual participating in the 63835
healthy Ohio program: 63836

(a) If the individual is an adult, one thousand dollars; 63837

(b) If the individual is a minor, five hundred dollars. 63838

(2) Except in the case of an individual who is not required 63839
to make contributions to the individual's buckeye account, the 63840
initial deposit of medicaid funds into an individual's buckeye 63841
account shall not occur until the initial contribution to the 63842
individual's account is made under division (C) or (D) of this 63843
section. 63844

(C) Subject to divisions (A)(2), (D), and (F) of this 63845
section, an individual who is seeking to participate, or is 63846
participating, in the healthy Ohio program shall contribute each 63847
month to the individual's buckeye account the greater of the 63848
following: 63849

(1) Two per cent of the individual's monthly countable family 63850
income; 63851

(2) One dollar. 63852

(D)(1) Subject to division (D)(2) of this section, the 63853
following may make contributions to an individual's buckeye 63854
account on the individual's behalf: 63855

(a) If the individual is a minor, the individual's parent or 63856
caretaker relative; 63857

(b) The individual's employer, but only up to fifty per cent 63858
of the contributions the individual is required to make; 63859

(c) A not-for-profit organization, but only up to seventy- 63860
five per cent of the contributions the individual is required to 63861
make; 63862

(d) The managed care organization that offers the health plan 63863
in which the individual enrolls under the healthy Ohio program, 63864
but both of the following apply to such contributions: 63865

(i) They shall be used only to pay the costs for the 63866
individual to participate in a health-related incentive available 63867
under the health plan, such as completion of a risk assessment or 63868
participation in a smoking cessation program. 63869

(ii) They cannot reduce the amount the individual is required 63870
to contribute. 63871

(2) Contributions made on an individual's behalf under 63872
divisions (D)(1)(b) and (c) of this section shall be coordinated 63873
in a manner so that the individual, or if the individual is a 63874
minor, the individual's parent or caretaker relative, makes at 63875
least twenty-five per cent of the contributions the individual is 63876
required to make. 63877

(E) Except in the case of an individual who is not required 63878
to make contributions to the individual's buckeye account, an 63879
individual shall not begin to participate in the healthy Ohio 63880
program until the initial contribution to the individual's buckeye 63881
account is made under division (C) or (D) of this section. 63882

(F)(1) The following portion of the amount that remains in a 63883
healthy Ohio program participant's buckeye account at the end of a 63884
year shall carry forward in the account for the next year: 63885

(a) If the participant satisfies requirements regarding 63886
preventative health services established in rules authorized by 63887
section 5166.5210 of the Revised Code, the entire amount; 63888

(b) If division (F)(1)(a) of this section does not apply, the 63889
amount representing the contributions to the account. 63890

(2) The amount of contributions that must be made to a 63891
healthy Ohio program participant's buckeye account for a year 63892

shall be reduced by the amount that is carried forward under 63893
division (F)(1) of this section. If the amount carried forward is 63894
at least the amount of contributions that division (C) of this 63895
section requires for that year, no contributions are required to 63896
be made for the participant that year. 63897

(G) A buckeye account shall be used only for the following: 63898

(1) To pay for the expenses for which a healthy Ohio program 63899
debit swipe card may be used as specified in division (A) of 63900
section 5166.523 of the Revised Code; 63901

(2) Other purposes authorized by rules adopted under section 63902
5166.5210 of the Revised Code. 63903

(H) The department of medicaid shall provide for a healthy 63904
Ohio program participant to receive monthly statements showing the 63905
current amount in the participant's buckeye account and the 63906
previous month's expenditures from the account. The statement 63907
shall specify how much of the amount in the participant's buckeye 63908
account is the core portion and how much is the noncore portion. 63909
The department may arrange for the statements to be provided in an 63910
electronic format. 63911

Sec. 5166.523. (A) A managed care organization that offers 63912
the health plan in which a healthy Ohio program participant 63913
enrolls shall issue a debit swipe card to be used to pay only for 63914
the following: 63915

(1) Until the amount of the noncore portion of the 63916
participant's buckeye account is zero, the costs of health care 63917
services that are covered by the health plan and provided to the 63918
participant by a provider participating in the health plan; 63919

(2) The participant's copayments under division (A)(4) of 63920
section 5166.521 of the Revised Code; 63921

(3) Subject to rules authorized by section 5166.5210 of the 63922

Revised Code, the costs of health care services that are medically necessary for the participant but not covered by the health plan. 63923
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(B)(1) A healthy Ohio program participant's debit swipe card shall be credited with one point for each of the following: 63925
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(a) Each dollar of medicaid funds deposited into the participant's buckeye account under division (B) of section 5166.522 of the Revised Code; 63927
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(b) Each dollar contributed to the participant's buckeye account under divisions (C) and (D) of section 5166.522 of the Revised Code; 63930
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(c) Each point awarded to the participant under section 5166.524 of the Revised Code. 63933
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(2) Each time a healthy Ohio program participant uses the participant's debit swipe card, the amount for which the card is used shall be deducted from the number of points on the card as follows: 63935
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(a) If the card is used for the purpose specified in division (A)(1) of this section, the deduction shall come from the points representing the noncore portion of the participant's buckeye account. 63939
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(b) If the card is used for the purpose specified in division (A)(2) or (3) of this section, the deduction shall come from the points representing the core portion of the participant's buckeye account. 63943
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(C) A healthy Ohio program participant's debit swipe card shall do all of the following: 63947
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(1) Verify the participant's eligibility for the healthy Ohio program; 63949
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(2) Determine whether the service the participant seeks is covered under the health plan; 63951
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(3) Determine whether the provider from which the participant seeks the service is a participating provider under the health plan; 63953
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(4) Be linked to the participant's buckeye account in a manner that enables the participant to know at the point of service what will be deducted from the noncore portion and core portion of the participant's buckeye account for the service and how much will remain in each portion of the account after the deduction. 63956
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Sec. 5166.524. (A) The medicaid director shall establish a system under which points are awarded in accordance with this section to healthy Ohio program debit swipe cards. One dollar of medicaid funds shall be deposited into a healthy Ohio program participant's buckeye account for each point awarded to the participant under this section. 63962
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(B) The director shall provide a one-time award of twenty points to a healthy Ohio program participant who provides for the participant's contributions under division (C) of section 5166.522 of the Revised Code to be made by electronic funds transfers from the participant's checking or savings account. Twenty points shall be deducted from the participant's card if the participant terminates the electronic funds transfers. 63968
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(C) The director may award up to two hundred points annually to a healthy Ohio program participant who achieves health care goals. The points shall be awarded in accordance with the rules authorized by section 5166.5210 of the Revised Code. A participant shall not be awarded more than two hundred points per year under this division regardless of the number of health care goals the participant achieves that year. 63975
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(D) Up to one hundred points may be awarded annually to a healthy Ohio program participant by one or more primary care 63982
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physicians who verify that the participant has satisfied health 63984
care benchmarks set by the physicians. A participant shall not be 63985
awarded more than one hundred points per year under this division 63986
regardless of how many primary care physicians award points to the 63987
participant that year and the number of points the primary care 63988
physicians award the participant that year. 63989

Sec. 5166.525. An individual's participation in the healthy 63990
Ohio program shall be suspended if the individual exhausts the 63991
individual's annual payout limit specified in division (A)(5)(a) 63992
of section 5166.521 of the Revised Code. The suspension shall end 63993
on the first day of the following year. 63994

Sec. 5166.526. (A) An individual's participation in the 63995
healthy Ohio program shall cease if any of the following applies: 63996

(1) A monthly installment payment to the individual's buckeye 63997
account is sixty days late. 63998

(2) The individual, or if the individual is a minor, the 63999
individual's parent or caretaker relative, fails to submit 64000
documentation needed for a redetermination of the individual's 64001
eligibility for medicaid before the sixty-first day after the 64002
documentation is requested. 64003

(3) The individual becomes eligible for medicaid on a basis 64004
other than being included in the category identified by the 64005
department of medicaid as covered families and children or being 64006
included in the eligibility group described in section 64007
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 64008
1396a(a)(10)(A)(i)(VIII). 64009

(4) The individual becomes a ward of the state. 64010

(5) The individual ceases to be eligible for medicaid. 64011

(6) The individual exhausts the individual's lifetime payout 64012

limit specified in division (A)(5)(b) of section 5166.521 of the 64013
Revised Code. 64014

(7) The individual, or if the individual is a minor, the 64015
individual's parent or caretaker relative, requests that the 64016
individual's participation be terminated. 64017

(B) An individual who ceases to participate in the healthy 64018
Ohio program under division (A)(1) or (2) of this section may not 64019
resume participation earlier than twelve months after the 64020
participation ceases. 64021

(C) Except as provided in section 5166.528 of the Revised 64022
Code, an individual who ceases to participate in the healthy Ohio 64023
program shall be provided the contributions that are in the 64024
individual's buckeye account at the time the individual ceases 64025
participation. If the individual is a minor, the individual's 64026
contribution shall be provided to the individual's parent or 64027
caretaker relative. 64028

Sec. 5166.527. If a healthy Ohio program participant exhausts 64029
the annual or lifetime payout limits specified in division (A)(5) 64030
of section 5166.521 of the Revised Code, the participant shall be 64031
transferred to a catastrophic health care plan established in 64032
rules authorized by section 5166.5210 of the Revised Code. A 64033
participant who exhausts the annual payout limit for a year may 64034
resume participation in the healthy Ohio program at the beginning 64035
of the immediately following year. 64036

Sec. 5166.528. (A) If a healthy Ohio program participant 64037
ceases to qualify for medicaid due to increased family countable 64038
income and purchases a health insurance policy or obtains health 64039
care coverage under an eligible employer-sponsored health plan, 64040
the amount remaining in the former participant's buckeye account 64041
shall be transferred to an account to be known as a bridge 64042

account. The amount so transferred may be used only to pay for the 64043
following: 64044

(1) If the former participant has purchased a health 64045
insurance policy, the former participant's costs in purchasing the 64046
policy and paying for the former participant's out-of-pocket 64047
expenses under the policy for health care services and 64048
prescription drugs covered by the policy; 64049

(2) If the former participant has obtained health care 64050
coverage under an eligible employer-sponsored health plan, the 64051
former participant's out-of-pocket expenses under the plan for 64052
health care services and prescription drugs covered by the plan. 64053

(B) Only the amount remaining in a former healthy Ohio 64054
program participant's buckeye account at the time the former 64055
participant ceased to participate in the healthy Ohio program 64056
shall be deposited into the bridge account. The bridge account 64057
shall be closed once the amount transferred to it under division 64058
(A) of this section is exhausted. 64059

(C) The medicaid director shall notify a former healthy Ohio 64060
program participant when a bridge account is established for the 64061
former participant under this section. 64062

Sec. 5166.529. Each county department of job and family 64063
services shall offer to refer to a workforce development agency 64064
each healthy Ohio program participant who resides in the county 64065
served by the county department, is an adult, and is either 64066
unemployed or employed for less than an average of twenty hours 64067
per week. The referral shall include information about the 64068
workforce development activities available from the workforce 64069
development agency. A participant may refuse to accept the 64070
referral and to participate in the workforce development 64071
activities without any affect on the participant's eligibility 64072

for, or participation in, the healthy Ohio program. 64073

Sec. 5166.5210. The medicaid director shall adopt rules under 64074
section 5166.02 of the Revised Code to do all of the following: 64075

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(A) For the purpose of division (F)(1)(a) of section 5166.522 64077
of the Revised Code, establish requirements regarding preventative 64078
health services for healthy Ohio program participants. The 64079
requirements may differ for participants of different ages and 64080
genders. 64081

(B) For the purpose of division (G)(2) of section 5166.522 of 64082
the Revised Code, authorize additional uses of a buckeye account 64083
and establish the means for using the account for those purposes. 64084

(C) For the purpose of division (A)(3) of section 5166.523 of 64085
the Revised Code, establish requirements for the use of a healthy 64086
Ohio program debit swipe card to pay for the costs of medically 64087
necessary health care services not covered by the health plan in 64088
which a healthy Ohio program participant enrolls. 64089

(D) For the purpose of division (C) of section 5166.524 of 64090
the Revised Code, establish a system under which the director may 64091
award points to healthy Ohio program participants who achieve 64092
health care goals. The rules shall specify the goals that qualify 64093
for points and the number of points each goal is worth. The number 64094
of points may vary for different goals. 64095

(E) For the purpose of section 5166.527 of the Revised Code, 64096
establish a catastrophic health care plan for healthy Ohio program 64097
participants who exhaust the annual or lifetime payout limit 64098
specified in division (A)(5) of section 5166.521 of the Revised 64099
Code. 64100

(F) For the purpose of section 5166.528 of the Revised Code, 64101
establish procedures and requirements for the transfer of the 64102

amounts remaining in former healthy Ohio program participants' 64103
buckeye accounts to bridge accounts. 64104

Sec. 5167.12. (A) When contracting under section 5167.10 of 64105
the Revised Code with a managed care organization that is a health 64106
insuring corporation, the department of medicaid shall require the 64107
health insuring corporation to provide coverage of prescribed 64108
drugs for medicaid recipients enrolled in the health insuring 64109
corporation. In providing the required coverage, the health 64110
insuring corporation may, subject to the department's approval and 64111
the ~~limitations~~ limitation specified in division (B) of this 64112
section, use strategies for the management of drug utilization. 64113

(B) The department shall not permit a ~~health insuring~~ 64114
~~corporation~~ medicaid managed care organization to impose a prior 64115
authorization requirement ~~in the case of a drug to which all of~~ 64116
~~the following apply:~~ 64117

~~(1) The drug is an antidepressant or antipsychotic.~~ 64118

~~(2) The drug is administered or dispensed in a standard 64119
tablet or capsule form, except that in the case of an 64120
antipsychotic, the drug also may be administered or dispensed in a 64121
long-acting injectable form.~~ 64122

~~(3) The drug is prescribed by either of the following:~~ 64123

~~(a) A physician whom the health insuring corporation, 64124
pursuant to division (C) of section 5167.10 of the Revised Code, 64125
has credentialed to provide care as a psychiatrist;~~ 64126

~~(b) A psychiatrist practicing at a community mental health 64127
services provider certified by the department of mental health and 64128
addiction services under section 5119.36 of the Revised Code.~~ 64129

~~(4) The drug is prescribed for a use that is indicated on the 64130
drug's labeling, as approved by the federal food and drug 64131
administration.~~ 64132

~~(C) The department shall permit a health insuring corporation to develop and implement a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription for prescribed drugs.~~

Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the Revised Code:

(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.

(C) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5168.02 of the Revised Code.

(D) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

(E) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state-owned and -operated hospital with more than five hundred registered beds.

(F)(1) "Hospital" means a nonfederal hospital to which either of the following applies:

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a

pediatric general hospital, and provides inpatient hospital 64163
services, as defined in 42 C.F.R. 440.10; 64164

(b) The hospital is recognized under the medicare program as 64165
a cancer hospital and is exempt from the medicare prospective 64166
payment system. 64167

(2) "Hospital" does not include a hospital operated by a 64168
health insuring corporation that has been issued a certificate of 64169
authority under section 1751.05 of the Revised Code or a hospital 64170
that does not charge patients for services. 64171

(G) "Indigent care pool" means the sum of the following: 64172

(1) The total of assessments to be paid in a program year by 64173
all hospitals under section 5168.06 of the Revised Code, less the 64174
assessments deposited ~~into the legislative budget services fund~~ 64175
~~under section 5168.12 of the Revised Code and~~ into the health care 64176
services administration fund created under section 5162.54 of the 64177
Revised Code; 64178

(2) The total amount of intergovernmental transfers required 64179
to be made in the same program year by governmental hospitals 64180
under section 5168.07 of the Revised Code, less the amount of 64181
transfers deposited ~~into the legislative budget services fund~~ 64182
~~under section 5168.12 of the Revised Code and~~ into the health care 64183
services administration fund created under section 5162.54 of the 64184
Revised Code; 64185

(3) The total amount of federal matching funds that will be 64186
made available in the same program year as a result of funds 64187
distributed by the department of medicaid to hospitals under 64188
section 5168.09 of the Revised Code. 64189

(H) "Intergovernmental transfer" means any transfer of money 64190
by a governmental hospital under section 5168.07 of the Revised 64191
Code. 64192

(I) "Medicaid services" has the same meaning as in section 64193
5164.01 of the Revised Code. 64194

(J) "Program year" means a period beginning the first day of 64195
October, or a later date designated in rules adopted under section 64196
5168.02 of the Revised Code, and ending the thirtieth day of 64197
September, or an earlier date designated in rules adopted under 64198
that section. 64199

(K) "Registered beds" means the total number of hospital beds 64200
registered with the department of health, as reported in the most 64201
recent "directory of registered hospitals" published by the 64202
department of health. 64203

(L) "Third-party payer" means any person or government entity 64204
that may be liable by law or contract to make payment to or on 64205
behalf of an individual for health care services. "Third-party 64206
payer" does not include a hospital. 64207

(M) "Total facility costs" means the total costs for all 64208
services rendered to all patients, including the direct, indirect, 64209
and overhead cost to the hospital of all services, supplies, 64210
equipment, and capital related to the care of patients, regardless 64211
of whether patients are enrolled in a health insuring corporation, 64212
excluding costs associated with providing skilled nursing services 64213
in distinct-part nursing facility units, as shown on the 64214
hospital's cost report filed under section 5168.05 of the Revised 64215
Code. Effective October 1, 1993, if rules adopted under section 64216
5168.02 of the Revised Code so provide, "total facility costs" may 64217
exclude costs associated with providing care to recipients of any 64218
of the governmental programs listed in division (B) of that 64219
section. 64220

(N) "Uncompensated care" means bad debt and charity care. 64221

Sec. 5168.06. (A) For the purpose of distributing funds to 64222

hospitals under the medicaid program pursuant to sections 5168.01 64223
to 5168.14 of the Revised Code and depositing funds ~~into the~~ 64224
~~legislative budget services fund under section 5168.12 of the~~ 64225
~~Revised Code and~~ into the health care services administration fund 64226
created under section 5162.54 of the Revised Code, there is hereby 64227
imposed an assessment on all hospitals. Each hospital's assessment 64228
shall be based on total facility costs. All hospitals shall be 64229
assessed according to the rate or rates established each program 64230
year in rules adopted under section 5168.02 of the Revised Code. 64231
The department shall assess all hospitals uniformly and in a 64232
manner consistent with federal statutes and regulations. During 64233
any program year, the department shall not assess any hospital 64234
more than two per cent of the hospital's total facility costs. 64235

The department shall establish an assessment rate or rates 64236
each program year that will do both of the following: 64237

(1) Yield funds that, when combined with intergovernmental 64238
transfers and federal matching funds, will produce a program of 64239
sufficient size to pay a substantial portion of the indigent care 64240
provided by hospitals; 64241

(2) Yield funds that, when combined with intergovernmental 64242
transfers and federal matching funds, will produce amounts for 64243
distribution to disproportionate share hospitals that do not 64244
exceed, in the aggregate, the limits prescribed by the United 64245
States health care financing administration under the "Social 64246
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 64247

(B)(1) Except as provided in division (B)(3) of this section, 64248
each hospital shall pay its assessment in periodic installments in 64249
accordance with a schedule established in rules adopted under 64250
section 5168.02 of the Revised Code. 64251

(2) The installments shall be equal in amount, unless either 64252
of the following applies: 64253

(a) The department makes adjustments during a program year 64254
under division (D) of section 5168.08 of the Revised Code in the 64255
total amount of hospitals' assessments; 64256

(b) The medicaid director determines that adjustments in the 64257
amounts of installments are necessary for the administration of 64258
sections 5168.01 to 5168.14 of the Revised Code and that unequal 64259
installments will not create cash flow difficulties for hospitals. 64260

(3) The director may adopt rules under section 5168.02 of the 64261
Revised Code establishing alternate schedules for hospitals to pay 64262
assessments under this section in order to reduce hospitals' cash 64263
flow difficulties. 64264

Sec. 5168.07. (A) The department of medicaid may require 64265
governmental hospitals to make intergovernmental transfers each 64266
program year for the purpose of distributing funds to hospitals 64267
under the medicaid program pursuant to sections 5168.01 to 5168.14 64268
of the Revised Code and depositing funds ~~into the legislative~~ 64269
~~budget services fund under section 5168.12 of the Revised Code and~~ 64270
into the health care services administration fund created under 64271
section 5162.54 of the Revised Code. The department shall not 64272
require transfers in an amount that, when combined with hospital 64273
assessments paid under section 5168.06 of the Revised Code and 64274
federal matching funds, produce amounts for distribution to 64275
disproportionate share hospitals that, in the aggregate, exceed 64276
limits prescribed by the United States health care financing 64277
administration under the "Social Security Act," section 1923(f), 64278
42 U.S.C. 1396r-4(f). 64279

(B) Before or during each program year, the department shall 64280
notify each governmental hospital of the amount of the 64281
intergovernmental transfer it is required to make during the 64282
program year. Each governmental hospital shall make 64283
intergovernmental transfers as required by the department under 64284

this section in periodic installments, executed by electronic fund 64285
transfer, in accordance with a schedule established in rules 64286
adopted under section 5168.02 of the Revised Code. 64287

Sec. 5168.10. Except for moneys deposited into ~~the~~ 64288
~~legislative budget services fund under section 5168.12 of the~~ 64289
~~Revised Code and~~ the health care services administration fund 64290
created under section 5162.54 of the Revised Code, the department 64291
of medicaid shall not use money paid to the department under 64292
sections 5168.06 and 5168.07 of the Revised Code or money that the 64293
department pays to hospitals under section 5168.09 of the Revised 64294
Code to replace any funds appropriated by the general assembly for 64295
the medicaid program. 64296

Sec. 5168.11. (A) Except as provided in section ~~5168.12~~ 64297
5162.54 of the Revised Code, all payments of assessments by 64298
hospitals under section 5168.06 of the Revised Code and all 64299
intergovernmental transfers under section 5168.07 of the Revised 64300
Code shall be deposited in the state treasury to the credit of the 64301
hospital care assurance program fund, hereby created. All 64302
investment earnings of the hospital care assurance program fund 64303
shall be credited to the fund. The department of medicaid shall 64304
maintain records that show the amount of money in the hospital 64305
care assurance program fund at any time that has been paid by each 64306
hospital and the amount of any investment earnings on that amount. 64307
All moneys credited to the hospital care assurance program fund 64308
shall be used solely to make payments to hospitals under division 64309
(D) of this section and section 5168.09 of the Revised Code. 64310

(B) All federal matching funds received as a result of the 64311
department distributing funds from the hospital care assurance 64312
program fund to hospitals under section 5168.09 of the Revised 64313
Code shall be credited to the health care - federal fund created 64314
under section 5162.50 of the Revised Code. 64315

(C) All distributions of funds to hospitals under section 64316
5168.09 of the Revised Code are conditional on: 64317

(1) Expiration of the time for appeals under section 5168.08 64318
of the Revised Code without the filing of an appeal, or on court 64319
determinations, in the event of appeals, that the hospital is 64320
entitled to the funds; 64321

(2) The sum of the following being sufficient to distribute 64322
the funds after the final determination of any appeals: 64323

(a) The available money in the hospital care assurance 64324
program fund; 64325

(b) The available portion of the money in the health care - 64326
federal fund that is credited to that fund pursuant to division 64327
(B) of this section. 64328

(3) The hospital's compliance with section 5168.14 of the 64329
Revised Code. 64330

(D) If an audit conducted by the department of the amounts of 64331
payments made and funds received by hospitals under sections 64332
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 64333
amounts that, due to errors by the department, a hospital should 64334
not have been required to pay but did pay, should have been 64335
required to pay but did not pay, should not have received but did 64336
receive, or should have received but did not receive, the 64337
department shall: 64338

(1) Make payments to any hospital that the audit reveals paid 64339
amounts it should not have been required to pay or did not receive 64340
amounts it should have received; 64341

(2) Take action to recover from a hospital any amounts that 64342
the audit reveals it should have been required to pay but did not 64343
pay or that it should not have received but did receive. 64344

Payments made under division (D)(1) of this section shall be 64345

made from the hospital care assurance program fund. Amounts 64346
recovered under division (D)(2) of this section shall be deposited 64347
to the credit of that fund. Any hospital may appeal the amount the 64348
hospital is to be paid under division (D)(1) or the amount that is 64349
to be recovered from the hospital under division (D)(2) of this 64350
section to the court of common pleas of Franklin county. 64351

Sec. 5168.40. As used in sections 5168.40 to 5168.56 of the 64352
Revised Code: 64353

(A) "Bed surrender" means the following: 64354

(1) In the case of a nursing home, the removal of a bed from 64355
a nursing home's licensed capacity in a manner that reduces the 64356
total licensed capacity of all nursing homes and makes it 64357
impossible for the bed to ever be a part of any nursing home's 64358
licensed capacity; 64359

(2) In the case of a hospital, the removal of a hospital bed 64360
from registration under section 3701.07 of the Revised Code as a 64361
skilled nursing facility bed or long-term care bed in a manner 64362
that reduces the total number of hospital beds registered under 64363
that section as skilled nursing facility beds or long-term care 64364
beds and makes it impossible for the bed to ever be registered as 64365
a skilled nursing facility bed or long-term care bed. 64366

(B) "Change of operator" means an entering operator becoming 64367
the operator of a nursing home or hospital in the place of the 64368
exiting operator. 64369

(1) Actions that constitute a change of operator include the 64370
following: 64371

(a) A change in an exiting operator's form of legal 64372
organization, including the formation of a partnership or 64373
corporation from a sole proprietorship; 64374

(b) A transfer of all the exiting operator's ownership 64375

interest in the operation of the nursing home or hospital to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home or hospital is also transferred;

(c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease;

(d) If the exiting operator is a partnership, dissolution of the partnership;

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:

(i) The change in composition does not cause the partnership's dissolution under state law.

(ii) The partners agree that the change in composition does not constitute a change in operator.

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.

(2) The following, alone, do not constitute a change of operator:

(a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions;

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator;

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of

ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital.

(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator.

(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator.

(F) "Franchise permit fee rate" means the rate determined in accordance with section 5168.41 of the Revised Code.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located:

(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;

(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code.

(I) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes

effect, the percentage in effect before the change; 64436

(2) For the part of the fiscal year beginning with the date 64437
the indirect guarantee percentage changes, the new percentage. 64438

(J) "Medicaid days" and "nursing facility" have the same 64439
meanings as in section 5165.01 of the Revised Code. 64440

(K)(1) "Nursing home" means all of the following: 64441

(a) A nursing home licensed under section 3721.02 or 3721.09 64442
of the Revised Code, including any part of a home for the aging 64443
licensed as a nursing home; 64444

(b) A facility or part of a facility, other than a hospital, 64445
that is certified as a skilled nursing facility under Title XVIII; 64446

(c) A nursing facility, other than a portion of a hospital 64447
certified as a nursing facility. 64448

(2) "Nursing home" does not include either of the following: 64449

(a) A county home, county nursing home, or district home 64450
operated pursuant to Chapter 5155. of the Revised Code; 64451

(b) A nursing home maintained and operated by the department 64452
of veterans services under section 5907.01 of the Revised Code. 64453

(L) "Operator" means the person or government entity 64454
responsible for the daily operating and management decisions for a 64455
nursing home or hospital. 64456

(M) "Title XIX" means Title XIX of the "Social Security Act," 64457
42 U.S.C. 1396 et seq. 64458

(N) "Title XVIII" means Title XVIII of the "Social Security 64459
Act," 42 U.S.C. 1395 et seq. 64460

Sec. 5168.44. If the United States secretary of health and 64461
human services approves the waiver sought under section 5168.43 of 64462
the Revised Code, the department of medicaid shall, for each 64463

nursing home and hospital that qualifies for a reduction of its 64464
franchise permit fee rate under the waiver, reduce the franchise 64465
permit fee rate in accordance with the terms of the waiver. For 64466
purposes of the first fiscal year during which the waiver takes 64467
effect, the department shall determine the amount of the reduction 64468
not later than the effective date of the waiver and shall mail to 64469
each nursing home and hospital qualifying for the reduction notice 64470
of the reduction not later than the last day of the first month of 64471
the quarter that begins after the United States secretary approves 64472
the waiver. For purposes of subsequent fiscal years, the 64473
department shall make such determinations and ~~mail such notices~~ 64474
notify the nursing homes and hospitals in accordance with section 64475
5168.47 of the Revised Code. 64476

Sec. 5168.45. (A) If the United States secretary of health 64477
and human services approves the waiver sought under section 64478
5168.43 of the Revised Code, the department of medicaid may do 64479
both of the following regarding the franchise permit fee assessed 64480
under section 5168.42 of the Revised Code: 64481

(1) Determine how much money the franchise permit fee would 64482
have raised in a fiscal year if not for the waiver; 64483

(2) For each nursing home and hospital subject to the 64484
franchise permit fee, other than a nursing home or hospital that 64485
has its franchise permit fee rate reduced under section 5168.44 of 64486
the Revised Code, uniformly increase the amount of the franchise 64487
permit fee rate for a fiscal year to an amount that will have the 64488
franchise permit fee raise an amount of money that does not exceed 64489
the amount determined under division (A)(1) of this section for 64490
that fiscal year. 64491

(B) If the department increases the franchise permit fee rate 64492
in accordance with division (A) of this section for the first 64493

fiscal year during which the waiver takes effect, the department 64494
shall determine the amount of the increase not later than the 64495
effective date of the waiver and shall mail to each nursing home 64496
and hospital subject to the increase notice of the increase not 64497
later than the last day of the first month of the quarter that 64498
begins after the United States secretary approves the waiver. If 64499
the department increases the franchise permit fee rate in 64500
accordance with division (A) of this section for a subsequent 64501
fiscal year, the department shall make such determinations and 64502
~~mail such notices~~ notify the nursing homes and hospitals in 64503
accordance with section 5168.47 of the Revised Code. 64504

Sec. 5168.47. (A) Not later than the fifteenth day of 64505
September of each year, the department of medicaid shall determine 64506
the annual franchise permit fee for each nursing home and hospital 64507
in accordance with section 5168.42 of the Revised Code and any 64508
adjustments made in accordance with sections 5168.44 and 5168.45 64509
of the Revised Code. 64510

(B) Not later than the first day of October of each year, the 64511
department shall ~~mail to~~ notify, electronically or by United 64512
States postal service, each nursing home and hospital ~~notice~~ of 64513
the amount of the franchise permit fee that has been determined 64514
for the nursing home or hospital. 64515

(C) Subject to section 5168.48 of the Revised Code, each 64516
nursing home and hospital shall pay its fee under section 5168.42 64517
of the Revised Code, as adjusted in accordance with sections 64518
5168.44 and 5168.45 of the Revised Code, to the department in four 64519
installment payments not later than forty-five days after the last 64520
day of each October, December, March, and June. 64521

Sec. 5168.48. (A) Not later than the last day of February of 64522
each year, the department of medicaid shall redetermine each 64523

nursing home's and hospital's franchise permit fee if one or more 64524
bed surrenders occur during the period beginning on the first day 64525
of May of the preceding calendar year and ending on the first day 64526
of January of the calendar year in which the redetermination is 64527
made. 64528

(B) In redetermining nursing homes' and hospitals' franchise 64529
permit fees under this section, the department shall do both of 64530
the following: 64531

(1) Provide for the redetermination to be conducted in a 64532
manner consistent with the terms of the waiver sought under 64533
section 5168.43 of the Revised Code; 64534

(2) Recalculate each nursing home's and hospital's franchise 64535
permit fee in accordance with division (A) or (B) of section 64536
5168.42 of the Revised Code with the following changes: 64537

(a) In the case of a nursing home or hospital for which one 64538
or more bed surrenders occurred during the period beginning on the 64539
first day of May of the preceding calendar year and ending on the 64540
first day of January of the calendar year in which the 64541
redetermination is made, the number of beds included in the 64542
calculation for the purpose of division (A)(1) or (B)(1) of 64543
section 5168.42 of the Revised Code shall exclude the beds for 64544
which bed surrenders occurred during that period. 64545

(b) The number of days used in the calculation under division 64546
(A)(2) or (B)(2) of section 5168.42 of the Revised Code shall be 64547
the number of days in the first half of the calendar year in which 64548
the redetermination is made. 64549

(c) The franchise permit fee rate shall reflect adjustments 64550
made under sections 5168.44 and 5168.45 of the Revised Code. 64551

(C) Not later than the first day of March of each year, the 64552
department shall ~~mail to~~ notify, electronically or by United 64553

States postal service, each nursing home and hospital ~~notice~~ of 64554
the amount of its redetermined franchise permit fee. 64555

(D) Each nursing home and hospital shall pay its redetermined 64556
fee to the department in two installment payments not later than 64557
forty-five days after the last day of March and June of the 64558
calendar year in which the redetermination is made. 64559

Sec. 5168.49. If a nursing home or hospital undergoes a 64560
change of operator during a fiscal year, the responsibility for 64561
paying the franchise permit fee that was determined for the 64562
nursing home or hospital under section 5168.47 of the Revised 64563
Code, or redetermined for the nursing home or hospital under 64564
section 5168.48 of the Revised Code, for that fiscal year shall be 64565
divided proportionally. The exiting operator shall be responsible 64566
for paying the amount of the fee that is for the part of the 64567
fiscal year that ends on the day before the effective date of the 64568
change of operator. The entering operator shall be responsible for 64569
paying the amount of the fee that is for the part of the fiscal 64570
year that begins on the effective date of the change of operator. 64571
The department of medicaid is not required to ~~mail a notice to~~ 64572
notify the entering operator regarding the amount of that fiscal 64573
year's fee for which the entering operator is responsible. 64574

Sec. 5168.53. (A) A nursing home or hospital may appeal the 64575
fee assessed under section 5168.42 of the Revised Code, as 64576
adjusted under section 5168.44 or 5168.45 of the Revised Code, and 64577
redetermined under section 5168.48 of the Revised Code solely on 64578
the grounds that the department of medicaid committed a material 64579
error in determining or redetermining the amount of the fee. A 64580
request for an appeal must be received by the department not later 64581
than fifteen days after the date the department ~~mails~~ notifies the 64582
~~notice~~ nursing home or hospital of the fee and must include 64583
written materials setting forth the basis for the appeal. 64584

(B) If a nursing home or hospital submits a request for an appeal within the time required under division (A) of this section, the department shall hold a public hearing in Columbus not later than thirty days after the date the department receives the request for an appeal. The department shall, not later than ten days before the date of the hearing, ~~mail a notice~~ notify, electronically or by United States postal service, the nursing home or hospital of the date, time, and place of the hearing ~~to the nursing home or hospital~~. The department may hear all the requested appeals in one public hearing.

(C) On the basis of the evidence presented at the hearing or any other evidence submitted by the nursing home or hospital, the department may adjust a fee. The department's decision is final.

Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the Revised Code:

(A) "Franchise permit fee rate" means the following:

(1) For fiscal year ~~2014~~ 2016, eighteen dollars and ~~twenty-four~~ seven cents;

(2) For fiscal year ~~2015~~ 2017 and each fiscal year thereafter, eighteen dollars and ~~seventeen~~ two cents.

(B) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date

the indirect guarantee percentage changes, the new percentage. 64615

(C) "ICF/IID" has the same meaning as in section 5124.01 of 64616
the Revised Code. 64617

(D) "Medicaid-certified capacity" has the same meaning as in 64618
section 5124.01 of the Revised Code. 64619

(E) "Provider agreement" has the same meaning as in section 64620
5124.01 of the Revised Code. 64621

Sec. 5168.63. (A) Not later than the fifteenth day of August 64622
of each year, the department of developmental disabilities shall 64623
determine the annual franchise permit fee for each ICF/IID in 64624
accordance with section 5168.61 of the Revised Code. 64625

(B) Not later than the first day of September of each year, 64626
the department shall ~~mail to~~ notify, electronically or by United 64627
States postal service, each ICF/IID ~~notice~~ of the amount of the 64628
franchise permit fee the ICF/IID has been assessed under section 64629
5168.61 of the Revised Code. 64630

(C) Subject to section 5168.64 of the Revised Code, each 64631
ICF/IID shall pay its fee under section 5168.61 of the Revised 64632
Code to the department in quarterly installment payments not later 64633
than forty-five days after the last day of each September, 64634
December, March, and June. 64635

Sec. 5168.64. (A) If the operator of an ICF/IID converts, 64636
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 64637
the ICF/IID's beds to providing home and community-based services 64638
and the operator's provider agreement for the ICF/IID is 64639
terminated as a consequence, the department of developmental 64640
disabilities shall terminate the ICF/IID's franchise permit fee 64641
effective on the first day of the quarter immediately following 64642
the quarter in which the conversion takes place. 64643

(B)(1) If, during the period beginning on the first day of 64644
May of a calendar year and ending on the first day of January of 64645
the immediately following calendar year, the operator of an 64646
ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the 64647
Revised Code, ~~one or more~~ some but not all of the ICF/IID's beds 64648
to providing home and community-based services and the ICF/IID's 64649
medicaid-certified capacity is reduced as a consequence, the 64650
~~department of developmental disabilities shall do the following:~~ 64651

~~(1) If the ICF/IID's medicaid certification is terminated 64652
because of the conversion, terminate the ICF/IID's franchise 64653
permit fee effective on the first day of the quarter immediately 64654
following the quarter in which the department receives the notice 64655
of the conversion from the director of health;~~ 64656

~~(2) If the ICF/IID's medicaid-certified capacity is reduced 64657
because of the conversion, redetermine the ICF/IID's franchise 64658
permit fee in accordance with division (B) of this section for the 64659
second half of the fiscal year for which the fee is assessed.~~ 64660

~~(B)(1)~~ assessed. To redetermine ~~an~~ the ICF/IID's franchise 64661
permit fee, the department shall multiply the franchise permit fee 64662
rate by the product of the following: 64663

(a) The ICF/IID's medicaid-certified capacity as of the date 64664
the conversion takes effect; 64665

(b) The number of days in the second half of the fiscal year 64666
for which the redetermination is made. 64667

(2) The ICF/IID shall pay its franchise permit fee as 64668
redetermined under division (B)(1) of this section in installment 64669
payments not later than forty-five days after the last day of 64670
March and June of the fiscal year for which the redetermination is 64671
made. 64672

Sec. 5168.67. (A) An ICF/IID may appeal the franchise permit 64673

fee imposed under section 5168.61 of the Revised Code solely on 64674
the grounds that the department of developmental disabilities 64675
committed a material error in determining the amount of the fee. A 64676
request for an appeal must be received by the department not later 64677
than fifteen days after the date the department ~~mails~~ notifies the 64678
~~notice~~ ICF/IID of the fee and must include written materials 64679
setting forth the basis for the appeal. 64680

(B) If an ICF/IID submits a request for an appeal within the 64681
time required under division (A) of this section, the department 64682
shall hold a public hearing in Columbus not later than thirty days 64683
after the date the department receives the request for an appeal. 64684
The department shall, not later than ten days before the date of 64685
the hearing, ~~mail a notice~~ notify, electronically or by United 64686
States postal service, the ICF/IID of the date, time, and place of 64687
the hearing ~~to the ICF/IID~~. The department may hear all requested 64688
appeals in one public hearing. 64689

(C) On the basis of the evidence presented at the hearing or 64690
any other evidence submitted by the ICF/IID, the department may 64691
adjust a fee. The department's decision is final. 64692

Sec. 5505.06. (A) The members of the state highway patrol 64693
retirement board shall be the trustees of the funds created by 64694
section 5505.03 of the Revised Code. The board shall have full 64695
power to invest the funds. The board and other fiduciaries shall 64696
discharge their duties with respect to the funds solely in the 64697
interest of the participants and beneficiaries; for the exclusive 64698
purpose of providing benefits to participants and their 64699
beneficiaries and defraying reasonable expenses of administering 64700
the system; with care, skill, prudence, and diligence under the 64701
circumstances then prevailing that a prudent person acting in a 64702
like capacity and familiar with these matters would use in the 64703
conduct of an enterprise of a like character and with like aims; 64704

and by diversifying the investments of the system so as to 64705
minimize the risk of large losses, unless under the circumstances 64706
it is clearly prudent not to do so. 64707

To facilitate investment of the funds, the board may 64708
establish a partnership, trust, limited liability company, 64709
corporation, including a corporation exempt from taxation under 64710
the Internal Revenue Code, 100 Stat. 2085, 26 U.S.C. 1, as 64711
amended, or any other legal entity authorized to transact business 64712
in this state. 64713

(B) In exercising its fiduciary responsibility with respect 64714
to the investment of the funds, it shall be the intent of the 64715
board to give consideration to investments that enhance the 64716
general welfare of the state and its citizens where the 64717
investments offer quality, return, and safety comparable to other 64718
investments currently available to the board. In fulfilling this 64719
intent, equal consideration shall be given to investments 64720
otherwise qualifying under this section that involve minority 64721
owned and controlled firms and firms owned and controlled by 64722
women, either alone or in joint venture with other firms. 64723

The board shall adopt, in regular meeting, policies, 64724
objectives, or criteria for the operation of the investment 64725
program that include asset allocation targets and ranges, risk 64726
factors, asset class benchmarks, time horizons, total return 64727
objectives, and performance evaluation guidelines. In adopting 64728
policies and criteria for the selection of agents with whom the 64729
board may contract for the administration of the funds, the board 64730
shall comply with sections 5505.062 and 5505.064 of the Revised 64731
Code and shall also give equal consideration to minority owned and 64732
controlled firms, firms owned and controlled by women, and joint 64733
ventures involving minority owned and controlled firms and firms 64734
owned and controlled by women that otherwise meet the policies and 64735
criteria established by the board. Amendments and additions to the 64736

policies and criteria shall be adopted in regular meeting. The 64737
board shall publish its policies, objectives, and criteria under 64738
this provision no less often than annually and shall make copies 64739
available to interested parties. 64740

When reporting on the performance of investments, the board 64741
shall comply with the performance presentation standards 64742
established by the association for investment management and 64743
research. 64744

(C) All evidences of title of the investments purchased by 64745
the board shall be delivered to the treasurer of state, who is 64746
hereby designated as the custodian thereof, or to the treasurer of 64747
state's authorized agent. Evidences of title of the investments 64748
may be deposited by the treasurer of state for safekeeping with an 64749
authorized agent, selected by the ~~treasurer of state, who is a~~ 64750
~~qualified trustee under~~ custodial bank selection committee in 64751
accordance with section ~~135.18~~ 171.08 of the Revised Code. The 64752
treasurer of state shall collect the principal, interest, 64753
dividends, and distributions that become due and payable and, when 64754
collected, shall credit them to the custodial funds. 64755

The treasurer of state shall pay for the investments 64756
purchased by the board on receipt of written or electronic 64757
instructions from the board or the board's designated agent 64758
authorizing the purchase and pending receipt of the evidence of 64759
title of the investment by the treasurer of state or the treasurer 64760
of state's authorized agent. The board may sell investments held 64761
by the board, and the treasurer of state or the treasurer of 64762
state's authorized agent shall accept payment from the purchaser 64763
and deliver evidence of title of the investment to the purchaser 64764
on receipt of written or electronic instructions from the board or 64765
the board's designated agent authorizing the sale, and pending 64766
receipt of the moneys for the investments. The amount received 64767
shall be placed in the custodial funds. The board and the 64768

treasurer of state may enter into agreements to establish 64769
procedures for the purchase and sale of investments under this 64770
division and the custody of the investments. 64771

(D) All of the board's business shall be transacted, all its 64772
funds shall be invested, all warrants for money drawn and payments 64773
shall be made, and all of its cash, securities, and other property 64774
shall be held, in the name of the board or its nominee, provided 64775
that nominees are authorized by board resolution for the purpose 64776
of facilitating the ownership and transfer of investments. 64777

(E) No purchase or sale of any investment shall be made under 64778
this section except as authorized by the board. 64779

(F) Any statement of financial position distributed by the 64780
board shall include the fair value, as of the statement date, of 64781
all investments held by the board under this section. 64782

Sec. 5505.11. The treasurer of state shall be the treasurer 64783
of the state highway patrol retirement system and the custodian of 64784
its funds. All disbursements therefrom shall be made by ~~him~~ the 64785
treasurer of state only upon instruments authorized by the state 64786
highway patrol retirement board and bearing signatures of the 64787
~~chairman~~ chairperson, or ~~vice-chairman~~ vice-chairperson in the 64788
absence of the ~~chairman~~ chairperson, and the secretary of the 64789
retirement system. Such instruments may bear the facsimile 64790
signature of the ~~chairman~~ chairperson of the board. No instrument 64791
shall be drawn unless it has been previously authorized by a 64792
specific or general resolution adopted by the board. 64793

The treasurer of state shall give a separate and additional 64794
surety bond satisfactory to the board, for the faithful 64795
performance of ~~his~~ the treasurer of state's duties as treasurer of 64796
the retirement system and custodian of its funds. The surety bond 64797
shall be in such amount and with such surety as the board 64798
determines and shall be deposited with the secretary of state and 64799

kept in ~~his~~ the secretary of state's office. The premium on the 64800
bond shall be paid by the board. 64801

The treasurer of state shall deposit any portion of the funds 64802
of the retirement system not needed for immediate use in the ~~same~~ 64803
~~manner as state funds are deposited, and subject to all laws with~~ 64804
~~respect to the deposit of state funds, by the treasurer of state~~ 64805
financial institution or institutions selected to serve as a 64806
depository for the retirement system under section 171.08 of the 64807
Revised Code. All interest earned by such portion of retirement 64808
system funds so deposited by the treasurer of state shall be 64809
collected by ~~him~~ the treasurer of state and credited to the board. 64810

The treasurer of state shall furnish annually to the board a 64811
sworn statement of the amount of funds in ~~his~~ the treasurer of 64812
state's custody belonging to the retirement system. 64813

The fiscal records of the retirement system shall be open to 64814
public inspection. Any member shall be furnished with a statement 64815
of ~~his~~ the accumulated contributions standing to ~~his~~ the member's 64816
credit in ~~his~~ the member's individual account in the employees 64817
savings fund, upon ~~his~~ the member's written request filed with the 64818
board; provided, that the board shall not be required to answer 64819
more than one such request of a member in any one year. 64820

Sec. 5513.01. (A) The director of transportation shall make 64821
all purchases of machinery, materials, supplies, or other articles 64822
in the manner provided in this section. In all cases except those 64823
in which the director provides written authorization for purchases 64824
by district deputy directors of transportation, the director shall 64825
make all such purchases at the central office of the department of 64826
transportation in Columbus. Before making any purchase at that 64827
office, the director, as provided in this section, shall give 64828
notice to bidders of the director's intention to purchase. Where 64829
the expenditure does not exceed the amount applicable to the 64830

purchase of supplies specified in division ~~(B)~~(A) of section 64831
125.05 of the Revised Code, ~~as adjusted pursuant to division (D)~~ 64832
~~of that section~~, the director shall give such notice as the 64833
director considers proper, or the director may make the purchase 64834
without notice. Where the expenditure exceeds the amount 64835
applicable to the purchase of supplies specified in division 64836
~~(B)~~(A) of section 125.05 of the Revised Code, ~~as adjusted pursuant~~ 64837
~~to division (D) of that section~~, the director shall give notice by 64838
posting for not less than ten days a written, typed, or printed 64839
invitation to bidders on a bulletin board. The director shall 64840
locate the notice in a place in the offices assigned to the 64841
department and open to the public during business hours. 64842

Producers or distributors of any product may notify the 64843
director, in writing, of the class of articles for the furnishing 64844
of which they desire to bid and their post-office addresses. In 64845
that circumstance, the director shall mail copies of all 64846
invitations to bidders relating to the purchase of such articles 64847
to such persons by regular first class mail at least ten days 64848
prior to the time fixed for taking bids. The director also may 64849
mail copies of all invitations to bidders to news agencies or 64850
other agencies or organizations distributing information of this 64851
character. Requests for invitations are not valid and do not 64852
require action by the director unless renewed by the director, 64853
either annually or after such shorter period as the director may 64854
prescribe by a general rule. 64855

The director shall include in an invitation to bidders a 64856
brief statement of the general character of the article that it is 64857
intended to purchase, the approximate quantity desired, and a 64858
statement of the time and place where bids will be received, and 64859
may relate to and describe as many different articles as the 64860
director thinks proper, it being the intent and purpose of this 64861
section to authorize the inclusion in a single invitation of as 64862

many different articles as the director desires to invite bids 64863
upon at any given time. The director shall give invitations issued 64864
during each calendar year consecutive numbers, and ensure that the 64865
number assigned to each invitation appears on all copies thereof. 64866
In all cases where notice is required by this section, the 64867
director shall require sealed bids, on forms prescribed and 64868
furnished by the director. The director shall not permit the 64869
modification of bids after they have been opened. 64870

(B) The director may permit a state agency, the Ohio turnpike 64871
and infrastructure commission, any political subdivision, and any 64872
state university or college to participate in contracts into which 64873
the director has entered for the purchase of machinery, materials, 64874
supplies, or other articles. The turnpike and infrastructure 64875
commission and any political subdivision or state university or 64876
college desiring to participate in such purchase contracts shall 64877
file with the director a certified copy of the bylaws or rules of 64878
the turnpike and infrastructure commission or the ordinance or 64879
resolution of the legislative authority, board of trustees, or 64880
other governing board requesting authorization to participate in 64881
such contracts and agreeing to be bound by such terms and 64882
conditions as the director prescribes. Purchases made by a state 64883
agency, the turnpike and infrastructure commission, political 64884
subdivisions, or state universities or colleges under this 64885
division are exempt from any competitive bidding required by law 64886
for the purchase of machinery, materials, supplies, or other 64887
articles. 64888

(C) As used in this section: 64889

(1) "Political subdivision" means any county, township, 64890
municipal corporation, conservancy district, township park 64891
district, park district created under Chapter 1545. of the Revised 64892
Code, port authority, regional transit authority, regional airport 64893
authority, regional water and sewer district, county transit 64894

board, school district as defined in section 5513.04 of the Revised Code, regional planning commission formed under section 713.21 of the Revised Code, regional council of government formed under section 167.01 of the Revised Code, or other association of local governments established pursuant to an agreement under sections 307.14 to 307.19 of the Revised Code.

(2) "State university or college" has the same meaning as in division (A)(1) of section 3345.32 of the Revised Code.

(3) "Ohio turnpike and infrastructure commission" means the commission created by section 5537.02 of the Revised Code.

(4) "State agency" means every organized body, office, board, authority, commission, or agency established by the laws of the state for the exercise of any governmental or quasi-governmental function of state government, regardless of the funding source for that entity, other than any state institution of higher education, the office of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, or attorney general, the general assembly, the courts or any judicial agency, or any state retirement system or retirement program established by or referenced in the Revised Code.

Sec. 5703.057. (A) For the efficient administration of the taxes and fees administered by the tax commissioner, the commissioner may require that any person filing a tax document with the department of taxation provide identifying information, which may include the person's social security number, federal employer identification number, or other identification number requested by the commissioner, subject to section 5703.361 of the Revised Code. A person required by the commissioner to provide identifying information who has experienced any change with respect to that information shall notify the commissioner of the change prior to, or upon, filing the next tax document requiring

such identifying information. 64926

(B) When transmitting or otherwise making use of a tax 64927
document that contains a person's social security number, the 64928
commissioner shall take all reasonable measures necessary to 64929
ensure that the number is not capable of being viewed by the 64930
general public, including, when necessary, masking the number so 64931
that it is not readily discernible by the general public. 64932

(C)(1) If the commissioner makes a request for identifying 64933
information and the commissioner does not receive valid 64934
identifying information within thirty days of making the request, 64935
the commissioner may impose a penalty upon the person to whom the 64936
request was directed of up to one hundred dollars. If, after the 64937
expiration of this thirty day period, the commissioner makes one 64938
or more subsequent requests for identifying information and the 64939
person to whom the subsequent request is directed fails to provide 64940
valid identifying information within thirty days of the 64941
commissioner's subsequent request, the commissioner may impose an 64942
additional penalty of up to two hundred dollars for each 64943
subsequent request not complied with in a timely fashion. 64944

(2) If a person required by the commissioner to provide 64945
identifying information does not notify the commissioner of a 64946
change with respect to that information as required under division 64947
(A) of this section within thirty days after filing the next tax 64948
document requiring such identifying information, the commissioner 64949
may impose a penalty of up to fifty dollars. 64950

(3) The penalties provided for under divisions (C)(1) and (2) 64951
of this section may be billed and assessed in the same manner as 64952
the tax or fee with respect to which the identifying information 64953
is sought and are in addition to any applicable criminal penalties 64954
described in division (D) of this section and any other penalties 64955
that may be imposed by the commissioner by law. 64956

(D) Section 5703.26 of the Revised Code applies with respect to false or fraudulent identifying information provided by a person to the commissioner under this section.

Sec. 5703.36. If any company, firm, corporation, person, association, partnership, or public utility fails to make out and deliver to the tax commissioner any statement required by law, or to furnish the commissioner with any information requested, the commissioner shall ~~inform himself~~ become informed as best ~~he~~ the commissioner can on the matters necessary to be known in order to discharge ~~his~~ the commissioner's duties, subject to section 5703.361 of the Revised Code.

Sec. 5703.361. If the tax commissioner uses measures to reduce fraud by requiring a person to verify information about the person for the purpose of verifying the person's identity, the tax commissioner may not require a person to verify either of the following information:

(A) Information held or compiled by the bureau of motor vehicles created or compiled more than fifteen years preceding the current calendar year.

(B) Any information, other than that described in division (A) of this section, created or compiled more than ten years preceding the current calendar year.

Sec. 5703.48. (A) As used in this section and section 107.03 of the Revised Code, "tax expenditure" means any ~~tax~~ provision in the Revised Code that exempts, either in whole or in part, certain persons, income, goods, services, or property from the effect of taxes ~~established~~ levied by the state in the Revised Code that directly reduces revenue to the general revenue fund, including, but not limited to, tax deductions, exemptions, deferrals, exclusions, allowances, credits, reimbursements, and preferential

tax rates. 64987

(B) The department of taxation shall prepare and submit to 64988
the governor not later than the first day of November in each 64989
even-numbered year a report describing the effect of tax 64990
expenditures on the general revenue fund. The report shall contain 64991
a description of each tax expenditure under existing laws and, in 64992
comparative form, a detailed estimate of the approximate amount of 64993
revenue not available to the state general revenue fund in each 64994
fiscal year of the current and ensuing fiscal bienniums as a 64995
result of the operation of each tax expenditure. The report shall 64996
be prepared in such a manner as to facilitate the inclusion of the 64997
information provided by the report in the governor's budget. 64998

Sec. 5703.94. (A) As used in this section, "tax expenditure" 64999
has the same meaning as in section 5703.48 of the Revised Code. 65000

(B) There is hereby created the tax expenditure review 65001
committee, consisting of nine members, composed of the following: 65002

(1) The chair and ranking minority member of the house of 65003
representatives committee that deals primarily with taxation; 65004

(2) The chair and ranking minority member of the senate 65005
committee that deals primarily with taxation; 65006

(3) The tax commissioner or the commissioner's designee; 65007

(4) The director of budget and management or the director's 65008
designee; 65009

(5) Three members of the public appointed by the governor. 65010

The terms of appointed members described in division (B)(5) 65011
of this section shall be the same as the term of each general 65012
assembly. Such members may be reappointed, provided the member 65013
continues to meet all other eligibility requirements. Vacancies 65014
shall be filled in the manner provided for original appointments. 65015
Any such member appointed to fill a vacancy before the expiration 65016

of the term for which the predecessor was appointed shall hold 65017
office as a member for the remainder of that term. Such appointed 65018
members of the committee serve at the pleasure of the governor and 65019
may be removed only by the governor. 65020

(C) After the governor appoints the members described in 65021
division (B)(5) of this section, the governor shall designate a 65022
member of the committee to serve as the chairperson. The 65023
chairperson shall set the date by which the committee must 65024
complete the committee's review under division (D) of this section 65025
and submit the report required under division (F) of this section. 65026
The committee shall meet annually to review existing tax 65027
expenditures under division (D) of this section and to approve the 65028
report required under division (F) of this section. The committee 65029
may meet more frequently at the call of the chairperson. The 65030
committee is a public body for the purposes of section 121.22 of 65031
the Revised Code. 65032

A vacancy on the committee does not impair the right of the 65033
other members to exercise all the functions of the committee. The 65034
presence of a majority of the members of the committee constitutes 65035
a quorum for the conduct of business of the committee. The 65036
concurrence of at least a majority of the members of the committee 65037
is necessary for any action to be taken by the committee. 65038

The committee may permit any person to present evidence or 65039
testimony related to tax expenditures at a meeting of the 65040
committee. Upon the committee's request, the department of 65041
taxation, development services agency, office of budget and 65042
management, or other state agency shall provide any information in 65043
its possession that the committee requires to perform its duties. 65044

(D) The committee shall review each tax expenditure according 65045
to the schedule provided under divisions (H) to (K) of this 65046
section. In its review, the committee shall make recommendations 65047
as to whether each such tax expenditure should be continued 65048

without modification, modified, or repealed. For each expenditure 65049
reviewed, the committee may adopt accountability standards for the 65050
future review of the expenditure. The committee may consider, when 65051
reviewing a tax expenditure, any of the relevant factors in 65052
division (E) of this section. 65053

(E) In conducting reviews under division (D) of this section, 65054
the committee may consider the following factors: 65055

(1) The number and classes of persons, organizations, 65056
businesses, or types of industries that would receive the direct 65057
benefit or consequences of the tax expenditure; 65058

(2) The fiscal effect of the tax expenditure on state and 65059
local taxing authorities, including any past fiscal effects and 65060
expected future fiscal effects of the tax expenditure; 65061

(3) Public policy objectives that might support the tax 65062
expenditure. In researching such objectives, the committee may 65063
consider the expenditure's legislative history, the tax 65064
expenditure's sponsor's intent in proposing the tax expenditure, 65065
the extent to which the tax expenditure encourages business growth 65066
or relocation into the state, promotes growth or retention of 65067
high-wage jobs in the state, or aids community stabilization. 65068

(4) Whether the tax expenditure successfully accomplishes any 65069
of the objectives identified in division (E)(3) of this section; 65070

(5) Whether the objectives identified in division (E)(3) of 65071
this section would or could have been accomplished successfully in 65072
the absence of the tax expenditure or with less cost to the state 65073
or local governments; 65074

(6) Whether the objectives identified in division (E)(3) of 65075
this section could have been accomplished successfully through a 65076
program that requires legislative appropriations for funding; 65077

(7) The extent to which the tax expenditure may provide 65078

unintended benefits to an individual, organization, or industry 65079
other than those the legislature or sponsor intended or creates an 65080
unfair competitive advantage for its recipient with respect to 65081
other businesses in the state. 65082

(F) The committee shall prepare a report of its 65083
determinations under division (D) of this section and provide a 65084
copy of the report to the governor, the speaker and minority 65085
leader of the house of representatives, the president and minority 65086
leader of the senate, each member of the house of representatives 65087
committee that deals primarily with issues of taxation, and each 65088
member of the senate committee that deals primarily with issues of 65089
taxation. The report shall contain the committee's recommendations 65090
for the continuation of such tax expenditures the committee 65091
considers necessary to maintain in their present or a modified 65092
form and for the repeal of such expenditures the committee 65093
considers unnecessary to continue, including suggested revisions 65094
to sections of the Revised Code. The committee shall include 65095
suggestions for the carryforward or other treatment of the unused 65096
portion of any tax expenditure the committee recommends repealing 65097
that a taxpayer earned or received in a period preceding the 65098
proposed repeal date. 65099

(G) Any legislation introduced in the house of 65100
representatives or the senate on or after the effective date of 65101
the enactment of this section that proposes to enact or modify one 65102
or more tax expenditures shall include a statement explaining the 65103
public policy objectives of the tax expenditure or its 65104
modification. 65105

(H) The committee shall complete the report required under 65106
division (F) of this section of the committee's review of the 65107
following tax expenditures on or before December 31, 2016: 65108

(1) For taxes levied under Chapters 5739. and 5741. of the 65109
Revised Code, the tax expenditures authorized in division (B)(8) 65110

of section 5739.01, divisions (B)(14), (20), (25), (35), (37), (38), (42)(j), (44), (48), (49), (50), and (53) of section 5739.02, division (G) of section 5739.025, and section 5739.071 of the Revised Code; 65111
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65114

(2) For the tax levied under Chapter 5747. of the Revised Code, the tax expenditures authorized in divisions (A)(26) and (30) and (FF) of section 5747.01, section 5747.022, division (B) of section 5747.05, and sections 5747.29, 5747.37, 5747.66, 5747.75, and 5747.76 of the Revised Code; 65115
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(3) For the tax levied under Chapter 5751. of the Revised Code, the tax expenditures authorized in divisions (E)(7) and (F)(2)(v) and (ii) of section 5751.01, division (C) of section 5751.03, and section 5751.54 of the Revised Code; 65120
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65123

(4) For the tax levied under Chapter 5726. of the Revised Code, the tax expenditures authorized in sections 5726.51, 5726.52, and 5726.55 of the Revised Code; 65124
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65126

(5) For taxes levied under Chapter 5727. of the Revised Code, the tax expenditures authorized in divisions (E) and (F) of section 5727.33 of the Revised Code; 65127
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65129

(6) For taxes levied under Chapters 5725. and 5729. of the Revised Code, the tax expenditures authorized in sections 5725.34 and 5729.17 of the Revised Code; 65130
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(7) The tax expenditures authorized in sections 122.85, 149.311, and 901.13 of the Revised Code. 65133
65134

(I) The committee shall complete the report required under division (F) of this section of the committee's review of the following tax expenditures on or before December 31, 2017: 65135
65136
65137

(1) For taxes levied under Chapters 5739. and 5741. of the Revised Code, the tax expenditures authorized in divisions (H)(2) and (3) of section 5739.01, divisions (B)(1), (11), (15), (17), 65138
65139
65140

(19), (21), (23), (24), (27), (30), (31), (34), (40), (42)(a) with 65141
respect to the exemption for tangible personal property used 65142
directly in providing public utility services, (42)(f), (42)(g), 65143
(42)(i), (42)(k), (42)(o), and (45) of section 5739.02, division 65144
(B)(1) of section 5739.12, and section 5741.12 of the Revised Code 65145
with respect to the discount for prompt payments referenced in 65146
that section; 65147

(2) For the tax levied under Chapter 5747. of the Revised 65148
Code, the tax expenditures authorized in sections 5709.65 and 65149
5709.66, divisions (A)(4), (10), and (14) of section 5747.01, and 65150
sections 5747.025, 5747.054, 5747.058, 5747.28, 5747.70, and 65151
5747.81 of the Revised Code; 65152

(3) For the tax levied under Chapter 5751. of the Revised 65153
Code, the tax expenditures authorized in divisions (F)(2)(u) and 65154
(x) of section 5751.01 and section 5751.50 of the Revised Code; 65155

(4) For the tax levied under Chapter 5726. of the Revised 65156
Code, the tax expenditures authorized in section 5726.50 of the 65157
Revised Code; 65158

(5) For taxes levied under Chapters 5725. and 5729. of the 65159
Revised Code, the tax expenditures authorized in sections 5725.32 65160
and 5729.032 of the Revised Code; 65161

(6) For taxes levied under Chapters 4301. and 4305. of the 65162
Revised Code, the tax expenditure authorized in section 4303.332 65163
of the Revised Code; 65164

(7) For the tax levied under Chapter 5736. of the Revised 65165
Code, the tax expenditure authorized in section 5736.50 of the 65166
Revised Code; 65167

(8) The tax expenditures authorized in sections 122.17, 65168
122.171, and 122.86 of the Revised Code. 65169

(J) The committee shall complete the report required under 65170

division (F) of this section of the committee's review of the 65171
following tax expenditures on or before December 31, 2018: 65172

(1) For taxes levied under Chapters 5739. and 5741. of the 65173
Revised Code, the tax expenditures authorized in sections 122.175 65174
and 140.08, divisions (B)(3), (4), (9), (12), (13), (18), (28), 65175
and (52) of section 5739.02, and division (C)(7) of section 65176
5741.02 of the Revised Code; 65177

(2) For the tax levied under Chapter 5747. of the Revised 65178
Code, the tax expenditures authorized in divisions (A)(11), (24), 65179
and (25) of section 5747.01, division (G) of section 5747.05, and 65180
sections 5747.056, 5747.27, and 5747.71 of the Revised Code; 65181

(3) For the tax levied under Chapter 5751. of the Revised 65182
Code, the tax expenditures authorized in divisions (F)(2)(q) and 65183
(t) and (F)(3) of section 5751.01 and sections 5751.51 and 5751.53 65184
of the Revised Code; 65185

(4) For the tax levied under Chapter 5726. of the Revised 65186
Code, the tax expenditure authorized in section 5726.56 of the 65187
Revised Code; 65188

(5) For taxes levied under Chapter 5727. of the Revised Code, 65189
the tax expenditure authorized in section 5727.05 of the Revised 65190
Code; 65191

(6) For taxes levied under Chapters 4301. and 4305. of the 65192
Revised Code, the tax expenditures authorized in sections 4301.23 65193
and 4303.333 of the Revised Code. 65194

(K) The committee shall complete the report required under 65195
division (F) of this section of the committee's review of the 65196
following tax expenditures on or before December 31, 2019: 65197

(1) For taxes levied under Chapters 5739. and 5741. of the 65198
Revised Code, the tax expenditures authorized in section 5709.25 65199
of the Revised Code with respect to exempt facilities, as that 65200

term is defined in section 5709.20 of the Revised Code, divisions (B)(32), (33), (39), (42)(a) with respect to the exemption for tangible personal property used or consumed in mining, (42)(d), and (42)(n) of section 5739.02, and section 5739.0210 of the Revised Code; 65201
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65205

(2) For the tax levied under Chapter 5747. of the Revised Code, the tax expenditures authorized in divisions (A)(5) and (31) of section 5747.01, divisions (C) and (D) of section 5747.05, and sections 5747.055, 5747.65, and 5747.80 of the Revised Code; 65206
65207
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65209

(3) For the tax levied under Chapter 5751. of the Revised Code, the tax expenditures authorized in divisions (F)(2)(s), (y), (z), and (qq) of section 5751.01 and section 5751.52 of the Revised Code; 65210
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65213

(4) For the tax levied under Chapter 5726. of the Revised Code, the tax expenditures authorized in sections 5726.53 and 5726.54 of the Revised Code; 65214
65215
65216

(5) For taxes levied under Chapter 5727. of the Revised Code, the tax expenditure authorized in sections 5727.241 and 5727.29, division (B)(4) of section 5727.33, and division (D) of section 5727.81 of the Revised Code; 65217
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65220

(6) For taxes levied under Chapters 5725. and 5729. of the Revised Code, the tax expenditures authorized in sections 1731.07, 3956.20, 5725.19, 5725.33, 5729.031, 5729.08, and 5729.16 of the Revised Code; 65221
65222
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65224

(7) For taxes levied under Chapters 4301. and 4305. of the Revised Code, the tax expenditure authorized in section 4303.33 of the Revised Code; 65225
65226
65227

(8) For the taxes levied under Chapter 5743. of the Revised Code, the tax expenditures authorized in sections 5743.05 and 5743.52 of the Revised Code; 65228
65229
65230

(9) The tax expenditure authorized in section 150.07 of the Revised Code. 65231
65232

(L) The tax expenditure review committee shall cease to exist after December 31, 2019. 65233
65234

Sec. 5705.19. This section does not apply to school 65235
districts, county school financing districts, or lake facilities 65236
authorities. 65237

The taxing authority of any subdivision at any time and in 65238
any year, by vote of two-thirds of all the members of the taxing 65239
authority, may declare by resolution and certify the resolution to 65240
the board of elections not less than ninety days before the 65241
election upon which it will be voted that the amount of taxes that 65242
may be raised within the ten-mill limitation will be insufficient 65243
to provide for the necessary requirements of the subdivision and 65244
that it is necessary to levy a tax in excess of that limitation 65245
for any of the following purposes: 65246

(A) For current expenses of the subdivision, except that the 65247
total levy for current expenses of a detention facility district 65248
or district organized under section 2151.65 of the Revised Code 65249
shall not exceed two mills and that the total levy for current 65250
expenses of a combined district organized under sections 2151.65 65251
and 2152.41 of the Revised Code shall not exceed four mills; 65252

(B) For the payment of debt charges on certain described 65253
bonds, notes, or certificates of indebtedness of the subdivision 65254
issued subsequent to January 1, 1925; 65255

(C) For the debt charges on all bonds, notes, and 65256
certificates of indebtedness issued and authorized to be issued 65257
prior to January 1, 1925; 65258

(D) For a public library of, or supported by, the subdivision 65259
under whatever law organized or authorized to be supported; 65260

(E) For a municipal university, not to exceed two mills over 65261
the limitation of one mill prescribed in section 3349.13 of the 65262
Revised Code; 65263

(F) For the construction or acquisition of any specific 65264
permanent improvement or class of improvements that the taxing 65265
authority of the subdivision may include in a single bond issue; 65266

(G) For the general construction, reconstruction, 65267
resurfacing, and repair of streets, roads, and bridges in 65268
municipal corporations, counties, or townships; 65269

(H) For parks and recreational purposes; 65270

(I) For the purpose of providing and maintaining fire 65271
apparatus, appliances, buildings, or sites therefor, or sources of 65272
water supply and materials therefor, or the establishment and 65273
maintenance of lines of fire alarm telegraph, or the payment of 65274
firefighting companies or permanent, part-time, or volunteer 65275
firefighting, emergency medical service, administrative, or 65276
communications personnel to operate the same, including the 65277
payment of any employer contributions required for such personnel 65278
under section 145.48 or 742.34 of the Revised Code, or the 65279
purchase of ambulance equipment, or the provision of ambulance, 65280
paramedic, or other emergency medical services operated by a fire 65281
department or firefighting company; 65282

(J) For the purpose of providing and maintaining motor 65283
vehicles, communications, other equipment, buildings, and sites 65284
for such buildings used directly in the operation of a police 65285
department, or the payment of salaries of permanent or part-time 65286
police, communications, or administrative personnel to operate the 65287
same, including the payment of any employer contributions required 65288
for such personnel under section 145.48 or 742.33 of the Revised 65289
Code, or the payment of the costs incurred by townships as a 65290
result of contracts made with other political subdivisions in 65291

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| order to obtain police protection, or the provision of ambulance | 65292 |
| or emergency medical services operated by a police department; | 65293 |
| (K) For the maintenance and operation of a county home or | 65294 |
| detention facility; | 65295 |
| (L) For community mental retardation and developmental | 65296 |
| disabilities programs and services pursuant to Chapter 5126. of | 65297 |
| the Revised Code, except that the procedure for such levies shall | 65298 |
| be as provided in section 5705.222 of the Revised Code; | 65299 |
| (M) For regional planning; | 65300 |
| (N) For a county's share of the cost of maintaining and | 65301 |
| operating schools, district detention facilities, forestry camps, | 65302 |
| or other facilities, or any combination thereof, established under | 65303 |
| section 2151.65 or 2152.41 of the Revised Code or both of those | 65304 |
| sections; | 65305 |
| (O) For providing for flood defense, providing and | 65306 |
| maintaining a flood wall or pumps, and other purposes to prevent | 65307 |
| floods; | 65308 |
| (P) For maintaining and operating sewage disposal plants and | 65309 |
| facilities; | 65310 |
| (Q) For the purpose of purchasing, acquiring, constructing, | 65311 |
| enlarging, improving, equipping, repairing, maintaining, or | 65312 |
| operating, or any combination of the foregoing, a county transit | 65313 |
| system pursuant to sections 306.01 to 306.13 of the Revised Code, | 65314 |
| or of making any payment to a board of county commissioners | 65315 |
| operating a transit system or a county transit board pursuant to | 65316 |
| section 306.06 of the Revised Code; | 65317 |
| (R) For the subdivision's share of the cost of acquiring or | 65318 |
| constructing any schools, forestry camps, detention facilities, or | 65319 |
| other facilities, or any combination thereof, under section | 65320 |
| 2151.65 or 2152.41 of the Revised Code or both of those sections; | 65321 |

| | |
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| (S) For the prevention, control, and abatement of air pollution; | 65322 65323 |
| (T) For maintaining and operating cemeteries; | 65324 |
| (U) For providing ambulance service, emergency medical service, or both; | 65325 65326 |
| (V) For providing for the collection and disposal of garbage or refuse, including yard waste; | 65327 65328 |
| (W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code; | 65329 65330 65331 |
| (X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code; | 65332 65333 |
| (Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code; | 65334 65335 65336 |
| (Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code; | 65337 65338 65339 |
| (AA) For the maintenance and operation of a free public museum of art, science, or history; | 65340 65341 |
| (BB) For the establishment and operation of a 9-1-1 system, as defined in section 128.01 of the Revised Code; | 65342 65343 |
| (CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation. | 65344 65345 65346 65347 65348 |
| (DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code; | 65349 65350 65351 |

(EE) For the creation and operation of an office or joint 65352
office of economic development, for any economic development 65353
purpose of the office, and to otherwise provide for the 65354
establishment and operation of a program of economic development 65355
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 65356
the extent that the expenses of a county land reutilization 65357
corporation organized under Chapter 1724. of the Revised Code are 65358
found by the board of county commissioners to constitute the 65359
promotion of economic development, for the payment of such 65360
operations and expenses; 65361

(FF) For the purpose of acquiring, establishing, 65362
constructing, improving, equipping, maintaining, or operating, or 65363
any combination of the foregoing, a township airport, landing 65364
field, or other air navigation facility pursuant to section 505.15 65365
of the Revised Code; 65366

(GG) For the payment of costs incurred by a township as a 65367
result of a contract made with a county pursuant to section 65368
505.263 of the Revised Code in order to pay all or any part of the 65369
cost of constructing, maintaining, repairing, or operating a water 65370
supply improvement; 65371

(HH) For a board of township trustees to acquire, other than 65372
by appropriation, an ownership interest in land, water, or 65373
wetlands, or to restore or maintain land, water, or wetlands in 65374
which the board has an ownership interest, not for purposes of 65375
recreation, but for the purposes of protecting and preserving the 65376
natural, scenic, open, or wooded condition of the land, water, or 65377
wetlands against modification or encroachment resulting from 65378
occupation, development, or other use, which may be styled as 65379
protecting or preserving "greenspace" in the resolution, notice of 65380
election, or ballot form. Except as otherwise provided in this 65381
division, land is not acquired for purposes of recreation, even if 65382
the land is used for recreational purposes, so long as no 65383

building, structure, or fixture used for recreational purposes is 65384
permanently attached or affixed to the land. Except as otherwise 65385
provided in this division, land that previously has been acquired 65386
in a township for these greenspace purposes may subsequently be 65387
used for recreational purposes if the board of township trustees 65388
adopts a resolution approving that use and no building, structure, 65389
or fixture used for recreational purposes is permanently attached 65390
or affixed to the land. The authorization to use greenspace land 65391
for recreational use does not apply to land located in a township 65392
that had a population, at the time it passed its first greenspace 65393
levy, of more than thirty-eight thousand within a county that had 65394
a population, at that time, of at least eight hundred sixty 65395
thousand. 65396

(II) For the support by a county of a crime victim assistance 65397
program that is provided and maintained by a county agency or a 65398
private, nonprofit corporation or association under section 307.62 65399
of the Revised Code; 65400

(JJ) For any or all of the purposes set forth in divisions 65401
(I) and (J) of this section. This division applies only to a 65402
township. 65403

(KK) For a countywide public safety communications system 65404
under section 307.63 of the Revised Code. This division applies 65405
only to counties. 65406

(LL) For the support by a county of criminal justice services 65407
under section 307.45 of the Revised Code; 65408

(MM) For the purpose of maintaining and operating a jail or 65409
other detention facility as defined in section 2921.01 of the 65410
Revised Code; 65411

(NN) For purchasing, maintaining, or improving, or any 65412
combination of the foregoing, real estate on which to hold, and 65413
the operating expenses of, agricultural fairs operated by a county 65414

agricultural society or independent agricultural society under 65415
Chapter 1711. of the Revised Code. This division applies only to a 65416
county. 65417

(OO) For constructing, rehabilitating, repairing, or 65418
maintaining sidewalks, walkways, trails, bicycle pathways, or 65419
similar improvements, or acquiring ownership interests in land 65420
necessary for the foregoing improvements; 65421

(PP) For both of the purposes set forth in divisions (G) and 65422
(OO) of this section. 65423

(QQ) For both of the purposes set forth in divisions (H) and 65424
(HH) of this section. This division applies only to a township. 65425

(RR) For the legislative authority of a municipal 65426
corporation, board of county commissioners of a county, or board 65427
of township trustees of a township to acquire agricultural 65428
easements, as defined in section 5301.67 of the Revised Code, and 65429
to supervise and enforce the easements. 65430

(SS) For both of the purposes set forth in divisions (BB) and 65431
(KK) of this section. This division applies only to a county. 65432

(TT) For the maintenance and operation of a facility that is 65433
organized in whole or in part to promote the sciences and natural 65434
history under section 307.761 of the Revised Code. 65435

(UU) For the creation and operation of a county land 65436
reutilization corporation and for any programs or activities of 65437
the corporation found by the board of directors of the corporation 65438
to be consistent with the purposes for which the corporation is 65439
organized; 65440

(VV) For construction and maintenance of improvements and 65441
expenses of soil and water conservation district programs under 65442
Chapter 1515. of the Revised Code; 65443

(WW) For the OSU extension fund created under section 3335.35 65444

of the Revised Code for the purposes prescribed under section 65445
3335.36 of the Revised Code for the benefit of the citizens of a 65446
county. This division applies only to a county. 65447

(XX) For a municipal corporation that withdraws or proposes 65448
by resolution to withdraw from a regional transit authority under 65449
section 306.55 of the Revised Code to provide transportation 65450
services for the movement of persons within, from, or to the 65451
municipal corporation; 65452

(YY) For any combination of the purposes specified in 65453
divisions (NN), (VV), and (WW) of this section. This division 65454
applies only to a county. 65455

The resolution shall be confined to the purpose or purposes 65456
described in one division of this section, to which the revenue 65457
derived therefrom shall be applied. The existence in any other 65458
division of this section of authority to levy a tax for any part 65459
or all of the same purpose or purposes does not preclude the use 65460
of such revenues for any part of the purpose or purposes of the 65461
division under which the resolution is adopted. 65462

The resolution shall specify the amount of the increase in 65463
rate that it is necessary to levy, the purpose of that increase in 65464
rate, and the number of years during which the increase in rate 65465
shall be in effect, which may or may not include a levy upon the 65466
duplicate of the current year. The number of years may be any 65467
number not exceeding five, except as follows: 65468

(1) When the additional rate is for the payment of debt 65469
charges, the increased rate shall be for the life of the 65470
indebtedness. 65471

(2) When the additional rate is for any of the following, the 65472
increased rate shall be for a continuing period of time: 65473

(a) For the current expenses for a detention facility 65474
district, a district organized under section 2151.65 of the 65475

Revised Code, or a combined district organized under sections 65476
2151.65 and 2152.41 of the Revised Code; 65477

(b) For providing a county's share of the cost of maintaining 65478
and operating schools, district detention facilities, forestry 65479
camps, or other facilities, or any combination thereof, 65480
established under section 2151.65 or 2152.41 of the Revised Code 65481
or under both of those sections. 65482

(3) When the additional rate is for either of the following, 65483
the increased rate may be for a continuing period of time: 65484

(a) For the purposes set forth in division (I), (J), (U), or 65485
(KK) of this section; 65486

(b) For the maintenance and operation of a joint recreation 65487
district. 65488

(4) When the increase is for the purpose or purposes set 65489
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 65490
section, the tax levy may be for any specified number of years or 65491
for a continuing period of time, as set forth in the resolution. 65492

A levy for one of the purposes set forth in division (G), 65493
(I), (J), or (U) of this section may be reduced pursuant to 65494
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 65495
the purposes set forth in division (G), (I), (J), or (U) of this 65496
section may also be terminated or permanently reduced by the 65497
taxing authority if it adopts a resolution stating that the 65498
continuance of the levy is unnecessary and the levy shall be 65499
terminated or that the millage is excessive and the levy shall be 65500
decreased by a designated amount. 65501

A resolution of a detention facility district, a district 65502
organized under section 2151.65 of the Revised Code, or a combined 65503
district organized under both sections 2151.65 and 2152.41 of the 65504
Revised Code may include both current expenses and other purposes, 65505
provided that the resolution shall apportion the annual rate of 65506

levy between the current expenses and the other purpose or 65507
purposes. The apportionment need not be the same for each year of 65508
the levy, but the respective portions of the rate actually levied 65509
each year for the current expenses and the other purpose or 65510
purposes shall be limited by the apportionment. 65511

Whenever a board of county commissioners, acting either as 65512
the taxing authority of its county or as the taxing authority of a 65513
sewer district or subdistrict created under Chapter 6117. of the 65514
Revised Code, by resolution declares it necessary to levy a tax in 65515
excess of the ten-mill limitation for the purpose of constructing, 65516
improving, or extending sewage disposal plants or sewage systems, 65517
the tax may be in effect for any number of years not exceeding 65518
twenty, and the proceeds of the tax, notwithstanding the general 65519
provisions of this section, may be used to pay debt charges on any 65520
obligations issued and outstanding on behalf of the subdivision 65521
for the purposes enumerated in this paragraph, provided that any 65522
such obligations have been specifically described in the 65523
resolution. 65524

A resolution adopted by the legislative authority of a 65525
municipal corporation that is for the purpose in division (XX) of 65526
this section may be combined with the purpose provided in section 65527
306.55 of the Revised Code, by vote of two-thirds of all members 65528
of the legislative authority. The legislative authority may 65529
certify the resolution to the board of elections as a combined 65530
question. The question appearing on the ballot shall be as 65531
provided in section 5705.252 of the Revised Code. 65532

The resolution shall go into immediate effect upon its 65533
passage, and no publication of the resolution is necessary other 65534
than that provided for in the notice of election 65535

When the electors of a subdivision or, in the case of a 65536
qualifying library levy for the support of a library association 65537
or private corporation, the electors of the association library 65538

district, have approved a tax levy under this section, the taxing 65539
authority of the subdivision may anticipate a fraction of the 65540
proceeds of the levy and issue anticipation notes in accordance 65541
with section 5705.191 or 5705.193 of the Revised Code. 65542

Sec. 5705.21. (A) At any time, the board of education of any 65543
city, local, exempted village, cooperative education, or joint 65544
vocational school district, by a vote of two-thirds of all its 65545
members, may declare by resolution that the amount of taxes which 65546
may be raised within the ten-mill limitation by levies on the 65547
current tax duplicate will be insufficient to provide an adequate 65548
amount for the necessary requirements of the school district, that 65549
it is necessary to levy a tax in excess of such limitation for one 65550
of the purposes specified in division (A), (D), (F), (H), or (DD) 65551
of section 5705.19 of the Revised Code, for general permanent 65552
improvements, for the purpose of operating a cultural center, for 65553
the purpose of providing for school safety and security, or for 65554
the purpose of providing education technology, and that the 65555
question of such additional tax levy shall be submitted to the 65556
electors of the school district at a special election on a day to 65557
be specified in the resolution. In the case of a qualifying 65558
library levy for the support of a library association or private 65559
corporation, the question shall be submitted to the electors of 65560
the association library district. If the resolution states that 65561
the levy is for the purpose of operating a cultural center, the 65562
ballot shall state that the levy is "for the purpose of operating 65563
the (name of cultural center)." 65564

As used in this division, "cultural center" means a 65565
freestanding building, separate from a public school building, 65566
that is open to the public for educational, musical, artistic, and 65567
cultural purposes; "education technology" means, but is not 65568
limited to, computer hardware, equipment, materials, and 65569
accessories, equipment used for two-way audio or video, and 65570

software; and "general permanent improvements" means permanent 65571
improvements without regard to the limitation of division (F) of 65572
section 5705.19 of the Revised Code that the improvements be a 65573
specific improvement or a class of improvements that may be 65574
included in a single bond issue. 65575

A resolution adopted under this division shall be confined to 65576
a single purpose and shall specify the amount of the increase in 65577
rate that it is necessary to levy, the purpose of the levy, and 65578
the number of years during which the increase in rate shall be in 65579
effect. The number of years may be any number not exceeding five 65580
or, if the levy is for current expenses of the district or for 65581
general permanent improvements, for a continuing period of time. 65582

(B)(1) The board of education of a qualifying school 65583
district, by resolution, may declare that it is necessary to levy 65584
a tax in excess of the ten-mill limitation for the purpose of 65585
paying the current expenses of ~~the district and of~~ partnering 65586
community schools and, if any of the levy proceeds are so 65587
allocated, of the district. A qualifying school district that is 65588
not a municipal school district may allocate all of the levy 65589
proceeds to partnering community schools. A municipal school 65590
district shall allocate a portion of the levy proceeds to the 65591
current expenses of the district. The resolution shall declare 65592
that the question of the additional tax levy shall be submitted to 65593
the electors of the school district at a special election on a day 65594
to be specified in the resolution. The resolution shall state the 65595
purpose of the levy, the rate of the tax expressed in mills per 65596
dollar of taxable value, the number of such mills to be levied for 65597
the current expenses of the partnering community schools and the 65598
number of such mills, if any, to be levied for the current 65599
expenses of the school district, the number of years the tax will 65600
be levied, and the first year the tax will be levied. The number 65601
of years the tax may be levied may be any number not exceeding ten 65602

years, or for a continuing period of time. 65603

The levy of a tax for the current expenses of a partnering 65604
community school under this section and the distribution of 65605
proceeds from the tax by a qualifying school district to 65606
partnering community schools is hereby determined to be a proper 65607
public purpose. 65608

(2) The (a) If any portion of the levy proceeds are to be 65609
allocated to the current expenses of the qualifying school 65610
district, the form of the ballot at an election held pursuant to 65611
division (B) of this section shall be as follows: 65612

"Shall a levy be imposed by the (insert the name of 65613
the qualifying school district) for the purpose of current 65614
expenses of the school district and of partnering community 65615
schools at a rate not exceeding (insert the number of 65616
mills) mills for each one dollar of valuation, ~~of which~~ 65617
(insert the number of mills to be allocated to partnering 65618
community schools) mills is to be allocated to partnering 65619
community schools), which amounts to (insert the rate 65620
expressed in dollars and cents) for each one hundred dollars of 65621
valuation, for (insert the number of years the levy is to 65622
be imposed, or that it will be levied for a continuing period of 65623
time), beginning (insert first year the tax is to be 65624
levied), which will first be payable in calendar year 65625
(insert the first calendar year in which the tax would be 65626
payable)? 65627

| | |
|--|----------------------|
| | FOR THE TAX LEVY |
| | AGAINST THE TAX LEVY |

"

(b) If all of the levy proceeds are to be allocated to the 65630
current expenses of partnering community schools, the form of the 65631
ballot shall be as follows: 65632

"Shall a levy be imposed by the (insert the name of 65633

the qualifying school district) for the purpose of current 65634
expenses of partnering community schools at a rate not exceeding 65635
..... (insert the number of mills) mills for each one dollar of 65636
valuation which amounts to (insert the rate expressed in 65637
dollars and cents) for each one hundred dollars of valuation, for 65638
..... (insert the number of years the levy is to be imposed, or 65639
that it will be levied for a continuing period of time), beginning 65640
..... (insert first year the tax is to be levied), which will 65641
first be payable in calendar year (insert the first 65642
calendar year in which the tax would be payable)? 65643

| | | |
|--|-----------------------------|---|
| | <u>FOR THE TAX LEVY</u> | |
| | <u>AGAINST THE TAX LEVY</u> | " |

(3) Upon each receipt of a tax distribution by the qualifying 65646
school district, the board of education shall credit the portion 65647
allocated to partnering community schools to the partnering 65648
community schools fund. All income from the investment of money in 65649
the partnering community schools fund shall be credited to that 65650
fund. 65651

(a) If the qualifying school district is a municipal school 65652
district, the board of education shall distribute the partnering 65653
community schools amount among the then qualifying community 65654
schools not more than forty-five days after the school district 65655
receives and deposits each tax distribution. From each tax 65656
distribution, each such partnering community school shall receive 65657
a portion of the partnering community schools amount in the 65658
proportion that the number of its resident students bears to the 65659
aggregate number of resident students of all such partnering 65660
community schools as of the date of receipt and deposit of the tax 65661
distribution. 65662

(b) If the qualifying school district is not a municipal 65663
school district, the board of education may distribute all or a 65664
portion of the amount in the partnering community schools fund 65665

during a fiscal year to partnering community schools ~~that were~~ 65666
~~either sponsored by the district or entered into an agreement~~ 65667
~~pursuant to division (B)(6)(b) of this section~~ on or before the 65668
first day of June of the preceding fiscal year. Each such 65669
partnering community school shall receive a portion of the amount 65670
distributed by the board from the partnering community schools 65671
fund during the fiscal year in the proportion that the number of 65672
its resident students bears to the aggregate number of resident 65673
students of all such partnering community schools as of the date 65674
the school district received and deposited the most recent tax 65675
distribution. On or before the fifteenth day of June of each 65676
fiscal year, the board of education shall announce an estimated 65677
allocation to partnering community schools for the ensuing fiscal 65678
year. The board is not required to allocate to partnering 65679
community schools the entire partnering community schools amount 65680
in the fiscal year in which a tax distribution is received and 65681
deposited in the partnering community schools fund. The estimated 65682
allocation shall be published on the web site of the school 65683
district and expressed as a dollar amount per resident student. 65684
The actual allocation to community schools in a fiscal year need 65685
not conform to the estimate published by the school district so 65686
long if the estimate was made in good faith. 65687

Distributions by a school district under division (B)(3)(b) 65688
of this section shall be made in accordance with distribution 65689
agreements entered into by the board of education and each 65690
partnering community school eligible for distributions under this 65691
division. The distribution agreements shall be certified to the 65692
department of education each fiscal year before the thirtieth day 65693
of July. Each agreement shall provide for at least three 65694
distributions by the school district to the partnering community 65695
school during the fiscal year and shall require the initial 65696
distribution be made on or before the thirtieth day of July. 65697

(c) For the purposes of division (B) of this section, the number of resident students shall be the number of such students reported under section 3317.03 of the Revised Code and established by the department of education as of the date of receipt and deposit of the tax distribution.

(4) To the extent an agreement whereby the qualifying school district and a community school endorse each other's programs is necessary for the community school to qualify as a partnering community school under division (B)(6)(b) of this section, the board of education of the school district shall certify to the department of education the agreement along with the determination that such agreement satisfies the requirements of that division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a qualifying school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of partnering community schools. The taxes charged and payable for the current expenses of partnering community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Qualifying school district" means a municipal school district, as defined in section 3311.71 of the Revised Code, or a school district that ~~has an average daily membership, as reported under division (A) of section 3317.03 of the Revised Code, greater than sixty thousand and the majority of the territory of which district is located in a city with a population greater than seven hundred thousand according to the most recent federal decennial~~

~~eensus~~ contains within its territory a partnering community school. 65730
65731

(b) "Partnering community school" means a community school 65732
established under Chapter 3314. of the Revised Code that is 65733
located within the territory of the qualifying school district and 65734
~~that either~~ meets one of the following criteria: 65735

(i) If the qualifying school district is a municipal school district, the community school 65736
is sponsored by the district or is 65737
a party to an agreement with the district whereby the district and 65738
the community school endorse each other's programs; 65739

(ii) If the qualifying school district is not a municipal school district, the community school is sponsored by a sponsor 65740
that was rated as "exemplary" in the ratings most recently 65741
published under section 3314.016 of the Revised Code before the 65742
resolution proposing the levy is certified to the board of 65743
elections. 65744
65745

(c) "Partnering community schools amount" means the product 65746
obtained, as of the receipt and deposit of the tax distribution, 65747
by multiplying the amount of a tax distribution by a fraction, the 65748
numerator of which is the number of mills per dollar of taxable 65749
value of the property tax to be allocated to partnering community 65750
schools, and the denominator of which is the total number of mills 65751
per dollar of taxable value authorized by the electors in the 65752
election held under division (B) of this section, each as set 65753
forth in the resolution levying the tax. If the resolution 65754
allocates all of the levy proceeds to partnering community 65755
schools, the "partnering schools amount" equals the amount of the 65756
tax distribution. 65757

(d) "Partnering community schools fund" means a separate fund 65758
established by the board of education of a qualifying school 65759
district for the deposit of partnering community school amounts 65760

under this section. 65761

(e) "Resident student" means a student enrolled in a 65762
partnering community school who is entitled to attend school in 65763
the qualifying school district under section 3313.64 or 3313.65 of 65764
the Revised Code. 65765

(f) "Tax distribution" means a distribution of proceeds of 65766
the tax authorized by division (B) of this section under section 65767
321.24 of the Revised Code and distributions that are attributable 65768
to that tax under sections 323.156 and 4503.068 of the Revised 65769
Code or other applicable law. 65770

(C) A resolution adopted under this section shall specify the 65771
date of holding the election, which shall not be earlier than 65772
ninety days after the adoption and certification of the resolution 65773
and which shall be consistent with the requirements of section 65774
3501.01 of the Revised Code. 65775

A resolution adopted under this section may propose to renew 65776
one or more existing levies imposed under division (A) or (B) of 65777
this section or to increase or decrease a single levy imposed 65778
under either such division. 65779

If the board of education imposes one or more existing levies 65780
for the purpose specified in division (F) of section 5705.19 of 65781
the Revised Code, the resolution may propose to renew one or more 65782
of those existing levies, or to increase or decrease a single such 65783
existing levy, for the purpose of general permanent improvements. 65784

If the resolution proposes to renew two or more existing 65785
levies, the levies shall be levied for the same purpose. The 65786
resolution shall identify those levies and the rates at which they 65787
are levied. The resolution also shall specify that the existing 65788
levies shall not be extended on the tax lists after the year 65789
preceding the year in which the renewal levy is first imposed, 65790
regardless of the years for which those levies originally were 65791

authorized to be levied. 65792

If the resolution proposes to renew an existing levy imposed 65793
under division (B) of this section, the rates allocated to the 65794
qualifying school district and to partnering community schools 65795
each may be increased or decreased or remain the same, and the 65796
total rate may be increased, decreased, or remain the same. The 65797
resolution and notice of election shall specify the number of the 65798
mills to be levied for the current expenses of the partnering 65799
community schools and the number of the mills, if any, to be 65800
levied for the current expenses of the qualifying school district. 65801

A resolution adopted under this section shall go into 65802
immediate effect upon its passage, and no publication of the 65803
resolution shall be necessary other than that provided for in the 65804
notice of election. A copy of the resolution shall immediately 65805
after its passing be certified to the board of elections of the 65806
proper county in the manner provided by section 5705.25 of the 65807
Revised Code. That section shall govern the arrangements for the 65808
submission of such question and other matters concerning the 65809
election to which that section refers, including publication of 65810
notice of the election, except that the election shall be held on 65811
the date specified in the resolution. In the case of a resolution 65812
adopted under division (B) of this section, the publication of 65813
notice of that election shall state the number of the mills, if 65814
any, to be levied for the current expenses of partnering community 65815
schools and the number of the mills to be levied for the current 65816
expenses of the qualifying school district. If a majority of the 65817
electors voting on the question so submitted in an election vote 65818
in favor of the levy, the board of education may make the 65819
necessary levy within the school district or, in the case of a 65820
qualifying library levy for the support of a library association 65821
or private corporation, within the association library district, 65822
at the additional rate, or at any lesser rate in excess of the 65823

ten-mill limitation on the tax list, for the purpose stated in the 65824
resolution. A levy for a continuing period of time may be reduced 65825
pursuant to section 5705.261 of the Revised Code. The tax levy 65826
shall be included in the next tax budget that is certified to the 65827
county budget commission. 65828

(D)(1) After the approval of a levy on the current tax list 65829
and duplicate for current expenses, for recreational purposes, for 65830
community centers provided for in section 755.16 of the Revised 65831
Code, or for a public library of the district under division (A) 65832
of this section, and prior to the time when the first tax 65833
collection from the levy can be made, the board of education may 65834
anticipate a fraction of the proceeds of the levy and issue 65835
anticipation notes in a principal amount not exceeding fifty per 65836
cent of the total estimated proceeds of the levy to be collected 65837
during the first year of the levy. 65838

(2) After the approval of a levy for general permanent 65839
improvements for a specified number of years or for permanent 65840
improvements having the purpose specified in division (F) of 65841
section 5705.19 of the Revised Code, the board of education may 65842
anticipate a fraction of the proceeds of the levy and issue 65843
anticipation notes in a principal amount not exceeding fifty per 65844
cent of the total estimated proceeds of the levy remaining to be 65845
collected in each year over a period of five years after the 65846
issuance of the notes. 65847

The notes shall be issued as provided in section 133.24 of 65848
the Revised Code, shall have principal payments during each year 65849
after the year of their issuance over a period not to exceed five 65850
years, and may have a principal payment in the year of their 65851
issuance. 65852

(3) After approval of a levy for general permanent 65853
improvements for a continuing period of time, the board of 65854
education may anticipate a fraction of the proceeds of the levy 65855

and issue anticipation notes in a principal amount not exceeding 65856
fifty per cent of the total estimated proceeds of the levy to be 65857
collected in each year over a specified period of years, not 65858
exceeding ten, after the issuance of the notes. 65859

The notes shall be issued as provided in section 133.24 of 65860
the Revised Code, shall have principal payments during each year 65861
after the year of their issuance over a period not to exceed ten 65862
years, and may have a principal payment in the year of their 65863
issuance. 65864

(4) After the approval of a levy on the current tax list and 65865
duplicate under division (B) of this section, and prior to the 65866
time when the first tax collection from the levy can be made, the 65867
board of education may anticipate a fraction of the proceeds of 65868
the levy for the current expenses of the school district and issue 65869
anticipation notes in a principal amount not exceeding fifty per 65870
cent of the estimated proceeds of the levy to be collected during 65871
the first year of the levy and allocated to the school district. 65872
The portion of the levy proceeds to be allocated to partnering 65873
community schools under that division shall not be included in the 65874
estimated proceeds anticipated under this division and shall not 65875
be used to pay debt charges on any anticipation notes. 65876

The notes shall be issued as provided in section 133.24 of 65877
the Revised Code, shall have principal payments during each year 65878
after the year of their issuance over a period not to exceed five 65879
years, and may have a principal payment in the year of their 65880
issuance. 65881

(E) The submission of questions to the electors under this 65882
section is subject to the limitation on the number of election 65883
dates established by section 5705.214 of the Revised Code. 65884

Sec. 5705.212. (A)(1) The board of education of any school 65885
district, at any time and by a vote of two-thirds of all of its 65886

members, may declare by resolution that the amount of taxes that 65887
may be raised within the ten-mill limitation will be insufficient 65888
to provide an adequate amount for the present and future 65889
requirements of the school district, that it is necessary to levy 65890
not more than five taxes in excess of that limitation for current 65891
expenses, and that each of the proposed taxes first will be levied 65892
in a different year, over a specified period of time. The board 65893
shall identify the taxes proposed under this section as follows: 65894
the first tax to be levied shall be called the "original tax." 65895
Each tax subsequently levied shall be called an "incremental tax." 65896
The rate of each incremental tax shall be identical, but the rates 65897
of such incremental taxes need not be the same as the rate of the 65898
original tax. The resolution also shall state that the question of 65899
these additional taxes shall be submitted to the electors of the 65900
school district at a special election. The resolution shall 65901
specify separately for each tax proposed: the amount of the 65902
increase in rate that it is necessary to levy, expressed 65903
separately for the original tax and each incremental tax; that the 65904
purpose of the levy is for current expenses; the number of years 65905
during which the original tax shall be in effect; a specification 65906
that the last year in which the original tax is in effect shall 65907
also be the last year in which each incremental tax shall be in 65908
effect; and the year in which each tax first is proposed to be 65909
levied. The original tax may be levied for any number of years not 65910
exceeding ten, or for a continuing period of time. The resolution 65911
shall specify the date of holding the special election, which 65912
shall not be earlier than ninety days after the adoption and 65913
certification of the resolution and shall be consistent with the 65914
requirements of section 3501.01 of the Revised Code. 65915

(2) The board of education, by a vote of two-thirds of all of 65916
its members, may adopt a resolution proposing to renew taxes 65917
levied other than for a continuing period of time under division 65918
(A)(1) of this section. Such a resolution shall provide for 65919

levying a tax and specify all of the following: 65920

(a) That the tax shall be called and designated on the ballot 65921
as a renewal levy; 65922

(b) The rate of the renewal tax, which shall be a single rate 65923
that combines the rate of the original tax and each incremental 65924
tax into a single rate. The rate of the renewal tax shall not 65925
exceed the aggregate rate of the original and incremental taxes. 65926

(c) The number of years, not to exceed ten, that the renewal 65927
tax will be levied, or that it will be levied for a continuing 65928
period of time; 65929

(d) That the purpose of the renewal levy is for current 65930
expenses; 65931

(e) Subject to the certification and notification 65932
requirements of section 5705.251 of the Revised Code, that the 65933
question of the renewal levy shall be submitted to the electors of 65934
the school district at the general election held during the last 65935
year the original tax may be extended on the real and public 65936
utility property tax list and duplicate or at a special election 65937
held during the ensuing year. 65938

(3) A resolution adopted under division (A)(1) or (2) of this 65939
section shall go into immediate effect upon its adoption and no 65940
publication of the resolution is necessary other than that 65941
provided for in the notice of election. Immediately after its 65942
adoption, a copy of the resolution shall be certified to the board 65943
of elections of the proper county in the manner provided by 65944
division (A) of section 5705.251 of the Revised Code, and that 65945
division shall govern the arrangements for the submission of the 65946
question and other matters concerning the election to which that 65947
section refers. The election shall be held on the date specified 65948
in the resolution. If a majority of the electors voting on the 65949
question so submitted in an election vote in favor of the taxes or 65950

a renewal tax, the board of education, if the original or a 65951
renewal tax is authorized to be levied for the current year, 65952
immediately may make the necessary levy within the school district 65953
at the authorized rate, or at any lesser rate in excess of the 65954
ten-mill limitation, for the purpose stated in the resolution. No 65955
tax shall be imposed prior to the year specified in the resolution 65956
as the year in which it is first proposed to be levied. The rate 65957
of the original tax and the rate of each incremental tax shall be 65958
cumulative, so that the aggregate rate levied in any year is the 65959
sum of the rates of both the original tax and all incremental 65960
taxes levied in or prior to that year under the same proposal. A 65961
tax levied for a continuing period of time under this section may 65962
be reduced pursuant to section 5705.261 of the Revised Code. 65963

(B) Notwithstanding section 133.30 of the Revised Code, after 65964
the approval of a tax to be levied in the current or the 65965
succeeding year and prior to the time when the first tax 65966
collection from that levy can be made, the board of education may 65967
anticipate a fraction of the proceeds of the levy and issue 65968
anticipation notes in an amount not to exceed fifty per cent of 65969
the total estimated proceeds of the levy to be collected during 65970
the first year of the levy. The notes shall be sold as provided in 65971
Chapter 133. of the Revised Code. If anticipation notes are 65972
issued, they shall mature serially and in substantially equal 65973
amounts during each year over a period not to exceed five years; 65974
and the amount necessary to pay the interest and principal as the 65975
anticipation notes mature shall be deemed appropriated for those 65976
purposes from the levy, and appropriations from the levy by the 65977
board of education shall be limited each fiscal year to the 65978
balance available in excess of that amount. 65979

If the auditor of state has certified a deficit pursuant to 65980
section 3313.483 of the Revised Code, the notes authorized under 65981
this section may be sold in accordance with Chapter 133. of the 65982

Revised Code, except that the board may sell the notes after 65983
providing a reasonable opportunity for competitive bidding. 65984

(C)(1) The board of education of a qualifying school 65985
district, at any time and by a vote of two-thirds of all its 65986
members, may declare by resolution that it is necessary to levy 65987
not more than five taxes in excess of the ten-mill limitation for 65988
the current expenses of ~~the school district and of~~ partnering 65989
community schools and, if any of the levy proceeds are so 65990
allocated, of the school district, and that each of the proposed 65991
taxes first will be levied in a different year, over a specified 65992
period of time. A qualifying school district that is not a 65993
municipal school district may allocate all of the levy proceeds to 65994
partnering community schools. A municipal school district shall 65995
allocate a portion of the levy proceeds to the current expenses of 65996
the district. The board shall identify the taxes proposed under 65997
this division in the same manner as in division (A)(1) of this 65998
section. The rate of each incremental tax shall be identical, but 65999
the rates of such incremental taxes need not be the same as the 66000
rate of the original tax. In addition to the specifications 66001
required of the resolution in division (A) of this section, the 66002
resolution shall state the number of the mills to be levied each 66003
year for the current expenses of the partnering community schools 66004
and the number of the mills, if any, to be levied each year for 66005
the current expenses of the school district. The number of mills 66006
for the current expenses of partnering community schools shall be 66007
the same for each of the incremental taxes, and the number of 66008
mills for the current expenses of the qualifying school district 66009
shall be the same for each of the incremental taxes. 66010

The levy of taxes for the current expenses of a partnering 66011
community school under division (C) of this section and the 66012
distribution of proceeds from the tax by a qualifying school 66013
district to partnering community schools is hereby determined to 66014

be a proper public purpose. 66015

(2) The board of education, by a vote of two-thirds of all of 66016
its members, may adopt a resolution proposing to renew taxes 66017
levied other than for a continuing period of time under division 66018
(C)(1) of this section. In such a renewal levy, the rates 66019
allocated to the qualifying school district and to partnering 66020
community schools each may be increased or decreased or remain the 66021
same, and the total rate may be increased, decreased, or remain 66022
the same. In addition to the requirements of division (A)(2) of 66023
this section, the resolution shall state the number of the mills 66024
to be levied for the current expenses of the partnering community 66025
schools and the number of the mills to be levied for the current 66026
expenses of the school district. 66027

(3) A resolution adopted under division (C)(1) or (2) of this 66028
section is subject to the rules and procedures prescribed by 66029
division (A)(3) of this section. 66030

(4) The proceeds of each tax levied under division (C)(1) or 66031
(2) of this section shall be credited and distributed in the 66032
manner prescribed by division (B)(3) of section 5705.21 of the 66033
Revised Code, and divisions (B)(4), (5), and (6) of that section 66034
apply to taxes levied under division (C) of this section. 66035

(5) Notwithstanding section 133.30 of the Revised Code, after 66036
the approval of a tax to be levied under division (C)(1) or (2) of 66037
this section, in the current or succeeding year and prior to the 66038
time when the first tax collection from that levy can be made, the 66039
board of education may anticipate a fraction of the proceeds of 66040
the levy for the current expenses of the qualifying school 66041
district and issue anticipation notes in a principal amount not 66042
exceeding fifty per cent of the estimated proceeds of the levy to 66043
be collected during the first year of the levy and allocated to 66044
the school district. The portion of levy proceeds to be allocated 66045
to partnering community schools shall not be included in the 66046

estimated proceeds anticipated under this division and shall not 66047
be used to pay debt charges on any anticipation notes. 66048

The notes shall be sold as provided in Chapter 133. of the 66049
Revised Code. If anticipation notes are issued, they shall mature 66050
serially and in substantially equal amounts during each year over 66051
a period not to exceed five years. The amount necessary to pay the 66052
interest and principal as the anticipation notes mature shall be 66053
deemed appropriated for those purposes from the levy, and 66054
appropriations from the levy by the board of education shall be 66055
limited each fiscal year to the balance available in excess of 66056
that amount. 66057

If the auditor of state has certified a deficit pursuant to 66058
section 3313.483 of the Revised Code, the notes authorized under 66059
this section may be sold in accordance with Chapter 133. of the 66060
Revised Code, except that the board may sell the notes after 66061
providing a reasonable opportunity for competitive bidding. 66062

As used in division (C) of this section, "qualifying school 66063
district" and "partnering community schools" have the same 66064
meanings as in section 5705.21 of the Revised Code. 66065

(D) The submission of questions to the electors under this 66066
section is subject to the limitation on the number of election 66067
dates established by section 5705.214 of the Revised Code. 66068

Sec. 5709.62. (A) In any municipal corporation that is 66069
defined by the United States office of management and budget as a 66070
principal city of a metropolitan statistical area, the legislative 66071
authority of the municipal corporation may designate one or more 66072
areas within its municipal corporation as proposed enterprise 66073
zones. Upon designating an area, the legislative authority shall 66074
petition the director of development services for certification of 66075
the area as having the characteristics set forth in division 66076
(A)(1) of section 5709.61 of the Revised Code as amended by 66077

Substitute Senate Bill No. 19 of the 120th general assembly. 66078
Except as otherwise provided in division (E) of this section, on 66079
and after July 1, 1994, legislative authorities shall not enter 66080
into agreements under this section unless the legislative 66081
authority has petitioned the director and the director has 66082
certified the zone under this section as amended by that act; 66083
however, all agreements entered into under this section as it 66084
existed prior to July 1, 1994, and the incentives granted under 66085
those agreements shall remain in effect for the period agreed to 66086
under those agreements. Within sixty days after receiving such a 66087
petition, the director shall determine whether the area has the 66088
characteristics set forth in division (A)(1) of section 5709.61 of 66089
the Revised Code, and shall forward the findings to the 66090
legislative authority of the municipal corporation. If the 66091
director certifies the area as having those characteristics, and 66092
thereby certifies it as a zone, the legislative authority may 66093
enter into an agreement with an enterprise under division (C) of 66094
this section. 66095

(B) Any enterprise that wishes to enter into an agreement 66096
with a municipal corporation under division (C) of this section 66097
shall submit a proposal to the legislative authority of the 66098
municipal corporation on a form prescribed by the director of 66099
development services, together with the application fee 66100
established under section 5709.68 of the Revised Code. The form 66101
shall require the following information: 66102

(1) An estimate of the number of new employees whom the 66103
enterprise intends to hire, or of the number of employees whom the 66104
enterprise intends to retain, within the zone at a facility that 66105
is a project site, and an estimate of the amount of payroll of the 66106
enterprise attributable to these employees; 66107

(2) An estimate of the amount to be invested by the 66108
enterprise to establish, expand, renovate, or occupy a facility, 66109

including investment in new buildings, additions or improvements 66110
to existing buildings, machinery, equipment, furniture, fixtures, 66111
and inventory; 66112

(3) A listing of the enterprise's current investment, if any, 66113
in a facility as of the date of the proposal's submission. 66114

The enterprise shall review and update the listings required 66115
under this division to reflect material changes, and any agreement 66116
entered into under division (C) of this section shall set forth 66117
final estimates and listings as of the time the agreement is 66118
entered into. The legislative authority may, on a separate form 66119
and at any time, require any additional information necessary to 66120
determine whether an enterprise is in compliance with an agreement 66121
and to collect the information required to be reported under 66122
section 5709.68 of the Revised Code. 66123

(C) Upon receipt and investigation of a proposal under 66124
division (B) of this section, if the legislative authority finds 66125
that the enterprise submitting the proposal is qualified by 66126
financial responsibility and business experience to create and 66127
preserve employment opportunities in the zone and improve the 66128
economic climate of the municipal corporation, the legislative 66129
authority, on or before October 15, ~~2015~~ 2017, may do one of the 66130
following: 66131

(1) Enter into an agreement with the enterprise under which 66132
the enterprise agrees to establish, expand, renovate, or occupy a 66133
facility and hire new employees, or preserve employment 66134
opportunities for existing employees, in return for one or more of 66135
the following incentives: 66136

(a) Exemption for a specified number of years, not to exceed 66137
fifteen, of a specified portion, up to seventy-five per cent, of 66138
the assessed value of tangible personal property first used in 66139
business at the project site as a result of the agreement. If an 66140

exemption for inventory is specifically granted in the agreement 66141
pursuant to this division, the exemption applies to inventory 66142
required to be listed pursuant to sections 5711.15 and 5711.16 of 66143
the Revised Code, except that, in the instance of an expansion or 66144
other situations in which an enterprise was in business at the 66145
facility prior to the establishment of the zone, the inventory 66146
that is exempt is that amount or value of inventory in excess of 66147
the amount or value of inventory required to be listed in the 66148
personal property tax return of the enterprise in the return for 66149
the tax year in which the agreement is entered into. 66150

(b) Exemption for a specified number of years, not to exceed 66151
fifteen, of a specified portion, up to seventy-five per cent, of 66152
the increase in the assessed valuation of real property 66153
constituting the project site subsequent to formal approval of the 66154
agreement by the legislative authority; 66155

(c) Provision for a specified number of years, not to exceed 66156
fifteen, of any optional services or assistance that the municipal 66157
corporation is authorized to provide with regard to the project 66158
site. 66159

(2) Enter into an agreement under which the enterprise agrees 66160
to remediate an environmentally contaminated facility, to spend an 66161
amount equal to at least two hundred fifty per cent of the true 66162
value in money of the real property of the facility prior to 66163
remediation as determined for the purposes of property taxation to 66164
establish, expand, renovate, or occupy the remediated facility, 66165
and to hire new employees or preserve employment opportunities for 66166
existing employees at the remediated facility, in return for one 66167
or more of the following incentives: 66168

(a) Exemption for a specified number of years, not to exceed 66169
fifteen, of a specified portion, not to exceed fifty per cent, of 66170
the assessed valuation of the real property of the facility prior 66171
to remediation; 66172

(b) Exemption for a specified number of years, not to exceed 66173
fifteen, of a specified portion, not to exceed one hundred per 66174
cent, of the increase in the assessed valuation of the real 66175
property of the facility during or after remediation; 66176

(c) The incentive under division (C)(1)(a) of this section, 66177
except that the percentage of the assessed value of such property 66178
exempted from taxation shall not exceed one hundred per cent; 66179

(d) The incentive under division (C)(1)(c) of this section. 66180

(3) Enter into an agreement with an enterprise that plans to 66181
purchase and operate a large manufacturing facility that has 66182
ceased operation or announced its intention to cease operation, in 66183
return for exemption for a specified number of years, not to 66184
exceed fifteen, of a specified portion, up to one hundred per 66185
cent, of the assessed value of tangible personal property used in 66186
business at the project site as a result of the agreement, or of 66187
the assessed valuation of real property constituting the project 66188
site, or both. 66189

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 66190
section, the portion of the assessed value of tangible personal 66191
property or of the increase in the assessed valuation of real 66192
property exempted from taxation under those divisions may exceed 66193
seventy-five per cent in any year for which that portion is 66194
exempted if the average percentage exempted for all years in which 66195
the agreement is in effect does not exceed sixty per cent, or if 66196
the board of education of the city, local, or exempted village 66197
school district within the territory of which the property is or 66198
will be located approves a percentage in excess of seventy-five 66199
per cent. 66200

(2) Notwithstanding any provision of the Revised Code to the 66201
contrary, the exemptions described in divisions (C)(1)(a), (b), 66202
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 66203

be for up to fifteen years if the board of education of the city, 66204
local, or exempted village school district within the territory of 66205
which the property is or will be located approves a number of 66206
years in excess of ten. 66207

(3) For the purpose of obtaining the approval of a city, 66208
local, or exempted village school district under division (D)(1) 66209
or (2) of this section, the legislative authority shall deliver to 66210
the board of education a notice not later than forty-five days 66211
prior to approving the agreement, excluding Saturdays, Sundays, 66212
and legal holidays as defined in section 1.14 of the Revised Code. 66213
The notice shall state the percentage to be exempted, an estimate 66214
of the true value of the property to be exempted, and the number 66215
of years the property is to be exempted. The board of education, 66216
by resolution adopted by a majority of the board, shall approve or 66217
disapprove the agreement and certify a copy of the resolution to 66218
the legislative authority not later than fourteen days prior to 66219
the date stipulated by the legislative authority as the date upon 66220
which approval of the agreement is to be formally considered by 66221
the legislative authority. The board of education may include in 66222
the resolution conditions under which the board would approve the 66223
agreement, including the execution of an agreement to compensate 66224
the school district under division (B) of section 5709.82 of the 66225
Revised Code. The legislative authority may approve the agreement 66226
at any time after the board of education certifies its resolution 66227
approving the agreement to the legislative authority, or, if the 66228
board approves the agreement conditionally, at any time after the 66229
conditions are agreed to by the board and the legislative 66230
authority. 66231

If a board of education has adopted a resolution waiving its 66232
right to approve agreements and the resolution remains in effect, 66233
approval of an agreement by the board is not required under this 66234
division. If a board of education has adopted a resolution 66235

allowing a legislative authority to deliver the notice required 66236
under this division fewer than forty-five business days prior to 66237
the legislative authority's approval of the agreement, the 66238
legislative authority shall deliver the notice to the board not 66239
later than the number of days prior to such approval as prescribed 66240
by the board in its resolution. If a board of education adopts a 66241
resolution waiving its right to approve agreements or shortening 66242
the notification period, the board shall certify a copy of the 66243
resolution to the legislative authority. If the board of education 66244
rescinds such a resolution, it shall certify notice of the 66245
rescission to the legislative authority. 66246

(4) The legislative authority shall comply with section 66247
5709.83 of the Revised Code unless the board of education has 66248
adopted a resolution under that section waiving its right to 66249
receive such notice. 66250

(E) This division applies to zones certified by the director 66251
of development services under this section prior to July 22, 1994. 66252

On or before October 15, ~~2015~~ 2017, the legislative authority 66253
that designated a zone to which this division applies may enter 66254
into an agreement with an enterprise if the legislative authority 66255
finds that the enterprise satisfies one of the criteria described 66256
in divisions (E)(1) to (5) of this section: 66257

(1) The enterprise currently has no operations in this state 66258
and, subject to approval of the agreement, intends to establish 66259
operations in the zone; 66260

(2) The enterprise currently has operations in this state 66261
and, subject to approval of the agreement, intends to establish 66262
operations at a new location in the zone that would not result in 66263
a reduction in the number of employee positions at any of the 66264
enterprise's other locations in this state; 66265

(3) The enterprise, subject to approval of the agreement, 66266

intends to relocate operations, currently located in another 66267
state, to the zone; 66268

(4) The enterprise, subject to approval of the agreement, 66269
intends to expand operations at an existing site in the zone that 66270
the enterprise currently operates; 66271

(5) The enterprise, subject to approval of the agreement, 66272
intends to relocate operations, currently located in this state, 66273
to the zone, and the director of development services has issued a 66274
waiver for the enterprise under division (B) of section 5709.633 66275
of the Revised Code. 66276

The agreement shall require the enterprise to agree to 66277
establish, expand, renovate, or occupy a facility in the zone and 66278
hire new employees, or preserve employment opportunities for 66279
existing employees, in return for one or more of the incentives 66280
described in division (C) of this section. 66281

(F) All agreements entered into under this section shall be 66282
in the form prescribed under section 5709.631 of the Revised Code. 66283
After an agreement is entered into under this section, if the 66284
legislative authority revokes its designation of a zone, or if the 66285
director of development services revokes a zone's certification, 66286
any entitlements granted under the agreement shall continue for 66287
the number of years specified in the agreement. 66288

(G) Except as otherwise provided in this division, an 66289
agreement entered into under this section shall require that the 66290
enterprise pay an annual fee equal to the greater of one per cent 66291
of the dollar value of incentives offered under the agreement or 66292
five hundred dollars; provided, however, that if the value of the 66293
incentives exceeds two hundred fifty thousand dollars, the fee 66294
shall not exceed two thousand five hundred dollars. The fee shall 66295
be payable to the legislative authority once per year for each 66296
year the agreement is effective on the days and in the form 66297

specified in the agreement. Fees paid shall be deposited in a 66298
special fund created for such purpose by the legislative authority 66299
and shall be used by the legislative authority exclusively for the 66300
purpose of complying with section 5709.68 of the Revised Code and 66301
by the tax incentive review council created under section 5709.85 66302
of the Revised Code exclusively for the purposes of performing the 66303
duties prescribed under that section. The legislative authority 66304
may waive or reduce the amount of the fee charged against an 66305
enterprise, but such a waiver or reduction does not affect the 66306
obligations of the legislative authority or the tax incentive 66307
review council to comply with section 5709.68 or 5709.85 of the 66308
Revised Code. 66309

(H) When an agreement is entered into pursuant to this 66310
section, the legislative authority authorizing the agreement shall 66311
forward a copy of the agreement to the director of development 66312
services and to the tax commissioner within fifteen days after the 66313
agreement is entered into. If any agreement includes terms not 66314
provided for in section 5709.631 of the Revised Code affecting the 66315
revenue of a city, local, or exempted village school district or 66316
causing revenue to be forgone by the district, including any 66317
compensation to be paid to the school district pursuant to section 66318
5709.82 of the Revised Code, those terms also shall be forwarded 66319
in writing to the director of development services along with the 66320
copy of the agreement forwarded under this division. 66321

(I) After an agreement is entered into, the enterprise shall 66322
file with each personal property tax return required to be filed, 66323
or annual report required to be filed under section 5727.08 of the 66324
Revised Code, while the agreement is in effect, an informational 66325
return, on a form prescribed by the tax commissioner for that 66326
purpose, setting forth separately the property, and related costs 66327
and values, exempted from taxation under the agreement. 66328

(J) Enterprises may agree to give preference to residents of 66329

the zone within which the agreement applies relative to residents 66330
of this state who do not reside in the zone when hiring new 66331
employees under the agreement. 66332

(K) An agreement entered into under this section may include 66333
a provision requiring the enterprise to create one or more 66334
temporary internship positions for students enrolled in a course 66335
of study at a school or other educational institution in the 66336
vicinity, and to create a scholarship or provide another form of 66337
educational financial assistance for students holding such a 66338
position in exchange for the student's commitment to work for the 66339
enterprise at the completion of the internship. 66340

(L) The tax commissioner's authority in determining the 66341
accuracy of any exemption granted by an agreement entered into 66342
under this section is limited to divisions (C)(1)(a) and (b), 66343
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 66344
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 66345
and, as authorized by law, to enforcing any modification to, or 66346
revocation of, that agreement by the legislative authority of a 66347
municipal corporation or the director of development services. 66348

Sec. 5709.63. (A) With the consent of the legislative 66349
authority of each affected municipal corporation or of a board of 66350
township trustees, a board of county commissioners may, in the 66351
manner set forth in section 5709.62 of the Revised Code, designate 66352
one or more areas in one or more municipal corporations or in 66353
unincorporated areas of the county as proposed enterprise zones. A 66354
board of county commissioners may designate no more than one area 66355
within a township, or within adjacent townships, as a proposed 66356
enterprise zone. The board shall petition the director of 66357
development services for certification of the area as having the 66358
characteristics set forth in division (A)(1) or (2) of section 66359
5709.61 of the Revised Code as amended by Substitute Senate Bill 66360

No. 19 of the 120th general assembly. Except as otherwise provided 66361
in division (D) of this section, on and after July 1, 1994, boards 66362
of county commissioners shall not enter into agreements under this 66363
section unless the board has petitioned the director and the 66364
director has certified the zone under this section as amended by 66365
that act; however, all agreements entered into under this section 66366
as it existed prior to July 1, 1994, and the incentives granted 66367
under those agreements shall remain in effect for the period 66368
agreed to under those agreements. The director shall make the 66369
determination in the manner provided under section 5709.62 of the 66370
Revised Code. 66371

Any enterprise wishing to enter into an agreement with the 66372
board under division (B) or (D) of this section shall submit a 66373
proposal to the board on the form and accompanied by the 66374
application fee prescribed under division (B) of section 5709.62 66375
of the Revised Code. The enterprise shall review and update the 66376
estimates and listings required by the form in the manner required 66377
under that division. The board may, on a separate form and at any 66378
time, require any additional information necessary to determine 66379
whether an enterprise is in compliance with an agreement and to 66380
collect the information required to be reported under section 66381
5709.68 of the Revised Code. 66382

(B) If the board of county commissioners finds that an 66383
enterprise submitting a proposal is qualified by financial 66384
responsibility and business experience to create and preserve 66385
employment opportunities in the zone and to improve the economic 66386
climate of the municipal corporation or municipal corporations or 66387
the unincorporated areas in which the zone is located and to which 66388
the proposal applies, the board, on or before October 15, ~~2015~~ 66389
2017, and with the consent of the legislative authority of each 66390
affected municipal corporation or of the board of township 66391
trustees may do either of the following: 66392

(1) Enter into an agreement with the enterprise under which 66393
the enterprise agrees to establish, expand, renovate, or occupy a 66394
facility in the zone and hire new employees, or preserve 66395
employment opportunities for existing employees, in return for the 66396
following incentives: 66397

(a) When the facility is located in a municipal corporation, 66398
the board may enter into an agreement for one or more of the 66399
incentives provided in division (C) of section 5709.62 of the 66400
Revised Code, subject to division (D) of that section; 66401

(b) When the facility is located in an unincorporated area, 66402
the board may enter into an agreement for one or more of the 66403
following incentives: 66404

(i) Exemption for a specified number of years, not to exceed 66405
fifteen, of a specified portion, up to sixty per cent, of the 66406
assessed value of tangible personal property first used in 66407
business at a project site as a result of the agreement. If an 66408
exemption for inventory is specifically granted in the agreement 66409
pursuant to this division, the exemption applies to inventory 66410
required to be listed pursuant to sections 5711.15 and 5711.16 of 66411
the Revised Code, except, in the instance of an expansion or other 66412
situations in which an enterprise was in business at the facility 66413
prior to the establishment of the zone, the inventory that is 66414
exempt is that amount or value of inventory in excess of the 66415
amount or value of inventory required to be listed in the personal 66416
property tax return of the enterprise in the return for the tax 66417
year in which the agreement is entered into. 66418

(ii) Exemption for a specified number of years, not to exceed 66419
fifteen, of a specified portion, up to sixty per cent, of the 66420
increase in the assessed valuation of real property constituting 66421
the project site subsequent to formal approval of the agreement by 66422
the board; 66423

(iii) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance the board is authorized to provide with regard to the project site;

(iv) The incentive described in division (C)(2) of section 5709.62 of the Revised Code.

(2) Enter into an agreement with an enterprise that plans to purchase and operate a large manufacturing facility that has ceased operation or has announced its intention to cease operation, in return for exemption for a specified number of years, not to exceed fifteen, of a specified portion, up to one hundred per cent, of tangible personal property used in business at the project site as a result of the agreement, or of real property constituting the project site, or both.

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of this section, the portion of the assessed value of tangible personal property or of the increase in the assessed valuation of real property exempted from taxation under those divisions may exceed sixty per cent in any year for which that portion is exempted if the average percentage exempted for all years in which the agreement is in effect does not exceed fifty per cent, or if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a percentage in excess of sixty per cent.

(b) Notwithstanding any provision of the Revised Code to the contrary, the exemptions described in divisions (B)(1)(b)(i), (ii), (iii), and (iv) and (B)(2) of this section may be for up to fifteen years if the board of education of the city, local, or exempted village school district within the territory of which the property is or will be located approves a number of years in excess of ten.

(c) For the purpose of obtaining the approval of a city,

local, or exempted village school district under division 66455
(C)(1)(a) or (b) of this section, the board of county 66456
commissioners shall deliver to the board of education a notice not 66457
later than forty-five days prior to approving the agreement, 66458
excluding Saturdays, Sundays, and legal holidays as defined in 66459
section 1.14 of the Revised Code. The notice shall state the 66460
percentage to be exempted, an estimate of the true value of the 66461
property to be exempted, and the number of years the property is 66462
to be exempted. The board of education, by resolution adopted by a 66463
majority of the board, shall approve or disapprove the agreement 66464
and certify a copy of the resolution to the board of county 66465
commissioners not later than fourteen days prior to the date 66466
stipulated by the board of county commissioners as the date upon 66467
which approval of the agreement is to be formally considered by 66468
the board of county commissioners. The board of education may 66469
include in the resolution conditions under which the board would 66470
approve the agreement, including the execution of an agreement to 66471
compensate the school district under division (B) of section 66472
5709.82 of the Revised Code. The board of county commissioners may 66473
approve the agreement at any time after the board of education 66474
certifies its resolution approving the agreement to the board of 66475
county commissioners, or, if the board of education approves the 66476
agreement conditionally, at any time after the conditions are 66477
agreed to by the board of education and the board of county 66478
commissioners. 66479

If a board of education has adopted a resolution waiving its 66480
right to approve agreements and the resolution remains in effect, 66481
approval of an agreement by the board of education is not required 66482
under division (C) of this section. If a board of education has 66483
adopted a resolution allowing a board of county commissioners to 66484
deliver the notice required under this division fewer than 66485
forty-five business days prior to approval of the agreement by the 66486
board of county commissioners, the board of county commissioners 66487

shall deliver the notice to the board of education not later than 66488
the number of days prior to such approval as prescribed by the 66489
board of education in its resolution. If a board of education 66490
adopts a resolution waiving its right to approve agreements or 66491
shortening the notification period, the board of education shall 66492
certify a copy of the resolution to the board of county 66493
commissioners. If the board of education rescinds such a 66494
resolution, it shall certify notice of the rescission to the board 66495
of county commissioners. 66496

(2) The board of county commissioners shall comply with 66497
section 5709.83 of the Revised Code unless the board of education 66498
has adopted a resolution under that section waiving its right to 66499
receive such notice. 66500

(D) This division applies to zones certified by the director 66501
of development services under this section prior to July 22, 1994. 66502

On or before October 15, ~~2015~~ 2017, and with the consent of 66503
the legislative authority of each affected municipal corporation 66504
or board of township trustees of each affected township, the board 66505
of county commissioners that designated a zone to which this 66506
division applies may enter into an agreement with an enterprise if 66507
the board finds that the enterprise satisfies one of the criteria 66508
described in divisions (D)(1) to (5) of this section: 66509

(1) The enterprise currently has no operations in this state 66510
and, subject to approval of the agreement, intends to establish 66511
operations in the zone; 66512

(2) The enterprise currently has operations in this state 66513
and, subject to approval of the agreement, intends to establish 66514
operations at a new location in the zone that would not result in 66515
a reduction in the number of employee positions at any of the 66516
enterprise's other locations in this state; 66517

(3) The enterprise, subject to approval of the agreement, 66518

intends to relocate operations, currently located in another 66519
state, to the zone; 66520

(4) The enterprise, subject to approval of the agreement, 66521
intends to expand operations at an existing site in the zone that 66522
the enterprise currently operates; 66523

(5) The enterprise, subject to approval of the agreement, 66524
intends to relocate operations, currently located in this state, 66525
to the zone, and the director of development services has issued a 66526
waiver for the enterprise under division (B) of section 5709.633 66527
of the Revised Code. 66528

The agreement shall require the enterprise to agree to 66529
establish, expand, renovate, or occupy a facility in the zone and 66530
hire new employees, or preserve employment opportunities for 66531
existing employees, in return for one or more of the incentives 66532
described in division (B) of this section. 66533

(E) All agreements entered into under this section shall be 66534
in the form prescribed under section 5709.631 of the Revised Code. 66535
After an agreement under this section is entered into, if the 66536
board of county commissioners revokes its designation of a zone, 66537
or if the director of development services revokes a zone's 66538
certification, any entitlements granted under the agreement shall 66539
continue for the number of years specified in the agreement. 66540

(F) Except as otherwise provided in this division, an 66541
agreement entered into under this section shall require that the 66542
enterprise pay an annual fee equal to the greater of one per cent 66543
of the dollar value of incentives offered under the agreement or 66544
five hundred dollars; provided, however, that if the value of the 66545
incentives exceeds two hundred fifty thousand dollars, the fee 66546
shall not exceed two thousand five hundred dollars. The fee shall 66547
be payable to the board of county commissioners once per year for 66548
each year the agreement is effective on the days and in the form 66549

specified in the agreement. Fees paid shall be deposited in a 66550
special fund created for such purpose by the board and shall be 66551
used by the board exclusively for the purpose of complying with 66552
section 5709.68 of the Revised Code and by the tax incentive 66553
review council created under section 5709.85 of the Revised Code 66554
exclusively for the purposes of performing the duties prescribed 66555
under that section. The board may waive or reduce the amount of 66556
the fee charged against an enterprise, but such waiver or 66557
reduction does not affect the obligations of the board or the tax 66558
incentive review council to comply with section 5709.68 or 5709.85 66559
of the Revised Code, respectively. 66560

(G) With the approval of the legislative authority of a 66561
municipal corporation or the board of township trustees of a 66562
township in which a zone is designated under division (A) of this 66563
section, the board of county commissioners may delegate to that 66564
legislative authority or board any powers and duties of the board 66565
of county commissioners to negotiate and administer agreements 66566
with regard to that zone under this section. 66567

(H) When an agreement is entered into pursuant to this 66568
section, the board of county commissioners authorizing the 66569
agreement or the legislative authority or board of township 66570
trustees that negotiates and administers the agreement shall 66571
forward a copy of the agreement to the director of development 66572
services and to the tax commissioner within fifteen days after the 66573
agreement is entered into. If any agreement includes terms not 66574
provided for in section 5709.631 of the Revised Code affecting the 66575
revenue of a city, local, or exempted village school district or 66576
causing revenue to be foregone by the district, including any 66577
compensation to be paid to the school district pursuant to section 66578
5709.82 of the Revised Code, those terms also shall be forwarded 66579
in writing to the director of development services along with the 66580
copy of the agreement forwarded under this division. 66581

(I) After an agreement is entered into, the enterprise shall 66582
file with each personal property tax return required to be filed, 66583
or annual report that is required to be filed under section 66584
5727.08 of the Revised Code, while the agreement is in effect, an 66585
informational return, on a form prescribed by the tax commissioner 66586
for that purpose, setting forth separately the property, and 66587
related costs and values, exempted from taxation under the 66588
agreement. 66589

(J) Enterprises may agree to give preference to residents of 66590
the zone within which the agreement applies relative to residents 66591
of this state who do not reside in the zone when hiring new 66592
employees under the agreement. 66593

(K) An agreement entered into under this section may include 66594
a provision requiring the enterprise to create one or more 66595
temporary internship positions for students enrolled in a course 66596
of study at a school or other educational institution in the 66597
vicinity, and to create a scholarship or provide another form of 66598
educational financial assistance for students holding such a 66599
position in exchange for the student's commitment to work for the 66600
enterprise at the completion of the internship. 66601

(L) The tax commissioner's authority in determining the 66602
accuracy of any exemption granted by an agreement entered into 66603
under this section is limited to divisions (B)(1)(b)(i) and (ii), 66604
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 66605
this section as it pertains to divisions (C)(2)(a), (b), and (c) 66606
of section 5709.62 of the Revised Code, and divisions (B)(1) to 66607
(10) of section 5709.631 of the Revised Code and, as authorized by 66608
law, to enforcing any modification to, or revocation of, that 66609
agreement by the board of county commissioners or the director of 66610
development services or, if the board's powers and duties are 66611
delegated under division (G) of this section, by the legislative 66612
authority of a municipal corporation or board of township 66613

trustees. 66614

Sec. 5709.632. (A)(1) The legislative authority of a 66615
municipal corporation defined by the United States office of 66616
management and budget as a principal city of a metropolitan 66617
statistical area may, in the manner set forth in section 5709.62 66618
of the Revised Code, designate one or more areas in the municipal 66619
corporation as a proposed enterprise zone. 66620

(2) With the consent of the legislative authority of each 66621
affected municipal corporation or of a board of township trustees, 66622
a board of county commissioners may, in the manner set forth in 66623
section 5709.62 of the Revised Code, designate one or more areas 66624
in one or more municipal corporations or in unincorporated areas 66625
of the county as proposed urban jobs and enterprise zones, except 66626
that a board of county commissioners may designate no more than 66627
one area within a township, or within adjacent townships, as a 66628
proposed urban jobs and enterprise zone. 66629

(3) The legislative authority or board of county 66630
commissioners may petition the director of development services 66631
for certification of the area as having the characteristics set 66632
forth in division (A)(3) of section 5709.61 of the Revised Code. 66633
Within sixty days after receiving such a petition, the director 66634
shall determine whether the area has the characteristics set forth 66635
in that division and forward the findings to the legislative 66636
authority or board of county commissioners. If the director 66637
certifies the area as having those characteristics and thereby 66638
certifies it as a zone, the legislative authority or board may 66639
enter into agreements with enterprises under division (B) of this 66640
section. Any enterprise wishing to enter into an agreement with a 66641
legislative authority or board of county commissioners under this 66642
section and satisfying one of the criteria described in divisions 66643
(B)(1) to (5) of this section shall submit a proposal to the 66644

legislative authority or board on the form prescribed under 66645
division (B) of section 5709.62 of the Revised Code and shall 66646
review and update the estimates and listings required by the form 66647
in the manner required under that division. The legislative 66648
authority or board may, on a separate form and at any time, 66649
require any additional information necessary to determine whether 66650
an enterprise is in compliance with an agreement and to collect 66651
the information required to be reported under section 5709.68 of 66652
the Revised Code. 66653

(B) Prior to entering into an agreement with an enterprise, 66654
the legislative authority or board of county commissioners shall 66655
determine whether the enterprise submitting the proposal is 66656
qualified by financial responsibility and business experience to 66657
create and preserve employment opportunities in the zone and to 66658
improve the economic climate of the municipal corporation or 66659
municipal corporations or the unincorporated areas in which the 66660
zone is located and to which the proposal applies, and whether the 66661
enterprise satisfies one of the following criteria: 66662

(1) The enterprise currently has no operations in this state 66663
and, subject to approval of the agreement, intends to establish 66664
operations in the zone; 66665

(2) The enterprise currently has operations in this state 66666
and, subject to approval of the agreement, intends to establish 66667
operations at a new location in the zone that would not result in 66668
a reduction in the number of employee positions at any of the 66669
enterprise's other locations in this state; 66670

(3) The enterprise, subject to approval of the agreement, 66671
intends to relocate operations, currently located in another 66672
state, to the zone; 66673

(4) The enterprise, subject to approval of the agreement, 66674
intends to expand operations at an existing site in the zone that 66675

the enterprise currently operates; 66676

(5) The enterprise, subject to approval of the agreement, 66677
intends to relocate operations, currently located in this state, 66678
to the zone, and the director of development services has issued a 66679
waiver for the enterprise under division (B) of section 5709.633 66680
of the Revised Code. 66681

(C) If the legislative authority or board determines that the 66682
enterprise is so qualified and satisfies one of the criteria 66683
described in divisions (B)(1) to (5) of this section, the 66684
legislative authority or board may, after complying with section 66685
5709.83 of the Revised Code and on or before October 15, ~~2015~~ 66686
2017, and, in the case of a board of commissioners, with the 66687
consent of the legislative authority of each affected municipal 66688
corporation or of the board of township trustees, enter into an 66689
agreement with the enterprise under which the enterprise agrees to 66690
establish, expand, renovate, or occupy a facility in the zone and 66691
hire new employees, or preserve employment opportunities for 66692
existing employees, in return for the following incentives: 66693

(1) When the facility is located in a municipal corporation, 66694
a legislative authority or board of commissioners may enter into 66695
an agreement for one or more of the incentives provided in 66696
division (C) of section 5709.62 of the Revised Code, subject to 66697
division (D) of that section; 66698

(2) When the facility is located in an unincorporated area, a 66699
board of commissioners may enter into an agreement for one or more 66700
of the incentives provided in divisions (B)(1)(b), (B)(2), and 66701
(B)(3) of section 5709.63 of the Revised Code, subject to division 66702
(C) of that section. 66703

(D) All agreements entered into under this section shall be 66704
in the form prescribed under section 5709.631 of the Revised Code. 66705
After an agreement under this section is entered into, if the 66706

legislative authority or board of county commissioners revokes its 66707
designation of the zone, or if the director of development 66708
services revokes the zone's certification, any entitlements 66709
granted under the agreement shall continue for the number of years 66710
specified in the agreement. 66711

(E) Except as otherwise provided in this division, an 66712
agreement entered into under this section shall require that the 66713
enterprise pay an annual fee equal to the greater of one per cent 66714
of the dollar value of incentives offered under the agreement or 66715
five hundred dollars; provided, however, that if the value of the 66716
incentives exceeds two hundred fifty thousand dollars, the fee 66717
shall not exceed two thousand five hundred dollars. The fee shall 66718
be payable to the legislative authority or board of commissioners 66719
once per year for each year the agreement is effective on the days 66720
and in the form specified in the agreement. Fees paid shall be 66721
deposited in a special fund created for such purpose by the 66722
legislative authority or board and shall be used by the 66723
legislative authority or board exclusively for the purpose of 66724
complying with section 5709.68 of the Revised Code and by the tax 66725
incentive review council created under section 5709.85 of the 66726
Revised Code exclusively for the purposes of performing the duties 66727
prescribed under that section. The legislative authority or board 66728
may waive or reduce the amount of the fee charged against an 66729
enterprise, but such waiver or reduction does not affect the 66730
obligations of the legislative authority or board or the tax 66731
incentive review council to comply with section 5709.68 or 5709.85 66732
of the Revised Code, respectively. 66733

(F) With the approval of the legislative authority of a 66734
municipal corporation or the board of township trustees of a 66735
township in which a zone is designated under division (A)(2) of 66736
this section, the board of county commissioners may delegate to 66737
that legislative authority or board any powers and duties of the 66738

board to negotiate and administer agreements with regard to that 66739
zone under this section. 66740

(G) When an agreement is entered into pursuant to this 66741
section, the legislative authority or board of commissioners 66742
authorizing the agreement shall forward a copy of the agreement to 66743
the director of development services and to the tax commissioner 66744
within fifteen days after the agreement is entered into. If any 66745
agreement includes terms not provided for in section 5709.631 of 66746
the Revised Code affecting the revenue of a city, local, or 66747
exempted village school district or causing revenue to be forgone 66748
by the district, including any compensation to be paid to the 66749
school district pursuant to section 5709.82 of the Revised Code, 66750
those terms also shall be forwarded in writing to the director of 66751
development services along with the copy of the agreement 66752
forwarded under this division. 66753

(H) After an agreement is entered into, the enterprise shall 66754
file with each personal property tax return required to be filed 66755
while the agreement is in effect, an informational return, on a 66756
form prescribed by the tax commissioner for that purpose, setting 66757
forth separately the property, and related costs and values, 66758
exempted from taxation under the agreement. 66759

(I) An agreement entered into under this section may include 66760
a provision requiring the enterprise to create one or more 66761
temporary internship positions for students enrolled in a course 66762
of study at a school or other educational institution in the 66763
vicinity, and to create a scholarship or provide another form of 66764
educational financial assistance for students holding such a 66765
position in exchange for the student's commitment to work for the 66766
enterprise at the completion of the internship. 66767

Sec. 5709.67. (A) Except as otherwise provided in sections 66768
5709.61 to 5709.69 of the Revised Code, the director of 66769

development shall administer those sections and shall adopt rules 66770
necessary to implement and administer the enterprise zone program. 66771
The director shall assign to each zone currently certified a 66772
unique designation by which the zone shall be identified for 66773
purposes of administering sections 5709.61 to 5709.69 of the 66774
Revised Code. The tax commissioner shall administer all other tax 66775
incentives provided under sections 5709.61 to 5709.69 of the 66776
Revised Code and shall adopt rules necessary to carry out that 66777
duty. No tax incentive qualification certificate or employee tax 66778
credit certificate shall be issued or remain in effect unless the 66779
enterprise applying for or holding the certificate complies with 66780
all such rules. The director of job and family services shall 66781
administer the incentive provided under division (B)(1) of section 66782
5709.66 of the Revised Code and shall adopt rules necessary to 66783
carry out that duty. No extension of benefits certificate shall be 66784
issued or remain in effect unless the enterprise applying for or 66785
holding the certificate complies with all such rules. 66786

(B) Not later than the first day of August each year, the 66787
director of development shall report to the general assembly on 66788
all of the following for the preceding calendar year: 66789

(1) The cost to the state of the tax and other incentives 66790
provided under sections 5709.61 to 5709.69 of the Revised Code; 66791

(2) The number of tax incentive qualification certificates, 66792
employee tax credit certificates, and extension of benefits 66793
certificates issued; 66794

(3) The names of the municipal corporations and counties that 66795
have entered agreements under sections 5709.62, 5709.63, and 66796
5709.632 of the Revised Code; 66797

(4) The number of new employees hired as a result of the tax 66798
and other incentives provided under sections 5709.61 to 5709.69 of 66799
the Revised Code; 66800

(5) Information on agreement terms concerning school district revenue that are not provided for in section 5709.631 of the Revised Code and that are forwarded to the director under division (H) of section 5709.62, division (H) of section 5709.63, or division (G) of section 5709.632 of the Revised Code.

The report shall include a finding by the director as to whether the incentives provided under sections 5709.61 to 5709.69 of the Revised Code have resulted in the creation of more positions in the state than would have been created without the incentives. The director shall send a copy of the report to each member of the general assembly and to the director of the legislative service commission.

~~(C) All forms used in connection with the administration of sections 5709.61 to 5709.69 of the Revised Code, except forms administered directly by the tax commissioner, by the director of job and family services, or by a county or municipal corporation, are subject to review and approval by the state forms management control center under sections 125.91 to 125.98 of the Revised Code.~~

Sec. 5709.73. (A) As used in this section and section 5709.74 of the Revised Code:

(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code.

(2) "Further improvements" or "improvements" means the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for

residential purposes. For this purpose, "property that is used or
to be used for residential purposes" means property that, as
improved, is used or to be used for purposes that would cause the
tax commissioner to classify the property as residential property
in accordance with rules adopted by the commissioner under section
5713.041 of the Revised Code.

(3) "Housing renovation" means a project carried out for
residential purposes.

(4) "Incentive district" has the same meaning as in section
5709.40 of the Revised Code, except that a blighted area is in the
unincorporated area of a township.

(5) "Project" and "public infrastructure improvement" have
the same meanings as in section 5709.40 of the Revised Code.

(B) A board of township trustees may, by unanimous vote,
adopt a resolution that declares to be a public purpose any public
infrastructure improvements made that are necessary for the
development of certain parcels of land located in the
unincorporated area of the township. Except with the approval
under division (D) of this section of the board of education of
each city, local, or exempted village school district within which
the improvements are located, the resolution may exempt from real
property taxation not more than seventy-five per cent of further
improvements to a parcel of land that directly benefits from the
public infrastructure improvements, for a period of not more than
ten years. The resolution shall specify the percentage of the
further improvements to be exempted and the life of the exemption.

(C)(1) A board of township trustees may adopt, by unanimous
vote, a resolution creating an incentive district and declaring
improvements to parcels within the district to be a public purpose
and, except as provided in division (F) of this section, exempt
from taxation as provided in this section, but no board of

township trustees of a township that has a population that exceeds 66863
twenty-five thousand, as shown by the most recent federal 66864
decennial census, shall adopt a resolution that creates an 66865
incentive district if the sum of the taxable value of real 66866
property in the proposed district for the preceding tax year and 66867
the taxable value of all real property in the township that would 66868
have been taxable in the preceding year were it not for the fact 66869
that the property was in an existing incentive district and 66870
therefore exempt from taxation exceeds twenty-five per cent of the 66871
taxable value of real property in the township for the preceding 66872
tax year. The district shall be located within the unincorporated 66873
area of the township and shall not include any territory that is 66874
included within a district created under division (B) of section 66875
5709.78 of the Revised Code. The resolution shall delineate the 66876
boundary of the district and specifically identify each parcel 66877
within the district. A district may not include any parcel that is 66878
or has been exempted from taxation under division (B) of this 66879
section or that is or has been within another district created 66880
under this division. A resolution may create more than one 66881
district, and more than one resolution may be adopted under 66882
division (C)(1) of this section. 66883

(2) Not later than thirty days prior to adopting a resolution 66884
under division (C)(1) of this section, if the township intends to 66885
apply for exemptions from taxation under section 5709.911 of the 66886
Revised Code on behalf of owners of real property located within 66887
the proposed incentive district, the board shall conduct a public 66888
hearing on the proposed resolution. Not later than thirty days 66889
prior to the public hearing, the board shall give notice of the 66890
public hearing and the proposed resolution by first class mail to 66891
every real property owner whose property is located within the 66892
boundaries of the proposed incentive district that is the subject 66893
of the proposed resolution. 66894

(3)(a) A resolution adopted under division (C)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (C)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.74 of the Revised Code and received by the township under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (C)(1) of this section may authorize the use of service payments provided for in section 5709.74 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure

improvement and for the purpose of housing renovations. 66927

(4) Except with the approval of the board of education of 66928
each city, local, or exempted village school district within the 66929
territory of which the incentive district is or will be located, 66930
and subject to division (E) of this section, the life of an 66931
incentive district shall not exceed ten years, and the percentage 66932
of improvements to be exempted shall not exceed seventy-five per 66933
cent. With approval of the board of education, the life of a 66934
district may be not more than thirty years, and the percentage of 66935
improvements to be exempted may be not more than one hundred per 66936
cent. The approval of a board of education shall be obtained in 66937
the manner provided in division (D) of this section. 66938

(D) Improvements with respect to a parcel may be exempted 66939
from taxation under division (B) of this section, and improvements 66940
to parcels within an incentive district may be exempted from 66941
taxation under division (C) of this section, for up to ten years 66942
or, with the approval of the board of education of the city, 66943
local, or exempted village school district within which the parcel 66944
or district is located, for up to thirty years. The percentage of 66945
the improvements exempted from taxation may, with such approval, 66946
exceed seventy-five per cent, but shall not exceed one hundred per 66947
cent. Not later than forty-five business days prior to adopting a 66948
resolution under this section declaring improvements to be a 66949
public purpose that is subject to approval by a board of education 66950
under this division, the board of township trustees shall deliver 66951
to the board of education a notice stating its intent to adopt a 66952
resolution making that declaration. The notice regarding 66953
improvements with respect to a parcel under division (B) of this 66954
section shall identify the parcels for which improvements are to 66955
be exempted from taxation, provide an estimate of the true value 66956
in money of the improvements, specify the period for which the 66957
improvements would be exempted from taxation and the percentage of 66958

the improvements that would be exempted, and indicate the date on 66959
which the board of township trustees intends to adopt the 66960
resolution. The notice regarding improvements made under division 66961
(C) of this section to parcels within an incentive district shall 66962
delineate the boundaries of the district, specifically identify 66963
each parcel within the district, identify each anticipated 66964
improvement in the district, provide an estimate of the true value 66965
in money of each such improvement, specify the life of the 66966
district and the percentage of improvements that would be 66967
exempted, and indicate the date on which the board of township 66968
trustees intends to adopt the resolution. The board of education, 66969
by resolution adopted by a majority of the board, may approve the 66970
exemption for the period or for the exemption percentage specified 66971
in the notice; may disapprove the exemption for the number of 66972
years in excess of ten, may disapprove the exemption for the 66973
percentage of the improvements to be exempted in excess of 66974
seventy-five per cent, or both; or may approve the exemption on 66975
the condition that the board of township trustees and the board of 66976
education negotiate an agreement providing for compensation to the 66977
school district equal in value to a percentage of the amount of 66978
taxes exempted in the eleventh and subsequent years of the 66979
exemption period or, in the case of exemption percentages in 66980
excess of seventy-five per cent, compensation equal in value to a 66981
percentage of the taxes that would be payable on the portion of 66982
the improvements in excess of seventy-five per cent were that 66983
portion to be subject to taxation, or other mutually agreeable 66984
compensation. 66985

The board of education shall certify its resolution to the 66986
board of township trustees not later than fourteen days prior to 66987
the date the board of township trustees intends to adopt the 66988
resolution as indicated in the notice. If the board of education 66989
and the board of township trustees negotiate a mutually acceptable 66990
compensation agreement, the resolution may declare the 66991

improvements a public purpose for the number of years specified in 66992
the resolution or, in the case of exemption percentages in excess 66993
of seventy-five per cent, for the exemption percentage specified 66994
in the resolution. In either case, if the board of education and 66995
the board of township trustees fail to negotiate a mutually 66996
acceptable compensation agreement, the resolution may declare the 66997
improvements a public purpose for not more than ten years, and 66998
shall not exempt more than seventy-five per cent of the 66999
improvements from taxation. If the board of education fails to 67000
certify a resolution to the board of township trustees within the 67001
time prescribed by this section, the board of township trustees 67002
thereupon may adopt the resolution and may declare the 67003
improvements a public purpose for up to thirty years or, in the 67004
case of exemption percentages proposed in excess of seventy-five 67005
per cent, for the exemption percentage specified in the 67006
resolution. The board of township trustees may adopt the 67007
resolution at any time after the board of education certifies its 67008
resolution approving the exemption to the board of township 67009
trustees, or, if the board of education approves the exemption on 67010
the condition that a mutually acceptable compensation agreement be 67011
negotiated, at any time after the compensation agreement is agreed 67012
to by the board of education and the board of township trustees. 67013
If a mutually acceptable compensation agreement is negotiated 67014
between the board of township trustees and the board of education, 67015
including agreements for payments in lieu of taxes under section 67016
5709.74 of the Revised Code, the board of township trustees shall 67017
compensate the joint vocational school district within which the 67018
parcel or district is located at the same rate and under the same 67019
terms received by the city, local, or exempted village school 67020
district. 67021

If a board of education has adopted a resolution waiving its 67022
right to approve exemptions from taxation under this section and 67023
the resolution remains in effect, approval of such exemptions by 67024

the board of education is not required under division (D) of this 67025
section. If a board of education has adopted a resolution allowing 67026
a board of township trustees to deliver the notice required under 67027
division (D) of this section fewer than forty-five business days 67028
prior to adoption of the resolution by the board of township 67029
trustees, the board of township trustees shall deliver the notice 67030
to the board of education not later than the number of days prior 67031
to the adoption as prescribed by the board of education in its 67032
resolution. If a board of education adopts a resolution waiving 67033
its right to approve exemptions or shortening the notification 67034
period, the board of education shall certify a copy of the 67035
resolution to the board of township trustees. If the board of 67036
education rescinds the resolution, it shall certify notice of the 67037
rescission to the board of township trustees. 67038

If the board of township trustees is not required by division 67039
(D) of this section to notify the board of education of the board 67040
of township trustees' intent to declare improvements to be a 67041
public purpose, the board of township trustees shall comply with 67042
the notice requirements imposed under section 5709.83 of the 67043
Revised Code before taking formal action to adopt the resolution 67044
making that declaration, unless the board of education has adopted 67045
a resolution under that section waiving its right to receive the 67046
notice. 67047

(E)(1) If a proposed resolution under division (C)(1) of this 67048
section exempts improvements with respect to a parcel within an 67049
incentive district for more than ten years, or the percentage of 67050
the improvement exempted from taxation exceeds seventy-five per 67051
cent, not later than forty-five business days prior to adopting 67052
the resolution the board of township trustees shall deliver to the 67053
board of county commissioners of the county within which the 67054
incentive district is or will be located a notice that states its 67055
intent to adopt a resolution creating an incentive district. The 67056

notice shall include a copy of the proposed resolution, identify 67057
the parcels for which improvements are to be exempted from 67058
taxation, provide an estimate of the true value in money of the 67059
improvements, specify the period of time for which the 67060
improvements would be exempted from taxation, specify the 67061
percentage of the improvements that would be exempted from 67062
taxation, and indicate the date on which the board of township 67063
trustees intends to adopt the resolution. 67064

(2) The board of county commissioners, by resolution adopted 67065
by a majority of the board, may object to the exemption for the 67066
number of years in excess of ten, may object to the exemption for 67067
the percentage of the improvement to be exempted in excess of 67068
seventy-five per cent, or both. If the board of county 67069
commissioners objects, the board may negotiate a mutually 67070
acceptable compensation agreement with the board of township 67071
trustees. In no case shall the compensation provided to the board 67072
of county commissioners exceed the property taxes foregone due to 67073
the exemption. If the board of county commissioners objects, and 67074
the board of county commissioners and board of township trustees 67075
fail to negotiate a mutually acceptable compensation agreement, 67076
the resolution adopted under division (C)(1) of this section shall 67077
provide to the board of county commissioners compensation in the 67078
eleventh and subsequent years of the exemption period equal in 67079
value to not more than fifty per cent of the taxes that would be 67080
payable to the county or, if the board of county commissioner's 67081
objection includes an objection to an exemption percentage in 67082
excess of seventy-five per cent, compensation equal in value to 67083
not more than fifty per cent of the taxes that would be payable to 67084
the county, on the portion of the improvement in excess of 67085
seventy-five per cent, were that portion to be subject to 67086
taxation. The board of county commissioners shall certify its 67087
resolution to the board of township trustees not later than thirty 67088
days after receipt of the notice. 67089

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of the notice, the board of township trustees may adopt its resolution, and no compensation shall be provided to the board of county commissioners. If the board of county commissioners timely certifies its resolution objecting to the trustees' resolution, the board of township trustees may adopt its resolution at any time after a mutually acceptable compensation agreement is agreed to by the board of county commissioners and the board of township trustees, or, if no compensation agreement is negotiated, at any time after the board of township trustees agrees in the proposed resolution to provide compensation to the board of county commissioners of fifty per cent of the taxes that would be payable to the county in the eleventh and subsequent years of the exemption period or on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation.

(F) Service payments in lieu of taxes that are attributable to any amount by which the effective tax rate of either a renewal levy with an increase or a replacement levy exceeds the effective tax rate of the levy renewed or replaced, or that are attributable to an additional levy, for a levy authorized by the voters for any of the following purposes on or after January 1, 2006, and which are provided pursuant to a resolution creating an incentive district under division (C)(1) of this section that is adopted on or after January 1, 2006, shall be distributed to the appropriate taxing authority as required under division (C) of section 5709.74 of the Revised Code in an amount equal to the amount of taxes from that additional levy or from the increase in the effective tax rate of such renewal or replacement levy that would have been payable to that taxing authority from the following levies were it not for the exemption authorized under division (C) of this section:

- (1) A tax levied under division (L) of section 5705.19 or 67123
section 5705.191 of the Revised Code for community mental 67124
retardation and developmental disabilities programs and services 67125
pursuant to Chapter 5126. of the Revised Code; 67126
- (2) A tax levied under division (Y) of section 5705.19 of the 67127
Revised Code for providing or maintaining senior citizens services 67128
or facilities; 67129
- (3) A tax levied under section 5705.22 of the Revised Code 67130
for county hospitals; 67131
- (4) A tax levied by a joint-county district or by a county 67132
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 67133
for alcohol, drug addiction, and mental health services or 67134
families; 67135
- (5) A tax levied under section 5705.23 of the Revised Code 67136
for library purposes; 67137
- (6) A tax levied under section 5705.24 of the Revised Code 67138
for the support of children services and the placement and care of 67139
children; 67140
- (7) A tax levied under division (Z) of section 5705.19 of the 67141
Revised Code for the provision and maintenance of zoological park 67142
services and facilities under section 307.76 of the Revised Code; 67143
- (8) A tax levied under section 511.27 or division (H) of 67144
section 5705.19 of the Revised Code for the support of township 67145
park districts; 67146
- (9) A tax levied under division (A), (F), or (H) of section 67147
5705.19 of the Revised Code for parks and recreational purposes of 67148
a joint recreation district organized pursuant to division (B) of 67149
section 755.14 of the Revised Code; 67150
- (10) A tax levied under section 1545.20 or 1545.21 of the 67151
Revised Code for park district purposes; 67152

(11) A tax levied under section 5705.191 of the Revised Code 67153
for the purpose of making appropriations for public assistance; 67154
human or social services; public relief; public welfare; public 67155
health and hospitalization; and support of general hospitals; 67156

(12) A tax levied under section 3709.29 of the Revised Code 67157
for a general health district program. 67158

(G) An exemption from taxation granted under this section 67159
commences with the tax year specified in the resolution so long as 67160
the year specified in the resolution commences after the effective 67161
date of the resolution. If the resolution specifies a year 67162
commencing before the effective date of the resolution or 67163
specifies no year whatsoever, the exemption commences with the tax 67164
year in which an exempted improvement first appears on the tax 67165
list and duplicate of real and public utility property and that 67166
commences after the effective date of the resolution. In lieu of 67167
stating a specific year, the resolution may provide that the 67168
exemption commences in the tax year in which the value of an 67169
improvement exceeds a specified amount or in which the 67170
construction of one or more improvements is completed, provided 67171
that such tax year commences after the effective date of the 67172
resolution. With respect to the exemption of improvements to 67173
parcels under division (B) of this section, the resolution may 67174
allow for the exemption to commence in different tax years on a 67175
parcel-by-parcel basis, with a separate exemption term specified 67176
for each parcel. 67177

Except as otherwise provided in this division, the exemption 67178
ends on the date specified in the resolution as the date the 67179
improvement ceases to be a public purpose or the incentive 67180
district expires, or ends on the date on which the public 67181
infrastructure improvements and housing renovations are paid in 67182
full from the township public improvement tax increment equivalent 67183
fund established under section 5709.75 of the Revised Code, 67184

whichever occurs first. The exemption of an improvement with 67185
respect to a parcel or within an incentive district may end on a 67186
later date, as specified in the resolution, if the board of 67187
township trustees and the board of education of the city, local, 67188
or exempted village school district within which the parcel or 67189
district is located have entered into a compensation agreement 67190
under section 5709.82 of the Revised Code with respect to the 67191
improvement and the board of education has approved the term of 67192
the exemption under division (D) of this section, but in no case 67193
shall the improvement be exempted from taxation for more than 67194
thirty years. The board of township trustees may, by majority 67195
vote, adopt a resolution permitting the township to enter into 67196
such agreements as the board finds necessary or appropriate to 67197
provide for the construction or undertaking of public 67198
infrastructure improvements and housing renovations. Any exemption 67199
shall be claimed and allowed in the same or a similar manner as in 67200
the case of other real property exemptions. If an exemption status 67201
changes during a tax year, the procedure for the apportionment of 67202
the taxes for that year is the same as in the case of other 67203
changes in tax exemption status during the year. 67204

(H) The board of township trustees may issue the notes of the 67205
township to finance all costs pertaining to the construction or 67206
undertaking of public infrastructure improvements and housing 67207
renovations made pursuant to this section. The notes shall be 67208
signed by the board and attested by the signature of the township 67209
fiscal officer, shall bear interest not to exceed the rate 67210
provided in section 9.95 of the Revised Code, and are not subject 67211
to Chapter 133. of the Revised Code. The resolution authorizing 67212
the issuance of the notes shall pledge the funds of the township 67213
public improvement tax increment equivalent fund established 67214
pursuant to section 5709.75 of the Revised Code to pay the 67215
interest on and principal of the notes. The notes, which may 67216
contain a clause permitting prepayment at the option of the board, 67217

shall be offered for sale on the open market or given to the 67218
vendor or contractor if no sale is made. 67219

(I) The township, not later than fifteen days after the 67220
adoption of a resolution under this section, shall submit to the 67221
director of development services a copy of the resolution. On or 67222
before the thirty-first day of March of each year, the township 67223
shall submit a status report to the director of development 67224
services. The report shall indicate, in the manner prescribed by 67225
the director, the progress of the project during each year that 67226
the exemption remains in effect, including a summary of the 67227
receipts from service payments in lieu of taxes; expenditures of 67228
money from the fund created under section 5709.75 of the Revised 67229
Code; a description of the public infrastructure improvements and 67230
housing renovations financed with the expenditures; and a 67231
quantitative summary of changes in private investment resulting 67232
from each project. 67233

(J) Nothing in this section shall be construed to prohibit a 67234
board of township trustees from declaring to be a public purpose 67235
improvements with respect to more than one parcel. 67236

If a parcel is located in a new community district in which 67237
the new community authority imposes a community development charge 67238
on the basis of rentals received from leases of real property as 67239
described in division (L)(2) of section 349.01 of the Revised 67240
Code, the parcel may not be exempted from taxation under this 67241
section. 67242

(K) A board of township trustees that adopted a resolution 67243
under this section prior to July 21, 1994, may amend that 67244
resolution to include any additional public infrastructure 67245
improvement. A board of township trustees that seeks by the 67246
amendment to utilize money from its township public improvement 67247
tax increment equivalent fund for land acquisition in aid of 67248
industry, commerce, distribution, or research, demolition on 67249

private property, or stormwater and flood remediation projects may 67250
do so provided that the board currently is a party to a 67251
hold-harmless agreement with the board of education of the city, 67252
local, or exempted village school district within the territory of 67253
which are located the parcels that are subject to an exemption. 67254
For the purposes of this division, a "hold-harmless agreement" 67255
means an agreement under which the board of township trustees 67256
agrees to compensate the school district for one hundred per cent 67257
of the tax revenue that the school district would have received 67258
from further improvements to parcels designated in the resolution 67259
were it not for the exemption granted by the resolution. 67260

(L) Notwithstanding the limitation prescribed by division (D) 67261
of this section on the number of years that improvements to a 67262
parcel or parcels may be exempted from taxation, a board of 67263
trustees of a township with a population of fifteen thousand or 67264
more may amend a resolution originally adopted under this section 67265
before December 31, 1994, to extend the exemption of improvements 67266
to the parcel or parcels included in such resolution for an 67267
additional period not to exceed fifteen years. The amendment shall 67268
not increase the percentage of improvements to the parcel or 67269
parcels exempted from taxation. The board of township trustees 67270
shall comply with the notice requirements imposed under section 67271
5709.83 of the Revised Code before taking formal action to adopt 67272
an amendment authorized under this division unless the board of 67273
education has adopted a resolution under that section waiving its 67274
right to receive the notice. The board of township trustees shall 67275
deliver an identical notice to the board of county commissioners 67276
of each county in which the exempted parcels are located. 67277

Sec. 5709.92. (A) As used in this section: 67278

(1) "School district" means a city, local, or exempted 67279
village school district. 67280

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(2)(a) of this section.

(a) The state education aid for fiscal year 2015;

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes;

(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;

(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code;

(e) The amount certified for fiscal year 2015 under division (A)(2) of section 3317.08 of the Revised Code;

(f) Distributions received during calendar year 2014 from

taxes levied under section 718.09 of the Revised Code; 67312

(g) Distributions received during fiscal year 2015 from the 67313
gross casino revenue county student fund. 67314

(4)(a) "State education aid" for a school district means the 67315
sum of state amounts computed for the district under sections 67316
3317.022 and 3317.0212 of the Revised Code after any amounts are 67317
added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of 67318
the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, 67319
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 67320

(b) "State education aid" for a joint vocational district 67321
means the amount computed for the district under section 3317.16 67322
of the Revised Code after any amounts are added or subtracted 67323
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 67324
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 67325
DISTRICTS." 67326

(5) "Taxes charged and payable" means taxes charged and 67327
payable after the reduction required by section 319.301 of the 67328
Revised Code but before the reductions required by sections 67329
319.302 and 323.152 of the Revised Code. 67330

(6) "Capacity quintile" means the capacity measure quintiles 67331
determined under division (B) of this section. 67332

(7) "Threshold per cent" means the following: 67333

(a) For a school district in the lowest capacity quintile, 67334
one per cent for fiscal year 2016; for fiscal year 2017 and each 67335
year thereafter, the sum of the prior year's threshold per cent 67336
plus one percentage point. 67337

(b) For a school district in the second lowest capacity 67338
quintile, one and one-fourth per cent for fiscal year 2016; for 67339
fiscal year 2017 and each year thereafter, the sum of the prior 67340
year's threshold per cent plus one and one-fourth percentage 67341

points. 67342

(c) For a school district in the third lowest capacity 67343
quintile, one and one-half per cent for fiscal year 2016; for 67344
fiscal year 2017 and each year thereafter, the sum of the prior 67345
year's threshold per cent plus one and one-half percentage points. 67346

(d) For a school district in the second highest capacity 67347
quintile, one and three-fourths per cent for fiscal year 2016; for 67348
fiscal year 2017 and each year thereafter, the sum of the prior 67349
year's threshold per cent plus one and three-fourths percentage 67350
points. 67351

(e) For a school district in the highest capacity quintile, 67352
two per cent for fiscal year 2016; for fiscal year 2017 and each 67353
year thereafter, the sum of the prior year's threshold per cent 67354
plus two percentage points. 67355

(f) For a joint vocational school district, two per cent for 67356
fiscal year 2016; for fiscal year 2017 and thereafter, the sum of 67357
the prior year's threshold per cent plus two percentage points. 67358

(8) "Current expense allocation" means the sum of the 67359
payments received by a school district or joint vocational school 67360
district in fiscal year 2015 for current expense levy losses under 67361
division (C)(3) of section 5727.85 and division (C)(12) of section 67362
5751.21 of the Revised Code as they existed at that time, less any 67363
reduction required under division (C)(2)(b) of this section. 67364

(9) "Non-current expense allocation" means the sum of the 67365
payments received by a school district or joint vocational school 67366
district in fiscal year 2015 for levy losses under division 67367
(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 67368
5751.21 of the Revised Code, as they existed at that time, and 67369
levy losses in fiscal year 2015 under division (H) of section 67370
5727.84 of the Revised Code as that section existed at that time 67371
attributable to levies for and payments received for losses on 67372

levies intended to generate money for maintenance of classroom facilities. 67373
67374

(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes. 67375
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(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes. 67379
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(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes. 67383
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(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes. 67387
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(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015. 67391
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(15) "Qualifying school district" means a school district within whose territory a nuclear power plant is located and for which the ratio of current expense allocation to total resources is ten per cent or more. 67394
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(B) The department of education shall rank all school districts in the order of districts' capacity measures determined under section 3317.017 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the 67398
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twenty per cent of school districts having the highest capacity 67404
measure. This calculation and ranking shall be performed once, in 67405
fiscal year 2016, and used for subsequent years for the purpose of 67406
division (A)(7) of this section. 67407

(C)(1) In fiscal year 2016, payments shall be made to school 67408
districts and joint vocational school districts other than 67409
qualifying school districts equal to the sum of the amounts 67410
described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this 67411
section. In fiscal year 2017 and subsequent fiscal years, payments 67412
shall be made to school districts and joint vocational school 67413
districts other than qualifying school districts equal to the 67414
amount described in division (C)(1)(a) or (b) of this section. In 67415
fiscal year 2016 and subsequent fiscal years, payments shall be 67416
made to qualifying school districts equal to the sum of the 67417
amounts described in divisions (A)(3)(b) and (c) of this section. 67418

(a) If the ratio of the current expense allocation to total 67419
resources is equal to or less than the district's threshold per 67420
cent, zero; 67421

(b) If the ratio of the current expense allocation to total 67422
resources is greater than the district's threshold per cent, the 67423
difference between the current expense allocation and the product 67424
of the threshold percentage and total resources; 67425

(c) For fiscal year 2016, the product of the non-current 67426
expense allocation multiplied by fifty per cent. 67427

(2)(a) "Total resources" used to compute payments under 67428
division (C)(1) of this section shall be reduced to the extent 67429
that payments distributed in fiscal year 2015 were attributable to 67430
levies no longer charged and payable for tax year 2014. 67431

(b) "Current expense allocation" used to compute payments 67432
under division (C)(1) of this section shall be reduced to the 67433
extent that the payments distributed in fiscal year 2015 were 67434

attributable to levies no longer charged and payable for tax year 67435
2014. 67436

(3) The department of education shall report to each school 67437
district and joint vocational school district the apportionment of 67438
the payments under division (C)(1) of this section among the 67439
district's funds based on qualifying levies. 67440

(D)(1) Except as provided in division (D)(2) of this section, 67441
payments in the following amounts shall be made to school 67442
districts and joint vocational school districts in tax years 2016 67443
through 2021: 67444

(a) In tax year 2016, the sum of the district's operating TPP 67445
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 67446

(b) In tax year 2017, the sum of the district's operating TPP 67447
fixed-sum levy losses and eighty per cent of operating S.B. 3 67448
fixed-sum levy losses. 67449

(c) In tax year 2018, the sum of eighty per cent of the 67450
district's operating TPP fixed-sum levy losses and sixty per cent 67451
of its operating S.B. 3 fixed-sum levy losses. 67452

(d) In tax year 2019, the sum of sixty per cent of the 67453
district's operating TPP fixed-sum levy losses and forty per cent 67454
of its operating S.B. 3 fixed-sum levy losses. 67455

(e) In tax year 2020, the sum of forty per cent of the 67456
district's operating TPP fixed-sum levy losses and twenty per cent 67457
of its operating S.B. 3 fixed-sum levy losses. 67458

(f) In tax year 2021, twenty per cent of the district's 67459
operating TPP fixed-sum levy losses. 67460

No payment shall be made under division (D)(1) of this 67461
section after tax year 2021. 67462

(2) In the case of a qualifying school district, payments 67463
shall be made in tax year 2016 and subsequent tax years equal to 67464

one hundred per cent of the sum of the district's operating TPP 67465
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 67466

(3) Amounts are payable under division (D) of this section 67467
for fixed-sum levy losses only to the extent of such losses for 67468
qualifying levies that remain in effect for the current tax year. 67469
For this purpose, a qualifying levy levied under section 5705.194 67470
or 5705.213 of the Revised Code remains in effect for the current 67471
tax year only if a tax levied under either of those sections is 67472
charged and payable for the current tax year for an annual sum at 67473
least equal to the annual sum levied by the board of education for 67474
tax year 2004 under those sections less the amount of the payment 67475
under this division. 67476

(E)(1) For fixed-sum levies for debt purposes, payments shall 67477
be made to school districts and joint vocational school districts 67478
equal to one hundred per cent of the district's fixed-sum levy 67479
loss determined under division (E) of section 5751.20 and division 67480
(H) of section 5727.84 of the Revised Code as in effect before 67481
July 1, 2015, and paid in tax year 2014. No payment shall be made 67482
for qualifying levies that are no longer charged and payable. 67483

(2) Beginning in 2016, by the thirty-first day of January of 67484
each year, the tax commissioner shall review the calculation of 67485
fixed-sum levy loss for debt purposes determined under division 67486
(E) of section 5751.20 and division (H) of section 5727.84 of the 67487
Revised Code as in effect before July 1, 2015. If the commissioner 67488
determines that a fixed-sum levy that had been scheduled to be 67489
reimbursed in the current year is no longer charged and payable, a 67490
revised calculation for that year and all subsequent years shall 67491
be made. 67492

(F)(1) For taxes levied within the ten-mill limitation for 67493
debt purposes in tax year 1998 in the case of electric company tax 67494
value losses, and in tax year 1999 in the case of natural gas 67495
company tax value losses, payments shall be made to school 67496

districts and joint vocational school districts equal to one 67497
hundred per cent of the loss computed under division (D) of 67498
section 5727.85 of the Revised Code as in effect before July 1, 67499
2015, as if the tax were a fixed-rate levy, but those payments 67500
shall extend through fiscal year 2016. 67501

(2) For taxes levied within the ten-mill limitation for debt 67502
purposes in tax year 2005, payments shall be made to school 67503
districts and joint vocational school districts equal to one 67504
hundred per cent of the loss computed under division (D) of 67505
section 5751.21 as in effect before July 1, 2015, as if the tax 67506
were a fixed-rate levy, but those payments shall extend through 67507
fiscal year 2018. 67508

(G) If all the territory of a school district or joint 67509
vocational school district is merged with another district, or if 67510
a part of the territory of a school district or joint vocational 67511
school district is transferred to an existing or newly created 67512
district, the department of education, in consultation with the 67513
tax commissioner, shall adjust the payments made under this 67514
section as follows: 67515

(1) For a merger of two or more districts, the fixed-sum levy 67516
losses, total resources, current expense allocation, and 67517
non-current expense allocation of the successor district shall be 67518
the sum of such items for each of the districts involved in the 67519
merger. 67520

(2) If property is transferred from one district to a 67521
previously existing district, the amount of total resources, 67522
current expense allocation, and non-current expense allocation 67523
that shall be transferred to the recipient district shall be an 67524
amount equal to total resources, current expense allocation, and 67525
non-current expense allocation of the transferor district times a 67526
fraction, the numerator of which is the number of pupils being 67527
transferred to the recipient district, measured, in the case of a 67528

school district, by formula ADM as defined in section 3317.02 of 67529
the Revised Code or, in the case of a joint vocational school 67530
district, by formula ADM as defined for a joint vocational school 67531
district in that section, and the denominator of which is the 67532
formula ADM of the transferor district. 67533

(3) After December 31, 2010, if property is transferred from 67534
one or more districts to a district that is newly created out of 67535
the transferred property, the newly created district shall be 67536
deemed not to have any total resources, current expense 67537
allocation, total allocation, or non-current expense allocation. 67538

(4) If the recipient district under division (G)(2) of this 67539
section or the newly created district under division (G)(3) of 67540
this section is assuming debt from one or more of the districts 67541
from which the property was transferred and any of the districts 67542
losing the property had fixed-sum levy losses, the department of 67543
education, in consultation with the tax commissioner, shall make 67544
an equitable division of the fixed-sum levy loss reimbursements. 67545

(H) The payments required by divisions (C), (D), (E), and (F) 67546
of this section shall be distributed periodically to each school 67547
and joint vocational school district by the department of 67548
education unless otherwise provided for. Except as provided in 67549
division (D) of this section, if a levy that is a qualifying levy 67550
is not charged and payable in any year after 2014, payments to the 67551
school district or joint vocational school district shall be 67552
reduced to the extent that the payments distributed in fiscal year 67553
2015 were attributable to the levy loss of that levy. 67554

Sec. 5709.93. (A) As used in this section: 67555

(1) "Taxes charged and payable" means taxes charged and 67556
payable after the reduction required by section 319.301 of the 67557
Revised Code but before the reductions required by sections 67558
319.302 and 323.152 of the Revised Code. 67559

(2) "Threshold per cent" means two per cent for fiscal year 2016; and, for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points. 67560
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(3) "Public library" means a county, municipal, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code. 67563
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(4) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park district created under Chapter 1545. of the Revised Code, or a township park district established under section 511.23 of the Revised Code, but excludes school districts and joint vocational school districts. 67566
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(5) "Municipal current expense allocation" means the sum of the payments received by a municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1)(e)(ii) of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 of the Revised Code as they existed at that time. 67572
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(6) "Current expense allocation" means the sum of the payments received by a local taxing unit or public library in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, less any reduction required under division (B)(2) of this section. 67577
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(7) "TPP inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under division (A)(3) of section 5751.22 of the Revised Code as that section existed at that time. 67583
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(8) "S.B. 3 inside millage debt levy loss" means payments made to local taxing units in calendar year 2014 under section (A)(4) of section 5727.86 of the Revised Code as that section existed at that time. 67587
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(9) "Qualifying levy" means a levy for which payment was made in calendar year 2014 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time. 67591
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(10) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(10)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 67595
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(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 67599
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(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 67604
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(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 67608
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(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 67612
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(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 67616
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(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in 67620
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divisions (A)(12)(a) and (b) of this section less any reduction 67622
required under division (B)(1) of this section. 67623

(a) The sum of the payments received by the county for 67624
children's services related functions in calendar year 2014 under 67625
division (A)(1) of section 5727.86 and division (A)(1) of section 67626
5751.22 of the Revised Code as they existed at that time; 67627

(b) With respect to taxes levied by the county for children's 67628
services related purposes, the taxes charged and payable for such 67629
purposes against all property on the tax list of real and public 67630
utility property for tax year 2014. 67631

(13) "Total resources," in the case of county public health 67632
related functions, means the sum of the amounts in divisions 67633
(A)(13)(a) and (b) of this section less any reduction required 67634
under division (B)(1) of this section. 67635

(a) The sum of the payments received by the county for public 67636
health related functions in calendar year 2014 under division 67637
(A)(1) of section 5727.86 and division (A)(1) of section 5751.22 67638
of the Revised Code as they existed at that time; 67639

(b) With respect to taxes levied by the county for public 67640
health related purposes, the taxes charged and payable for such 67641
purposes against all property on the tax list of real and public 67642
utility property for tax year 2014. 67643

(14) "Total resources," in the case of all county functions 67644
not included in divisions (A)(10) to (13) of this section, means 67645
the sum of the amounts in divisions (A)(14)(a) to (e) of this 67646
section less any reduction required under division (B)(1) or (2) 67647
of this section. 67648

(a) The sum of the payments received by the county for all 67649
other purposes in calendar year 2014 under division (A)(1) of 67650
section 5727.86 and division (A)(1) of section 5751.22 of the 67651
Revised Code as they existed at that time; 67652

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 67653
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(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges; 67660
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(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code; 67665
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(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April 2015. 67668
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(15) "Total resources," in the case of a municipal corporation, means the sum of the amounts in divisions (A)(15)(a) to (h) of this section less any reduction required under division (B)(1) or (2) of this section. 67671
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(a) The sum of the payments received by the municipal corporation in calendar year 2014 for current expense levy losses under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 67675
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(b) The municipal corporation's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by 67679
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the total amount actually distributed in calendar year 2014 from 67684
the county undivided local government fund; 67685

(c) The sum of the amounts distributed to the municipal 67686
corporation in calendar year 2014 pursuant to section 5747.50 of 67687
the Revised Code; 67688

(d) With respect to taxes levied by the municipal 67689
corporation, the taxes charged and payable against all property on 67690
the tax list of real and public utility property for municipal 67691
current expenses for tax year 2014; 67692

(e) The amount of admissions tax collected by the municipal 67693
corporation in calendar year 2013, or if such information has not 67694
yet been reported to the tax commissioner, in the most recent year 67695
before 2013 for which the municipal corporation has reported data 67696
to the commissioner; 67697

(f) The amount of income taxes collected by the municipal 67698
corporation in calendar year 2013 as certified to the tax 67699
commissioner under section 5747.50 of the Revised Code in 2013, or 67700
if such information has not yet been reported to the commissioner, 67701
in the most recent year before 2014 for which the municipal 67702
corporation has reported such data to the commissioner; 67703

(g) The sum of the amounts distributed to the municipal 67704
corporation from the gross casino revenue host city fund from July 67705
2014 through April 2015; 67706

(h) The sum of the amounts distributed to the municipal 67707
corporation from the gross casino revenue county fund from July 67708
2014 through April 2015. 67709

(16) "Total resources," in the case of a township, means the 67710
sum of the amounts in divisions (A)(16)(a) to (c) of this section 67711
less any reduction required under division (B)(1) or (2) of this 67712
section. 67713

(a) The sum of the payments received by the township in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes; 67714
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(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 67719
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(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from levies imposed under section 5705.23 of the Revised Code. 67726
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(17) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A)(17)(a) to (e) of this section less any reduction required under division (B)(1) of this section. 67731
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(a) The sum of the payments received by the local taxing unit in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 67736
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(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by 67740
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the total amount actually distributed in calendar year 2014 from 67745
the county undivided local government fund; 67746

(c) With respect to taxes levied by the local taxing unit, 67747
the taxes charged and payable against all property on the tax list 67748
of real and public utility property for tax year 2014 excluding 67749
taxes charged and payable for the purpose of paying debt charges 67750
or from a levy imposed under section 5705.23 of the Revised Code; 67751

(d) The amount received from the tax commissioner during 67752
calendar year 2014 for sales or use taxes authorized under 67753
sections 5739.023 and 5741.022 of the Revised Code; 67754

(e) For institutions of higher education receiving tax 67755
revenue from a local levy, as identified in section 3358.02 of the 67756
Revised Code, the final state share of instruction allocation for 67757
fiscal year 2014 as calculated by the director of higher education 67758
and reported to the state controlling board. 67759

(18) "Total library resources," in the case of a county, 67760
municipal corporation, school district, or township public library 67761
that receives the proceeds of a tax levied under section 5705.23 67762
of the Revised Code, means the sum of the amounts in divisions 67763
(A)(18)(a) to (d) of this section less any reduction required 67764
under division (B)(1) of this section. 67765

(a) The sum of the payments received by the county, municipal 67766
corporation, school district, or township public library in 67767
calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the 67768
Revised Code, as they existed at that time, for fixed-rate levy 67769
losses attributable to a tax levied under section 5705.23 of the 67770
Revised Code for the benefit of the public library; 67771

(b) The public library's percentage share of county undivided 67772
local government fund allocations as certified to the tax 67773
commissioner for calendar year 2015 by the county auditor under 67774
division (J) of section 5747.51 of the Revised Code or division 67775

(F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 67776
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(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges; 67779
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(d) The sum of the amounts distributed to the library district from the county public library fund in calendar year 2014, as reported to the tax commissioner by the county auditor. 67785
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(19) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: library; airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including the word "equipment," unless the levy is for combined operating and equipment; employee termination fund; fire pension or any levy containing the word "pension," including police pensions; fireman's fund or any practically similar name; sinking fund; road improvements or any levy containing the word "road"; fire truck or apparatus; flood or any levy containing the word "flood"; conservancy district; county health; note retirement; sewage, or any levy containing the words "sewage" or "sewer"; park improvement; parkland acquisition; storm drain; street or any levy name containing the word "street"; lighting, or any levy name containing the word "lighting"; and water. 67788
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(20) "Operating fixed-rate levy loss" means, in the case of local taxing units other than municipal corporations, fixed-rate levy losses of levies imposed for purposes other than paying debt 67805
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charges or, in the case of municipal corporations, fixed-rate levy 67808
losses of municipal current expense property tax levies. 67809

(21) "Qualifying local taxing unit" means a local taxing 67810
unit, other than a county or municipal corporation, within whose 67811
territory a nuclear power plant is located, including a public 67812
library on behalf of which a tax is levied under section 5705.23 67813
of the Revised Code on a tax list that includes the property of a 67814
nuclear power plant. 67815

(22) Any term used in this section has the same meaning as in 67816
section 5727.84 or 5751.20 of the Revised Code unless otherwise 67817
defined by this section. 67818

(B)(1) "Total resources" used to compute payments to be made 67819
under division (C) of this section shall be reduced to the extent 67820
that payments distributed in calendar year 2014 were attributable 67821
to levies no longer charged and payable. 67822

(2) "Current expense allocation" used to compute payments to 67823
be made under division (C) of this section shall be reduced to the 67824
extent that payments distributed in calendar year 2014 were 67825
attributable to levies no longer charged and payable. 67826

(C)(1) Except as provided in divisions (C)(2) and (D) of this 67827
section, the tax commissioner shall compute payments for operating 67828
fixed-rate levy losses of local taxing units and public libraries 67829
for fiscal year 2016 and each year thereafter as prescribed in 67830
divisions (C)(1)(a) and (b) and (2) of this section: 67831

(a) For public libraries and local taxing units other than 67832
municipal corporations: 67833

(i) If the ratio of current expense allocation to total 67834
resources is equal to or less than the threshold per cent, zero; 67835

(ii) If the ratio of current expense allocation to total 67836
resources is greater than the threshold per cent, the current 67837

expense allocation minus the product of total resources multiplied 67838
by the threshold per cent. 67839

(b) For municipal corporations: 67840

(i) If the ratio of the municipal current expense allocation 67841
to total resources is equal to or less than the threshold per 67842
cent, zero; 67843

(ii) If the ratio of the municipal current expense allocation 67844
to total resources is greater than the threshold per cent, the 67845
municipal current expense allocation minus the product of total 67846
resources multiplied by the threshold per cent. 67847

(2) In the case of a qualifying local taxing unit for which 67848
the ratio of current expense allocation to total resources is ten 67849
per cent or more, the payment to be made under division (C) of 67850
this section for fiscal year 2016 and each year thereafter, in 67851
lieu of the payment computed under division (C)(1)(a) of this 67852
section, shall equal the amount described in division (A)(16)(a) 67853
of this section if the qualifying local taxing unit is a township, 67854
division (A)(18)(a) if the qualifying local taxing unit is a 67855
public library, and division (A)(17)(a) if the qualifying local 67856
taxing unit is not a township or public library. 67857

(3) For any local taxing unit or public library with 67858
operating fixed-rate levy losses greater than zero, the operating 67859
fixed-rate levy loss shall be allocated among all qualifying 67860
operating fixed-rate levies in proportion to each such levy's 67861
share of the payments received in tax year 2014. In fiscal year 67862
2016 and thereafter, if a levy to which operating fixed-rate levy 67863
loss is allocated is no longer charged and payable, the payment to 67864
the local taxing unit or public library shall be reduced by the 67865
amount allocated to the levy that is no longer charged and 67866
payable. 67867

(D)(1) Except as provided in division (D)(2) of this section, 67868

the tax commissioner shall make payments to local taxing units 67869
equal to the sum of TPP inside millage debt levy loss and S.B. 3 67870
inside millage debt levy loss. No payment shall be made if the 67871
levy for which the levy loss is computed is not charged and 67872
payable for debt purposes in fiscal year 2016 or any year 67873
thereafter. 67874

(2) No payment shall be made for TPP inside millage debt levy 67875
loss in calendar year 2018 or thereafter. No payment shall be made 67876
for S.B.3 inside millage debt levy loss in calendar year 2017 or 67877
thereafter. 67878

(E) The payments required to be made under divisions (C) and 67879
(D) of this section shall be paid from local government tangible 67880
property tax replacement fund to the county undivided income tax 67881
fund in the proper county treasury. Beginning in August 2015, 67882
one-half of the amount determined under each of those divisions 67883
shall be paid on or before the last day of August each year, and 67884
one-half shall be paid on or before the last day of February each 67885
year. Within thirty days after receipt of such payments, the 67886
county treasurer shall distribute amounts determined under this 67887
section to the proper local taxing unit or public library as if 67888
they had been levied and collected as taxes, and the local taxing 67889
unit or public library shall allocate the amounts so received 67890
among its funds in the same proportions as if those amounts had 67891
been levied and collected as taxes. 67892

(F) If all or a part of the territories of two or more local 67893
taxing units are merged, or unincorporated territory of a township 67894
is annexed by a municipal corporation, the tax commissioner shall 67895
adjust the payments made under this section to each of the local 67896
taxing units in proportion to the square mileage of the merged or 67897
annexed territory as a percentage of the total square mileage of 67898
the jurisdiction from which the territory originated, or as 67899
otherwise provided by a written agreement between the legislative 67900

authorities of the local taxing units certified to the 67901
commissioner not later than the first day of June of the calendar 67902
year in which the payment is to be made. 67903

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 67904
5715.01 of the Revised Code: 67905

(A) "Land devoted exclusively to agricultural use" means: 67906

(1) Tracts, lots, or parcels of land totaling not less than 67907
ten acres to which, during the three calendar years prior to the 67908
year in which application is filed under section 5713.31 of the 67909
Revised Code, and through the last day of May of such year, one or 67910
more of the following apply: 67911

(a) The tracts, lots, or parcels of land were devoted 67912
exclusively to commercial animal or poultry husbandry, 67913
aquaculture, algaculture meaning the farming of algae, apiculture, 67914
the production for a commercial purpose of timber, field crops, 67915
tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, 67916
or flowers, or the growth of timber for a noncommercial purpose, 67917
if the land on which the timber is grown is contiguous to or part 67918
of a parcel of land under common ownership that is otherwise 67919
devoted exclusively to agricultural use. 67920

(b) The tracts, lots, or parcels of land were devoted 67921
exclusively to biodiesel production, biomass energy production, 67922
electric or heat energy production, or biologically derived 67923
methane gas production if the land on which the production 67924
facility is located is contiguous to or part of a parcel of land 67925
under common ownership that is otherwise devoted exclusively to 67926
agricultural use, provided that at least fifty per cent of the 67927
feedstock used in the production was derived from parcels of land 67928
under common ownership or leasehold. 67929

(c) The tracts, lots, or parcels of land were devoted to and 67930

qualified for payments or other compensation under a land 67931
retirement or conservation program under an agreement with an 67932
agency of the federal government. 67933

(2) Tracts, lots, or parcels of land totaling less than ten 67934
acres that, during the three calendar years prior to the year in 67935
which application is filed under section 5713.31 of the Revised 67936
Code and through the last day of May of such year, were devoted 67937
exclusively to commercial animal or poultry husbandry, 67938
aquaculture, algaculture meaning the farming of algae, apiculture, 67939
the production for a commercial purpose of field crops, tobacco, 67940
fruits, vegetables, timber, nursery stock, ornamental trees, sod, 67941
or flowers where such activities produced an average yearly gross 67942
income of at least twenty-five hundred dollars during such 67943
three-year period or where there is evidence of an anticipated 67944
gross income of such amount from such activities during the tax 67945
year in which application is made, or were devoted to and 67946
qualified for payments or other compensation under a land 67947
retirement or conservation program under an agreement with an 67948
agency of the federal government; 67949

(3) A tract, lot, or parcel of land taxed under sections 67950
5713.22 to 5713.26 of the Revised Code is not land devoted 67951
exclusively to agricultural use; 67952

(4) Tracts, lots, or parcels of land, or portions thereof 67953
that, during the previous three consecutive calendar years have 67954
been designated as land devoted exclusively to agricultural use, 67955
but such land has been lying idle or fallow for up to one year and 67956
no action has occurred to such land that is either inconsistent 67957
with the return of it to agricultural production or converts the 67958
land devoted exclusively to agricultural use as defined in this 67959
section. Such land shall remain designated as land devoted 67960
exclusively to agricultural use provided that beyond one year, but 67961
less than three years, the landowner proves good cause as 67962

determined by the board of revision. 67963

(5) Tracts, lots, or parcels of land, or portions thereof 67964
that, during the previous three consecutive calendar years have 67965
been designated as land devoted exclusively to agricultural use, 67966
but such land has been lying idle or fallow because of dredged 67967
material being stored or deposited on such land pursuant to a 67968
contract between the land's owner and the department of natural 67969
resources or the United States army corps of engineers and no 67970
action has occurred to the land that is either inconsistent with 67971
the return of it to agricultural production or converts the land 67972
devoted exclusively to agricultural use. Such land shall remain 67973
designated as land devoted exclusively to agricultural use until 67974
the last year in which dredged material is stored or deposited on 67975
the land pursuant to such a contract, but not to exceed five 67976
years. 67977

"Land devoted exclusively to agricultural use" includes 67978
tracts, lots, or parcels of land or portions thereof that are used 67979
for conservation practices, provided that the tracts, lots, or 67980
parcels of land or portions thereof comprise twenty-five per cent 67981
or less of the total of the tracts, lots, or parcels of land that 67982
satisfy the criteria established in division (A)(1), (2), ~~(4)~~ 67983
or (5) of this section together with the tracts, lots, or parcels 67984
of land or portions thereof that are used for conservation 67985
practices. 67986

(B) "Conversion of land devoted exclusively to agricultural 67987
use" means any of the following: 67988

(1) The failure of the owner of land devoted exclusively to 67989
agricultural use during the next preceding calendar year to file a 67990
renewal application under section 5713.31 of the Revised Code 67991
without good cause as determined by the board of revision; 67992

(2) The failure of the new owner of such land to file an 67993

initial application under that section without good cause as 67994
determined by the board of revision; 67995

(3) The failure of such land or portion thereof to qualify as 67996
land devoted exclusively to agricultural use for the current 67997
calendar year as requested by an application filed under such 67998
section; 67999

(4) The failure of the owner of the land described in 68000
division (A)(4) or (5) of this section to act on such land in a 68001
manner that is consistent with the return of the land to 68002
agricultural production after three years. 68003

The construction or installation of an energy facility, as 68004
defined in section 5727.01 of the Revised Code, on a portion of a 68005
tract, lot, or parcel of land devoted exclusively to agricultural 68006
use shall not cause the remaining portion of the tract, lot, or 68007
parcel to be regarded as a conversion of land devoted exclusively 68008
to agricultural use if the remaining portion of the tract, lot, or 68009
parcel continues to be devoted exclusively to agricultural use. 68010

(C) "Tax savings" means the difference between the dollar 68011
amount of real property taxes levied in any year on land valued 68012
and assessed in accordance with its current agricultural use value 68013
and the dollar amount of real property taxes that would have been 68014
levied upon such land if it had been valued and assessed for such 68015
year in accordance with Section 2 of Article XII, Ohio 68016
Constitution. 68017

(D) "Owner" includes, but is not limited to, any person 68018
owning a fee simple, fee tail, or life estate or a buyer on a land 68019
installment contract. 68020

(E) "Conservation practices" are practices used to abate soil 68021
erosion as required in the management of the farming operation, 68022
and include, but are not limited to, the installation, 68023
construction, development, planting, or use of grass waterways, 68024

terraces, diversions, filter strips, field borders, windbreaks, 68025
riparian buffers, wetlands, ponds, and cover crops for that 68026
purpose. 68027

(F) "Wetlands" has the same meaning as in section 6111.02 of 68028
the Revised Code. 68029

(G) "Biodiesel" means a mono-alkyl ester combustible liquid 68030
fuel that is derived from vegetable oils or animal fats or any 68031
combination of those reagents and that meets the American society 68032
for testing and materials specification D6751-03a for biodiesel 68033
fuel (B100) blend stock distillate fuels. 68034

(H) "Biologically derived methane gas" means gas from the 68035
anaerobic digestion of organic materials, including animal waste 68036
and agricultural crops and residues. 68037

(I) "Biomass energy" means energy that is produced from 68038
organic material derived from plants or animals and available on a 68039
renewable basis, including, but not limited to, agricultural 68040
crops, tree crops, crop by-products, and residues. 68041

(J) "Electric or heat energy" means electric or heat energy 68042
generated from manure, cornstalks, soybean waste, or other 68043
agricultural feedstocks. 68044

(K) "Dredged material" means material that is excavated or 68045
dredged from waters of this state. "Dredged material" does not 68046
include material resulting from normal farming, silviculture, and 68047
ranching activities, such as plowing, cultivating, seeding, and 68048
harvesting, for production of food, fiber, and forest products. 68049

Sec. 5725.98. (A) To provide a uniform procedure for 68050
calculating the amount of tax imposed by section 5725.18 of the 68051
Revised Code that is due under this chapter, a taxpayer shall 68052
claim any credits and offsets against tax liability to which it is 68053
entitled in the following order: 68054

| | |
|---|---|
| (1) The credit for an insurance company or insurance company group under section 5729.031 of the Revised Code; | 68055 68056 |
| (2) The credit for eligible employee training costs under section 5725.31 of the Revised Code; | 68057 68058 |
| (3) The credit for purchasers of qualified low-income community investments under section 5725.33 of the Revised Code; | 68059 68060 |
| (4) The nonrefundable job retention credit under division (B) (1) of section 122.171 of the Revised Code; | 68061 68062 |
| (5) The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code; | 68063 68064 68065 |
| (6) The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code. | 68066 68067 |
| (7) The refundable credit for Ohio job retention under <u>former</u> division (B)(2) or (3) of section 122.171 of the Revised Code <u>as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;</u> | 68068 68069 68070 68071 |
| (8) The refundable credit for Ohio job creation under section 5725.32 of the Revised Code; | 68072 68073 |
| (9) The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. | 68074 68075 68076 68077 |
| (B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or | 68078 68079 68080 68081 68082 68083 68084 |

indirectly, a credit more than once for a taxable year. 68085

Sec. 5726.50. (A) A taxpayer may claim a refundable tax 68086
credit against the tax imposed under this chapter for each person 68087
included in the annual report of the taxpayer that is granted a 68088
credit by the tax credit authority under section 122.17 or former 68089
division (B)(2) or (3) of section 122.171 of the Revised Code as 68090
those divisions existed before the effective date of the amendment 68091
of this section by H.B. 64 of the 131st general assembly. Such a 68092
credit shall not be claimed for any tax year following the 68093
calendar year in which a relocation of employment positions occurs 68094
in violation of an agreement entered into under section 122.17 or 68095
122.171 of the Revised Code. For the purpose of making tax 68096
payments under this chapter, taxes equal to the amount of the 68097
refundable credit shall be considered to be paid on the first day 68098
of the tax year. 68099

(B) A taxpayer may claim a nonrefundable tax credit against 68100
the tax imposed under this chapter for each person included in the 68101
annual report of the taxpayer that is granted a nonrefundable 68102
credit by the tax credit authority under division (B)~~(1)~~ of 68103
section 122.171 of the Revised Code. A taxpayer may claim against 68104
the tax imposed by this chapter any unused portion of the credits 68105
authorized under division (B) of section 5733.0610 of the Revised 68106
Code. 68107

(C) The credits authorized in divisions (A) and (B) of this 68108
section shall be claimed in the order required under section 68109
5726.98 of the Revised Code. If the amount of a credit authorized 68110
in division (A) of this section exceeds the tax otherwise due 68111
under section 5726.02 of the Revised Code after deducting all 68112
other credits preceding the credit in the order prescribed in 68113
section 5726.98 of the Revised Code, the excess shall be refunded 68114
to the taxpayer. 68115

Sec. 5727.111. The taxable property of each public utility, 68116
except a railroad company, and of each interexchange 68117
telecommunications company shall be assessed at the following 68118
percentages of true value: 68119

(A) In the case of a rural electric company, fifty per cent 68120
in the case of its taxable transmission and distribution property 68121
and its energy conversion equipment, and twenty-five per cent for 68122
all its other taxable property; 68123

(B) In the case of a telephone or telegraph company, 68124
twenty-five per cent for taxable property first subject to 68125
taxation in this state for tax year 1995 or thereafter for tax 68126
years before tax year 2007, and pursuant to division (H) of 68127
section 5711.22 of the Revised Code for tax year 2007 and 68128
thereafter, and the following for all other taxable property: 68129

(1) For tax years prior to 2005, eighty-eight per cent; 68130

(2) For tax year 2005, sixty-seven per cent; 68131

(3) For tax year 2006, forty-six per cent; 68132

(4) For tax year 2007 and thereafter, pursuant to division 68133
(H) of section 5711.22 of the Revised Code. 68134

(C) Twenty-five per cent in the case of a natural gas 68135
company. 68136

(D) Eighty-eight per cent in the case of a pipe-line, 68137
~~water works,~~ or heating company; 68138

(E)(1) For tax year 2005, eighty-eight per cent in the case 68139
of the taxable transmission and distribution property of an 68140
electric company, and twenty-five per cent for all its other 68141
taxable property; 68142

(2) For tax year 2006 and each tax year thereafter, in the 68143
case of an electric company, eighty-five per cent in the case of 68144

its taxable transmission and distribution property and its energy 68145
conversion equipment, and twenty-four per cent for all its other 68146
taxable property. 68147

(F)(1) Twenty-five per cent in the case of an interexchange 68148
telecommunications company for tax years before tax year 2007; 68149

(2) Pursuant to division (H) of section 5711.22 of the 68150
Revised Code for tax year 2007 and thereafter. 68151

(G) Twenty-five per cent in the case of a water 68152
transportation company; 68153

(H) For tax year 2011 and each tax year thereafter in the 68154
case of an energy company, twenty-four per cent in the case of its 68155
taxable production equipment, and eighty-five per cent for all its 68156
other taxable property. 68157

(I) In the case of a water-works company, twenty-five per 68158
cent for taxable property first subject to taxation in this state 68159
for tax year 2015 or thereafter, and eighty-eight per cent for all 68160
its other taxable property. 68161

Sec. 5727.81. (A) For the purpose of raising revenue ~~for~~ 68162
~~public education and to fund the needs of this state and its local~~ 68163
~~government operations governments,~~ an excise tax is hereby levied 68164
and imposed on an electric distribution company for all 68165
electricity distributed by such company at the following rates per 68166
kilowatt hour of electricity distributed in a thirty-day period by 68167
the company through a meter of an end user in this state: 68168

| KILOWATT HOURS DISTRIBUTED | RATE PER | 68169 |
|------------------------------|---------------|-------|
| TO AN END USER | KILOWATT HOUR | 68170 |
| For the first 2,000 | \$.00465 | 68171 |
| For the next 2,001 to 15,000 | \$.00419 | 68172 |
| For 15,001 and above | \$.00363 | 68173 |

If no meter is used to measure the kilowatt hours of 68174

electricity distributed by the company, the rates shall apply to 68175
the estimated kilowatt hours of electricity distributed to an 68176
unmetered location in this state. 68177

The electric distribution company shall base the monthly tax 68178
on the kilowatt hours of electricity distributed to an end user 68179
through the meter of the end user that is not measured for a 68180
thirty-day period by dividing the days in the measurement period 68181
into the total kilowatt hours measured during the measurement 68182
period to obtain a daily average usage. The tax shall be 68183
determined by obtaining the sum of divisions (A)(1), (2), and (3) 68184
of this section and multiplying that amount by the number of days 68185
in the measurement period: 68186

(1) Multiplying \$0.00465 per kilowatt hour for the first 68187
sixty-seven kilowatt hours distributed using a daily average; 68188

(2) Multiplying \$0.00419 for the next sixty-eight to five 68189
hundred kilowatt hours distributed using a daily average; 68190

(3) Multiplying \$0.00363 for the remaining kilowatt hours 68191
distributed using a daily average. 68192

Except as provided in division (C) of this section, the 68193
electric distribution company shall pay the tax to the tax 68194
commissioner in accordance with section 5727.82 of the Revised 68195
Code, unless required to remit each tax payment by electronic 68196
funds transfer to the treasurer of state in accordance with 68197
section 5727.83 of the Revised Code. 68198

Only the distribution of electricity through a meter of an 68199
end user in this state shall be used by the electric distribution 68200
company to compute the amount or estimated amount of tax due. In 68201
the event a meter is not actually read for a measurement period, 68202
the estimated kilowatt hours distributed by an electric 68203
distribution company to bill for its distribution charges shall be 68204
used. 68205

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state;

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds

forty-five million kilowatt hours of electricity over the course 68236
of the preceding calendar year, or any commercial or industrial 68237
purchaser that will consume more than forty-five million kilowatt 68238
hours of electricity over the course of the succeeding twelve 68239
months as estimated by the tax commissioner. The tax commissioner 68240
shall make such an estimate upon the written request by an 68241
applicant for registration as a self-assessing purchaser under 68242
this division. For the meter reading period including July 1, 68243
2008, through the meter reading period including December 31, 68244
2010, such a purchaser may elect to self-assess the excise tax 68245
imposed by this section at the rate of \$.00075 per kilowatt hour 68246
on the first five hundred four million kilowatt hours distributed 68247
to that meter or location during the registration year, and a 68248
percentage of the total price of all electricity distributed to 68249
that meter or location equal to three and one-half per cent. For 68250
the meter reading period including January 1, 2011, and 68251
thereafter, such a purchaser may elect to self-assess the excise 68252
tax imposed by this section at the rate of \$.00257 per kilowatt 68253
hour for the first five hundred million kilowatt hours, and 68254
\$.001832 per kilowatt hour for each kilowatt hour in excess of 68255
five hundred million kilowatt hours, distributed to that meter or 68256
location during the registration year. 68257

A qualified end user that receives electricity through a 68258
meter of an end user in this state or through more than one meter 68259
at a single location in this state and that consumes, over the 68260
course of the previous calendar year, more than forty-five million 68261
kilowatt hours in other than its qualifying manufacturing process, 68262
may elect to self-assess the tax as allowed by this division with 68263
respect to the electricity used in other than its qualifying 68264
manufacturing process. 68265

Payment of the tax shall be made directly to the tax 68266
commissioner in accordance with divisions (A)(4) and (5) of 68267

section 5727.82 of the Revised Code, or the treasurer of state in 68268
accordance with section 5727.83 of the Revised Code. If the 68269
electric distribution company serving the self-assessing purchaser 68270
is a municipal electric utility and the purchaser is within the 68271
municipal corporation's corporate limits, payment shall be made to 68272
such municipal corporation's general fund and reports shall be 68273
filed in accordance with divisions (A)(4) and (5) of section 68274
5727.82 of the Revised Code, except that "municipal corporation" 68275
shall be substituted for "treasurer of state" and "tax 68276
commissioner." A self-assessing purchaser that pays the excise tax 68277
as provided in this division shall not be required to pay the tax 68278
to the electric distribution company from which its electricity is 68279
distributed. If a self-assessing purchaser's receipt of 68280
electricity is not subject to the tax as measured under this 68281
division, the tax on the receipt of such electricity shall be 68282
measured and paid as provided in division (A) of this section. 68283

(3) In the case of the acquisition of a package, unless the 68284
elements of the package are separately stated isolating the total 68285
price of electricity from the price of the remaining elements of 68286
the package, the tax imposed under this section applies to the 68287
entire price of the package. If the elements of the package are 68288
separately stated, the tax imposed under this section applies to 68289
the total price of the electricity. 68290

(4) Any electric supplier that sells electricity as part of a 68291
package shall separately state to the purchaser the total price of 68292
the electricity and, upon request by the tax commissioner, the 68293
total price of each of the other elements of the package. 68294

(5) The tax commissioner may adopt rules relating to the 68295
computation of the total price of electricity with respect to 68296
self-assessing purchasers, which may include rules to establish 68297
the total price of electricity purchased as part of a package. 68298

(6) An annual application for registration as a 68299

self-assessing purchaser shall be made for each qualifying meter 68300
or location on a form prescribed by the tax commissioner. The 68301
registration year begins on the first day of May and ends on the 68302
following thirtieth day of April. Persons may apply after the 68303
first day of May for the remainder of the registration year. In 68304
the case of an applicant applying on the basis of an estimated 68305
consumption of forty-five million kilowatt hours over the course 68306
of the succeeding twelve months, the applicant shall provide such 68307
information as the tax commissioner considers to be necessary to 68308
estimate such consumption. At the time of making the application 68309
and by the first day of May of each year, a self-assessing 68310
purchaser shall pay a fee of five hundred dollars to the tax 68311
commissioner, or to the treasurer of state as provided in section 68312
5727.83 of the Revised Code, for each qualifying meter or 68313
location. The tax commissioner shall immediately pay to the 68314
treasurer of state all amounts that the tax commissioner receives 68315
under this section. The treasurer of state shall deposit such 68316
amounts into the kilowatt hour excise tax administration fund, 68317
which is hereby created in the state treasury. Money in the fund 68318
shall be used to defray the tax commissioner's cost in 68319
administering the tax owed under section 5727.81 of the Revised 68320
Code by self-assessing purchasers. After the application is 68321
approved by the tax commissioner, the registration shall remain in 68322
effect for the current registration year, or until canceled by the 68323
registrant upon written notification to the commissioner of the 68324
election to pay the tax in accordance with division (A) of this 68325
section, or until canceled by the tax commissioner for not paying 68326
the tax or fee under division (C) of this section or for not 68327
meeting the qualifications in division (C)(2) of this section. The 68328
tax commissioner shall give written notice to the electric 68329
distribution company from which electricity is delivered to a 68330
self-assessing purchaser of the purchaser's self-assessing status, 68331
and the electric distribution company is relieved of the 68332

obligation to pay the tax imposed by division (A) of this section 68333
for electricity distributed to that self-assessing purchaser until 68334
it is notified by the tax commissioner that the self-assessing 68335
purchaser's registration is canceled. Within fifteen days of 68336
notification of the canceled registration, the electric 68337
distribution company shall be responsible for payment of the tax 68338
imposed by division (A) of this section on electricity distributed 68339
to a purchaser that is no longer registered as a self-assessing 68340
purchaser. A self-assessing purchaser with a canceled registration 68341
must file a report and remit the tax imposed by division (A) of 68342
this section on all electricity it receives for any measurement 68343
period prior to the tax being reported and paid by the electric 68344
distribution company. A self-assessing purchaser whose 68345
registration is canceled by the tax commissioner is not eligible 68346
to register as a self-assessing purchaser for two years after the 68347
registration is canceled. 68348

(7) If the tax commissioner cancels the self-assessing 68349
registration of a purchaser registered on the basis of its 68350
estimated consumption because the purchaser does not consume at 68351
least forty-five million kilowatt hours of electricity over the 68352
course of the twelve-month period for which the estimate was made, 68353
the tax commissioner shall assess and collect from the purchaser 68354
the difference between (a) the amount of tax that would have been 68355
payable under division (A) of this section on the electricity 68356
distributed to the purchaser during that period and (b) the amount 68357
of tax paid by the purchaser on such electricity pursuant to 68358
division (C)(2) of this section. The assessment shall be paid 68359
within sixty days after the tax commissioner issues it, regardless 68360
of whether the purchaser files a petition for reassessment under 68361
section 5727.89 of the Revised Code covering that period. If the 68362
purchaser does not pay the assessment within the time prescribed, 68363
the amount assessed is subject to the additional charge and the 68364
interest prescribed by divisions (B) and (C) of section 5727.82 of 68365

the Revised Code, and is subject to assessment under section 68366
5727.89 of the Revised Code. If the purchaser is a qualified end 68367
user, division (C)(7) of this section applies only to electricity 68368
it consumes in other than its qualifying manufacturing process. 68369

(D) The tax imposed by this section does not apply to the 68370
distribution of any kilowatt hours of electricity to the federal 68371
government, to an end user located at a federal facility that uses 68372
electricity for the enrichment of uranium, to a qualified 68373
regeneration meter, or to an end user for any day the end user is 68374
a qualified end user. The exemption under this division for a 68375
qualified end user only applies to the manufacturing location 68376
where the qualified end user uses more than three million kilowatt 68377
hours per day in a qualifying manufacturing process. 68378

(E) All revenue arising from the tax imposed by this section 68379
shall be credited to the general revenue fund except as provided 68380
by division (C) of this section and section 5727.82 of the Revised 68381
Code. 68382

Sec. 5727.811. (A) For the purpose of raising revenue ~~for~~ 68383
~~public education and to fund the needs of this state and its local~~ 68384
~~government operations~~ governments, an excise tax is hereby levied 68385
on every natural gas distribution company for all natural gas 68386
volumes billed by, or on behalf of, the company beginning with the 68387
measurement period that includes July 1, 2001. Except as provided 68388
in divisions (C) or (D) of this section, the tax shall be levied 68389
at the following rates per MCF of natural gas distributed by the 68390
company through a meter of an end user in this state: 68391

| MCF DISTRIBUTED TO AN END USER | RATE PER MCF | |
|--|--------------|-------|
| For the first 100 MCF per month | \$.1593 | 68392 |
| For the next 101 to 2000 MCF per month | \$.0877 | 68393 |
| For 2001 and above MCF per month | \$.0411 | 68394 |

If no meter is used to measure the MCF of natural gas 68395

distributed by the company, the rates shall apply to the estimated 68397
MCF of natural gas distributed to an unmetered location in this 68398
state. 68399

(B) A natural gas distribution company shall base the tax on 68400
the MCF of natural gas distributed to an end user through the 68401
meter of the end user in this state that is estimated to be 68402
consumed by the end user as reflected on the end user's customer 68403
statement from the natural gas distribution company. Until January 68404
1, 2003, the natural gas distribution company shall pay the tax 68405
levied by this section to the treasurer of state in accordance 68406
with section 5727.82 of the Revised Code. Beginning January 1, 68407
2003, the natural gas distribution company shall pay the tax 68408
levied by this section to the tax commissioner in accordance with 68409
section 5727.82 of the Revised Code unless required to remit 68410
payment to the treasurer of state in accordance with section 68411
5727.83 of the Revised Code. 68412

(C) A natural gas distribution company with seventy thousand 68413
customers or less may elect to apply the rates specified in 68414
division (A) of this section to the aggregate of the natural gas 68415
distributed by the company through the meter of all its customers 68416
in this state, and upon such election, this method shall be used 68417
to determine the amount of tax to be paid by such company. 68418

(D) A natural gas distribution company shall pay the tax 68419
imposed by this section at the rate of \$.02 per MCF of natural gas 68420
distributed by the company through the meter of a flex customer. 68421
The natural gas distribution company correspondingly shall reduce 68422
the per MCF rate that it charges the flex customer for natural gas 68423
distribution services by \$.02 per MCF of natural gas distributed 68424
to the flex customer. 68425

(E) Except as provided in division (F) of this section, each 68426
natural gas distribution company shall pay the tax imposed by this 68427
section in all of the following circumstances: 68428

(1) The natural gas is distributed by the company through a meter of an end user in this state; 68429
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(2) The natural gas distribution company is distributing natural gas through a meter located in another state, but the natural gas is consumed in this state in the manner prescribed by the tax commissioner; 68431
68432
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(3) The natural gas distribution company is distributing natural gas in this state without the use of a meter, but the natural gas is consumed in this state as estimated and in the manner prescribed by the tax commissioner. 68435
68436
68437
68438

(F) The tax levied by this section does not apply to the distribution of natural gas to the federal government, or natural gas produced by an end user in this state that is consumed by that end user or its affiliates and is not distributed through the facilities of a natural gas company. 68439
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(G) All revenue arising from the tax imposed by this section shall be credited to the general revenue fund. 68444
68445

Sec. 5727.84. ~~(A)~~ No determinations, computations, certifications, or payments shall be made under this section after June 30, 2015. 68446
68447
68448

(A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code: 68449
68450

(1) "School district" means a city, local, or exempted village school district. 68451
68452

(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code. 68453
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(3) "Local taxing unit" means a subdivision or taxing unit, 68459
as defined in section 5705.01 of the Revised Code, a park district 68460
created under Chapter 1545. of the Revised Code, or a township 68461
park district established under section 511.23 of the Revised 68462
Code, but excludes school districts and joint vocational school 68463
districts. 68464

(4) "State education aid," for a school district, means the 68465
following: 68466

(a) For fiscal years prior to fiscal year 2010, the sum of 68467
state aid amounts computed for the district under former sections 68468
3317.029, 3317.052, and 3317.053 of the Revised Code and the 68469
following provisions, as they existed for the applicable fiscal 68470
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 68471
3317.022; divisions (B), (C), and (D) of section 3317.023; 68472
divisions (G), (L), and (N) of section 3317.024; and sections 68473
3317.0216, 3317.0217, 3317.04, and 3317.05 of the Revised Code; 68474
and the adjustments required by: division (C) of section 3310.08; 68475
division (C)(2) of section 3310.41; division (C) of section 68476
3314.08; division (D)(2) of section 3314.091; division (D) of 68477
former section 3314.13; divisions (E), (K), (L), (M), and (N) of 68478
section 3317.023; division (C) of section 3317.20; and sections 68479
3313.979 and 3313.981 of the Revised Code. However, when 68480
calculating state education aid for a school district for fiscal 68481
years 2008 and 2009, include the amount computed for the district 68482
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 68483
as subsequently amended, instead of division (D) of section 68484
3317.022 of the Revised Code; and include amounts calculated under 68485
Section 269.30.80 of H.B. 119 of the 127th general assembly, as 68486
subsequently amended. 68487

(b) For fiscal years 2010 and 2011, the sum of the amounts 68488
computed for the district under former sections 3306.052, 3306.12, 68489
3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3317.053 of 68490

the Revised Code and the following provisions, as they existed for 68491
the applicable fiscal year: division (G) of section 3317.024; 68492
section 3317.05 of the Revised Code; and the adjustments required 68493
by division (C) of section 3310.08; division (C)(2) of section 68494
3310.41; division (C) of section 3314.08; division (D)(2) of 68495
section 3314.091; division (D) of former section 3314.13; 68496
divisions (E), (K), (L), (M), and (N) of section 3317.023; 68497
division (C) of section 3317.20; and sections 3313.979, 3313.981, 68498
and 3326.33 of the Revised Code. 68499

(c) For fiscal years 2012 and 2013, the amount paid in 68500
accordance with the section of H.B. 153 of the 129th general 68501
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 68502
SCHOOL DISTRICTS" and the adjustments required by division (C) of 68503
section 3310.08; division (C)(2) of section 3310.41; section 68504
3310.55; division (C) of section 3314.08; division (D)(2) of 68505
section 3314.091; division (D) of former section 3314.13; 68506
divisions (B), (H), (I), (J), and (K) of section 3317.023; 68507
division (C) of section 3317.20; and sections 3313.979 and 68508
3313.981 of the Revised Code; 68509

(d) For fiscal year 2014 and each fiscal year thereafter, the 68510
sum of amounts computed for and paid to the district under section 68511
3317.022 of the Revised Code; and the adjustments required by 68512
division (C) of section 3310.08, division (C)(2) of section 68513
3310.41, section 3310.55, division (C) of section 3314.08, 68514
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 68515
(K) of section 3317.023, and sections 3313.978, 3313.981, 68516
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 68517
However, for fiscal years 2014 and 2015, the amount computed for 68518
the district under the section of this act entitled "TRANSITIONAL 68519
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 68520
shall be included. 68521

(5) "State education aid," for a joint vocational school 68522

district, means the following: 68523

(a) For fiscal years prior to fiscal year 2010, the sum of 68524
the state aid amounts computed for the district under division (N) 68525
of section 3317.024 and section 3317.16 of the Revised Code. 68526
However, when calculating state education aid for a joint 68527
vocational school district for fiscal years 2008 and 2009, include 68528
the amount computed for the district under Section 269.30.90 of 68529
H.B. 119 of the 127th general assembly, as subsequently amended. 68530

(b) For fiscal years 2010 and 2011, the amount computed for 68531
the district in accordance with the section of H.B. 1 of the 128th 68532
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 68533
DISTRICTS." 68534

(c) For fiscal years 2012 and 2013, the amount paid in 68535
accordance with the section of H.B. 153 of the 129th general 68536
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 68537

(d) For fiscal year 2014 and each fiscal year thereafter, the 68538
amount computed for the district under section 3317.16 of the 68539
Revised Code; except that, for fiscal years 2014 and 2015, the 68540
amount computed for the district under the section of this act 68541
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 68542
shall be included. 68543

(6) "State education aid offset" means the amount determined 68544
for each school district or joint vocational school district under 68545
division (A)(1) of section 5727.85 of the Revised Code. 68546

(7) "Recognized valuation" means the amount computed for a 68547
school district pursuant to section 3317.015 of the Revised Code. 68548

(8) "Electric company tax value loss" means the amount 68549
determined under division (D) of this section. 68550

(9) "Natural gas company tax value loss" means the amount 68551
determined under division (E) of this section. 68552

- (10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss. 68553
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- (11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy. 68555
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- (12) "Fixed-rate levy loss" means the amount determined under division (G) of this section. 68557
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- (13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies charged and payable pursuant to section 5705.194 of the Revised Code. 68559
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- (14) "Fixed-sum levy loss" means the amount determined under division (H) of this section. 68564
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- (15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor. 68566
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- (16) "Total resources" and "total library resources" have the same meanings as in section 5751.20 of the Revised Code. 68569
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- (17) "2011 current expense S.B. 3 allocation" means the sum of payments received by a school district or joint vocational school district in fiscal year 2011 for current expense levy losses pursuant to division (C)(2) of section 5727.85 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2011 current expense S.B. 3 allocation" used to compute payments to be made under division (C)(3) of section 5727.85 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy. 68571
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- (18) "2010 current expense S.B. 3 allocation" means the sum 68582

of payments received by a municipal corporation in calendar year 68583
2010 for current expense levy losses pursuant to division (A)(1) 68584
of section 5727.86 of the Revised Code, excluding any such 68585
payments received for current expense levy losses attributable to 68586
a tax levied under section 5705.23 of the Revised Code. If a 68587
fixed-rate levy eligible for reimbursement is not charged and 68588
payable in any year after tax year 2010, "2010 current expense 68589
S.B. 3 allocation" used to compute payments to be made under 68590
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 68591
in the tax years following the last year the levy is charged and 68592
payable shall be reduced to the extent that those payments are 68593
attributable to the fixed-rate levy loss of that levy. 68594

(19) "2010 S.B. 3 allocation" means the sum of payments 68595
received by a local taxing unit during calendar year 2010 pursuant 68596
to division (A)(1) of section 5727.86 of the Revised Code, 68597
excluding any such payments received for fixed-rate levy losses 68598
attributable to a tax levied under section 5705.23 of the Revised 68599
Code. If a fixed-rate levy eligible for reimbursement is not 68600
charged and payable in any year after tax year 2010, "2010 S.B. 3 68601
allocation" used to compute payments to be made under division 68602
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 68603
years following the last year the levy is charged and payable 68604
shall be reduced to the extent that those payments are 68605
attributable to the fixed-rate levy loss of that levy. 68606

(20) "Total S.B. 3 allocation" means, in the case of a school 68607
district or joint vocational school district, the sum of the 68608
payments received in fiscal year 2011 pursuant to divisions (C)(2) 68609
and (D) of section 5727.85 of the Revised Code. In the case of a 68610
local taxing unit, "total S.B. 3 allocation" means the sum of 68611
payments received by the unit in calendar year 2010 pursuant to 68612
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 68613
excluding any such payments received for fixed-rate levy losses 68614

attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "total S.B. 3 allocation" used to compute payments to be made under division (C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (C)(2) of section 5727.85 or division (A)(1)(b) of section 5727.86 of the Revised Code.

(21) "2011 non-current expense S.B. 3 allocation" means the difference of a school district's or joint vocational school district's total S.B. 3 allocation minus the sum of the school district's 2011 current expense S.B. 3 allocation and the portion of the school district's total S.B. 3 allocation constituting reimbursement for debt levies pursuant to division (D) of section 5727.85 of the Revised Code.

(22) "2010 non-current expense S.B. 3 allocation" means the difference of a municipal corporation's total S.B. 3 allocation minus the sum of its 2010 current expense S.B. 3 allocation and the portion of its total S.B. 3 allocation constituting reimbursement for debt levies pursuant to division (A)(4) of section 5727.86 of the Revised Code.

(23) "S.B. 3 allocation for library purposes" means, in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, the sum of the payments received by the public library in calendar year 2010 pursuant to section 5727.86 of the Revised Code for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy authorized under section 5705.23 of the

Revised Code that is eligible for reimbursement is not charged and payable in any year after tax year 2010, "S.B. 3 allocation for library purposes" used to compute payments to be made under division (A)(1)(f) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1)(b) of section 5727.86 of the Revised Code.

(24) "Threshold per cent" means, in the case of a school district or joint vocational school district, two per cent for fiscal year 2012 and four per cent for fiscal years 2013 and thereafter. In the case of a local taxing unit or public library that receives the proceeds of a tax levied under section 5705.23 of the Revised Code, "threshold per cent" means two per cent for calendar year 2011, four per cent for calendar year 2012, and six per cent for calendar years 2013 and thereafter.

(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:

| Fiscal Year | General Revenue Fund | School District Property Tax Replacement | Local Government Property Tax Replacement | |
|--------------------------------|----------------------|--|---|-------|
| 2001-2011 | 63.0% | 25.4% | 11.6% | 68669 |
| 2012 and thereafter | 88.0% | 9.0% | 3.0% | 68670 |
| <u>2012-2015</u> | | | | |

(C) The natural gas tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.811 of the Revised Code. All money in the fund shall be credited as follows:

~~(1) For for fiscal years before fiscal year 2012:~~ 68675

~~(a)(1)~~ Sixty-eight and seven-tenths per cent shall be 68676
credited to the school district property tax replacement fund for 68677
the purpose of making the payments described in section 5727.85 of 68678
the Revised Code. 68679

~~(b)(2)~~ Thirty-one and three-tenths per cent shall be credited 68680
to the local government property tax replacement fund for the 68681
purpose of making the payments described in section 5727.86 of the 68682
Revised Code. 68683

~~(2) For fiscal years 2012 and thereafter, one hundred per 68684
cent to the general revenue fund.~~ 68685

(D) Not later than January 1, 2002, the tax commissioner 68686
shall determine for each taxing district its electric company tax 68687
value loss, which is the sum of the applicable amounts described 68688
in divisions (D)(1) to (4) of this section: 68689

(1) The difference obtained by subtracting the amount 68690
described in division (D)(1)(b) from the amount described in 68691
division (D)(1)(a) of this section. 68692

(a) The value of electric company and rural electric company 68693
tangible personal property as assessed by the tax commissioner for 68694
tax year 1998 on a preliminary assessment, or an amended 68695
preliminary assessment if issued prior to March 1, 1999, and as 68696
apportioned to the taxing district for tax year 1998; 68697

(b) The value of electric company and rural electric company 68698
tangible personal property as assessed by the tax commissioner for 68699
tax year 1998 had the property been apportioned to the taxing 68700
district for tax year 2001, and assessed at the rates in effect 68701
for tax year 2001. 68702

(2) The difference obtained by subtracting the amount 68703
described in division (D)(2)(b) from the amount described in 68704

division (D)(2)(a) of this section. 68705

(a) The three-year average for tax years 1996, 1997, and 1998 68706
of the assessed value from nuclear fuel materials and assemblies 68707
assessed against a person under Chapter 5711. of the Revised Code 68708
from the leasing of them to an electric company for those 68709
respective tax years, as reflected in the preliminary assessments; 68710

(b) The three-year average assessed value from nuclear fuel 68711
materials and assemblies assessed under division (D)(2)(a) of this 68712
section for tax years 1996, 1997, and 1998, as reflected in the 68713
preliminary assessments, using an assessment rate of twenty-five 68714
per cent. 68715

(3) In the case of a taxing district having a nuclear power 68716
plant within its territory, any amount, resulting in an electric 68717
company tax value loss, obtained by subtracting the amount 68718
described in division (D)(1) of this section from the difference 68719
obtained by subtracting the amount described in division (D)(3)(b) 68720
of this section from the amount described in division (D)(3)(a) of 68721
this section. 68722

(a) The value of electric company tangible personal property 68723
as assessed by the tax commissioner for tax year 2000 on a 68724
preliminary assessment, or an amended preliminary assessment if 68725
issued prior to March 1, 2001, and as apportioned to the taxing 68726
district for tax year 2000; 68727

(b) The value of electric company tangible personal property 68728
as assessed by the tax commissioner for tax year 2001 on a 68729
preliminary assessment, or an amended preliminary assessment if 68730
issued prior to March 1, 2002, and as apportioned to the taxing 68731
district for tax year 2001. 68732

(4) In the case of a taxing district having a nuclear power 68733
plant within its territory, the difference obtained by subtracting 68734
the amount described in division (D)(4)(b) of this section from 68735

the amount described in division (D)(4)(a) of this section, 68736
provided that such difference is greater than ten per cent of the 68737
amount described in division (D)(4)(a) of this section. 68738

(a) The value of electric company tangible personal property 68739
as assessed by the tax commissioner for tax year 2005 on a 68740
preliminary assessment, or an amended preliminary assessment if 68741
issued prior to March 1, 2006, and as apportioned to the taxing 68742
district for tax year 2005; 68743

(b) The value of electric company tangible personal property 68744
as assessed by the tax commissioner for tax year 2006 on a 68745
preliminary assessment, or an amended preliminary assessment if 68746
issued prior to March 1, 2007, and as apportioned to the taxing 68747
district for tax year 2006. 68748

(E) Not later than January 1, 2002, the tax commissioner 68749
shall determine for each taxing district its natural gas company 68750
tax value loss, which is the sum of the amounts described in 68751
divisions (E)(1) and (2) of this section: 68752

(1) The difference obtained by subtracting the amount 68753
described in division (E)(1)(b) from the amount described in 68754
division (E)(1)(a) of this section. 68755

(a) The value of all natural gas company tangible personal 68756
property, other than property described in division (E)(2) of this 68757
section, as assessed by the tax commissioner for tax year 1999 on 68758
a preliminary assessment, or an amended preliminary assessment if 68759
issued prior to March 1, 2000, and apportioned to the taxing 68760
district for tax year 1999; 68761

(b) The value of all natural gas company tangible personal 68762
property, other than property described in division (E)(2) of this 68763
section, as assessed by the tax commissioner for tax year 1999 had 68764
the property been apportioned to the taxing district for tax year 68765
2001, and assessed at the rates in effect for tax year 2001. 68766

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas companies, electric companies, and rural electric companies file a report to help determine the tax value loss under divisions (D) and (E) of this section. The report shall be filed within thirty days of the commissioner's request. A company that fails to file the report or does not timely file the report is subject to the penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

(H) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss, which is the amount obtained by subtracting the amount described in division (H)(2) of this section from the amount described in

division (H)(1) of this section: 68798

(1) The sum of the electric company tax value loss multiplied 68799
by the tax rate in effect in tax year 1998, and the natural gas 68800
company tax value loss multiplied by the tax rate in effect in tax 68801
year 1999, for fixed-sum levies for all taxing districts within 68802
each school district, joint vocational school district, and local 68803
taxing unit. For the years 2002 through 2006, this computation 68804
shall include school district emergency levies that existed in 68805
1998 in the case of the electric company tax value loss, and 1999 68806
in the case of the natural gas company tax value loss, and all 68807
other fixed-sum levies that existed in 1998 in the case of the 68808
electric company tax value loss and 1999 in the case of the 68809
natural gas company tax value loss and continue to be charged in 68810
the tax year preceding the distribution year. For the years 2007 68811
through 2016 in the case of school district emergency levies, and 68812
for all years after 2006 in the case of all other fixed-sum 68813
levies, this computation shall exclude all fixed-sum levies that 68814
existed in 1998 in the case of the electric company tax value loss 68815
and 1999 in the case of the natural gas company tax value loss, 68816
but are no longer in effect in the tax year preceding the 68817
distribution year. For the purposes of this section, an emergency 68818
levy that existed in 1998 in the case of the electric company tax 68819
value loss, and 1999 in the case of the natural gas company tax 68820
value loss, continues to exist in a year beginning on or after 68821
January 1, 2007, but before January 1, 2017, if, in that year, the 68822
board of education levies a school district emergency levy for an 68823
annual sum at least equal to the annual sum levied by the board in 68824
tax year 1998 or 1999, respectively, less the amount of the 68825
payment certified under this division for 2002. 68826

(2) The total taxable value in tax year 1999 less the tax 68827
value loss in each school district, joint vocational school 68828
district, and local taxing unit multiplied by one-fourth of one 68829

mill. 68830

If the amount computed under division (H) of this section for 68831
any school district, joint vocational school district, or local 68832
taxing unit is greater than zero, that amount shall equal the 68833
fixed-sum levy loss reimbursed pursuant to division (F) of section 68834
5727.85 of the Revised Code or division (A)(2) of section 5727.86 68835
of the Revised Code, and the one-fourth of one mill that is 68836
subtracted under division (H)(2) of this section shall be 68837
apportioned among all contributing fixed-sum levies in the 68838
proportion of each levy to the sum of all fixed-sum levies within 68839
each school district, joint vocational school district, or local 68840
taxing unit. 68841

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 68842
section, in computing the tax value loss, fixed-rate levy loss, 68843
and fixed-sum levy loss, the tax commissioner shall use the 68844
greater of the 1998 tax rate or the 1999 tax rate in the case of 68845
levy losses associated with the electric company tax value loss, 68846
but the 1999 tax rate shall not include for this purpose any tax 68847
levy approved by the voters after June 30, 1999, and the tax 68848
commissioner shall use the greater of the 1999 or the 2000 tax 68849
rate in the case of levy losses associated with the natural gas 68850
company tax value loss. 68851

(J) Not later than January 1, 2002, the tax commissioner 68852
shall certify to the department of education the tax value loss 68853
determined under divisions (D) and (E) of this section for each 68854
taxing district, the fixed-rate levy loss calculated under 68855
division (G) of this section, and the fixed-sum levy loss 68856
calculated under division (H) of this section. The calculations 68857
under divisions (G) and (H) of this section shall separately 68858
display the levy loss for each levy eligible for reimbursement. 68859

(K) Not later than September 1, 2001, the tax commissioner 68860
shall certify the amount of the fixed-sum levy loss to the county 68861

auditor of each county in which a school district with a fixed-sum 68862
levy loss has territory. 68863

Sec. 5727.85. ~~(A)~~ No determinations, computations, 68864
certifications, or payments shall be made under this section after 68865
June 30, 2015. 68866

(A) By the thirty-first day of July of each year, beginning 68867
in 2002 and ending in 2010, the department of education shall 68868
determine the following for each school district and each joint 68869
vocational school district: 68870

(1) The state education aid offset, which, except as provided 68871
in division (A)(1)(c) of this section, is the difference obtained 68872
by subtracting the amount described in division (A)(1)(b) of this 68873
section from the amount described in division (A)(1)(a) of this 68874
section: 68875

(a) The state education aid computed for the school district 68876
or joint vocational school district for the current fiscal year as 68877
of the thirty-first day of July; 68878

(b) The state education aid that would be computed for the 68879
school district or joint vocational school district for the 68880
current fiscal year as of the thirty-first day of July if the 68881
recognized valuation included the tax value loss for the school 68882
district or joint vocational school district; 68883

(c) The state education aid offset for fiscal year 2010 and 68884
fiscal year 2011 equals the greater of the state education aid 68885
offset calculated for that fiscal year under divisions (A)(1)(a) 68886
and (b) of this section or the state education aid offset 68887
calculated for fiscal year 2009. 68888

(2) For fiscal years 2008 through 2011, the greater of zero 68889
or the difference obtained by subtracting the state education aid 68890
offset determined under division (A)(1) of this section from the 68891

fixed-rate levy loss certified under division (J) of section 68892
5727.84 of the Revised Code for all taxing districts in each 68893
school district and joint vocational school district. 68894

By the fifth day of August of each such year, the department 68895
of education shall certify the amount so determined under division 68896
(A)(1) of this section to the director of budget and management. 68897

(B) Not later than the thirty-first day of October of the 68898
years 2006 through 2010, the department of education shall 68899
determine all of the following for each school district: 68900

(1) The amount obtained by subtracting the district's state 68901
education aid computed for fiscal year 2002 from the district's 68902
state education aid computed for the current fiscal year as of the 68903
fifteenth day of July, by including in the definition of 68904
recognized valuation the machinery and equipment, inventory, 68905
furniture and fixtures, and telephone property tax value losses, 68906
as defined in section 5751.20 of the Revised Code, for the school 68907
district or joint vocational school district for the preceding tax 68908
year; 68909

(2) The inflation-adjusted property tax loss. The 68910
inflation-adjusted property tax loss equals the fixed-rate levy 68911
loss, excluding the tax loss from levies within the ten-mill 68912
limitation to pay debt charges, determined under division ~~(C)~~(D) 68913
of section 5727.84 of the Revised Code for all taxing districts in 68914
each school district, plus the product obtained by multiplying 68915
that loss by the cumulative percentage increase in the consumer 68916
price index from January 1, 2002, to the thirtieth day of June of 68917
the current year. 68918

(3) The difference obtained by subtracting the amount 68919
computed under division (B)(1) from the amount of the 68920
inflation-adjusted property tax loss. If this difference is zero 68921
or a negative number, no further payments shall be made under 68922

division (C) of this section to the school district from the 68923
school district property tax replacement fund. 68924

(C) Beginning in 2002 for school districts and beginning in 68925
August 2011 for joint vocational school districts, the department 68926
of education shall pay from the school district property tax 68927
replacement fund to each school district all of the following: 68928

(1) In February 2002, one-half of the fixed-rate levy loss 68929
certified under division ~~(F)~~(G) of section 5727.84 of the Revised 68930
Code between the twenty-first and twenty-eighth days of February. 68931

(2) From August 2002 through February 2011, one-half of the 68932
amount calculated for that fiscal year under division (A)(2) of 68933
this section between the twenty-first and twenty-eighth days of 68934
August and of February, provided the difference computed under 68935
division (B)(3) of this section is not less than or equal to zero. 68936

(3) For fiscal years 2012 and thereafter, the sum of the 68937
amounts in divisions (C)(3)(a) or (b) and (c) of this section 68938
shall be paid on or before the thirty-first day of August and the 68939
twenty-eighth day of February: 68940

(a) If the ratio of 2011 current expense S.B. 3 allocation to 68941
total resources is equal to or less than the threshold per cent, 68942
zero; 68943

(b) If the ratio of 2011 current expense S.B. 3 allocation to 68944
total resources is greater than the threshold per cent, fifty per 68945
cent of the difference of 2011 current expense S.B. 3 allocation 68946
minus the product of total resources multiplied by the threshold 68947
per cent; 68948

(c) Fifty per cent of the product of 2011 non-current expense 68949
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 68950
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 68951

The department of education shall report to each school 68952

district the apportionment of the payments among the school 68953
district's funds based on the certifications under division (J) of 68954
section 5727.84 of the Revised Code. 68955

(D) For taxes levied within the ten-mill limitation for debt 68956
purposes in tax year 1998 in the case of electric company tax 68957
value losses, and in tax year 1999 in the case of natural gas 68958
company tax value losses, payments shall be made equal to one 68959
hundred per cent of the loss computed as if the tax were a 68960
fixed-rate levy, but those payments shall extend from fiscal year 68961
2006 through fiscal year 2016. 68962

(E) Not later than January 1, 2002, for all taxing districts 68963
in each joint vocational school district, the tax commissioner 68964
shall certify to the department of education the fixed-rate levy 68965
loss determined under division (G) of section 5727.84 of the 68966
Revised Code. From February 2002 through February 2011, the 68967
department shall pay from the school district property tax 68968
replacement fund to the joint vocational school district one-half 68969
of the amount calculated for that fiscal year under division 68970
(A)(2) of this section between the twenty-first and twenty-eighth 68971
days of August and of February. 68972

(F)(1) Not later than January 1, 2002, for each fixed-sum 68973
levy levied by each school district or joint vocational school 68974
district and for each year for which a determination is made under 68975
division (H) of section 5727.84 of the Revised Code that a 68976
fixed-sum levy loss is to be reimbursed, the tax commissioner 68977
shall certify to the department of education the fixed-sum levy 68978
loss determined under that division. The certification shall cover 68979
a time period sufficient to include all fixed-sum levies for which 68980
the tax commissioner made such a determination. The department 68981
shall pay from the school district property tax replacement fund 68982
to the school district or joint vocational school district 68983
one-half of the fixed-sum levy loss so certified for each year 68984

between the twenty-first and twenty-eighth days of August and of 68985
February. 68986

(2) Beginning in 2003, by the thirty-first day of January of 68987
each year, the tax commissioner shall review the certification 68988
originally made under division (F)(1) of this section. If the 68989
commissioner determines that a debt levy that had been scheduled 68990
to be reimbursed in the current year has expired, a revised 68991
certification for that and all subsequent years shall be made to 68992
the department of education. 68993

(G) If the balance of the half-mill equalization fund created 68994
under section 3318.18 of the Revised Code is insufficient to make 68995
the full amount of payments required under division (D) of that 68996
section, the department of education, at the end of the third 68997
quarter of the fiscal year, shall certify to the director of 68998
budget and management the amount of the deficiency, and the 68999
director shall transfer an amount equal to the deficiency from the 69000
school district property tax replacement fund to the half-mill 69001
equalization fund. 69002

(H) Beginning in August 2002, and ending in May 2011, the 69003
director of budget and management shall transfer from the school 69004
district property tax replacement fund to the general revenue fund 69005
each of the following: 69006

(1) Between the twenty-eighth day of August and the fifth day 69007
of September, the lesser of one-half of the amount certified for 69008
that fiscal year under division (A)(2) of this section or the 69009
balance in the school district property tax replacement fund; 69010

(2) Between the first and fifth days of May, the lesser of 69011
one-half of the amount certified for that fiscal year under 69012
division (A)(2) of this section or the balance in the school 69013
district property tax replacement fund. 69014

(I) On the first day of June each year, the director of 69015

budget and management shall transfer any balance remaining in the 69016
school district property tax replacement fund after the payments 69017
have been made under divisions (C), (D), (E), (F), (G), and (H) of 69018
this section to the half-mill equalization fund created under 69019
section 3318.18 of the Revised Code to the extent required to make 69020
any payments in the current fiscal year under that section, and 69021
shall transfer the remaining balance to the general revenue fund. 69022

(J) After fiscal year 2002, if the total amount in the school 69023
district property tax replacement fund is insufficient to make all 69024
payments under divisions (C), (D), (E), (F), and (G) of this 69025
section at the time the payments are to be made, the director of 69026
budget and management shall transfer from the general revenue fund 69027
to the school district property tax replacement fund the 69028
difference between the total amount to be paid and the total 69029
amount in the school district property tax replacement fund, 69030
except that no transfer shall be made by reason of a deficiency to 69031
the extent that it results from the amendment of section 5727.84 69032
of the Revised Code by Amended Substitute House Bill No. 95 of the 69033
125th general assembly. 69034

(K) If all of the territory of a school district or joint 69035
vocational school district is merged with an existing district, or 69036
if a part of the territory of a school district or joint 69037
vocational school district is transferred to an existing or new 69038
district, the department of education, in consultation with the 69039
tax commissioner, shall adjust the payments made under this 69040
section as follows: 69041

(1) For the merger of all of the territory of two or more 69042
districts, the total resources, 2011 current expense S.B. 3 69043
allocation, total 2011 S.B. 3 allocation, 2011 non-current expense 69044
S.B. 3 allocation, and fixed-sum levy loss of the successor 69045
district shall be equal to the sum of the total resources, 2011 69046
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 69047

2011 non-current expense S.B. 3 allocation, and fixed-sum levy loss for each of the districts involved in the merger. 69048
69049

(2) For the transfer of a part of one district's territory to an existing district, the amount of the total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation that is transferred to the recipient district shall be an amount equal to the transferring district's total resources, 2011 current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current expense S.B. 3 allocation times a fraction, the numerator of which is the number of pupils being transferred to the recipient district, measured, in the case of a school district, by formula ADM as that term is defined in section 3317.02 of the Revised Code or, in the case of a joint vocational school district, by formula ADM as defined for a joint vocational school district in that section, and the denominator of which is the average daily membership or formula ADM of the transferor district. Fixed-sum levy losses for both districts shall be determined under division (K)(4) of this section. 69050
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(3) For the transfer of a part of the territory of one or more districts to create a new district: 69067
69068

(a) If the new district is created on or after January 1, 2000, but before January 1, 2005, the new district shall be paid its current fixed-rate levy loss through August 2009. In February 2010, August 2010, and February 2011, the new district shall be paid fifty per cent of the lesser of: (i) the amount calculated under division (C)(2) of this section or (ii) an amount equal to seventy per cent of the new district's fixed-rate levy loss. 69069
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Beginning in fiscal year 2012, the new district shall be paid as provided in division (C) of this section. 69076
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Fixed-sum levy losses for the districts shall be determined 69078

under division (K)(4) of this section. 69079

(b) If the new district is created on or after January 1, 69080
2005, the new district shall be deemed not to have any fixed-rate 69081
levy loss or, except as provided in division (K)(4) of this 69082
section, fixed-sum levy loss. The district or districts from which 69083
the territory was transferred shall have no reduction in their 69084
fixed-rate levy loss, or, except as provided in division (K)(4) of 69085
this section, their fixed-sum levy loss. 69086

(4) If a recipient district under division (K)(2) of this 69087
section or a new district under division (K)(3)(a) or (b) of this 69088
section takes on debt from one or more of the districts from which 69089
territory was transferred, and any of the districts transferring 69090
the territory had fixed-sum levy losses, the department of 69091
education, in consultation with the tax commissioner, shall make 69092
an equitable division of the fixed-sum levy losses. 69093

Sec. 5727.86. ~~(A) No determinations, computations,~~ 69094
certifications, or payments shall be made under this section after 69095
June 30, 2015. 69096

(A) The tax commissioner shall compute the payments to be 69097
made to each local taxing unit, and to each public library that 69098
receives the proceeds of a tax levied under section 5705.23 of the 69099
Revised Code, for each year according to divisions (A)(1), (2), 69100
(3), and (4) and division (E) of this section, and shall 69101
distribute the payments in the manner prescribed by division (C) 69102
of this section. The calculation of the fixed-sum levy loss shall 69103
cover a time period sufficient to include all fixed-sum levies for 69104
which the tax commissioner determined, pursuant to division (H) of 69105
section 5727.84 of the Revised Code, that a fixed-sum levy loss is 69106
to be reimbursed. 69107

(1) Except as provided in divisions (A)(3) and (4) of this 69108
section, the following amounts shall be paid on or before the 69109

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| thirty-first day of August and the twenty-eighth day of February: | 69110 |
| (a) For years 2002 through 2006, fifty per cent of the | 69111 |
| fixed-rate levy loss computed under division (G) of section | 69112 |
| 5727.84 of the Revised Code; | 69113 |
| (b) For years 2007 through 2010, forty per cent of the | 69114 |
| fixed-rate levy loss computed under division (G) of section | 69115 |
| 5727.84 of the Revised Code; | 69116 |
| (c) For the payment in 2011 to be made on or before the | 69117 |
| twentieth day of February, the amount required to be paid in 2010 | 69118 |
| on or before the twentieth day of February; | 69119 |
| (d) For the payment in 2011 to be made on or before the | 69120 |
| thirty-first day of August, the sum of the amounts in divisions | 69121 |
| (A)(1)(d)(i) or (ii) and (iii) of this section: | 69122 |
| (i) If the ratio of fifty per cent of the taxing unit's 2010 | 69123 |
| S.B. 3 allocation to its total resources is equal to or less than | 69124 |
| the threshold per cent, zero; | 69125 |
| (ii) If the ratio of fifty per cent of the taxing unit's 2010 | 69126 |
| S.B. 3 allocation to its total resources is greater than the | 69127 |
| threshold per cent, the difference of fifty per cent of the 2010 | 69128 |
| S.B. 3 allocation minus the product of total resources multiplied | 69129 |
| by the threshold per cent; | 69130 |
| (iii) In the case of a municipal corporation, fifty per cent | 69131 |
| of the product of its 2010 non-current expense S.B. 3 allocation | 69132 |
| multiplied by seventy-five per cent. | 69133 |
| (e) For 2012 and each year thereafter, the sum of the amounts | 69134 |
| in divisions (A)(1)(e)(i) or (ii) and (iii) of this section: | 69135 |
| (i) If the ratio of the taxing unit's 2010 S.B. 3 allocation | 69136 |
| to its total resources is equal to or less than the threshold per | 69137 |
| cent, zero; | 69138 |
| (ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation | 69139 |

to its total resources is greater than the threshold per cent, 69140
fifty per cent of the difference of the 2010 S.B. 3 allocation 69141
minus the product of total resources multiplied by the threshold 69142
per cent; 69143

(iii) In the case of a municipal corporation, fifty per cent 69144
of the product of its 2010 non-current expense S.B. 3 allocation 69145
multiplied by fifty per cent for year 2012 and by twenty-five per 69146
cent for years 2013 and thereafter. 69147

(f) For the payment in 2012 to be made to a public library on 69148
or before the thirty-first day of August and for all such payments 69149
to be made in 2013 and thereafter, the amount in division 69150
(A)(1)(f)(i) or (ii) of this section: 69151

(i) If the ratio of S.B. 3 allocation for library purposes to 69152
total library resources is equal to or less than the threshold per 69153
cent, zero; 69154

(ii) If the ratio of S.B. 3 allocation for library purposes 69155
to total library resources is greater than the threshold per cent, 69156
fifty per cent of the difference of the S.B. 3 allocation for 69157
library purposes minus the product of total library resources 69158
multiplied by the threshold per cent. 69159

(2) For fixed-sum levy losses determined under division (H) 69160
of section 5727.84 of the Revised Code, payments shall be made in 69161
the amount of one hundred per cent of the fixed-sum levy loss for 69162
payments required to be made in 2002 and thereafter. 69163

(3) A local taxing unit in a county of less than two hundred 69164
fifty square miles that receives eighty per cent or more of its 69165
combined general fund and bond retirement fund revenues from 69166
property taxes and rollbacks based on 1997 actual revenues as 69167
presented in its 1999 tax budget, and in which electric companies 69168
and rural electric companies comprise over twenty per cent of its 69169
property valuation, shall receive one hundred per cent of its 69170

fixed-rate levy losses from electric company tax value losses 69171
certified under division (A) of this section in years 2002 to 69172
2010. Beginning in 2011, payments for such local taxing units 69173
shall be determined under division (A)(1) of this section. 69174

(4) For taxes levied within the ten-mill limitation or 69175
pursuant to a municipal charter for debt purposes in tax year 1998 69176
in the case of electric company tax value losses, and in tax year 69177
1999 in the case of natural gas company tax value losses, payments 69178
shall be made equal to one hundred per cent of the loss computed 69179
as if the tax were a fixed-rate levy, but those payments shall 69180
extend from 2011 through 2016 if the levy was charged and payable 69181
for debt purposes in tax year 2010. If the levy is not charged and 69182
payable for debt purposes in tax year 2010 or any following tax 69183
year before tax year 2016, payments for that levy shall be made 69184
under division (A)(1) of this section beginning with the first 69185
year after the year the levy is charged and payable for a purpose 69186
other than debt. For the purposes of this division, taxes levied 69187
pursuant to a municipal charter refer to taxes levied pursuant to 69188
a provision of a municipal charter that permits the tax to be 69189
levied without prior voter approval. 69190

(B) Beginning in 2003, by the thirty-first day of January of 69191
each year, the tax commissioner shall review the calculation 69192
originally made under division (A) of this section of the 69193
fixed-sum levy loss determined under division (H) of section 69194
5727.84 of the Revised Code. If the commissioner determines that a 69195
fixed-sum levy that had been scheduled to be reimbursed in the 69196
current year has expired, a revised calculation for that and all 69197
subsequent years shall be made. 69198

(C) Payments to local taxing units and public libraries 69199
required to be made under divisions (A) and (E) of this section 69200
shall be paid from the local government property tax replacement 69201
fund to the county undivided income tax fund in the proper county 69202

treasury. The county treasurer shall distribute amounts paid under 69203
division (A) of this section to the proper local taxing unit or 69204
public library as if they had been levied and collected as taxes, 69205
and the local taxing unit or public library shall apportion the 69206
amounts so received among its funds in the same proportions as if 69207
those amounts had been levied and collected as taxes. Except in 69208
the case of amounts distributed to the county as a local taxing 69209
unit, amounts distributed under division (E)(2) of this section 69210
shall be credited to the general fund of the local taxing unit 69211
that receives them. Amounts distributed to each county as a local 69212
taxing unit under division (E)(2) of this section shall be 69213
credited in the proportion that the current taxes charged and 69214
payable from each levy of or by the county bears to the total 69215
current taxes charged and payable from all levies of or by the 69216
county. 69217

(D) By February 5, 2002, the tax commissioner shall estimate 69218
the amount of money in the local government property tax 69219
replacement fund in excess of the amount necessary to make 69220
payments in that month under division (C) of this section. 69221
Notwithstanding division (A) of this section, the tax commissioner 69222
may pay any local taxing unit, from those excess funds, nine and 69223
four-tenths times the amount computed for 2002 under division 69224
(A)(1) of this section. A payment made under this division shall 69225
be in lieu of the payment to be made in February 2002 under 69226
division (A)(1) of this section. A local taxing unit receiving a 69227
payment under this division will no longer be entitled to any 69228
further payments under division (A)(1) of this section. A payment 69229
made under this division shall be paid from the local government 69230
property tax replacement fund to the county undivided income tax 69231
fund in the proper county treasury. The county treasurer shall 69232
distribute the payment to the proper local taxing unit as if it 69233
had been levied and collected as taxes, and the local taxing unit 69234
shall apportion the amounts so received among its funds in the 69235

same proportions as if those amounts had been levied and collected 69236
as taxes. 69237

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 69238
2005, and 2006, and on the thirty-first day of January and July of 69239
2007 through January 2011, if the amount credited to the local 69240
government property tax replacement fund exceeds the amount needed 69241
to be distributed from the fund under division (A) of this section 69242
in the following month, the tax commissioner shall distribute the 69243
excess to each county as follows: 69244

(a) One-half shall be distributed to each county in 69245
proportion to each county's population. 69246

(b) One-half shall be distributed to each county in the 69247
proportion that the amounts determined under divisions (G) and (H) 69248
of section 5727.84 of the Revised Code for all local taxing units 69249
in the county is of the total amounts so determined for all local 69250
taxing units in the state. 69251

(2) The amounts distributed to each county under division (E) 69252
of this section shall be distributed by the county auditor to each 69253
local taxing unit in the county in the proportion that the unit's 69254
current taxes charged and payable are of the total current taxes 69255
charged and payable of all the local taxing units in the county. 69256
If the amount that the county auditor determines to be distributed 69257
to a local taxing unit is less than five dollars, that amount 69258
shall not be distributed, and the amount not distributed shall 69259
remain credited to the county undivided income tax fund. At the 69260
time of the next distribution under division (E)(2) of this 69261
section, any amount that had not been distributed in the prior 69262
distribution shall be added to the amount available for the next 69263
distribution prior to calculation of the amount to be distributed. 69264
As used in this division, "current taxes charged and payable" 69265
means the taxes charged and payable as most recently determined 69266
for local taxing units in the county. 69267

After January 2011, any amount that exceeds the amount needed 69268
to be distributed from the fund under division (A) of this section 69269
in the following month shall be transferred to the general revenue 69270
fund. 69271

(F) If the total amount in the local government property tax 69272
replacement fund is insufficient to make all payments under 69273
division (C) of this section at the times the payments are to be 69274
made, the director of budget and management shall transfer from 69275
the general revenue fund to the local government property tax 69276
replacement fund the difference between the total amount to be 69277
paid and the amount in the local government property tax 69278
replacement fund, except that no transfer shall be made by reason 69279
of a deficiency to the extent that it results from the amendment 69280
of section 5727.84 of the Revised Code by Amended Substitute House 69281
Bill 95 of the 125th general assembly. 69282

(G) If all or a part of the territories of two or more local 69283
taxing units are merged, or unincorporated territory of a township 69284
is annexed by a municipal corporation, the tax commissioner shall 69285
adjust the payments made under this section to each of the local 69286
taxing units in proportion to the square mileage apportioned to 69287
the merged or annexed territory, or as otherwise provided by a 69288
written agreement between the legislative authorities of the local 69289
taxing units certified to the tax commissioner not later than the 69290
first day of June of the calendar year in which the payment is to 69291
be made. 69292

Sec. 5729.98. (A) To provide a uniform procedure for 69293
calculating the amount of tax due under this chapter, a taxpayer 69294
shall claim any credits and offsets against tax liability to which 69295
it is entitled in the following order: 69296

(1) The credit for an insurance company or insurance company 69297
group under section 5729.031 of the Revised Code; 69298

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| (2) The credit for eligible employee training costs under section 5729.07 of the Revised Code; | 69299 69300 |
| (3) The credit for purchases of qualified low-income community investments under section 5729.16 of the Revised Code; | 69301 69302 |
| (4) The nonrefundable job retention credit under division (B) (1) of section 122.171 of the Revised Code; | 69303 69304 |
| (5) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code; | 69305 69306 69307 |
| (6) The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code. | 69308 69309 |
| (7) The refundable credit for Ohio job retention under <u>former</u> division (B)(2) or (3) of section 122.171 of the Revised Code <u>as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;</u> | 69310 69311 69312 69313 69314 |
| (8) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code; | 69315 69316 |
| (9) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. | 69317 69318 69319 69320 |
| (B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. | 69321 69322 69323 69324 69325 69326 69327 69328 |

Sec. 5733.0610. (A) A refundable corporation franchise tax credit granted by the tax credit authority under section 122.17 or former division (B)(2) or (3) of section 122.171 of the Revised Code, as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly, may be claimed under this chapter in the order required under section 5733.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the tax year. The refundable credit shall not be claimed for any tax years following the calendar year in which a relocation of employment positions occurs in violation of an agreement entered into under section 122.17 or 122.171 of the Revised Code.

(B) A nonrefundable corporation franchise tax credit granted by the tax credit authority under division (B)~~(1)~~ of section 122.171 of the Revised Code may be claimed under this chapter in the order required under section 5733.98 of the Revised Code.

Sec. 5735.40. (A) As used in this section:

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

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

(B) Except as provided in division (B)(6) of section 5739.02 of the Revised Code when levying the tax imposed by that section in conjunction with sections 5739.021, 5739.023, 5739.024, 5739.026, 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, or as provided in section 5739.101 of the Revised

Code, no political subdivision shall levy or collect any excise, 69359
license, privilege, or occupational tax on alternative fuel or on 69360
the buying, selling, handling, or consuming of alternative fuel. 69361

Sec. 5736.50. (A) A taxpayer granted a credit by the tax 69362
credit authority under section 122.17 or former division (B)(2) or 69363
(3) of section 122.171 of the Revised Code, as those divisions 69364
existed before the effective date of the amendment of this section 69365
by H.B. 64 of the 131st general assembly, may claim a refundable 69366
credit against the tax imposed under this chapter. For the purpose 69367
of making tax payments under this chapter, taxes equal to the 69368
amount of the refundable credit shall be considered to be paid on 69369
the first day of the tax period. 69370

(B) A ~~taxpayer granted a nonrefundable~~ credit granted by the 69371
tax credit authority under division (B)(~~1~~) of section 122.171 of 69372
the Revised Code may ~~claim a nonrefundable tax credit~~ be claimed 69373
against the tax imposed under this chapter. 69374

(C) Credits authorized in division (A) or (B) of this section 69375
shall not be claimed for any tax period beginning after the date 69376
on which a relocation of employment positions occurs in violation 69377
of an agreement entered into under section 122.17 or 122.171 of 69378
the Revised Code. 69379

(D) A taxpayer may claim any unused portion of the credit 69380
authorized under division (B) of section 5751.50 of the Revised 69381
Code against the tax imposed under this chapter. No credit shall 69382
be allowed under this division if the credit was available against 69383
the tax imposed under section 5751.02 of the Revised Code except 69384
to the extent the credit was not applied against that tax. 69385

(E) The amount of a credit claimed under division (B) or (D) 69386
of this section shall not exceed the tax otherwise due for the tax 69387
period. If the credit allowed under division (B) or (D) of this 69388
section exceeds the tax otherwise due, the excess may be carried 69389

forward to the extent authorized by section 122.171 of the Revised Code. 69390
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If a taxpayer is authorized to claim credits under division (A) and either or both of divisions (B) and (D) of this section for the same tax period, the taxpayer shall claim the credit allowed under division (B) or (D) before the credit allowed under division (A) of this section. 69392
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Sec. 5739.01. As used in this chapter: 69397

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form. 69398
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(B) "Sale" and "selling" include all of the following transactions for a consideration in any manner, whether absolutely or conditionally, whether for a price or rental, in money or by exchange, and by any means whatsoever: 69403
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(1) All transactions by which title or possession, or both, of tangible personal property, is or is to be transferred, or a license to use or consume tangible personal property is or is to be granted; 69407
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(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests; 69411
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(3) All transactions by which: 69413

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code; 69414
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(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code 69417
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or property that is or is to be incorporated into and will become 69420
a part of a production, transmission, transportation, or 69421
distribution system for the delivery of a public utility service; 69422

(c) The service of washing, cleaning, waxing, polishing, or 69423
painting a motor vehicle is or is to be furnished; 69424

(d) Until August 1, 2003, industrial laundry cleaning 69425
services are or are to be provided and, on and after August 1, 69426
2003, laundry and dry cleaning services are or are to be provided; 69427

(e) Automatic data processing, computer services, or 69428
electronic information services are or are to be provided for use 69429
in business when the true object of the transaction is the receipt 69430
by the consumer of automatic data processing, computer services, 69431
or electronic information services rather than the receipt of 69432
personal or professional services to which automatic data 69433
processing, computer services, or electronic information services 69434
are incidental or supplemental. Notwithstanding any other 69435
provision of this chapter, such transactions that occur between 69436
members of an affiliated group are not sales. An "affiliated 69437
group" means two or more persons related in such a way that one 69438
person owns or controls the business operation of another member 69439
of the group. In the case of corporations with stock, one 69440
corporation owns or controls another if it owns more than fifty 69441
per cent of the other corporation's common stock with voting 69442
rights. 69443

(f) Telecommunications service, including prepaid calling 69444
service, prepaid wireless calling service, or ancillary service, 69445
is or is to be provided, but not including coin-operated telephone 69446
service; 69447

(g) Landscaping and lawn care service is or is to be 69448
provided; 69449

(h) Private investigation and security service is or is to be 69450

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| provided; | 69451 |
| (i) Information services or tangible personal property is provided or ordered by means of a nine hundred telephone call; | 69452 69453 |
| (j) Building maintenance and janitorial service is or is to be provided; | 69454 69455 |
| (k) Employment service is or is to be provided; | 69456 |
| (l) Employment placement service is or is to be provided; | 69457 |
| (m) Exterminating service is or is to be provided; | 69458 |
| (n) Physical fitness facility service is or is to be provided; | 69459 69460 |
| (o) Recreation and sports club service is or is to be provided; | 69461 69462 |
| (p) On and after August 1, 2003, satellite broadcasting service is or is to be provided; | 69463 69464 |
| (q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair. | 69465 69466 69467 69468 69469 69470 69471 69472 |
| (r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102; | 69473 69474 69475 69476 69477 69478 69479 69480 |

(s) On and after August 1, 2003, motor vehicle towing service 69481
is or is to be provided. As used in this division, "motor vehicle 69482
towing service" means the towing or conveyance of a wrecked, 69483
disabled, or illegally parked motor vehicle. 69484

(t) On and after August 1, 2003, snow removal service is or 69485
is to be provided. As used in this division, "snow removal 69486
service" means the removal of snow by any mechanized means, but 69487
does not include the providing of such service by a person that 69488
has less than five thousand dollars in sales of such service 69489
during the calendar year. 69490

(u) Electronic publishing service is or is to be provided to 69491
a consumer for use in business, except that such transactions 69492
occurring between members of an affiliated group, as defined in 69493
division (B)(3)(e) of this section, are not sales. 69494

(4) All transactions by which printed, imprinted, 69495
overprinted, lithographic, multilithic, blueprinted, photostatic, 69496
or other productions or reproductions of written or graphic matter 69497
are or are to be furnished or transferred; 69498

(5) The production or fabrication of tangible personal 69499
property for a consideration for consumers who furnish either 69500
directly or indirectly the materials used in the production of 69501
fabrication work; and include the furnishing, preparing, or 69502
serving for a consideration of any tangible personal property 69503
consumed on the premises of the person furnishing, preparing, or 69504
serving such tangible personal property. Except as provided in 69505
section 5739.03 of the Revised Code, a construction contract 69506
pursuant to which tangible personal property is or is to be 69507
incorporated into a structure or improvement on and becoming a 69508
part of real property is not a sale of such tangible personal 69509
property. The construction contractor is the consumer of such 69510
tangible personal property, provided that the sale and 69511
installation of carpeting, the sale and installation of 69512

agricultural land tile, the sale and erection or installation of 69513
portable grain bins, or the provision of landscaping and lawn care 69514
service and the transfer of property as part of such service is 69515
never a construction contract. 69516

As used in division (B)(5) of this section: 69517

(a) "Agricultural land tile" means fired clay or concrete 69518
tile, or flexible or rigid perforated plastic pipe or tubing, 69519
incorporated or to be incorporated into a subsurface drainage 69520
system appurtenant to land used or to be used primarily in 69521
production by farming, agriculture, horticulture, or floriculture. 69522
The term does not include such materials when they are or are to 69523
be incorporated into a drainage system appurtenant to a building 69524
or structure even if the building or structure is used or to be 69525
used in such production. 69526

(b) "Portable grain bin" means a structure that is used or to 69527
be used by a person engaged in farming or agriculture to shelter 69528
the person's grain and that is designed to be disassembled without 69529
significant damage to its component parts. 69530

(6) All transactions in which all of the shares of stock of a 69531
closely held corporation are transferred, or an ownership interest 69532
in a pass-through entity, as defined in section 5733.04 of the 69533
Revised Code, is transferred, if the corporation or pass-through 69534
entity is not engaging in business and its entire assets consist 69535
of boats, planes, motor vehicles, or other tangible personal 69536
property operated primarily for the use and enjoyment of the 69537
shareholders or owners; 69538

(7) All transactions in which a warranty, maintenance or 69539
service contract, or similar agreement by which the vendor of the 69540
warranty, contract, or agreement agrees to repair or maintain the 69541
tangible personal property of the consumer is or is to be 69542
provided; 69543

(8) The transfer of copyrighted motion picture films used 69544
solely for advertising purposes, except that the transfer of such 69545
films for exhibition purposes is not a sale; 69546

(9) On and after August 1, 2003, all transactions by which 69547
tangible personal property is or is to be stored, except such 69548
property that the consumer of the storage holds for sale in the 69549
regular course of business; 69550

(10) All transactions in which "guaranteed auto protection" 69551
is provided whereby a person promises to pay to the consumer the 69552
difference between the amount the consumer receives from motor 69553
vehicle insurance and the amount the consumer owes to a person 69554
holding title to or a lien on the consumer's motor vehicle in the 69555
event the consumer's motor vehicle suffers a total loss under the 69556
terms of the motor vehicle insurance policy or is stolen and not 69557
recovered, if the protection and its price are included in the 69558
purchase or lease agreement; 69559

(11)(a) Except as provided in division (B)(11)(b) of this 69560
section, on and after October 1, 2009, all transactions by which 69561
health care services are paid for, reimbursed, provided, 69562
delivered, arranged for, or otherwise made available by a medicaid 69563
health insuring corporation pursuant to the corporation's contract 69564
with the state. 69565

(b) If the centers for medicare and medicaid services of the 69566
United States department of health and human services determines 69567
that the taxation of transactions described in division (B)(11)(a) 69568
of this section constitutes an impermissible health care-related 69569
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 69570
1396b(w), and regulations adopted thereunder, the medicaid 69571
director shall notify the tax commissioner of that determination. 69572
Beginning with the first day of the month following that 69573
notification, the transactions described in division (B)(11)(a) of 69574
this section are not sales for the purposes of this chapter or 69575

Chapter 5741. of the Revised Code. The tax commissioner shall 69576
order that the collection of taxes under sections 5739.02, 69577
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 69578
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code shall 69579
cease for transactions occurring on or after that date. 69580

(12) All transactions by which a specified digital product is 69581
provided for permanent use or less than permanent use, regardless 69582
of whether continued payment is required. 69583

Except as provided in this section, "sale" and "selling" do 69584
not include transfers of interest in leased property where the 69585
original lessee and the terms of the original lease agreement 69586
remain unchanged, or professional, insurance, or personal service 69587
transactions that involve the transfer of tangible personal 69588
property as an inconsequential element, for which no separate 69589
charges are made. 69590

(C) "Vendor" means the person providing the service or by 69591
whom the transfer effected or license given by a sale is or is to 69592
be made or given and, for sales described in division (B)(3)(i) of 69593
this section, the telecommunications service vendor that provides 69594
the nine hundred telephone service; if two or more persons are 69595
engaged in business at the same place of business under a single 69596
trade name in which all collections on account of sales by each 69597
are made, such persons shall constitute a single vendor. 69598

Physicians, dentists, hospitals, and veterinarians who are 69599
engaged in selling tangible personal property as received from 69600
others, such as eyeglasses, mouthwashes, dentifrices, or similar 69601
articles, are vendors. Veterinarians who are engaged in 69602
transferring to others for a consideration drugs, the dispensing 69603
of which does not require an order of a licensed veterinarian or 69604
physician under federal law, are vendors. 69605

(D)(1) "Consumer" means the person for whom the service is 69606

provided, to whom the transfer effected or license given by a sale 69607
is or is to be made or given, to whom the service described in 69608
division (B)(3)(f) or (i) of this section is charged, or to whom 69609
the admission is granted. 69610

(2) Physicians, dentists, hospitals, and blood banks operated 69611
by nonprofit institutions and persons licensed to practice 69612
veterinary medicine, surgery, and dentistry are consumers of all 69613
tangible personal property and services purchased by them in 69614
connection with the practice of medicine, dentistry, the rendition 69615
of hospital or blood bank service, or the practice of veterinary 69616
medicine, surgery, and dentistry. In addition to being consumers 69617
of drugs administered by them or by their assistants according to 69618
their direction, veterinarians also are consumers of drugs that 69619
under federal law may be dispensed only by or upon the order of a 69620
licensed veterinarian or physician, when transferred by them to 69621
others for a consideration to provide treatment to animals as 69622
directed by the veterinarian. 69623

(3) A person who performs a facility management, or similar 69624
service contract for a contractee is a consumer of all tangible 69625
personal property and services purchased for use in connection 69626
with the performance of such contract, regardless of whether title 69627
to any such property vests in the contractee. The purchase of such 69628
property and services is not subject to the exception for resale 69629
under division (E)(1) of this section. 69630

(4)(a) In the case of a person who purchases printed matter 69631
for the purpose of distributing it or having it distributed to the 69632
public or to a designated segment of the public, free of charge, 69633
that person is the consumer of that printed matter, and the 69634
purchase of that printed matter for that purpose is a sale. 69635

(b) In the case of a person who produces, rather than 69636
purchases, printed matter for the purpose of distributing it or 69637
having it distributed to the public or to a designated segment of 69638

the public, free of charge, that person is the consumer of all 69639
tangible personal property and services purchased for use or 69640
consumption in the production of that printed matter. That person 69641
is not entitled to claim exemption under division (B)(42)(f) of 69642
section 5739.02 of the Revised Code for any material incorporated 69643
into the printed matter or any equipment, supplies, or services 69644
primarily used to produce the printed matter. 69645

(c) The distribution of printed matter to the public or to a 69646
designated segment of the public, free of charge, is not a sale to 69647
the members of the public to whom the printed matter is 69648
distributed or to any persons who purchase space in the printed 69649
matter for advertising or other purposes. 69650

(5) A person who makes sales of any of the services listed in 69651
division (B)(3) of this section is the consumer of any tangible 69652
personal property used in performing the service. The purchase of 69653
that property is not subject to the resale exception under 69654
division (E)(1) of this section. 69655

(6) A person who engages in highway transportation for hire 69656
is the consumer of all packaging materials purchased by that 69657
person and used in performing the service, except for packaging 69658
materials sold by such person in a transaction separate from the 69659
service. 69660

(7) In the case of a transaction for health care services 69661
under division (B)(11) of this section, a medicaid health insuring 69662
corporation is the consumer of such services. The purchase of such 69663
services by a medicaid health insuring corporation is not subject 69664
to the exception for resale under division (E)(1) of this section 69665
or to the exemptions provided under divisions (B)(12), (18), (19), 69666
and (22) of section 5739.02 of the Revised Code. 69667

(E) "Retail sale" and "sales at retail" include all sales, 69668
except those in which the purpose of the consumer is to resell the 69669

thing transferred or benefit of the service provided, by a person 69670
engaging in business, in the form in which the same is, or is to 69671
be, received by the person. 69672

(F) "Business" includes any activity engaged in by any person 69673
with the object of gain, benefit, or advantage, either direct or 69674
indirect. "Business" does not include the activity of a person in 69675
managing and investing the person's own funds. 69676

(G) "Engaging in business" means commencing, conducting, or 69677
continuing in business, and liquidating a business when the 69678
liquidator thereof holds itself out to the public as conducting 69679
such business. Making a casual sale is not engaging in business. 69680

(H)(1)(a) "Price," except as provided in divisions (H)(2), 69681
(3), and (4) of this section, means the total amount of 69682
consideration, including cash, credit, property, and services, for 69683
which tangible personal property or services are sold, leased, or 69684
rented, valued in money, whether received in money or otherwise, 69685
without any deduction for any of the following: 69686

(i) The vendor's cost of the property sold; 69687

(ii) The cost of materials used, labor or service costs, 69688
interest, losses, all costs of transportation to the vendor, all 69689
taxes imposed on the vendor, including the tax imposed under 69690
Chapter 5751. of the Revised Code, and any other expense of the 69691
vendor; 69692

(iii) Charges by the vendor for any services necessary to 69693
complete the sale; 69694

(iv) On and after August 1, 2003, delivery charges. As used 69695
in this division, "delivery charges" means charges by the vendor 69696
for preparation and delivery to a location designated by the 69697
consumer of tangible personal property or a service, including 69698
transportation, shipping, postage, handling, crating, and packing. 69699

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| (v) Installation charges; | 69700 |
| (vi) Credit for any trade-in. | 69701 |
| (b) "Price" includes consideration received by the vendor | 69702 |
| from a third party, if the vendor actually receives the | 69703 |
| consideration from a party other than the consumer, and the | 69704 |
| consideration is directly related to a price reduction or discount | 69705 |
| on the sale; the vendor has an obligation to pass the price | 69706 |
| reduction or discount through to the consumer; the amount of the | 69707 |
| consideration attributable to the sale is fixed and determinable | 69708 |
| by the vendor at the time of the sale of the item to the consumer; | 69709 |
| and one of the following criteria is met: | 69710 |
| (i) The consumer presents a coupon, certificate, or other | 69711 |
| document to the vendor to claim a price reduction or discount | 69712 |
| where the coupon, certificate, or document is authorized, | 69713 |
| distributed, or granted by a third party with the understanding | 69714 |
| that the third party will reimburse any vendor to whom the coupon, | 69715 |
| certificate, or document is presented; | 69716 |
| (ii) The consumer identifies the consumer's self to the | 69717 |
| seller as a member of a group or organization entitled to a price | 69718 |
| reduction or discount. A preferred customer card that is available | 69719 |
| to any patron does not constitute membership in such a group or | 69720 |
| organization. | 69721 |
| (iii) The price reduction or discount is identified as a | 69722 |
| third party price reduction or discount on the invoice received by | 69723 |
| the consumer, or on a coupon, certificate, or other document | 69724 |
| presented by the consumer. | 69725 |
| (c) "Price" does not include any of the following: | 69726 |
| (i) Discounts, including cash, term, or coupons that are not | 69727 |
| reimbursed by a third party that are allowed by a vendor and taken | 69728 |
| by a consumer on a sale; | 69729 |

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor 69762
by a watercraft dealer licensed in accordance with section 69763
1547.543 of the Revised Code, in which another watercraft, 69764
watercraft and trailer, or outboard motor is accepted by the 69765
dealer as part of the consideration received, "price" has the same 69766
meaning as in division (H)(1) of this section, reduced by the 69767
credit afforded the consumer by the dealer for the watercraft, 69768
watercraft and trailer, or outboard motor received in trade. As 69769
used in this division, "watercraft" includes an outdrive unit 69770
attached to the watercraft. 69771

(4) In the case of transactions for health care services 69772
under division (B)(11) of this section, "price" means the amount 69773
of managed care premiums received each month by a medicaid health 69774
insuring corporation. 69775

(I) "Receipts" means the total amount of the prices of the 69776
sales of vendors, provided that the dollar value of gift cards 69777
distributed pursuant to an awards, loyalty, or promotional 69778
program, and cash discounts allowed and taken on sales at the time 69779
they are consummated are not included, minus any amount deducted 69780
as a bad debt pursuant to section 5739.121 of the Revised Code. 69781
"Receipts" does not include the sale price of property returned or 69782
services rejected by consumers when the full sale price and tax 69783
are refunded either in cash or by credit. 69784

(J) "Place of business" means any location at which a person 69785
engages in business. 69786

(K) "Premises" includes any real property or portion thereof 69787
upon which any person engages in selling tangible personal 69788
property at retail or making retail sales and also includes any 69789
real property or portion thereof designated for, or devoted to, 69790
use in conjunction with the business engaged in by such person. 69791

(L) "Casual sale" means a sale of an item of tangible 69792

personal property that was obtained by the person making the sale, 69793
through purchase or otherwise, for the person's own use and was 69794
previously subject to any state's taxing jurisdiction on its sale 69795
or use, and includes such items acquired for the seller's use that 69796
are sold by an auctioneer employed directly by the person for such 69797
purpose, provided the location of such sales is not the 69798
auctioneer's permanent place of business. As used in this 69799
division, "permanent place of business" includes any location 69800
where such auctioneer has conducted more than two auctions during 69801
the year. 69802

(M) "Hotel" means every establishment kept, used, maintained, 69803
advertised, or held out to the public to be a place where sleeping 69804
accommodations are offered to guests, in which five or more rooms 69805
are used for the accommodation of such guests, whether the rooms 69806
are in one or several structures, except as otherwise provided in 69807
division (G) of section 5739.09 of the Revised Code. 69808

(N) "Transient guests" means persons occupying a room or 69809
rooms for sleeping accommodations for less than thirty consecutive 69810
days. 69811

(O) "Making retail sales" means the effecting of transactions 69812
wherein one party is obligated to pay the price and the other 69813
party is obligated to provide a service or to transfer title to or 69814
possession of the item sold. "Making retail sales" does not 69815
include the preliminary acts of promoting or soliciting the retail 69816
sales, other than the distribution of printed matter which 69817
displays or describes and prices the item offered for sale, nor 69818
does it include delivery of a predetermined quantity of tangible 69819
personal property or transportation of property or personnel to or 69820
from a place where a service is performed. 69821

(P) "Used directly in the rendition of a public utility 69822
service" means that property that is to be incorporated into and 69823
will become a part of the consumer's production, transmission, 69824

transportation, or distribution system and that retains its 69825
classification as tangible personal property after such 69826
incorporation; fuel or power used in the production, transmission, 69827
transportation, or distribution system; and tangible personal 69828
property used in the repair and maintenance of the production, 69829
transmission, transportation, or distribution system, including 69830
only such motor vehicles as are specially designed and equipped 69831
for such use. Tangible personal property and services used 69832
primarily in providing highway transportation for hire are not 69833
used directly in the rendition of a public utility service. In 69834
this definition, "public utility" includes a citizen of the United 69835
States holding, and required to hold, a certificate of public 69836
convenience and necessity issued under 49 U.S.C. 41102. 69837

(Q) "Refining" means removing or separating a desirable 69838
product from raw or contaminated materials by distillation or 69839
physical, mechanical, or chemical processes. 69840

(R) "Assembly" and "assembling" mean attaching or fitting 69841
together parts to form a product, but do not include packaging a 69842
product. 69843

(S) "Manufacturing operation" means a process in which 69844
materials are changed, converted, or transformed into a different 69845
state or form from which they previously existed and includes 69846
refining materials, assembling parts, and preparing raw materials 69847
and parts by mixing, measuring, blending, or otherwise committing 69848
such materials or parts to the manufacturing process. 69849
"Manufacturing operation" does not include packaging. 69850

(T) "Fiscal officer" means, with respect to a regional 69851
transit authority, the secretary-treasurer thereof, and with 69852
respect to a county that is a transit authority, the fiscal 69853
officer of the county transit board if one is appointed pursuant 69854
to section 306.03 of the Revised Code or the county auditor if the 69855
board of county commissioners operates the county transit system. 69856

"Fiscal officer," with respect to a municipal corporation or township, has the same meaning as in section 5705.01 of the Revised Code. 69857
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(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau. 69860
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(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, ~~and~~ with respect to a county that is a transit authority, the board of county commissioners, with respect to a township, the board of township trustees, and, with respect to a municipal corporation, the legislative authority of the municipal corporation. 69870
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(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau. 69876
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(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration. 69883
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(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services 69886
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together with verification thereof, or providing access to 69888
computer equipment for the purpose of processing data. 69889

(b) "Computer services" means providing services consisting 69890
of specifying computer hardware configurations and evaluating 69891
technical processing characteristics, computer programming, and 69892
training of computer programmers and operators, provided in 69893
conjunction with and to support the sale, lease, or operation of 69894
taxable computer equipment or systems. 69895

(c) "Electronic information services" means providing access 69896
to computer equipment by means of telecommunications equipment for 69897
the purpose of either of the following: 69898

(i) Examining or acquiring data stored in or accessible to 69899
the computer equipment; 69900

(ii) Placing data into the computer equipment to be retrieved 69901
by designated recipients with access to the computer equipment. 69902

For transactions occurring on or after the effective date of 69903
the amendment of this section by H.B. 157 of the 127th general 69904
assembly, December 21, 2007, "electronic information services" 69905
does not include electronic publishing as defined in division 69906
(LLL) of this section. 69907

(d) "Automatic data processing, computer services, or 69908
electronic information services" shall not include personal or 69909
professional services. 69910

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 69911
section, "personal and professional services" means all services 69912
other than automatic data processing, computer services, or 69913
electronic information services, including but not limited to: 69914

(a) Accounting and legal services such as advice on tax 69915
matters, asset management, budgetary matters, quality control, 69916
information security, and auditing and any other situation where 69917

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| the service provider receives data or information and studies, | 69918 |
| alters, analyzes, interprets, or adjusts such material; | 69919 |
| (b) Analyzing business policies and procedures; | 69920 |
| (c) Identifying management information needs; | 69921 |
| (d) Feasibility studies, including economic and technical | 69922 |
| analysis of existing or potential computer hardware or software | 69923 |
| needs and alternatives; | 69924 |
| (e) Designing policies, procedures, and custom software for | 69925 |
| collecting business information, and determining how data should | 69926 |
| be summarized, sequenced, formatted, processed, controlled, and | 69927 |
| reported so that it will be meaningful to management; | 69928 |
| (f) Developing policies and procedures that document how | 69929 |
| business events and transactions are to be authorized, executed, | 69930 |
| and controlled; | 69931 |
| (g) Testing of business procedures; | 69932 |
| (h) Training personnel in business procedure applications; | 69933 |
| (i) Providing credit information to users of such information | 69934 |
| by a consumer reporting agency, as defined in the "Fair Credit | 69935 |
| Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or | 69936 |
| as hereafter amended, including but not limited to gathering, | 69937 |
| organizing, analyzing, recording, and furnishing such information | 69938 |
| by any oral, written, graphic, or electronic medium; | 69939 |
| (j) Providing debt collection services by any oral, written, | 69940 |
| graphic, or electronic means. | 69941 |
| The services listed in divisions (Y)(2)(a) to (j) of this | 69942 |
| section are not automatic data processing or computer services. | 69943 |
| (Z) "Highway transportation for hire" means the | 69944 |
| transportation of personal property belonging to others for | 69945 |
| consideration by any of the following: | 69946 |

(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

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| (b) Installation or maintenance of wiring or equipment on a customer's premises; | 69978 69979 |
| (c) Tangible personal property; | 69980 |
| (d) Advertising, including directory advertising; | 69981 |
| (e) Billing and collection services provided to third parties; | 69982 69983 |
| (f) Internet access service; | 69984 |
| (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; | 69985 69986 69987 69988 69989 69990 69991 69992 |
| (h) Ancillary service; | 69993 |
| (i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones. | 69994 69995 |
| (2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division: | 69996 69997 69998 69999 70000 |
| (a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge. | 70001 70002 70003 70004 70005 |
| (b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to | 70006 70007 |

individual calls on a customer's billing statement. 70008

(c) "Directory assistance" means an ancillary service of 70009
providing telephone number or address information. 70010

(d) "Vertical service" means an ancillary service that is 70011
offered in connection with one or more telecommunications 70012
services, which offers advanced calling features that allow 70013
customers to identify callers and manage multiple calls and call 70014
connections, including conference bridging service. 70015

(e) "Voice mail service" means an ancillary service that 70016
enables the customer to store, send, or receive recorded messages. 70017
"Voice mail service" does not include any vertical services that 70018
the customer may be required to have in order to utilize the voice 70019
mail service. 70020

(3) "900 service" means an inbound toll telecommunications 70021
service purchased by a subscriber that allows the subscriber's 70022
customers to call in to the subscriber's prerecorded announcement 70023
or live service, and which is typically marketed under the name 70024
"900 service" and any subsequent numbers designated by the federal 70025
communications commission. "900 service" does not include the 70026
charge for collection services provided by the seller of the 70027
telecommunications service to the subscriber, or services or 70028
products sold by the subscriber to the subscriber's customer. 70029

(4) "Prepaid calling service" means the right to access 70030
exclusively telecommunications services, which must be paid for in 70031
advance and which enables the origination of calls using an access 70032
number or authorization code, whether manually or electronically 70033
dialed, and that is sold in predetermined units or dollars of 70034
which the number declines with use in a known amount. 70035

(5) "Prepaid wireless calling service" means a 70036
telecommunications service that provides the right to utilize 70037
mobile telecommunications service as well as other 70038

non-telecommunications services, including the download of digital 70039
products delivered electronically, and content and ancillary 70040
services, that must be paid for in advance and that is sold in 70041
predetermined units or dollars of which the number declines with 70042
use in a known amount. 70043

(6) "Value-added non-voice data service" means a 70044
telecommunications service in which computer processing 70045
applications are used to act on the form, content, code, or 70046
protocol of the information or data primarily for a purpose other 70047
than transmission, conveyance, or routing. 70048

(7) "Coin-operated telephone service" means a 70049
telecommunications service paid for by inserting money into a 70050
telephone accepting direct deposits of money to operate. 70051

(8) "Customer" has the same meaning as in section 5739.034 of 70052
the Revised Code. 70053

(BB) "Laundry and dry cleaning services" means removing soil 70054
or dirt from towels, linens, articles of clothing, or other fabric 70055
items that belong to others and supplying towels, linens, articles 70056
of clothing, or other fabric items. "Laundry and dry cleaning 70057
services" does not include the provision of self-service 70058
facilities for use by consumers to remove soil or dirt from 70059
towels, linens, articles of clothing, or other fabric items. 70060

(CC) "Magazines distributed as controlled circulation 70061
publications" means magazines containing at least twenty-four 70062
pages, at least twenty-five per cent editorial content, issued at 70063
regular intervals four or more times a year, and circulated 70064
without charge to the recipient, provided that such magazines are 70065
not owned or controlled by individuals or business concerns which 70066
conduct such publications as an auxiliary to, and essentially for 70067
the advancement of the main business or calling of, those who own 70068
or control them. 70069

(DD) "Landscaping and lawn care service" means the services 70070
of planting, seeding, sodding, removing, cutting, trimming, 70071
pruning, mulching, aerating, applying chemicals, watering, 70072
fertilizing, and providing similar services to establish, promote, 70073
or control the growth of trees, shrubs, flowers, grass, ground 70074
cover, and other flora, or otherwise maintaining a lawn or 70075
landscape grown or maintained by the owner for ornamentation or 70076
other nonagricultural purpose. However, "landscaping and lawn care 70077
service" does not include the providing of such services by a 70078
person who has less than five thousand dollars in sales of such 70079
services during the calendar year. 70080

(EE) "Private investigation and security service" means the 70081
performance of any activity for which the provider of such service 70082
is required to be licensed pursuant to Chapter 4749. of the 70083
Revised Code, or would be required to be so licensed in performing 70084
such services in this state, and also includes the services of 70085
conducting polygraph examinations and of monitoring or overseeing 70086
the activities on or in, or the condition of, the consumer's home, 70087
business, or other facility by means of electronic or similar 70088
monitoring devices. "Private investigation and security service" 70089
does not include special duty services provided by off-duty police 70090
officers, deputy sheriffs, and other peace officers regularly 70091
employed by the state or a political subdivision. 70092

(FF) "Information services" means providing conversation, 70093
giving consultation or advice, playing or making a voice or other 70094
recording, making or keeping a record of the number of callers, 70095
and any other service provided to a consumer by means of a nine 70096
hundred telephone call, except when the nine hundred telephone 70097
call is the means by which the consumer makes a contribution to a 70098
recognized charity. 70099

(GG) "Research and development" means designing, creating, or 70100
formulating new or enhanced products, equipment, or manufacturing 70101

processes, and also means conducting scientific or technological 70102
inquiry and experimentation in the physical sciences with the goal 70103
of increasing scientific knowledge which may reveal the bases for 70104
new or enhanced products, equipment, or manufacturing processes. 70105

(HH) "Qualified research and development equipment" means 70106
capitalized tangible personal property, and leased personal 70107
property that would be capitalized if purchased, used by a person 70108
primarily to perform research and development. Tangible personal 70109
property primarily used in testing, as defined in division (A)(4) 70110
of section 5739.011 of the Revised Code, or used for recording or 70111
storing test results, is not qualified research and development 70112
equipment unless such property is primarily used by the consumer 70113
in testing the product, equipment, or manufacturing process being 70114
created, designed, or formulated by the consumer in the research 70115
and development activity or in recording or storing such test 70116
results. 70117

(II) "Building maintenance and janitorial service" means 70118
cleaning the interior or exterior of a building and any tangible 70119
personal property located therein or thereon, including any 70120
services incidental to such cleaning for which no separate charge 70121
is made. However, "building maintenance and janitorial service" 70122
does not include the providing of such service by a person who has 70123
less than five thousand dollars in sales of such service during 70124
the calendar year. 70125

(JJ) "Employment service" means providing or supplying 70126
personnel, on a temporary or long-term basis, to perform work or 70127
labor under the supervision or control of another, when the 70128
personnel so provided or supplied receive their wages, salary, or 70129
other compensation from the provider or supplier of the employment 70130
service or from a third party that provided or supplied the 70131
personnel to the provider or supplier. "Employment service" does 70132
not include: 70133

- (1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser. 70134
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- (2) Medical and health care services. 70137
- (3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis. 70138
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- (4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section. 70142
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- (5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party. 70144
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- (KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position. 70149
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- (LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure. 70152
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- (MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or gymnasium, which entitles the member to use the facility for physical exercise. 70157
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(NN) "Recreation and sports club service" means all 70164
transactions by which a membership is granted, maintained, or 70165
renewed, including initiation fees, membership dues, renewal fees, 70166
monthly minimum fees, and other similar fees and dues, by a 70167
recreation and sports club, which entitles the member to use the 70168
facilities of the organization. "Recreation and sports club" means 70169
an organization that has ownership of, or controls or leases on a 70170
continuing, long-term basis, the facilities used by its members 70171
and includes an aviation club, gun or shooting club, yacht club, 70172
card club, swimming club, tennis club, golf club, country club, 70173
riding club, amateur sports club, or similar organization. 70174

(OO) "Livestock" means farm animals commonly raised for food, 70175
food production, or other agricultural purposes, including, but 70176
not limited to, cattle, sheep, goats, swine, poultry, and captive 70177
deer. "Livestock" does not include invertebrates, amphibians, 70178
reptiles, domestic pets, animals for use in laboratories or for 70179
exhibition, or other animals not commonly raised for food or food 70180
production. 70181

(PP) "Livestock structure" means a building or structure used 70182
exclusively for the housing, raising, feeding, or sheltering of 70183
livestock, and includes feed storage or handling structures and 70184
structures for livestock waste handling. 70185

(QQ) "Horticulture" means the growing, cultivation, and 70186
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 70187
and nursery stock. As used in this division, "nursery stock" has 70188
the same meaning as in section 927.51 of the Revised Code. 70189

(RR) "Horticulture structure" means a building or structure 70190
used exclusively for the commercial growing, raising, or 70191
overwintering of horticultural products, and includes the area 70192
used for stocking, storing, and packing horticultural products 70193
when done in conjunction with the production of those products. 70194

(SS) "Newspaper" means an unbound publication bearing a title or name that is regularly published, at least as frequently as biweekly, and distributed from a fixed place of business to the public in a specific geographic area, and that contains a substantial amount of news matter of international, national, or local events of interest to the general public.

(TT) "Professional racing team" means a person that employs at least twenty full-time employees for the purpose of conducting a motor vehicle racing business for profit. The person must conduct the business with the purpose of racing one or more motor racing vehicles in at least ten competitive professional racing events each year that comprise all or part of a motor racing series sanctioned by one or more motor racing sanctioning organizations. A "motor racing vehicle" means a vehicle for which the chassis, engine, and parts are designed exclusively for motor racing, and does not include a stock or production model vehicle that may be modified for use in racing. For the purposes of this division:

(1) A "competitive professional racing event" is a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations, at which aggregate cash prizes in excess of eight hundred thousand dollars are awarded to the competitors.

(2) "Full-time employee" means an individual who is employed for consideration for thirty-five or more hours a week, or who renders any other standard of service generally accepted by custom or specified by contract as full-time employment.

(UU)(1) "Lease" or "rental" means any transfer of the possession or control of tangible personal property for a fixed or indefinite term, for consideration. "Lease" or "rental" includes future options to purchase or extend, and agreements described in 26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where

the amount of consideration may be increased or decreased by 70227
reference to the amount realized upon the sale or disposition of 70228
the property. "Lease" or "rental" does not include: 70229

(a) A transfer of possession or control of tangible personal 70230
property under a security agreement or a deferred payment plan 70231
that requires the transfer of title upon completion of the 70232
required payments; 70233

(b) A transfer of possession or control of tangible personal 70234
property under an agreement that requires the transfer of title 70235
upon completion of required payments and payment of an option 70236
price that does not exceed the greater of one hundred dollars or 70237
one per cent of the total required payments; 70238

(c) Providing tangible personal property along with an 70239
operator for a fixed or indefinite period of time, if the operator 70240
is necessary for the property to perform as designed. For purposes 70241
of this division, the operator must do more than maintain, 70242
inspect, or set up the tangible personal property. 70243

(2) "Lease" and "rental," as defined in division (UU) of this 70244
section, shall not apply to leases or rentals that exist before 70245
June 26, 2003. 70246

(3) "Lease" and "rental" have the same meaning as in division 70247
(UU)(1) of this section regardless of whether a transaction is 70248
characterized as a lease or rental under generally accepted 70249
accounting principles, the Internal Revenue Code, Title XIII of 70250
the Revised Code, or other federal, state, or local laws. 70251

(VV) "Mobile telecommunications service" has the same meaning 70252
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 70253
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 70254
on and after August 1, 2003, includes related fees and ancillary 70255
services, including universal service fees, detailed billing 70256
service, directory assistance, service initiation, voice mail 70257

service, and vertical services, such as caller ID and three-way calling. 70258
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(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 70260
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(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service. 70262
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(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software. 70271
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(ZZ) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the consumer or at the direction of the consumer when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the consumer to the direct mail vendor for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address. 70277
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(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a 70287
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result based on a sequence of instructions. 70289

(BBB) "Computer software" means a set of coded instructions 70290
designed to cause a computer or automatic data processing 70291
equipment to perform a task. 70292

(CCC) "Delivered electronically" means delivery of computer 70293
software from the seller to the purchaser by means other than 70294
tangible storage media. 70295

(DDD) "Prewritten computer software" means computer software, 70296
including prewritten upgrades, that is not designed and developed 70297
by the author or other creator to the specifications of a specific 70298
purchaser. The combining of two or more prewritten computer 70299
software programs or prewritten portions thereof does not cause 70300
the combination to be other than prewritten computer software. 70301
"Prewritten computer software" includes software designed and 70302
developed by the author or other creator to the specifications of 70303
a specific purchaser when it is sold to a person other than the 70304
purchaser. If a person modifies or enhances computer software of 70305
which the person is not the author or creator, the person shall be 70306
deemed to be the author or creator only of such person's 70307
modifications or enhancements. Prewritten computer software or a 70308
prewritten portion thereof that is modified or enhanced to any 70309
degree, where such modification or enhancement is designed and 70310
developed to the specifications of a specific purchaser, remains 70311
prewritten computer software; provided, however, that where there 70312
is a reasonable, separately stated charge or an invoice or other 70313
statement of the price given to the purchaser for the modification 70314
or enhancement, the modification or enhancement shall not 70315
constitute prewritten computer software. 70316

(EEE)(1) "Food" means substances, whether in liquid, 70317
concentrated, solid, frozen, dried, or dehydrated form, that are 70318
sold for ingestion or chewing by humans and are consumed for their 70319
taste or nutritional value. "Food" does not include alcoholic 70320

beverages, dietary supplements, soft drinks, or tobacco. 70321

(2) As used in division (EEE)(1) of this section: 70322

(a) "Alcoholic beverages" means beverages that are suitable 70323
for human consumption and contain one-half of one per cent or more 70324
of alcohol by volume. 70325

(b) "Dietary supplements" means any product, other than 70326
tobacco, that is intended to supplement the diet and that is 70327
intended for ingestion in tablet, capsule, powder, softgel, 70328
gelcap, or liquid form, or, if not intended for ingestion in such 70329
a form, is not represented as conventional food for use as a sole 70330
item of a meal or of the diet; that is required to be labeled as a 70331
dietary supplement, identifiable by the "supplement facts" box 70332
found on the label, as required by 21 C.F.R. 101.36; and that 70333
contains one or more of the following dietary ingredients: 70334

(i) A vitamin; 70335

(ii) A mineral; 70336

(iii) An herb or other botanical; 70337

(iv) An amino acid; 70338

(v) A dietary substance for use by humans to supplement the 70339
diet by increasing the total dietary intake; 70340

(vi) A concentrate, metabolite, constituent, extract, or 70341
combination of any ingredient described in divisions 70342
(EEE)(2)(b)(i) to (v) of this section. 70343

(c) "Soft drinks" means nonalcoholic beverages that contain 70344
natural or artificial sweeteners. "Soft drinks" does not include 70345
beverages that contain milk or milk products, soy, rice, or 70346
similar milk substitutes, or that contains greater than fifty per 70347
cent vegetable or fruit juice by volume. 70348

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 70349
tobacco, or any other item that contains tobacco. 70350

(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.

(HHH) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

(III) "Mobility enhancing equipment" means equipment, including repair and replacement parts for such equipment, that is primarily and customarily used to provide or increase the ability to move from one place to another and is appropriate for use either in a home or a motor vehicle, that is not generally used by persons with normal mobility, and that does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer. "Mobility enhancing equipment" does not include durable medical equipment.

(JJJ) "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the human body to artificially replace a

missing portion of the body, prevent or correct physical deformity 70383
or malfunction, or support a weak or deformed portion of the body. 70384
As used in this division, "prosthetic device" does not include 70385
corrective eyeglasses, contact lenses, or dental prosthesis. 70386

(KKK)(1) "Fractional aircraft ownership program" means a 70387
program in which persons within an affiliated group sell and 70388
manage fractional ownership program aircraft, provided that at 70389
least one hundred airworthy aircraft are operated in the program 70390
and the program meets all of the following criteria: 70391

(a) Management services are provided by at least one program 70392
manager within an affiliated group on behalf of the fractional 70393
owners. 70394

(b) Each program aircraft is owned or possessed by at least 70395
one fractional owner. 70396

(c) Each fractional owner owns or possesses at least a 70397
one-sixteenth interest in at least one fixed-wing program 70398
aircraft. 70399

(d) A dry-lease aircraft interchange arrangement is in effect 70400
among all of the fractional owners. 70401

(e) Multi-year program agreements are in effect regarding the 70402
fractional ownership, management services, and dry-lease aircraft 70403
interchange arrangement aspects of the program. 70404

(2) As used in division (KKK)(1) of this section: 70405

(a) "Affiliated group" has the same meaning as in division 70406
(B)(3)(e) of this section. 70407

(b) "Fractional owner" means a person that owns or possesses 70408
at least a one-sixteenth interest in a program aircraft and has 70409
entered into the agreements described in division (KKK)(1)(e) of 70410
this section. 70411

(c) "Fractional ownership program aircraft" or "program 70412

aircraft" means a turbojet aircraft that is owned or possessed by 70413
a fractional owner and that has been included in a dry-lease 70414
aircraft interchange arrangement and agreement under divisions 70415
(KKK)(1)(d) and (e) of this section, or an aircraft a program 70416
manager owns or possesses primarily for use in a fractional 70417
aircraft ownership program. 70418

(d) "Management services" means administrative and aviation 70419
support services furnished under a fractional aircraft ownership 70420
program in accordance with a management services agreement under 70421
division (KKK)(1)(e) of this section, and offered by the program 70422
manager to the fractional owners, including, at a minimum, the 70423
establishment and implementation of safety guidelines; the 70424
coordination of the scheduling of the program aircraft and crews; 70425
program aircraft maintenance; program aircraft insurance; crew 70426
training for crews employed, furnished, or contracted by the 70427
program manager or the fractional owner; the satisfaction of 70428
record-keeping requirements; and the development and use of an 70429
operations manual and a maintenance manual for the fractional 70430
aircraft ownership program. 70431

(e) "Program manager" means the person that offers management 70432
services to fractional owners pursuant to a management services 70433
agreement under division (KKK)(1)(e) of this section. 70434

(LLL) "Electronic publishing" means providing access to one 70435
or more of the following primarily for business customers, 70436
including the federal government or a state government or a 70437
political subdivision thereof, to conduct research: news; 70438
business, financial, legal, consumer, or credit materials; 70439
editorials, columns, reader commentary, or features; photos or 70440
images; archival or research material; legal notices, identity 70441
verification, or public records; scientific, educational, 70442
instructional, technical, professional, trade, or other literary 70443
materials; or other similar information which has been gathered 70444

and made available by the provider to the consumer in an 70445
electronic format. Providing electronic publishing includes the 70446
functions necessary for the acquisition, formatting, editing, 70447
storage, and dissemination of data or information that is the 70448
subject of a sale. 70449

(MMM) "Medicaid health insuring corporation" means a health 70450
insuring corporation that holds a certificate of authority under 70451
Chapter 1751. of the Revised Code and is under contract with the 70452
department of job and family services pursuant to section 5111.17 70453
of the Revised Code. 70454

(NNN) "Managed care premium" means any premium, capitation, 70455
or other payment a medicaid health insuring corporation receives 70456
for providing or arranging for the provision of health care 70457
services to its members or enrollees residing in this state. 70458

(OOO) "Captive deer" means deer and other cervidae that have 70459
been legally acquired, or their offspring, that are privately 70460
owned for agricultural or farming purposes. 70461

(PPP) "Gift card" means a document, card, certificate, or 70462
other record, whether tangible or intangible, that may be redeemed 70463
by a consumer for a dollar value when making a purchase of 70464
tangible personal property or services. 70465

(QQQ) "Specified digital product" means an electronically 70466
transferred digital audiovisual work, digital audio work, or 70467
digital book. 70468

As used in division (QQQ) of this section: 70469

(1) "Digital audiovisual work" means a series of related 70470
images that, when shown in succession, impart an impression of 70471
motion, together with accompanying sounds, if any. 70472

(2) "Digital audio work" means a work that results from the 70473
fixation of a series of musical, spoken, or other sounds, 70474

including digitized sound files that are downloaded onto a device 70475
and that may be used to alert the customer with respect to a 70476
communication. 70477

(3) "Digital book" means a work that is generally recognized 70478
in the ordinary and usual sense as a book. 70479

(4) "Electronically transferred" means obtained by the 70480
purchaser by means other than tangible storage media. 70481

(RRR) "Territory of the tourism development district" means 70482
all of the area included within the territorial boundaries of a 70483
tourism development district. 70484

(SSS) "Tourism development district" means a district 70485
designated by a municipal corporation or township under section 70486
5739.50 of the Revised Code. 70487

Sec. 5739.02. For the purpose of providing revenue with which 70488
to meet the needs of the state, for the use of the general revenue 70489
fund of the state, for the purpose of securing a thorough and 70490
efficient system of common schools throughout the state, for the 70491
purpose of affording revenues, in addition to those from general 70492
property taxes, permitted under constitutional limitations, and 70493
from other sources, for the support of local governmental 70494
functions, and for the purpose of reimbursing the state for the 70495
expense of administering this chapter, an excise tax is hereby 70496
levied on each retail sale made in this state. 70497

(A)(1) The tax shall be collected as provided in section 70498
5739.025 of the Revised Code. The rate of the tax shall be five 70499
and three-fourths per cent. The tax applies and is collectible 70500
when the sale is made, regardless of the time when the price is 70501
paid or delivered. 70502

(2) In the case of the lease or rental, with a fixed term of 70503
more than thirty days or an indefinite term with a minimum period 70504

of more than thirty days, of any motor vehicles designed by the 70505
manufacturer to carry a load of not more than one ton, watercraft, 70506
outboard motor, or aircraft, or of any tangible personal property, 70507
other than motor vehicles designed by the manufacturer to carry a 70508
load of more than one ton, to be used by the lessee or renter 70509
primarily for business purposes, the tax shall be collected by the 70510
vendor at the time the lease or rental is consummated and shall be 70511
calculated by the vendor on the basis of the total amount to be 70512
paid by the lessee or renter under the lease agreement. If the 70513
total amount of the consideration for the lease or rental includes 70514
amounts that are not calculated at the time the lease or rental is 70515
executed, the tax shall be calculated and collected by the vendor 70516
at the time such amounts are billed to the lessee or renter. In 70517
the case of an open-end lease or rental, the tax shall be 70518
calculated by the vendor on the basis of the total amount to be 70519
paid during the initial fixed term of the lease or rental, and for 70520
each subsequent renewal period as it comes due. As used in this 70521
division, "motor vehicle" has the same meaning as in section 70522
4501.01 of the Revised Code, and "watercraft" includes an outdrive 70523
unit attached to the watercraft. 70524

A lease with a renewal clause and a termination penalty or 70525
similar provision that applies if the renewal clause is not 70526
exercised is presumed to be a sham transaction. In such a case, 70527
the tax shall be calculated and paid on the basis of the entire 70528
length of the lease period, including any renewal periods, until 70529
the termination penalty or similar provision no longer applies. 70530
The taxpayer shall bear the burden, by a preponderance of the 70531
evidence, that the transaction or series of transactions is not a 70532
sham transaction. 70533

(3) Except as provided in division (A)(2) of this section, in 70534
the case of a sale, the price of which consists in whole or in 70535
part of the lease or rental of tangible personal property, the tax 70536

shall be measured by the installments of that lease or rental. 70537

(4) In the case of a sale of a physical fitness facility 70538
service or recreation and sports club service, the price of which 70539
consists in whole or in part of a membership for the receipt of 70540
the benefit of the service, the tax applicable to the sale shall 70541
be measured by the installments thereof. 70542

(B) The tax does not apply to the following: 70543

(1) Sales to the state or any of its political subdivisions, 70544
or to any other state or its political subdivisions if the laws of 70545
that state exempt from taxation sales made to this state and its 70546
political subdivisions; 70547

(2) Sales of food for human consumption off the premises 70548
where sold; 70549

(3) Sales of food sold to students only in a cafeteria, 70550
dormitory, fraternity, or sorority maintained in a private, 70551
public, or parochial school, college, or university; 70552

(4) Sales of newspapers and sales or transfers of magazines 70553
distributed as controlled circulation publications; 70554

(5) The furnishing, preparing, or serving of meals without 70555
charge by an employer to an employee provided the employer records 70556
the meals as part compensation for services performed or work 70557
done; 70558

(6) Sales of motor fuel upon receipt, use, distribution, or 70559
sale of which in this state a tax is imposed by the law of this 70560
state, but this exemption shall not apply to the sale of motor 70561
fuel on which a refund of the tax is allowable under division (A) 70562
of section 5735.14 of the Revised Code; and the tax commissioner 70563
may deduct the amount of tax levied by this section applicable to 70564
the price of motor fuel when granting a refund of motor fuel tax 70565
pursuant to division (A) of section 5735.14 of the Revised Code 70566

and shall cause the amount deducted to be paid into the general revenue fund of this state;

(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;

(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;

(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt

sales may be made by a church or organization under division 70599
(B)(9)(a) of this section does not apply to sales made by student 70600
clubs and other groups of students of a primary or secondary 70601
school, or a parent-teacher association, booster group, or similar 70602
organization that raises money to support or fund curricular or 70603
extracurricular activities of a primary or secondary school. 70604

(c) Divisions (B)(9)(a) and (b) of this section do not apply 70605
to sales by a noncommercial educational radio or television 70606
broadcasting station. 70607

(10) Sales not within the taxing power of this state under 70608
the Constitution or laws of the United States or the Constitution 70609
of this state; 70610

(11) Except for transactions that are sales under division 70611
(B)(3)(r) of section 5739.01 of the Revised Code, the 70612
transportation of persons or property, unless the transportation 70613
is by a private investigation and security service; 70614

(12) Sales of tangible personal property or services to 70615
churches, to organizations exempt from taxation under section 70616
501(c)(3) of the Internal Revenue Code of 1986, and to any other 70617
nonprofit organizations operated exclusively for charitable 70618
purposes in this state, no part of the net income of which inures 70619
to the benefit of any private shareholder or individual, and no 70620
substantial part of the activities of which consists of carrying 70621
on propaganda or otherwise attempting to influence legislation; 70622
sales to offices administering one or more homes for the aged or 70623
one or more hospital facilities exempt under section 140.08 of the 70624
Revised Code; and sales to organizations described in division (D) 70625
of section 5709.12 of the Revised Code. 70626

"Charitable purposes" means the relief of poverty; the 70627
improvement of health through the alleviation of illness, disease, 70628
or injury; the operation of an organization exclusively for the 70629

provision of professional, laundry, printing, and purchasing 70630
services to hospitals or charitable institutions; the operation of 70631
a home for the aged, as defined in section 5701.13 of the Revised 70632
Code; the operation of a radio or television broadcasting station 70633
that is licensed by the federal communications commission as a 70634
noncommercial educational radio or television station; the 70635
operation of a nonprofit animal adoption service or a county 70636
humane society; the promotion of education by an institution of 70637
learning that maintains a faculty of qualified instructors, 70638
teaches regular continuous courses of study, and confers a 70639
recognized diploma upon completion of a specific curriculum; the 70640
operation of a parent-teacher association, booster group, or 70641
similar organization primarily engaged in the promotion and 70642
support of the curricular or extracurricular activities of a 70643
primary or secondary school; the operation of a community or area 70644
center in which presentations in music, dramatics, the arts, and 70645
related fields are made in order to foster public interest and 70646
education therein; the production of performances in music, 70647
dramatics, and the arts; or the promotion of education by an 70648
organization engaged in carrying on research in, or the 70649
dissemination of, scientific and technological knowledge and 70650
information primarily for the public. 70651

Nothing in this division shall be deemed to exempt sales to 70652
any organization for use in the operation or carrying on of a 70653
trade or business, or sales to a home for the aged for use in the 70654
operation of independent living facilities as defined in division 70655
(A) of section 5709.12 of the Revised Code. 70656

(13) Building and construction materials and services sold to 70657
construction contractors for incorporation into a structure or 70658
improvement to real property under a construction contract with 70659
this state or a political subdivision of this state, or with the 70660
United States government or any of its agencies; building and 70661

construction materials and services sold to construction 70662
contractors for incorporation into a structure or improvement to 70663
real property that are accepted for ownership by this state or any 70664
of its political subdivisions, or by the United States government 70665
or any of its agencies at the time of completion of the structures 70666
or improvements; building and construction materials sold to 70667
construction contractors for incorporation into a horticulture 70668
structure or livestock structure for a person engaged in the 70669
business of horticulture or producing livestock; building 70670
materials and services sold to a construction contractor for 70671
incorporation into a house of public worship or religious 70672
education, or a building used exclusively for charitable purposes 70673
under a construction contract with an organization whose purpose 70674
is as described in division (B)(12) of this section; building 70675
materials and services sold to a construction contractor for 70676
incorporation into a building under a construction contract with 70677
an organization exempt from taxation under section 501(c)(3) of 70678
the Internal Revenue Code of 1986 when the building is to be used 70679
exclusively for the organization's exempt purposes; building and 70680
construction materials sold for incorporation into the original 70681
construction of a sports facility under section 307.696 of the 70682
Revised Code; building and construction materials and services 70683
sold to a construction contractor for incorporation into real 70684
property outside this state if such materials and services, when 70685
sold to a construction contractor in the state in which the real 70686
property is located for incorporation into real property in that 70687
state, would be exempt from a tax on sales levied by that state; 70688
building and construction materials for incorporation into a 70689
transportation facility pursuant to a public-private agreement 70690
entered into under sections 5501.70 to 5501.83 of the Revised 70691
Code; and, until one calendar year after the construction of a 70692
convention center that qualifies for property tax exemption under 70693
section 5709.084 of the Revised Code is completed, building and 70694

construction materials and services sold to a construction contractor for incorporation into the real property comprising that convention center;

(14) Sales of ships or vessels or rail rolling stock used or to be used principally in interstate or foreign commerce, and repairs, alterations, fuel, and lubricants for such ships or vessels or rail rolling stock;

(15) Sales to persons primarily engaged in any of the activities mentioned in division (B)(42)(a), (g), or (h) of this section, to persons engaged in making retail sales, or to persons who purchase for sale from a manufacturer tangible personal property that was produced by the manufacturer in accordance with specific designs provided by the purchaser, of packages, including material, labels, and parts for packages, and of machinery, equipment, and material for use primarily in packaging tangible personal property produced for sale, including any machinery, equipment, and supplies used to make labels or packages, to prepare packages or products for labeling, or to label packages or products, by or on the order of the person doing the packaging, or sold at retail. "Packages" includes bags, baskets, cartons, crates, boxes, cans, bottles, bindings, wrappings, and other similar devices and containers, but does not include motor vehicles or bulk tanks, trailers, or similar devices attached to motor vehicles. "Packaging" means placing in a package. Division (B)(15) of this section does not apply to persons engaged in highway transportation for hire.

(16) Sales of food to persons using supplemental nutrition assistance program benefits to purchase the food. As used in this division, "food" has the same meaning as in 7 U.S.C. 2012 and federal regulations adopted pursuant to the Food and Nutrition Act of 2008.

(17) Sales to persons engaged in farming, agriculture,

horticulture, or floriculture, of tangible personal property for 70727
use or consumption primarily in the production by farming, 70728
agriculture, horticulture, or floriculture of other tangible 70729
personal property for use or consumption primarily in the 70730
production of tangible personal property for sale by farming, 70731
agriculture, horticulture, or floriculture; or material and parts 70732
for incorporation into any such tangible personal property for use 70733
or consumption in production; and of tangible personal property 70734
for such use or consumption in the conditioning or holding of 70735
products produced by and for such use, consumption, or sale by 70736
persons engaged in farming, agriculture, horticulture, or 70737
floriculture, except where such property is incorporated into real 70738
property; 70739

(18) Sales of drugs for a human being that may be dispensed 70740
only pursuant to a prescription; insulin as recognized in the 70741
official United States pharmacopoeia; urine and blood testing 70742
materials when used by diabetics or persons with hypoglycemia to 70743
test for glucose or acetone; hypodermic syringes and needles when 70744
used by diabetics for insulin injections; epoetin alfa when 70745
purchased for use in the treatment of persons with medical 70746
disease; hospital beds when purchased by hospitals, nursing homes, 70747
or other medical facilities; and medical oxygen and medical 70748
oxygen-dispensing equipment when purchased by hospitals, nursing 70749
homes, or other medical facilities; 70750

(19) Sales of prosthetic devices, durable medical equipment 70751
for home use, or mobility enhancing equipment, when made pursuant 70752
to a prescription and when such devices or equipment are for use 70753
by a human being. 70754

(20) Sales of emergency and fire protection vehicles and 70755
equipment to nonprofit organizations for use solely in providing 70756
fire protection and emergency services, including trauma care and 70757
emergency medical services, for political subdivisions of the 70758

state; 70759

(21) Sales of tangible personal property manufactured in this 70760
state, if sold by the manufacturer in this state to a retailer for 70761
use in the retail business of the retailer outside of this state 70762
and if possession is taken from the manufacturer by the purchaser 70763
within this state for the sole purpose of immediately removing the 70764
same from this state in a vehicle owned by the purchaser; 70765

(22) Sales of services provided by the state or any of its 70766
political subdivisions, agencies, instrumentalities, institutions, 70767
or authorities, or by governmental entities of the state or any of 70768
its political subdivisions, agencies, instrumentalities, 70769
institutions, or authorities; 70770

(23) Sales of motor vehicles to nonresidents of this state 70771
under the circumstances described in division (B) of section 70772
5739.029 of the Revised Code; 70773

(24) Sales to persons engaged in the preparation of eggs for 70774
sale of tangible personal property used or consumed directly in 70775
such preparation, including such tangible personal property used 70776
for cleaning, sanitizing, preserving, grading, sorting, and 70777
classifying by size; packages, including material and parts for 70778
packages, and machinery, equipment, and material for use in 70779
packaging eggs for sale; and handling and transportation equipment 70780
and parts therefor, except motor vehicles licensed to operate on 70781
public highways, used in intraplant or interplant transfers or 70782
shipment of eggs in the process of preparation for sale, when the 70783
plant or plants within or between which such transfers or 70784
shipments occur are operated by the same person. "Packages" 70785
includes containers, cases, baskets, flats, fillers, filler flats, 70786
cartons, closure materials, labels, and labeling materials, and 70787
"packaging" means placing therein. 70788

(25)(a) Sales of water to a consumer for residential use; 70789

| | |
|---|----------------------------------|
| (b) Sales of water by a nonprofit corporation engaged exclusively in the treatment, distribution, and sale of water to consumers, if such water is delivered to consumers through pipes or tubing. | 70790 70791 70792 70793 |
| (26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code; | 70794 70795 |
| (27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following: | 70796 70797 70798 70799 |
| (a) To prepare food for human consumption for sale; | 70800 |
| (b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer; | 70801 70802 70803 70804 |
| (c) To clean tangible personal property used to prepare or serve food for human consumption for sale. | 70805 70806 |
| (28) Sales of animals by nonprofit animal adoption services or county humane societies; | 70807 70808 |
| (29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code; | 70809 70810 70811 70812 |
| (30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code; | 70813 70814 70815 |
| (31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code; | 70816 70817 70818 |
| (32) The sale, lease, repair, and maintenance of, parts for, | 70819 |

or items attached to or incorporated in, motor vehicles that are 70820
primarily used for transporting tangible personal property 70821
belonging to others by a person engaged in highway transportation 70822
for hire, except for packages and packaging used for the 70823
transportation of tangible personal property; 70824

(33) Sales to the state headquarters of any veterans' 70825
organization in this state that is either incorporated and issued 70826
a charter by the congress of the United States or is recognized by 70827
the United States veterans administration, for use by the 70828
headquarters; 70829

(34) Sales to a telecommunications service vendor, mobile 70830
telecommunications service vendor, or satellite broadcasting 70831
service vendor of tangible personal property and services used 70832
directly and primarily in transmitting, receiving, switching, or 70833
recording any interactive, one- or two-way electromagnetic 70834
communications, including voice, image, data, and information, 70835
through the use of any medium, including, but not limited to, 70836
poles, wires, cables, switching equipment, computers, and record 70837
storage devices and media, and component parts for the tangible 70838
personal property. The exemption provided in this division shall 70839
be in lieu of all other exemptions under division (B)(42)(a) or 70840
(n) of this section to which the vendor may otherwise be entitled, 70841
based upon the use of the thing purchased in providing the 70842
telecommunications, mobile telecommunications, or satellite 70843
broadcasting service. 70844

(35)(a) Sales where the purpose of the consumer is to use or 70845
consume the things transferred in making retail sales and 70846
consisting of newspaper inserts, catalogues, coupons, flyers, gift 70847
certificates, or other advertising material that prices and 70848
describes tangible personal property offered for retail sale. 70849

(b) Sales to direct marketing vendors of preliminary 70850
materials such as photographs, artwork, and typesetting that will 70851

be used in printing advertising material; and of printed matter 70852
that offers free merchandise or chances to win sweepstake prizes 70853
and that is mailed to potential customers with advertising 70854
material described in division (B)(35)(a) of this section; 70855

(c) Sales of equipment such as telephones, computers, 70856
facsimile machines, and similar tangible personal property 70857
primarily used to accept orders for direct marketing retail sales. 70858

(d) Sales of automatic food vending machines that preserve 70859
food with a shelf life of forty-five days or less by refrigeration 70860
and dispense it to the consumer. 70861

For purposes of division (B)(35) of this section, "direct 70862
marketing" means the method of selling where consumers order 70863
tangible personal property by United States mail, delivery 70864
service, or telecommunication and the vendor delivers or ships the 70865
tangible personal property sold to the consumer from a warehouse, 70866
catalogue distribution center, or similar fulfillment facility by 70867
means of the United States mail, delivery service, or common 70868
carrier. 70869

(36) Sales to a person engaged in the business of 70870
horticulture or producing livestock of materials to be 70871
incorporated into a horticulture structure or livestock structure; 70872

(37) Sales of personal computers, computer monitors, computer 70873
keyboards, modems, and other peripheral computer equipment to an 70874
individual who is licensed or certified to teach in an elementary 70875
or a secondary school in this state for use by that individual in 70876
preparation for teaching elementary or secondary school students; 70877

(38) Sales to a professional racing team of any of the 70878
following: 70879

(a) Motor racing vehicles; 70880

(b) Repair services for motor racing vehicles; 70881

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication. 70882
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(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000; 70890
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(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity. 70893
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(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in 70911
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providing taxable services under that section. 70914

(42) Sales where the purpose of the purchaser is to do any of 70915
the following: 70916

(a) To incorporate the thing transferred as a material or a 70917
part into tangible personal property to be produced for sale by 70918
manufacturing, assembling, processing, or refining; or to use or 70919
consume the thing transferred directly in producing tangible 70920
personal property for sale by mining, including, without 70921
limitation, the extraction from the earth of all substances that 70922
are classed geologically as minerals, production of crude oil and 70923
natural gas, or directly in the rendition of a public utility 70924
service, except that the sales tax levied by this section shall be 70925
collected upon all meals, drinks, and food for human consumption 70926
sold when transporting persons. Persons engaged in rendering 70927
services in the exploration for, and production of, crude oil and 70928
natural gas for others are deemed engaged directly in the 70929
exploration for, and production of, crude oil and natural gas. 70930
This paragraph does not exempt from "retail sale" or "sales at 70931
retail" the sale of tangible personal property that is to be 70932
incorporated into a structure or improvement to real property. 70933

(b) To hold the thing transferred as security for the 70934
performance of an obligation of the vendor; 70935

(c) To resell, hold, use, or consume the thing transferred as 70936
evidence of a contract of insurance; 70937

(d) To use or consume the thing directly in commercial 70938
fishing; 70939

(e) To incorporate the thing transferred as a material or a 70940
part into, or to use or consume the thing transferred directly in 70941
the production of, magazines distributed as controlled circulation 70942
publications; 70943

(f) To use or consume the thing transferred in the production 70944

and preparation in suitable condition for market and sale of 70945
printed, imprinted, overprinted, lithographic, multilithic, 70946
blueprinted, photostatic, or other productions or reproductions of 70947
written or graphic matter; 70948

(g) To use the thing transferred, as described in section 70949
5739.011 of the Revised Code, primarily in a manufacturing 70950
operation to produce tangible personal property for sale; 70951

(h) To use the benefit of a warranty, maintenance or service 70952
contract, or similar agreement, as described in division (B)(7) of 70953
section 5739.01 of the Revised Code, to repair or maintain 70954
tangible personal property, if all of the property that is the 70955
subject of the warranty, contract, or agreement would not be 70956
subject to the tax imposed by this section; 70957

(i) To use the thing transferred as qualified research and 70958
development equipment; 70959

(j) To use or consume the thing transferred primarily in 70960
storing, transporting, mailing, or otherwise handling purchased 70961
sales inventory in a warehouse, distribution center, or similar 70962
facility when the inventory is primarily distributed outside this 70963
state to retail stores of the person who owns or controls the 70964
warehouse, distribution center, or similar facility, to retail 70965
stores of an affiliated group of which that person is a member, or 70966
by means of direct marketing. This division does not apply to 70967
motor vehicles registered for operation on the public highways. As 70968
used in this division, "affiliated group" has the same meaning as 70969
in division (B)(3)(e) of section 5739.01 of the Revised Code and 70970
"direct marketing" has the same meaning as in division (B)(35) of 70971
this section. 70972

(k) To use or consume the thing transferred to fulfill a 70973
contractual obligation incurred by a warrantor pursuant to a 70974
warranty provided as a part of the price of the tangible personal 70975

property sold or by a vendor of a warranty, maintenance or service 70976
contract, or similar agreement the provision of which is defined 70977
as a sale under division (B)(7) of section 5739.01 of the Revised 70978
Code; 70979

(l) To use or consume the thing transferred in the production 70980
of a newspaper for distribution to the public; 70981

(m) To use tangible personal property to perform a service 70982
listed in division (B)(3) of section 5739.01 of the Revised Code, 70983
if the property is or is to be permanently transferred to the 70984
consumer of the service as an integral part of the performance of 70985
the service; 70986

(n) To use or consume the thing transferred primarily in 70987
producing tangible personal property for sale by farming, 70988
agriculture, horticulture, or floriculture. Persons engaged in 70989
rendering farming, agriculture, horticulture, or floriculture 70990
services for others are deemed engaged primarily in farming, 70991
agriculture, horticulture, or floriculture. This paragraph does 70992
not exempt from "retail sale" or "sales at retail" the sale of 70993
tangible personal property that is to be incorporated into a 70994
structure or improvement to real property. 70995

(o) To use or consume the thing transferred in acquiring, 70996
formatting, editing, storing, and disseminating data or 70997
information by electronic publishing. 70998

As used in division (B)(42) of this section, "thing" includes 70999
all transactions included in divisions (B)(3)(a), (b), and (e) of 71000
section 5739.01 of the Revised Code. 71001

(43) Sales conducted through a coin operated device that 71002
activates vacuum equipment or equipment that dispenses water, 71003
whether or not in combination with soap or other cleaning agents 71004
or wax, to the consumer for the consumer's use on the premises in 71005
washing, cleaning, or waxing a motor vehicle, provided no other 71006

personal property or personal service is provided as part of the 71007
transaction. 71008

(44) Sales of replacement and modification parts for engines, 71009
airframes, instruments, and interiors in, and paint for, aircraft 71010
used primarily in a fractional aircraft ownership program, and 71011
sales of services for the repair, modification, and maintenance of 71012
such aircraft, and machinery, equipment, and supplies primarily 71013
used to provide those services. 71014

(45) Sales of telecommunications service that is used 71015
directly and primarily to perform the functions of a call center. 71016
As used in this division, "call center" means any physical 71017
location where telephone calls are placed or received in high 71018
volume for the purpose of making sales, marketing, customer 71019
service, technical support, or other specialized business 71020
activity, and that employs at least fifty individuals that engage 71021
in call center activities on a full-time basis, or sufficient 71022
individuals to fill fifty full-time equivalent positions. 71023

(46) Sales by a telecommunications service vendor of 900 71024
service to a subscriber. This division does not apply to 71025
information services, as defined in division (FF) of section 71026
5739.01 of the Revised Code. 71027

(47) Sales of value-added non-voice data service. This 71028
division does not apply to any similar service that is not 71029
otherwise a telecommunications service. 71030

(48)(a) Sales of machinery, equipment, and software to a 71031
qualified direct selling entity for use in a warehouse or 71032
distribution center primarily for storing, transporting, or 71033
otherwise handling inventory that is held for sale to independent 71034
salespersons who operate as direct sellers and that is held 71035
primarily for distribution outside this state; 71036

(b) As used in division (B)(48)(a) of this section: 71037

(i) "Direct seller" means a person selling consumer products 71038
to individuals for personal or household use and not from a fixed 71039
retail location, including selling such product at in-home product 71040
demonstrations, parties, and other one-on-one selling. 71041

(ii) "Qualified direct selling entity" means an entity 71042
selling to direct sellers at the time the entity enters into a tax 71043
credit agreement with the tax credit authority pursuant to section 71044
122.17 of the Revised Code, provided that the agreement was 71045
entered into on or after January 1, 2007. Neither contingencies 71046
relevant to the granting of, nor later developments with respect 71047
to, the tax credit shall impair the status of the qualified direct 71048
selling entity under division (B)(48) of this section after 71049
execution of the tax credit agreement by the tax credit authority. 71050

(c) Division (B)(48) of this section is limited to machinery, 71051
equipment, and software first stored, used, or consumed in this 71052
state within the period commencing June 24, 2008, and ending on 71053
the date that is five years after that date. 71054

(49) Sales of materials, parts, equipment, or engines used in 71055
the repair or maintenance of aircraft or avionics systems of such 71056
aircraft, and sales of repair, remodeling, replacement, or 71057
maintenance services in this state performed on aircraft or on an 71058
aircraft's avionics, engine, or component materials or parts. As 71059
used in division (B)(49) of this section, "aircraft" means 71060
aircraft of more than six thousand pounds maximum certified 71061
takeoff weight or used exclusively in general aviation. 71062

(50) Sales of full flight simulators that are used for pilot 71063
or flight-crew training, sales of repair or replacement parts or 71064
components, and sales of repair or maintenance services for such 71065
full flight simulators. "Full flight simulator" means a replica of 71066
a specific type, or make, model, and series of aircraft cockpit. 71067
It includes the assemblage of equipment and computer programs 71068
necessary to represent aircraft operations in ground and flight 71069

conditions, a visual system providing an out-of-the-cockpit view, 71070
and a system that provides cues at least equivalent to those of a 71071
three-degree-of-freedom motion system, and has the full range of 71072
capabilities of the systems installed in the device as described 71073
in appendices A and B of part 60 of chapter 1 of title 14 of the 71074
Code of Federal Regulations. 71075

(51) Any transfer or lease of tangible personal property 71076
between the state and JobsOhio in accordance with section 4313.02 71077
of the Revised Code. 71078

(52)(a) Sales to a qualifying corporation. 71079

(b) As used in division (B)(52) of this section: 71080

(i) "Qualifying corporation" means a nonprofit corporation 71081
organized in this state that leases from an eligible county land, 71082
buildings, structures, fixtures, and improvements to the land that 71083
are part of or used in a public recreational facility used by a 71084
major league professional athletic team or a class A to class AAA 71085
minor league affiliate of a major league professional athletic 71086
team for a significant portion of the team's home schedule, 71087
provided the following apply: 71088

(I) The facility is leased from the eligible county pursuant 71089
to a lease that requires substantially all of the revenue from the 71090
operation of the business or activity conducted by the nonprofit 71091
corporation at the facility in excess of operating costs, capital 71092
expenditures, and reserves to be paid to the eligible county at 71093
least once per calendar year. 71094

(II) Upon dissolution and liquidation of the nonprofit 71095
corporation, all of its net assets are distributable to the board 71096
of commissioners of the eligible county from which the corporation 71097
leases the facility. 71098

(ii) "Eligible county" has the same meaning as in section 71099
307.695 of the Revised Code. 71100

(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code ~~and~~, of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code, and of municipal corporations and townships levying an additional sales tax pursuant to section 5739.024 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code.

Sec. 5739.021. (A) For the purpose of providing additional 71133
general revenues for the county or supporting criminal and 71134
administrative justice services in the county, or both, and to pay 71135
the expenses of administering such levy, any county may levy a tax 71136
at the rate of not more than one per cent at any multiple of 71137
one-fourth of one per cent upon every retail sale made in the 71138
county, except sales of watercraft and outboard motors required to 71139
be titled pursuant to Chapter 1548. of the Revised Code and sales 71140
of motor vehicles, and may increase the rate of an existing tax to 71141
not more than one per cent at any multiple of one-fourth of one 71142
per cent. 71143

The tax shall be levied and the rate increased pursuant to a 71144
resolution of the board of county commissioners. The resolution 71145
shall state the purpose for which the tax is to be levied and the 71146
number of years for which the tax is to be levied, or that it is 71147
for a continuing period of time. If the tax is to be levied for 71148
the purpose of providing additional general revenues and for the 71149
purpose of supporting criminal and administrative justice 71150
services, the resolution shall state the rate or amount of the tax 71151
to be apportioned to each such purpose. The rate or amount may be 71152
different for each year the tax is to be levied, but the rates or 71153
amounts actually apportioned each year shall not be different from 71154
that stated in the resolution for that year. If the resolution is 71155
adopted as an emergency measure necessary for the immediate 71156
preservation of the public peace, health, or safety, it must 71157
receive an affirmative vote of all of the members of the board of 71158
county commissioners and shall state the reasons for such 71159
necessity. The board shall deliver a certified copy of the 71160
resolution to the tax commissioner, not later than the sixty-fifth 71161
day prior to the date on which the tax is to become effective, 71162
which shall be the first day of the calendar quarter. 71163

Prior to the adoption of any resolution under this section, 71164

the board of county commissioners shall conduct two public 71165
hearings on the resolution, the second hearing to be not less than 71166
three nor more than ten days after the first. Notice of the date, 71167
time, and place of the hearings shall be given by publication in a 71168
newspaper of general circulation in the county, or as provided in 71169
section 7.16 of the Revised Code, once a week on the same day of 71170
the week for two consecutive weeks, the second publication being 71171
not less than ten nor more than thirty days prior to the first 71172
hearing. 71173

Except as provided in division (B)(3) of this section, the 71174
resolution shall be subject to a referendum as provided in 71175
sections 305.31 to 305.41 of the Revised Code. 71176

If a petition for a referendum is filed, the county auditor 71177
with whom the petition was filed shall, within five days, notify 71178
the board of county commissioners and the tax commissioner of the 71179
filing of the petition by certified mail. If the board of 71180
elections with which the petition was filed declares the petition 71181
invalid, the board of elections, within five days, shall notify 71182
the board of county commissioners and the tax commissioner of that 71183
declaration by certified mail. If the petition is declared to be 71184
invalid, the effective date of the tax or increased rate of tax 71185
levied by this section shall be the first day of a calendar 71186
quarter following the expiration of sixty-five days from the date 71187
the commissioner receives notice from the board of elections that 71188
the petition is invalid. 71189

(B)(1) A resolution that is not adopted as an emergency 71190
measure may direct the board of elections to submit the question 71191
of levying the tax or increasing the rate of tax to the electors 71192
of the county at a special election held on the date specified by 71193
the board of county commissioners in the resolution, provided that 71194
the election occurs not less than ninety days after a certified 71195
copy of such resolution is transmitted to the board of elections 71196

and the election is not held in February or August of any year. 71197
Upon transmission of the resolution to the board of elections, the 71198
board of county commissioners shall notify the tax commissioner in 71199
writing of the levy question to be submitted to the electors. No 71200
resolution adopted under this division shall go into effect unless 71201
approved by a majority of those voting upon it, and, except as 71202
provided in division (B)(3) of this section, shall become 71203
effective on the first day of a calendar quarter following the 71204
expiration of sixty-five days from the date the tax commissioner 71205
receives notice from the board of elections of the affirmative 71206
vote. 71207

(2) A resolution that is adopted as an emergency measure 71208
shall go into effect as provided in division (A) of this section, 71209
but may direct the board of elections to submit the question of 71210
repealing the tax or increase in the rate of the tax to the 71211
electors of the county at the next general election in the county 71212
occurring not less than ninety days after a certified copy of the 71213
resolution is transmitted to the board of elections. Upon 71214
transmission of the resolution to the board of elections, the 71215
board of county commissioners shall notify the tax commissioner in 71216
writing of the levy question to be submitted to the electors. The 71217
ballot question shall be the same as that prescribed in section 71218
5739.022 of the Revised Code. The board of elections shall notify 71219
the board of county commissioners and the tax commissioner of the 71220
result of the election immediately after the result has been 71221
declared. If a majority of the qualified electors voting on the 71222
question of repealing the tax or increase in the rate of the tax 71223
vote for repeal of the tax or repeal of the increase, the board of 71224
county commissioners, on the first day of a calendar quarter 71225
following the expiration of sixty-five days after the date the 71226
board and tax commissioner receive notice of the result of the 71227
election, shall, in the case of a repeal of the tax, cease to levy 71228
the tax, or, in the case of a repeal of an increase in the rate of 71229

the tax, cease to levy the increased rate and levy the tax at the 71230
rate at which it was imposed immediately prior to the increase in 71231
rate. 71232

(3) If a vendor makes a sale in this state by printed catalog 71233
and the consumer computed the tax on the sale based on local rates 71234
published in the catalog, any tax levied or repealed or rate 71235
changed under this section shall not apply to such a sale until 71236
the first day of a calendar quarter following the expiration of 71237
one hundred twenty days from the date of notice by the tax 71238
commissioner pursuant to division (H) of this section. 71239

(C) If a resolution is rejected at a referendum or if a 71240
resolution adopted after January 1, 1982, as an emergency measure 71241
is repealed by the electors pursuant to division (B)(2) of this 71242
section or section 5739.022 of the Revised Code, then for one year 71243
after the date of the election at which the resolution was 71244
rejected or repealed the board of county commissioners may not 71245
adopt any resolution authorized by this section as an emergency 71246
measure. 71247

(D) The board of county commissioners, at any time while a 71248
tax levied under this section is in effect, may by resolution 71249
reduce the rate at which the tax is levied to a lower rate 71250
authorized by this section. Any reduction in the rate at which the 71251
tax is levied shall be made effective on the first day of a 71252
calendar quarter next following the sixty-fifth day after a 71253
certified copy of the resolution is delivered to the tax 71254
commissioner. 71255

(E) The tax on every retail sale subject to a tax levied 71256
pursuant to this section shall be in addition to the tax levied by 71257
section 5739.02 of the Revised Code and any tax levied pursuant to 71258
section 5739.023, 5739.024, or 5739.026 of the Revised Code. 71259

A county that levies a tax pursuant to this section shall 71260

levy a tax at the same rate pursuant to section 5741.021 of the Revised Code. 71261
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The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code. If the additional tax or some portion thereof is levied for the purpose of criminal and administrative justice services, the revenue from the tax, or the amount or rate apportioned to that purpose, shall be credited to a special fund created in the county treasury for receipt of that revenue. 71263
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Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution. 71270
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(F) For purposes of this section, a copy of a resolution is "certified" when it contains a written statement attesting that the copy is a true and exact reproduction of the original resolution. 71275
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(G) If a board of commissioners intends to adopt a resolution to levy a tax in whole or in part for the purpose of criminal and administrative justice services, the board shall prepare and make available at the first public hearing at which the resolution is considered a statement containing the following information: 71279
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(1) For each of the two preceding fiscal years, the amount of expenditures made by the county from the county general fund for the purpose of criminal and administrative justice services; 71284
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(2) For the fiscal year in which the resolution is adopted, the board's estimate of the amount of expenditures to be made by the county from the county general fund for the purpose of criminal and administrative justice services; 71287
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(3) For each of the two fiscal years after the fiscal year in 71291

which the resolution is adopted, the board's preliminary plan for 71292
expenditures to be made from the county general fund for the 71293
purpose of criminal and administrative justice services, both 71294
under the assumption that the tax will be imposed for that purpose 71295
and under the assumption that the tax would not be imposed for 71296
that purpose, and for expenditures to be made from the special 71297
fund created under division (E) of this section under the 71298
assumption that the tax will be imposed for that purpose. 71299

The board shall prepare the statement and the preliminary 71300
plan using the best information available to the board at the time 71301
the statement is prepared. Neither the statement nor the 71302
preliminary plan shall be used as a basis to challenge the 71303
validity of the tax in any court of competent jurisdiction, nor 71304
shall the statement or preliminary plan limit the authority of the 71305
board to appropriate, pursuant to section 5705.38 of the Revised 71306
Code, an amount different from that specified in the preliminary 71307
plan. 71308

(H) Upon receipt from a board of county commissioners of a 71309
certified copy of a resolution required by division (A) or (D) of 71310
this section, or from the board of elections of a notice of the 71311
results of an election required by division (A) or (B)(1) or (2) 71312
of this section, the tax commissioner shall provide notice of a 71313
tax rate change in a manner that is reasonably accessible to all 71314
affected vendors. The commissioner shall provide this notice at 71315
least sixty days prior to the effective date of the rate change. 71316
The commissioner, by rule, may establish the method by which 71317
notice will be provided. 71318

(I) As used in this section, "criminal and administrative 71319
justice services" means the exercise by the county sheriff of all 71320
powers and duties vested in that office by law; the exercise by 71321
the county prosecuting attorney of all powers and duties vested in 71322
that office by law; the exercise by any court in the county of all 71323

powers and duties vested in that court; the exercise by the clerk 71324
of the court of common pleas, any clerk of a municipal court 71325
having jurisdiction throughout the county, or the clerk of any 71326
county court of all powers and duties vested in the clerk by law 71327
except, in the case of the clerk of the court of common pleas, the 71328
titling of motor vehicles or watercraft pursuant to Chapter 1548. 71329
or 4505. of the Revised Code; the exercise by the county coroner 71330
of all powers and duties vested in that office by law; making 71331
payments to any other public agency or a private, nonprofit 71332
agency, the purposes of which in the county include the diversion, 71333
adjudication, detention, or rehabilitation of criminals or 71334
juvenile offenders; the operation and maintenance of any detention 71335
facility, as defined in section 2921.01 of the Revised Code; and 71336
the construction, acquisition, equipping, or repair of such a 71337
detention facility, including the payment of any debt charges 71338
incurred in the issuance of securities pursuant to Chapter 133. of 71339
the Revised Code for the purpose of constructing, acquiring, 71340
equipping, or repairing such a facility. 71341

Sec. 5739.023. (A)(1) For the purpose of providing additional 71342
general revenues for a transit authority and paying the expenses 71343
of administering such levy, any transit authority as defined in 71344
division (U) of section 5739.01 of the Revised Code may levy a tax 71345
upon every retail sale made in the territory of the transit 71346
authority, except sales of watercraft and outboard motors required 71347
to be titled pursuant to Chapter 1548. of the Revised Code and 71348
sales of motor vehicles, at a rate of not more than one and 71349
one-half per cent at any multiple of one-fourth of one per cent 71350
and may increase the existing rate of tax to not more than one and 71351
one-half per cent at any multiple of one-fourth of one per cent. 71352
The tax shall be levied and the rate increased pursuant to a 71353
resolution of the legislative authority of the transit authority 71354
and a certified copy of the resolution shall be delivered by the 71355

fiscal officer to the board of elections as provided in section 71356
3505.071 of the Revised Code and to the tax commissioner. The 71357
resolution shall specify the number of years for which the tax is 71358
to be in effect or that the tax is for a continuing period of 71359
time, and the date of the election on the question of the tax 71360
pursuant to section 306.70 of the Revised Code. The board of 71361
elections shall certify the results of the election to the transit 71362
authority and tax commissioner. 71363

(2) Except as provided in division (C) of this section, the 71364
tax levied by the resolution shall become effective on the first 71365
day of a calendar quarter next following the sixty-fifth day 71366
following the date the tax commissioner receives from the board of 71367
elections the certification of the results of the election on the 71368
question of the tax. 71369

(B) The legislative authority may, at any time while the tax 71370
is in effect, by resolution fix the rate of the tax at any rate 71371
authorized by this section and not in excess of that approved by 71372
the voters pursuant to section 306.70 of the Revised Code. Except 71373
as provided in division (C) of this section, any change in the 71374
rate of the tax shall be made effective on the first day of a 71375
calendar quarter next following the sixty-fifth day following the 71376
date the tax commissioner receives the certification of the 71377
resolution; provided, that in any case where bonds, or notes in 71378
anticipation of bonds, of a regional transit authority have been 71379
issued under section 306.40 of the Revised Code without a vote of 71380
the electors while the tax proposed to be reduced was in effect, 71381
the board of trustees of the regional transit authority shall 71382
continue to levy and collect under authority of the original 71383
election authorizing the tax a rate of tax that the board of 71384
trustees reasonably estimates will produce an amount in that year 71385
equal to the amount of principal of and interest on those bonds as 71386
is payable in that year. 71387

(C) Upon receipt from the board of elections of the certification of the results of the election required by division (A) of this section, or from the legislative authority of the certification of a resolution under division (B) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(D) If a vendor makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (C) of this section.

(E) The tax on every retail sale subject to a tax levied pursuant to this section is in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021, 5739.024, or 5739.026 of the Revised Code.

(F) The additional tax levied by the transit authority shall be collected pursuant to section 5739.025 of the Revised Code.

(G) Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a transit authority under the constitution of the United States or the constitution of this state.

(H) The rate of a tax levied under this section is subject to reduction under section 5739.028 of the Revised Code, if a ballot question is approved by voters pursuant to that section.

Sec. 5739.024. (A) For the purpose of fostering and 71419
developing tourism within a tourism development district and 71420
paying the expenses of administering the levy, the legislative 71421
authority of a municipal corporation or township may levy a tax 71422
upon every retail sale made in the territory of a tourism 71423
development district created by the municipal corporation or 71424
township, except sales of watercraft and outboard motors required 71425
to be titled pursuant to Chapter 1548. of the Revised Code and 71426
sales of motor vehicles, at a rate of not more than two per cent 71427
at any multiple of one-fourth of one per cent, and may increase 71428
the existing rate of tax to not more than two per cent at any 71429
multiple of one-fourth of one per cent. 71430

The tax shall be levied and the rate increased pursuant to an 71431
ordinance or resolution of the legislative authority, and a 71432
certified copy of the ordinance or resolution shall be delivered 71433
by the applicable fiscal officer to the tax commissioner. The 71434
ordinance or resolution shall specify the number of years for 71435
which the tax is to be in effect or that the tax is for a 71436
continuing period of time. 71437

A tax levied by a resolution or ordinance pursuant to this 71438
section shall become effective on the first day of a calendar 71439
quarter next following the sixty-fifth day following the date the 71440
tax commissioner receives the certification of the ordinance or 71441
resolution. Any change in the rate of the tax shall be made 71442
effective on the first day of a calendar quarter next following 71443
the sixty-fifth day following the date the tax commissioner 71444
receives the certification of the ordinance or resolution. 71445

(B) Upon receipt from the legislative authority of a 71446
municipal corporation or township of the certification of an 71447
ordinance or resolution under division (A) of this section, the 71448
tax commissioner shall provide notice of a tax rate change in a 71449

manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days before the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

(C) If a vendor makes a sale in this state by printed catalog and the consumer computed the tax on the sale based on local rates published in the catalog, any tax levied or rate changed under this section shall not apply to such a sale until the first day of a calendar quarter following the expiration of one hundred twenty days from the date of notice by the tax commissioner pursuant to division (B) of this section.

(D) The tax on every retail sale subject to a tax levied pursuant to this section is in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code.

(E) A tax levied pursuant to this section shall be collected pursuant to section 5739.025 of the Revised Code.

(F) Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code.

Sec. 5739.025. As used in this section, "local tax" means a tax imposed pursuant to section 5739.021, 5739.023, 5739.024, 5739.026, 5741.021, 5741.022, ~~or 5741.023~~, or 5741.024 of the Revised Code.

(A) The taxes levied by sections 5739.02 and 5741.02 of the Revised Code shall be collected as follows:

(1) On and after July 1, 2003, and on or before June 30, 2005, in accordance with the following schedule:

| If the price is at least | But not more than | The amount of the tax is |
|--------------------------|-------------------|--------------------------|
| \$.01 | \$.15 | No tax |

| | | | |
|-----|------|----|-------|
| .16 | .16 | 1¢ | 71480 |
| .17 | .33 | 2¢ | 71481 |
| .34 | .50 | 3¢ | 71482 |
| .51 | .66 | 4¢ | 71483 |
| .67 | .83 | 5¢ | 71484 |
| .84 | 1.00 | 6¢ | 71485 |

If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety-nine cents in accordance with the schedule above.

(2) On and after July 1, 2005, and on and before December 31, 2005, in accordance with the following schedule:

| If the price is at least | But not more than | The amount of the tax is | |
|-----------------------------|----------------------|-----------------------------|-------|
| \$.01 | \$.15 | No tax | 71496 |
| .16 | .18 | 1¢ | 71497 |
| .19 | .36 | 2¢ | 71498 |
| .37 | .54 | 3¢ | 71499 |
| .55 | .72 | 4¢ | 71500 |
| .73 | .90 | 5¢ | 71501 |
| .91 | 1.09 | 6¢ | 71502 |
| 1.10 | 1.27 | 7¢ | 71503 |
| 1.28 | 1.46 | 8¢ | 71504 |
| 1.47 | 1.64 | 9¢ | 71505 |
| 1.65 | 1.82 | 10¢ | 71506 |
| 1.83 | 2.00 | 11¢ | 71507 |

If the price exceeds two dollars, the tax is eleven cents on each two dollars. If the price exceeds two dollars or a multiple

thereof by not more than eighteen cents, the amount of tax is 71512
eleven cents for each two dollars plus one cent. If the price 71513
exceeds two dollars or a multiple thereof by more than eighteen 71514
cents, the amount of tax is eleven cents for each two dollars plus 71515
the amount of tax for prices nineteen cents through one dollar and 71516
ninety-nine cents in accordance with the schedule above. 71517

(B) On and after July 1, 2003, and on and before June 30, 71518
2005, the combined taxes levied by sections 5739.02 and 5741.02 71519
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 71520
5741.022, and 5741.023 of the Revised Code shall be collected in 71521
accordance with the following schedules: 71522

(1) When the combined rate of state and local tax is six and 71523
one-fourth per cent: 71524

| If the price | | The amount of | |
|--------------|-------------------|---------------|-------|
| is at least | But not more than | the tax is | |
| \$.01 | \$.15 | No tax | 71525 |
| .16 | .16 | 1¢ | 71526 |
| .17 | .32 | 2¢ | 71527 |
| .33 | .48 | 3¢ | 71528 |
| .49 | .64 | 4¢ | 71529 |
| .65 | .80 | 5¢ | 71530 |
| .81 | .96 | 6¢ | 71531 |
| .97 | 1.12 | 7¢ | 71532 |
| 1.13 | 1.28 | 8¢ | 71533 |
| 1.29 | 1.44 | 9¢ | 71534 |
| 1.45 | 1.60 | 10¢ | 71535 |
| 1.61 | 1.76 | 11¢ | 71536 |
| 1.77 | 1.92 | 12¢ | 71537 |
| 1.93 | 2.08 | 13¢ | 71538 |
| 2.09 | 2.24 | 14¢ | 71539 |
| 2.25 | 2.40 | 15¢ | 71540 |
| 2.41 | 2.56 | 16¢ | 71541 |

| | | | |
|------|------|-----|-------|
| 2.57 | 2.72 | 17¢ | 71544 |
| 2.73 | 2.88 | 18¢ | 71545 |
| 2.89 | 3.04 | 19¢ | 71546 |
| 3.05 | 3.20 | 20¢ | 71547 |
| 3.21 | 3.36 | 21¢ | 71548 |
| 3.37 | 3.52 | 22¢ | 71549 |
| 3.53 | 3.68 | 23¢ | 71550 |
| 3.69 | 3.84 | 24¢ | 71551 |
| 3.85 | 4.00 | 25¢ | 71552 |

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.

(2) When the combined rate of state and local tax is six and one-half per cent:

| If the price is at least | But not more than | The amount of the tax is | |
|--------------------------|-------------------|--------------------------|-------|
| \$.01 | \$.15 | No tax | 71564 |
| .16 | .30 | 2¢ | 71565 |
| .31 | .46 | 3¢ | 71566 |
| .47 | .61 | 4¢ | 71567 |
| .62 | .76 | 5¢ | 71568 |
| .77 | .92 | 6¢ | 71569 |
| .93 | 1.07 | 7¢ | 71570 |
| 1.08 | 1.23 | 8¢ | 71571 |
| 1.24 | 1.38 | 9¢ | 71572 |
| 1.39 | 1.53 | 10¢ | 71573 |

| | | | |
|------|------|-----|-------|
| 1.54 | 1.69 | 11¢ | 71576 |
| 1.70 | 1.84 | 12¢ | 71577 |
| 1.85 | 2.00 | 13¢ | 71578 |

If the price exceeds two dollars, the tax is thirteen cents 71579
on each two dollars. If the price exceeds two dollars or a 71580
multiple thereof by not more than fifteen cents, the amount of tax 71581
is thirteen cents for each two dollars plus one cent. If the price 71582
exceeds two dollars or a multiple thereof by more than fifteen 71583
cents, the amount of tax is thirteen cents for each two dollars 71584
plus the amount of tax for prices sixteen cents through one dollar 71585
and ninety-nine cents in accordance with the schedule above. 71586

(3) When the combined rate of state and local tax is six and 71587
three-fourths per cent: 71588

| If the price | The amount of | 71589 |
|-------------------|---------------|-------|
| is at least | the tax is | 71590 |
| But not more than | No tax | 71591 |
| \$.01 | \$.15 | 71591 |
| .16 | .29 | 71592 |
| .30 | .44 | 71593 |
| .45 | .59 | 71594 |
| .60 | .74 | 71595 |
| .75 | .88 | 71596 |
| .89 | 1.03 | 71597 |
| 1.04 | 1.18 | 71598 |
| 1.19 | 1.33 | 71599 |
| 1.34 | 1.48 | 71600 |
| 1.49 | 1.62 | 71601 |
| 1.63 | 1.77 | 71602 |
| 1.78 | 1.92 | 71603 |
| 1.93 | 2.07 | 71604 |
| 2.08 | 2.22 | 71605 |
| 2.23 | 2.37 | 71606 |
| 2.38 | 2.51 | 71607 |

| | | | |
|------|------|-----|-------|
| 2.52 | 2.66 | 18¢ | 71608 |
| 2.67 | 2.81 | 19¢ | 71609 |
| 2.82 | 2.96 | 20¢ | 71610 |
| 2.97 | 3.11 | 21¢ | 71611 |
| 3.12 | 3.25 | 22¢ | 71612 |
| 3.26 | 3.40 | 23¢ | 71613 |
| 3.41 | 3.55 | 24¢ | 71614 |
| 3.56 | 3.70 | 25¢ | 71615 |
| 3.71 | 3.85 | 26¢ | 71616 |
| 3.86 | 4.00 | 27¢ | 71617 |

If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-nine cents the amount of tax is twenty-seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety-nine cents in accordance with the schedule above.

(4) When the combined rate of state and local tax is seven per cent:

| | | | |
|--------------|-------------------|---------------|-------|
| If the price | | The amount of | 71632 |
| is at least | But not more than | the tax is | 71633 |
| \$.01 | \$.15 | No tax | 71634 |
| .16 | .28 | 2¢ | 71635 |
| .29 | .42 | 3¢ | 71636 |
| .43 | .57 | 4¢ | 71637 |
| .58 | .71 | 5¢ | 71638 |
| .72 | .85 | 6¢ | 71639 |

.86 1.00 7¢ 71640

If the price exceeds one dollar, the tax is seven cents on 71641
each one dollar. If the price exceeds one dollar or a multiple 71642
thereof by not more than fifteen cents, the amount of tax is seven 71643
cents for each one dollar plus one cent. If the price exceeds one 71644
dollar or a multiple thereof by more than fifteen cents, the 71645
amount of tax is seven cents for each one dollar plus the amount 71646
of tax for prices sixteen cents through ninety-nine cents in 71647
accordance with the schedule above. 71648

(5) When the combined rate of state and local tax is seven 71649
and one-fourth per cent: 71650

| If the price | | The amount of | |
|--------------|-------------------|---------------|-------|
| is at least | But not more than | the tax is | |
| \$.01 | \$.15 | No tax | 71653 |
| .16 | .27 | 2¢ | 71654 |
| .28 | .41 | 3¢ | 71655 |
| .42 | .55 | 4¢ | 71656 |
| .56 | .68 | 5¢ | 71657 |
| .69 | .82 | 6¢ | 71658 |
| .83 | .96 | 7¢ | 71659 |
| .97 | 1.10 | 8¢ | 71660 |
| 1.11 | 1.24 | 9¢ | 71661 |
| 1.25 | 1.37 | 10¢ | 71662 |
| 1.38 | 1.51 | 11¢ | 71663 |
| 1.52 | 1.65 | 12¢ | 71664 |
| 1.66 | 1.79 | 13¢ | 71665 |
| 1.80 | 1.93 | 14¢ | 71666 |
| 1.94 | 2.06 | 15¢ | 71667 |
| 2.07 | 2.20 | 16¢ | 71668 |
| 2.21 | 2.34 | 17¢ | 71669 |
| 2.35 | 2.48 | 18¢ | 71670 |
| 2.49 | 2.62 | 19¢ | 71671 |

| | | | |
|------|------|-----|-------|
| 2.63 | 2.75 | 20¢ | 71672 |
| 2.76 | 2.89 | 21¢ | 71673 |
| 2.90 | 3.03 | 22¢ | 71674 |
| 3.04 | 3.17 | 23¢ | 71675 |
| 3.18 | 3.31 | 24¢ | 71676 |
| 3.32 | 3.44 | 25¢ | 71677 |
| 3.45 | 3.58 | 26¢ | 71678 |
| 3.59 | 3.72 | 27¢ | 71679 |
| 3.73 | 3.86 | 28¢ | 71680 |
| 3.87 | 4.00 | 29¢ | 71681 |

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.

(6) When the combined rate of state and local tax is seven and one-half per cent:

| | | | |
|--------------|-------------------|---------------|-------|
| If the price | | The amount of | 71696 |
| is at least | But not more than | the tax is | 71697 |
| \$.01 | \$.15 | No tax | 71698 |
| .16 | .26 | 2¢ | 71699 |
| .27 | .40 | 3¢ | 71700 |
| .41 | .53 | 4¢ | 71701 |
| .54 | .65 | 5¢ | 71702 |
| .66 | .80 | 6¢ | 71703 |

| | | | |
|------|------|-----|-------|
| .81 | .93 | 7¢ | 71704 |
| .94 | 1.06 | 8¢ | 71705 |
| 1.07 | 1.20 | 9¢ | 71706 |
| 1.21 | 1.33 | 10¢ | 71707 |
| 1.34 | 1.46 | 11¢ | 71708 |
| 1.47 | 1.60 | 12¢ | 71709 |
| 1.61 | 1.73 | 13¢ | 71710 |
| 1.74 | 1.86 | 14¢ | 71711 |
| 1.87 | 2.00 | 15¢ | 71712 |

If the price exceeds two dollars, the tax is fifteen cents on 71713
each two dollars. If the price exceeds two dollars or a multiple 71714
thereof by not more than fifteen cents, the amount of tax is 71715
fifteen cents for each two dollars plus one cent. If the price 71716
exceeds two dollars or a multiple thereof by more than fifteen 71717
cents, the amount of tax is fifteen cents for each two dollars 71718
plus the amount of tax for prices sixteen cents through one dollar 71719
and ninety-nine cents in accordance with the schedule above. 71720

(7) When the combined rate of state and local tax is seven 71721
and three-fourths per cent: 71722

| If the price | The amount of | 71723 |
|-------------------|---------------|-------|
| is at least | the tax is | 71724 |
| But not more than | No tax | 71725 |
| \$.01 | \$.15 | 71725 |
| .16 | .25 | 71726 |
| .26 | .38 | 71727 |
| .39 | .51 | 71728 |
| .52 | .64 | 71729 |
| .65 | .77 | 71730 |
| .78 | .90 | 71731 |
| .91 | 1.03 | 71732 |
| 1.04 | 1.16 | 71733 |
| 1.17 | 1.29 | 71734 |
| 1.30 | 1.41 | 71735 |

| | | | |
|------|------|-----|-------|
| 1.42 | 1.54 | 12¢ | 71736 |
| 1.55 | 1.67 | 13¢ | 71737 |
| 1.68 | 1.80 | 14¢ | 71738 |
| 1.81 | 1.93 | 15¢ | 71739 |
| 1.94 | 2.06 | 16¢ | 71740 |
| 2.07 | 2.19 | 17¢ | 71741 |
| 2.20 | 2.32 | 18¢ | 71742 |
| 2.33 | 2.45 | 19¢ | 71743 |
| 2.46 | 2.58 | 20¢ | 71744 |
| 2.59 | 2.70 | 21¢ | 71745 |
| 2.71 | 2.83 | 22¢ | 71746 |
| 2.84 | 2.96 | 23¢ | 71747 |
| 2.97 | 3.09 | 24¢ | 71748 |
| 3.10 | 3.22 | 25¢ | 71749 |
| 3.23 | 3.35 | 26¢ | 71750 |
| 3.36 | 3.48 | 27¢ | 71751 |
| 3.49 | 3.61 | 28¢ | 71752 |
| 3.62 | 3.74 | 29¢ | 71753 |
| 3.75 | 3.87 | 30¢ | 71754 |
| 3.88 | 4.00 | 31¢ | 71755 |

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of state and local tax is eight

| | | | |
|--------------|-------------------|---------------|-------|
| per cent: | | | 71769 |
| If the price | | The amount of | 71770 |
| is at least | But not more than | the tax is | 71771 |
| \$.01 | \$.15 | No tax | 71772 |
| .16 | .25 | 2¢ | 71773 |
| .26 | .37 | 3¢ | 71774 |
| .38 | .50 | 4¢ | 71775 |
| .51 | .62 | 5¢ | 71776 |
| .63 | .75 | 6¢ | 71777 |
| .76 | .87 | 7¢ | 71778 |
| .88 | 1.00 | 8¢ | 71779 |

If the price exceeds one dollar, the tax is eight cents on 71780
each one dollar. If the price exceeds one dollar or a multiple 71781
thereof by not more than twelve cents, the amount of tax is eight 71782
cents for each one dollar plus one cent. If the price exceeds one 71783
dollar or a multiple thereof by more than twelve cents but not 71784
more than twenty-five cents, the amount of tax is eight cents for 71785
each one dollar plus two cents. If the price exceeds one dollar or 71786
a multiple thereof by more than twenty-five cents, the amount of 71787
tax is eight cents for each one dollar plus the amount of tax for 71788
prices twenty-six cents through ninety-nine cents in accordance 71789
with the schedule above. 71790

(9) When the combined rate of state and local tax is eight 71791
and one-fourth per cent: 71792

| | | | |
|--------------|-------------------|---------------|-------|
| If the price | | The amount of | 71793 |
| is at least | But not more than | the tax is | 71794 |
| \$.01 | \$.15 | No tax | 71795 |
| .16 | .24 | 2¢ | 71796 |
| .25 | .36 | 3¢ | 71797 |
| .37 | .48 | 4¢ | 71798 |
| .49 | .60 | 5¢ | 71799 |
| .61 | .72 | 6¢ | 71800 |

| | | | |
|------|------|-----|-------|
| .73 | .84 | 7¢ | 71801 |
| .85 | .96 | 8¢ | 71802 |
| .97 | 1.09 | 9¢ | 71803 |
| 1.10 | 1.21 | 10¢ | 71804 |
| 1.22 | 1.33 | 11¢ | 71805 |
| 1.34 | 1.45 | 12¢ | 71806 |
| 1.46 | 1.57 | 13¢ | 71807 |
| 1.58 | 1.69 | 14¢ | 71808 |
| 1.70 | 1.81 | 15¢ | 71809 |
| 1.82 | 1.93 | 16¢ | 71810 |
| 1.94 | 2.06 | 17¢ | 71811 |
| 2.07 | 2.18 | 18¢ | 71812 |
| 2.19 | 2.30 | 19¢ | 71813 |
| 2.31 | 2.42 | 20¢ | 71814 |
| 2.43 | 2.54 | 21¢ | 71815 |
| 2.55 | 2.66 | 22¢ | 71816 |
| 2.67 | 2.78 | 23¢ | 71817 |
| 2.79 | 2.90 | 24¢ | 71818 |
| 2.91 | 3.03 | 25¢ | 71819 |
| 3.04 | 3.15 | 26¢ | 71820 |
| 3.16 | 3.27 | 27¢ | 71821 |
| 3.28 | 3.39 | 28¢ | 71822 |
| 3.40 | 3.51 | 29¢ | 71823 |
| 3.52 | 3.63 | 30¢ | 71824 |
| 3.64 | 3.75 | 31¢ | 71825 |
| 3.76 | 3.87 | 32¢ | 71826 |
| 3.88 | 4.00 | 33¢ | 71827 |

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-four cents, the amount of

tax is thirty-three cents for each four dollars plus two cents. If 71834
the price exceeds four dollars or a multiple thereof by more than 71835
twenty-four cents, the amount of tax is thirty-three cents for 71836
each four dollars plus the amount of tax for prices twenty-six 71837
cents through three dollars and ninety-nine cents in accordance 71838
with the schedule above. 71839

(10) When the combined rate of state and local tax is eight 71840
and one-half per cent: 71841

| If the price | The amount of | |
|-------------------|---------------|-------|
| is at least | the tax is | |
| But not more than | | |
| \$.01 | No tax | 71844 |
| .16 | 2¢ | 71845 |
| .24 | 3¢ | 71846 |
| .36 | 4¢ | 71847 |
| .48 | 5¢ | 71848 |
| .59 | 6¢ | 71849 |
| .71 | 7¢ | 71850 |
| .83 | 8¢ | 71851 |
| .95 | 9¢ | 71852 |
| 1.06 | 10¢ | 71853 |
| 1.18 | 11¢ | 71854 |
| 1.30 | 12¢ | 71855 |
| 1.42 | 13¢ | 71856 |
| 1.53 | 14¢ | 71857 |
| 1.65 | 15¢ | 71858 |
| 1.77 | 16¢ | 71859 |
| 1.89 | 17¢ | 71860 |

If the price exceeds two dollars, the tax is seventeen cents 71861
on each two dollars. If the price exceeds two dollars or a 71862
multiple thereof by not more than eleven cents, the amount of tax 71863
is seventeen cents for each two dollars plus one cent. If the 71864
price exceeds two dollars or a multiple thereof by more than 71865

eleven cents but by not more than twenty-three cents, the amount 71866
of tax is seventeen cents for each two dollars plus two cents. If 71867
the price exceeds two dollars or a multiple thereof by more than 71868
twenty-three cents, the amount of tax is seventeen cents for each 71869
two dollars plus the amount of tax for prices twenty-four cents 71870
through one dollar and ninety-nine cents in accordance with the 71871
schedule above. 71872

(11) When the combined rate of state and local tax is eight 71873
and three-fourths per cent: 71874

| If the price | | The amount of | |
|--------------|-------------------|---------------|-------|
| is at least | But not more than | the tax is | |
| \$.01 | \$.15 | No tax | 71875 |
| .16 | .22 | 2¢ | 71876 |
| .23 | .34 | 3¢ | 71877 |
| .35 | .45 | 4¢ | 71878 |
| .46 | .57 | 5¢ | 71879 |
| .58 | .68 | 6¢ | 71880 |
| .69 | .80 | 7¢ | 71881 |
| .81 | .91 | 8¢ | 71882 |
| .92 | 1.02 | 9¢ | 71883 |
| 1.03 | 1.14 | 10¢ | 71884 |
| 1.15 | 1.25 | 11¢ | 71885 |
| 1.26 | 1.37 | 12¢ | 71886 |
| 1.38 | 1.48 | 13¢ | 71887 |
| 1.49 | 1.60 | 14¢ | 71888 |
| 1.61 | 1.71 | 15¢ | 71889 |
| 1.72 | 1.82 | 16¢ | 71890 |
| 1.83 | 1.94 | 17¢ | 71891 |
| 1.95 | 2.05 | 18¢ | 71892 |
| 2.06 | 2.17 | 19¢ | 71893 |
| 2.18 | 2.28 | 20¢ | 71894 |
| 2.29 | 2.40 | 21¢ | 71895 |

| | | | |
|------|------|-----|-------|
| 2.41 | 2.51 | 22¢ | 71898 |
| 2.52 | 2.62 | 23¢ | 71899 |
| 2.63 | 2.74 | 24¢ | 71900 |
| 2.75 | 2.85 | 25¢ | 71901 |
| 2.86 | 2.97 | 26¢ | 71902 |
| 2.98 | 3.08 | 27¢ | 71903 |
| 3.09 | 3.20 | 28¢ | 71904 |
| 3.21 | 3.31 | 29¢ | 71905 |
| 3.32 | 3.42 | 30¢ | 71906 |
| 3.43 | 3.54 | 31¢ | 71907 |
| 3.55 | 3.65 | 32¢ | 71908 |
| 3.66 | 3.77 | 33¢ | 71909 |
| 3.78 | 3.88 | 34¢ | 71910 |
| 3.89 | 4.00 | 35¢ | 71911 |

If the price exceeds four dollars, the tax is thirty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-two cents, the amount of tax is thirty-five cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-two cents, the amount of tax is thirty-five cents for each four dollars plus the amount of tax for prices twenty-three cents through three dollars and ninety-nine cents in accordance with the schedule above.

(12) When the combined rate of state and local tax is nine per cent:

| | | | |
|--------------|-------------------|---------------|-------|
| If the price | | The amount of | 71926 |
| is at least | But not more than | the tax is | 71927 |
| \$.01 | \$.15 | No tax | 71928 |
| .16 | .22 | 2¢ | 71929 |

| | | | |
|-----|------|----|-------|
| .23 | .33 | 3¢ | 71930 |
| .34 | .44 | 4¢ | 71931 |
| .45 | .55 | 5¢ | 71932 |
| .56 | .66 | 6¢ | 71933 |
| .67 | .77 | 7¢ | 71934 |
| .78 | .88 | 8¢ | 71935 |
| .89 | 1.00 | 9¢ | 71936 |

If the price exceeds one dollar, the tax is nine cents on 71937
each one dollar. If the price exceeds one dollar or a multiple 71938
thereof by not more than eleven cents, the amount of tax is nine 71939
cents for each one dollar plus one cent. If the price exceeds one 71940
dollar or a multiple thereof by more than eleven cents but by not 71941
more than twenty-two cents, the amount of tax is nine cents for 71942
each one dollar plus two cents. If the price exceeds one dollar or 71943
a multiple thereof by more than twenty-two cents, the amount of 71944
tax is nine cents for each one dollar plus the amount of tax for 71945
prices twenty-three cents through ninety-nine cents in accordance 71946
with the schedule above. 71947

(C) On and after July 1, 2005, and on and before December 31, 71948
2005, the combined taxes levied by sections 5739.02 and 5741.02 71949
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 71950
5741.022, and 5741.023 of the Revised Code shall be collected in 71951
accordance with the following schedules: 71952

(1) When the total rate of local tax is one-fourth per cent: 71953

| If the price | But not | The amount | |
|--------------|-----------|---------------|-------|
| is at least | more than | of the tax is | |
| \$.01 | \$.15 | No tax | 71956 |
| .16 | .17 | 1¢ | 71957 |
| .18 | .34 | 2¢ | 71958 |
| .35 | .52 | 3¢ | 71959 |
| .53 | .69 | 4¢ | 71960 |
| .70 | .86 | 5¢ | 71961 |

| | | | |
|------|------|-----|-------|
| .87 | 1.04 | 6¢ | 71962 |
| 1.05 | 1.21 | 7¢ | 71963 |
| 1.22 | 1.39 | 8¢ | 71964 |
| 1.40 | 1.56 | 9¢ | 71965 |
| 1.57 | 1.73 | 10¢ | 71966 |
| 1.74 | 1.91 | 11¢ | 71967 |
| 1.92 | 2.08 | 12¢ | 71968 |
| 2.09 | 2.26 | 13¢ | 71969 |
| 2.27 | 2.43 | 14¢ | 71970 |
| 2.44 | 2.60 | 15¢ | 71971 |
| 2.61 | 2.78 | 16¢ | 71972 |
| 2.79 | 2.95 | 17¢ | 71973 |
| 2.96 | 3.13 | 18¢ | 71974 |
| 3.14 | 3.30 | 19¢ | 71975 |
| 3.31 | 3.47 | 20¢ | 71976 |
| 3.48 | 3.65 | 21¢ | 71977 |
| 3.66 | 3.82 | 22¢ | 71978 |
| 3.83 | 4.00 | 23¢ | 71979 |

If the price exceeds four dollars, the tax is twenty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety-nine cents in accordance with the schedule above.

| | | | |
|---|-----------|---------------|-------|
| (2) When the combined rate of local tax is one-half per cent: | | | 71989 |
| If the price | But not | The amount | 71990 |
| is at least | more than | of the tax is | 71991 |
| \$.01 | \$.15 | No tax | 71992 |
| .16 | .17 | 1¢ | 71993 |

| | | | |
|-----|------|----|-------|
| .18 | .34 | 2¢ | 71994 |
| .35 | .50 | 3¢ | 71995 |
| .51 | .67 | 4¢ | 71996 |
| .68 | .83 | 5¢ | 71997 |
| .84 | 1.00 | 6¢ | 71998 |

If the price exceeds one dollar, the tax is six cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than seventeen cents, the amount of tax is six cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than seventeen cents, the amount of tax is six cents for each one dollar plus the amount of tax for prices eighteen cents through ninety-nine cents in accordance with the schedule above.

(3) When the combined rate of local tax is three-fourths per cent:

| If the price is at least | But not more than | The amount of the tax is | |
|-----------------------------|----------------------|-----------------------------|-------|
| \$.01 | \$.15 | No tax | 72009 |
| .16 | .16 | 1¢ | 72010 |
| .17 | .32 | 2¢ | 72011 |
| .33 | .48 | 3¢ | 72012 |
| .49 | .64 | 4¢ | 72013 |
| .65 | .80 | 5¢ | 72014 |
| .81 | .96 | 6¢ | 72015 |
| .97 | 1.12 | 7¢ | 72016 |
| 1.13 | 1.28 | 8¢ | 72017 |
| 1.29 | 1.44 | 9¢ | 72018 |
| 1.45 | 1.60 | 10¢ | 72019 |
| 1.61 | 1.76 | 11¢ | 72020 |
| 1.77 | 1.92 | 12¢ | 72021 |
| 1.93 | 2.08 | 13¢ | 72022 |
| 2.09 | 2.24 | 14¢ | 72023 |

| | | | |
|------|------|-----|-------|
| 2.25 | 2.40 | 15¢ | 72026 |
| 2.41 | 2.56 | 16¢ | 72027 |
| 2.57 | 2.72 | 17¢ | 72028 |
| 2.73 | 2.88 | 18¢ | 72029 |
| 2.89 | 3.04 | 19¢ | 72030 |
| 3.05 | 3.20 | 20¢ | 72031 |
| 3.21 | 3.36 | 21¢ | 72032 |
| 3.37 | 3.52 | 22¢ | 72033 |
| 3.53 | 3.68 | 23¢ | 72034 |
| 3.69 | 3.84 | 24¢ | 72035 |
| 3.85 | 4.00 | 25¢ | 72036 |

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.

| | | | |
|--|-----------|---------------|-------|
| (4) When the combined rate of local tax is one per cent: | | | 72046 |
| If the price | But not | The amount | 72047 |
| is at least | more than | of the tax is | 72048 |
| \$.01 | \$.15 | No tax | 72049 |
| .16 | .30 | 2¢ | 72050 |
| .31 | .46 | 3¢ | 72051 |
| .47 | .61 | 4¢ | 72052 |
| .62 | .76 | 5¢ | 72053 |
| .77 | .92 | 6¢ | 72054 |
| .93 | 1.07 | 7¢ | 72055 |
| 1.08 | 1.23 | 8¢ | 72056 |
| 1.24 | 1.38 | 9¢ | 72057 |

| | | | |
|------|------|-----|-------|
| 1.39 | 1.53 | 10¢ | 72058 |
| 1.54 | 1.69 | 11¢ | 72059 |
| 1.70 | 1.84 | 12¢ | 72060 |
| 1.85 | 2.00 | 13¢ | 72061 |

If the price exceeds two dollars, the tax is thirteen cents 72062
on each two dollars. If the price exceeds two dollars or a 72063
multiple thereof by not more than fifteen cents, the amount of tax 72064
is thirteen cents for each two dollars plus one cent. If the price 72065
exceeds two dollars or a multiple thereof by more than fifteen 72066
cents, the amount of tax is thirteen cents for each two dollars 72067
plus the amount of tax for prices sixteen cents through one dollar 72068
and ninety-nine cents in accordance with the schedule above. 72069

(5) When the combined rate of local tax is one and one-fourth 72070
per cent: 72071

| If the price | But not | The amount | |
|--------------|-----------|---------------|-------|
| is at least | more than | of the tax is | |
| \$.01 | \$.15 | No tax | 72072 |
| .16 | .29 | 2¢ | 72073 |
| .30 | .44 | 3¢ | 72074 |
| .45 | .59 | 4¢ | 72075 |
| .60 | .74 | 5¢ | 72076 |
| .75 | .88 | 6¢ | 72077 |
| .89 | 1.03 | 7¢ | 72078 |
| 1.04 | 1.18 | 8¢ | 72079 |
| 1.19 | 1.33 | 9¢ | 72080 |
| 1.34 | 1.48 | 10¢ | 72081 |
| 1.49 | 1.62 | 11¢ | 72082 |
| 1.63 | 1.77 | 12¢ | 72083 |
| 1.78 | 1.92 | 13¢ | 72084 |
| 1.93 | 2.07 | 14¢ | 72085 |
| 2.08 | 2.22 | 15¢ | 72086 |
| 2.23 | 2.37 | 16¢ | 72087 |

| | | | |
|------|------|-----|-------|
| 2.38 | 2.51 | 17¢ | 72090 |
| 2.52 | 2.66 | 18¢ | 72091 |
| 2.67 | 2.81 | 19¢ | 72092 |
| 2.82 | 2.96 | 20¢ | 72093 |
| 2.97 | 3.11 | 21¢ | 72094 |
| 3.12 | 3.25 | 22¢ | 72095 |
| 3.26 | 3.40 | 23¢ | 72096 |
| 3.41 | 3.55 | 24¢ | 72097 |
| 3.56 | 3.70 | 25¢ | 72098 |
| 3.71 | 3.85 | 26¢ | 72099 |
| 3.86 | 4.00 | 27¢ | 72100 |

If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-nine cents the amount of tax is twenty-seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety-nine cents in accordance with the schedule above.

(6) When the combined rate of local tax is one and one-half per cent:

| If the price is at least | But not more than | The amount of the tax is | |
|--------------------------|-------------------|--------------------------|-------|
| \$.01 | \$.15 | No tax | 72115 |
| .16 | .28 | 2¢ | 72116 |
| .29 | .42 | 3¢ | 72117 |
| .43 | .57 | 4¢ | 72118 |
| .58 | .71 | 5¢ | 72119 |

| | | | |
|-----|------|----|-------|
| .72 | .85 | 6¢ | 72122 |
| .86 | 1.00 | 7¢ | 72123 |

If the price exceeds one dollar, the tax is seven cents on 72124
each one dollar. If the price exceeds one dollar or a multiple 72125
thereof by not more than fifteen cents, the amount of tax is seven 72126
cents for each one dollar plus one cent. If the price exceeds one 72127
dollar or a multiple thereof by more than fifteen cents, the 72128
amount of tax is seven cents for each one dollar plus the amount 72129
of tax for prices sixteen cents through ninety-nine cents in 72130
accordance with the schedule above. 72131

(7) When the combined rate of local tax is one and 72132
three-fourths per cent: 72133

| If the price | But not | The amount | |
|--------------|-----------|---------------|-------|
| is at least | more than | of the tax is | |
| \$.01 | \$.15 | No tax | 72134 |
| .16 | .27 | 2¢ | 72135 |
| .28 | .41 | 3¢ | 72136 |
| .42 | .55 | 4¢ | 72137 |
| .56 | .68 | 5¢ | 72138 |
| .69 | .82 | 6¢ | 72139 |
| .83 | .96 | 7¢ | 72140 |
| .97 | 1.10 | 8¢ | 72141 |
| 1.11 | 1.24 | 9¢ | 72142 |
| 1.25 | 1.37 | 10¢ | 72143 |
| 1.38 | 1.51 | 11¢ | 72144 |
| 1.52 | 1.65 | 12¢ | 72145 |
| 1.66 | 1.79 | 13¢ | 72146 |
| 1.80 | 1.93 | 14¢ | 72147 |
| 1.94 | 2.06 | 15¢ | 72148 |
| 2.07 | 2.20 | 16¢ | 72149 |
| 2.21 | 2.34 | 17¢ | 72150 |
| 2.35 | 2.48 | 18¢ | 72151 |

| | | | |
|------|------|-----|-------|
| 2.49 | 2.62 | 19¢ | 72154 |
| 2.63 | 2.75 | 20¢ | 72155 |
| 2.76 | 2.89 | 21¢ | 72156 |
| 2.90 | 3.03 | 22¢ | 72157 |
| 3.04 | 3.17 | 23¢ | 72158 |
| 3.18 | 3.31 | 24¢ | 72159 |
| 3.32 | 3.44 | 25¢ | 72160 |
| 3.45 | 3.58 | 26¢ | 72161 |
| 3.59 | 3.72 | 27¢ | 72162 |
| 3.73 | 3.86 | 28¢ | 72163 |
| 3.87 | 4.00 | 29¢ | 72164 |

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of local tax is two per cent:

| | | | |
|--------------|-----------|---------------|-------|
| If the price | But not | The amount | 72178 |
| is at least | more than | of the tax is | 72179 |
| \$.01 | \$.15 | No tax | 72180 |
| .16 | .26 | 2¢ | 72181 |
| .27 | .40 | 3¢ | 72182 |
| .41 | .53 | 4¢ | 72183 |
| .54 | .65 | 5¢ | 72184 |
| .66 | .80 | 6¢ | 72185 |

| | | | |
|------|------|-----|-------|
| .81 | .93 | 7¢ | 72186 |
| .94 | 1.06 | 8¢ | 72187 |
| 1.07 | 1.20 | 9¢ | 72188 |
| 1.21 | 1.33 | 10¢ | 72189 |
| 1.34 | 1.46 | 11¢ | 72190 |
| 1.47 | 1.60 | 12¢ | 72191 |
| 1.61 | 1.73 | 13¢ | 72192 |
| 1.74 | 1.86 | 14¢ | 72193 |
| 1.87 | 2.00 | 15¢ | 72194 |

If the price exceeds two dollars, the tax is fifteen cents on 72195
each two dollars. If the price exceeds two dollars or a multiple 72196
thereof by not more than fifteen cents, the amount of tax is 72197
fifteen cents for each two dollars plus one cent. If the price 72198
exceeds two dollars or a multiple thereof by more than fifteen 72199
cents, the amount of tax is fifteen cents for each two dollars 72200
plus the amount of tax for prices sixteen cents through one dollar 72201
and ninety-nine cents in accordance with the schedule above. 72202

(9) When the combined rate of local tax is two and one-fourth 72203
per cent: 72204

| If the price | But not | The amount | |
|--------------|-----------|---------------|-------|
| is at least | more than | of the tax is | |
| \$.01 | \$.15 | No tax | 72205 |
| .16 | .25 | 2¢ | 72206 |
| .26 | .38 | 3¢ | 72207 |
| .39 | .51 | 4¢ | 72208 |
| .52 | .64 | 5¢ | 72209 |
| .65 | .77 | 6¢ | 72210 |
| .78 | .90 | 7¢ | 72211 |
| .91 | 1.03 | 8¢ | 72212 |
| 1.04 | 1.16 | 9¢ | 72213 |
| 1.17 | 1.29 | 10¢ | 72214 |
| 1.30 | 1.41 | 11¢ | 72215 |

| | | | |
|------|------|-----|-------|
| 1.42 | 1.54 | 12¢ | 72218 |
| 1.55 | 1.67 | 13¢ | 72219 |
| 1.68 | 1.80 | 14¢ | 72220 |
| 1.81 | 1.93 | 15¢ | 72221 |
| 1.94 | 2.06 | 16¢ | 72222 |
| 2.07 | 2.19 | 17¢ | 72223 |
| 2.20 | 2.32 | 18¢ | 72224 |
| 2.33 | 2.45 | 19¢ | 72225 |
| 2.46 | 2.58 | 20¢ | 72226 |
| 2.59 | 2.70 | 21¢ | 72227 |
| 2.71 | 2.83 | 22¢ | 72228 |
| 2.84 | 2.96 | 23¢ | 72229 |
| 2.97 | 3.09 | 24¢ | 72230 |
| 3.10 | 3.22 | 25¢ | 72231 |
| 3.23 | 3.35 | 26¢ | 72232 |
| 3.36 | 3.48 | 27¢ | 72233 |
| 3.49 | 3.61 | 28¢ | 72234 |
| 3.62 | 3.74 | 29¢ | 72235 |
| 3.75 | 3.87 | 30¢ | 72236 |
| 3.88 | 4.00 | 31¢ | 72237 |

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of local tax is two and one-half

| | | | |
|--------------|-----------|---------------|-------|
| per cent: | | | 72251 |
| If the price | But not | The amount | 72252 |
| is at least | more than | of the tax is | 72253 |
| \$.01 | \$.15 | No tax | 72254 |
| .16 | .25 | 2¢ | 72255 |
| .26 | .37 | 3¢ | 72256 |
| .38 | .50 | 4¢ | 72257 |
| .51 | .62 | 5¢ | 72258 |
| .63 | .75 | 6¢ | 72259 |
| .76 | .87 | 7¢ | 72260 |
| .88 | 1.00 | 8¢ | 72261 |

 If the price exceeds one dollar, the tax is eight cents on 72262
each one dollar. If the price exceeds one dollar or a multiple 72263
thereof by not more than twelve cents, the amount of tax is eight 72264
cents for each one dollar plus one cent. If the price exceeds one 72265
dollar or a multiple thereof by more than twelve cents but not 72266
more than twenty-five cents, the amount of tax is eight cents for 72267
each one dollar plus two cents. If the price exceeds one dollar or 72268
a multiple thereof by more than twenty-five cents, the amount of 72269
tax is eight cents for each one dollar plus the amount of tax for 72270
prices twenty-six cents through ninety-nine cents in accordance 72271
with the schedule above. 72272

(11) When the combined rate of local tax is two and 72273
three-fourths per cent: 72274

| | | | |
|--------------|-----------|---------------|-------|
| If the price | But not | The amount | 72275 |
| is at least | more than | of the tax is | 72276 |
| \$.01 | \$.15 | No tax | 72277 |
| .16 | .24 | 2¢ | 72278 |
| .25 | .36 | 3¢ | 72279 |
| .37 | .48 | 4¢ | 72280 |
| .49 | .60 | 5¢ | 72281 |
| .61 | .72 | 6¢ | 72282 |

| | | | |
|------|------|-----|-------|
| .73 | .84 | 7¢ | 72283 |
| .85 | .96 | 8¢ | 72284 |
| .97 | 1.09 | 9¢ | 72285 |
| 1.10 | 1.21 | 10¢ | 72286 |
| 1.22 | 1.33 | 11¢ | 72287 |
| 1.34 | 1.45 | 12¢ | 72288 |
| 1.46 | 1.57 | 13¢ | 72289 |
| 1.58 | 1.69 | 14¢ | 72290 |
| 1.70 | 1.81 | 15¢ | 72291 |
| 1.82 | 1.93 | 16¢ | 72292 |
| 1.94 | 2.06 | 17¢ | 72293 |
| 2.07 | 2.18 | 18¢ | 72294 |
| 2.19 | 2.30 | 19¢ | 72295 |
| 2.31 | 2.42 | 20¢ | 72296 |
| 2.43 | 2.54 | 21¢ | 72297 |
| 2.55 | 2.66 | 22¢ | 72298 |
| 2.67 | 2.78 | 23¢ | 72299 |
| 2.79 | 2.90 | 24¢ | 72300 |
| 2.91 | 3.03 | 25¢ | 72301 |
| 3.04 | 3.15 | 26¢ | 72302 |
| 3.16 | 3.27 | 27¢ | 72303 |
| 3.28 | 3.39 | 28¢ | 72304 |
| 3.40 | 3.51 | 29¢ | 72305 |
| 3.52 | 3.63 | 30¢ | 72306 |
| 3.64 | 3.75 | 31¢ | 72307 |
| 3.76 | 3.87 | 32¢ | 72308 |
| 3.88 | 4.00 | 33¢ | 72309 |

If the price exceeds four dollars, the tax is thirty-three 72310
cents on each four dollars. If the price exceeds four dollars or a 72311
multiple thereof by not more than eleven cents, the amount of tax 72312
is thirty-three cents for each four dollars plus one cent. If the 72313
price exceeds four dollars or a multiple thereof by more than 72314
eleven cents but not more than twenty-four cents, the amount of 72315

tax is thirty-three cents for each four dollars plus two cents. If 72316
the price exceeds four dollars or a multiple thereof by more than 72317
twenty-four cents, the amount of tax is thirty-three cents for 72318
each four dollars plus the amount of tax for prices twenty-six 72319
cents through three dollars and ninety-nine cents in accordance 72320
with the schedule above. 72321

(12) When the combined rate of local tax is three per cent: 72322

| If the price | But not | The amount | |
|--------------|-----------|---------------|-------|
| is at least | more than | of the tax is | |
| \$.01 | \$.15 | No tax | 72325 |
| .16 | .23 | 2¢ | 72326 |
| .24 | .35 | 3¢ | 72327 |
| .36 | .47 | 4¢ | 72328 |
| .48 | .58 | 5¢ | 72329 |
| .59 | .70 | 6¢ | 72330 |
| .71 | .82 | 7¢ | 72331 |
| .83 | .94 | 8¢ | 72332 |
| .95 | 1.05 | 9¢ | 72333 |
| 1.06 | 1.17 | 10¢ | 72334 |
| 1.18 | 1.29 | 11¢ | 72335 |
| 1.30 | 1.41 | 12¢ | 72336 |
| 1.42 | 1.52 | 13¢ | 72337 |
| 1.53 | 1.64 | 14¢ | 72338 |
| 1.65 | 1.76 | 15¢ | 72339 |
| 1.77 | 1.88 | 16¢ | 72340 |
| 1.89 | 2.00 | 17¢ | 72341 |

If the price exceeds two dollars, the tax is seventeen cents 72342
on each two dollars. If the price exceeds two dollars or a 72343
multiple thereof by not more than eleven cents, the amount of tax 72344
is seventeen cents for each two dollars plus one cent. If the 72345
price exceeds two dollars or a multiple thereof by more than 72346
eleven cents but not more than twenty-three cents, the amount of 72347

tax is seventeen cents for each two dollars plus two cents. If the price exceeds two dollars or a multiple thereof by more than twenty-three cents, the amount of tax is seventeen cents for each two dollars plus the amount of tax for prices twenty-four cents through one dollar and ninety-nine cents in accordance with the schedule above.

(D) In lieu of collecting the tax pursuant to the schedules set forth in divisions (A), (B), and (C) of this section, a vendor may compute the tax on each sale as follows:

(1) On sales of fifteen cents or less, no tax shall apply.

(2) On sales in excess of fifteen cents, multiply the price by the aggregate rate of taxes in effect under sections 5739.02 and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code. The computation shall be carried out to six decimal places. If the result is a fractional amount of a cent, the calculated tax shall be increased to the next highest cent and that amount shall be collected by the vendor.

(E) On and after January 1, 2006, a vendor shall compute the tax on each sale by multiplying the price by the aggregate rate of taxes in effect under sections 5739.02 and 5741.02, and sections 5739.021, 5739.023, 5739.024, 5739.026, 5741.021, 5741.022, ~~and 5741.023~~, and 5741.024 of the Revised Code. The computation shall be carried out to three decimal places. If the result is a fractional amount of a cent, the calculated tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four. A vendor may elect to compute the tax due on a transaction on an item or an invoice basis.

(F) In auditing a vendor, the tax commissioner shall consider the method prescribed by this section that was used by the vendor

in determining and collecting the tax due under this chapter on 72379
taxable transactions. If the vendor correctly collects and remits 72380
the tax due under this chapter in accordance with the schedules in 72381
divisions (A), (B), and (C) of this section or in accordance with 72382
the computation prescribed in division (D) or (E) of this section, 72383
the commissioner shall not assess any additional tax on those 72384
transactions. 72385

(G)(1) With respect to a sale of a fractional ownership 72386
program aircraft used primarily in a fractional aircraft ownership 72387
program, including all accessories attached to such aircraft, the 72388
tax shall be calculated pursuant to divisions (A) to (E) of this 72389
section, provided that the tax commissioner shall modify those 72390
calculations so that the maximum tax on each program aircraft is 72391
eight hundred dollars. In the case of a sale of a fractional 72392
interest that is less than one hundred per cent of the program 72393
aircraft, the tax charged on the transaction shall be eight 72394
hundred dollars multiplied by a fraction, the numerator of which 72395
is the percentage of ownership or possession in the aircraft being 72396
purchased in the transaction, and the denominator of which is one 72397
hundred per cent. 72398

(2) Notwithstanding any other provision of law to the 72399
contrary, the tax calculated under division (G)(1) of this section 72400
and paid with respect to the sale of a fractional ownership 72401
program aircraft used primarily in a fractional aircraft ownership 72402
program shall be credited to the general revenue fund. 72403

Sec. 5739.026. (A) A board of county commissioners may levy a 72404
tax of one-fourth or one-half of one per cent on every retail sale 72405
in the county, except sales of watercraft and outboard motors 72406
required to be titled pursuant to Chapter 1548. of the Revised 72407
Code and sales of motor vehicles, and may increase an existing 72408
rate of one-fourth of one per cent to one-half of one per cent, to 72409

pay the expenses of administering the tax and, except as provided 72410
in division (A)(6) of this section, for any one or more of the 72411
following purposes provided that the aggregate levy for all such 72412
purposes does not exceed one-half of one per cent: 72413

(1) To provide additional revenues for the payment of bonds 72414
or notes issued in anticipation of bonds issued by a convention 72415
facilities authority established by the board of county 72416
commissioners under Chapter 351. of the Revised Code and to 72417
provide additional operating revenues for the convention 72418
facilities authority; 72419

(2) To provide additional revenues for a transit authority 72420
operating in the county; 72421

(3) To provide additional revenue for the county's general 72422
fund; 72423

(4) To provide additional revenue for permanent improvements 72424
within the county to be distributed by the community improvements 72425
board in accordance with section 307.283 and to pay principal, 72426
interest, and premium on bonds issued under section 307.284 of the 72427
Revised Code; 72428

(5) To provide additional revenue for the acquisition, 72429
construction, equipping, or repair of any specific permanent 72430
improvement or any class or group of permanent improvements, which 72431
improvement or class or group of improvements shall be enumerated 72432
in the resolution required by division (D) of this section, and to 72433
pay principal, interest, premium, and other costs associated with 72434
the issuance of bonds or notes in anticipation of bonds issued 72435
pursuant to Chapter 133. of the Revised Code for the acquisition, 72436
construction, equipping, or repair of the specific permanent 72437
improvement or class or group of permanent improvements; 72438

(6) To provide revenue for the implementation and operation 72439
of a 9-1-1 system in the county. If the tax is levied or the rate 72440

increased exclusively for such purpose, the tax shall not be 72441
levied or the rate increased for more than five years. At the end 72442
of the last year the tax is levied or the rate increased, any 72443
balance remaining in the special fund established for such purpose 72444
shall remain in that fund and be used exclusively for such purpose 72445
until the fund is completely expended, and, notwithstanding 72446
section 5705.16 of the Revised Code, the board of county 72447
commissioners shall not petition for the transfer of money from 72448
such special fund, and the tax commissioner shall not approve such 72449
a petition. 72450

If the tax is levied or the rate increased for such purpose 72451
for more than five years, the board of county commissioners also 72452
shall levy the tax or increase the rate of the tax for one or more 72453
of the purposes described in divisions (A)(1) to (5) of this 72454
section and shall prescribe the method for allocating the revenues 72455
from the tax each year in the manner required by division (C) of 72456
this section. 72457

(7) To provide additional revenue for the operation or 72458
maintenance of a detention facility, as that term is defined under 72459
division (F) of section 2921.01 of the Revised Code; 72460

(8) To provide revenue to finance the construction or 72461
renovation of a sports facility, but only if the tax is levied for 72462
that purpose in the manner prescribed by section 5739.028 of the 72463
Revised Code. 72464

As used in division (A)(8) of this section: 72465

(a) "Sports facility" means a facility intended to house 72466
major league professional athletic teams. 72467

(b) "Constructing" or "construction" includes providing 72468
fixtures, furnishings, and equipment. 72469

(9) To provide additional revenue for the acquisition of 72470
agricultural easements, as defined in section 5301.67 of the 72471

Revised Code; to pay principal, interest, and premium on bonds 72472
issued under section 133.60 of the Revised Code; and for the 72473
supervision and enforcement of agricultural easements held by the 72474
county; 72475

(10) To provide revenue for the provision of ambulance, 72476
paramedic, or other emergency medical services; 72477

(11) To provide revenue for the operation of a lake 72478
facilities authority and the remediation of an impacted watershed 72479
by a lake facilities authority, as provided in Chapter 353. of the 72480
Revised Code. 72481

Pursuant to section 755.171 of the Revised Code, a board of 72482
county commissioners may pledge and contribute revenue from a tax 72483
levied for the purpose of division (A)(5) of this section to the 72484
payment of debt charges on bonds issued under section 755.17 of 72485
the Revised Code. 72486

The rate of tax shall be a multiple of one-fourth of one per 72487
cent, unless a portion of the rate of an existing tax levied under 72488
section 5739.023 of the Revised Code has been reduced, and the 72489
rate of tax levied under this section has been increased, pursuant 72490
to section 5739.028 of the Revised Code, in which case the 72491
aggregate of the rates of tax levied under this section and 72492
section 5739.023 of the Revised Code shall be a multiple of 72493
one-fourth of one per cent. The tax shall be levied and the rate 72494
increased pursuant to a resolution adopted by a majority of the 72495
members of the board. The board shall deliver a certified copy of 72496
the resolution to the tax commissioner, not later than the 72497
sixty-fifth day prior to the date on which the tax is to become 72498
effective, which shall be the first day of a calendar quarter. 72499

Prior to the adoption of any resolution to levy the tax or to 72500
increase the rate of tax exclusively for the purpose set forth in 72501
division (A)(3) of this section, the board of county commissioners 72502

shall conduct two public hearings on the resolution, the second 72503
hearing to be no fewer than three nor more than ten days after the 72504
first. Notice of the date, time, and place of the hearings shall 72505
be given by publication in a newspaper of general circulation in 72506
the county, or as provided in section 7.16 of the Revised Code, 72507
once a week on the same day of the week for two consecutive weeks. 72508
The second publication shall be no fewer than ten nor more than 72509
thirty days prior to the first hearing. Except as provided in 72510
division (E) of this section, the resolution shall be subject to a 72511
referendum as provided in sections 305.31 to 305.41 of the Revised 72512
Code. If the resolution is adopted as an emergency measure 72513
necessary for the immediate preservation of the public peace, 72514
health, or safety, it must receive an affirmative vote of all of 72515
the members of the board of county commissioners and shall state 72516
the reasons for the necessity. 72517

If the tax is for more than one of the purposes set forth in 72518
divisions (A)(1) to (7), (9), and (10) of this section, or is 72519
exclusively for one of the purposes set forth in division (A)(1), 72520
(2), (4), (5), (6), (7), (9), or (10) of this section, the 72521
resolution shall not go into effect unless it is approved by a 72522
majority of the electors voting on the question of the tax. 72523

(B) The board of county commissioners shall adopt a 72524
resolution under section 351.02 of the Revised Code creating the 72525
convention facilities authority, or under section 307.283 of the 72526
Revised Code creating the community improvements board, before 72527
adopting a resolution levying a tax for the purpose of a 72528
convention facilities authority under division (A)(1) of this 72529
section or for the purpose of a community improvements board under 72530
division (A)(4) of this section. 72531

(C)(1) If the tax is to be used for more than one of the 72532
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 72533
this section, the board of county commissioners shall establish 72534

the method that will be used to determine the amount or proportion 72535
of the tax revenue received by the county during each year that 72536
will be distributed for each of those purposes, including, if 72537
applicable, provisions governing the reallocation of a convention 72538
facilities authority's allocation if the authority is dissolved 72539
while the tax is in effect. The allocation method may provide that 72540
different proportions or amounts of the tax shall be distributed 72541
among the purposes in different years, but it shall clearly 72542
describe the method that will be used for each year. Except as 72543
otherwise provided in division (C)(2) of this section, the 72544
allocation method established by the board is not subject to 72545
amendment during the life of the tax. 72546

(2) Subsequent to holding a public hearing on the proposed 72547
amendment, the board of county commissioners may amend the 72548
allocation method established under division (C)(1) of this 72549
section for any year, if the amendment is approved by the 72550
governing board of each entity whose allocation for the year would 72551
be reduced by the proposed amendment. In the case of a tax that is 72552
levied for a continuing period of time, the board may not so amend 72553
the allocation method for any year before the sixth year that the 72554
tax is in effect. 72555

(a) If the additional revenues provided to the convention 72556
facilities authority are pledged by the authority for the payment 72557
of convention facilities authority revenue bonds for as long as 72558
such bonds are outstanding, no reduction of the authority's 72559
allocation of the tax shall be made for any year except to the 72560
extent that the reduced authority allocation, when combined with 72561
the authority's other revenues pledged for that purpose, is 72562
sufficient to meet the debt service requirements for that year on 72563
such bonds. 72564

(b) If the additional revenues provided to the county are 72565
pledged by the county for the payment of bonds or notes described 72566

in division (A)(4) or (5) of this section, for as long as such 72567
bonds or notes are outstanding, no reduction of the county's or 72568
the community improvements board's allocation of the tax shall be 72569
made for any year, except to the extent that the reduced county or 72570
community improvements board allocation is sufficient to meet the 72571
debt service requirements for that year on such bonds or notes. 72572

(c) If the additional revenues provided to the transit 72573
authority are pledged by the authority for the payment of revenue 72574
bonds issued under section 306.37 of the Revised Code, for as long 72575
as such bonds are outstanding, no reduction of the authority's 72576
allocation of tax shall be made for any year, except to the extent 72577
that the authority's reduced allocation, when combined with the 72578
authority's other revenues pledged for that purpose, is sufficient 72579
to meet the debt service requirements for that year on such bonds. 72580

(d) If the additional revenues provided to the county are 72581
pledged by the county for the payment of bonds or notes issued 72582
under section 133.60 of the Revised Code, for so long as the bonds 72583
or notes are outstanding, no reduction of the county's allocation 72584
of the tax shall be made for any year, except to the extent that 72585
the reduced county allocation is sufficient to meet the debt 72586
service requirements for that year on the bonds or notes. 72587

(D)(1) The resolution levying the tax or increasing the rate 72588
of tax shall state the rate of the tax or the rate of the 72589
increase; the purpose or purposes for which it is to be levied; 72590
the number of years for which it is to be levied or that it is for 72591
a continuing period of time; the allocation method required by 72592
division (C) of this section; and if required to be submitted to 72593
the electors of the county under division (A) of this section, the 72594
date of the election at which the proposal shall be submitted to 72595
the electors of the county, which shall be not less than ninety 72596
days after the certification of a copy of the resolution to the 72597
board of elections and, if the tax is to be levied exclusively for 72598

the purpose set forth in division (A)(3) of this section, shall 72599
not occur in February or August of any year. Upon certification of 72600
the resolution to the board of elections, the board of county 72601
commissioners shall notify the tax commissioner in writing of the 72602
levy question to be submitted to the electors. If approved by a 72603
majority of the electors, the tax shall become effective on the 72604
first day of a calendar quarter next following the sixty-fifth day 72605
following the date the board of county commissioners and tax 72606
commissioner receive from the board of elections the certification 72607
of the results of the election, except as provided in division (E) 72608
of this section. 72609

(2)(a) A resolution specifying that the tax is to be used 72610
exclusively for the purpose set forth in division (A)(3) of this 72611
section that is not adopted as an emergency measure may direct the 72612
board of elections to submit the question of levying the tax or 72613
increasing the rate of the tax to the electors of the county at a 72614
special election held on the date specified by the board of county 72615
commissioners in the resolution, provided that the election occurs 72616
not less than ninety days after the resolution is certified to the 72617
board of elections and the election is not held in February or 72618
August of any year. Upon certification of the resolution to the 72619
board of elections, the board of county commissioners shall notify 72620
the tax commissioner in writing of the levy question to be 72621
submitted to the electors. No resolution adopted under division 72622
(D)(2)(a) of this section shall go into effect unless approved by 72623
a majority of those voting upon it and, except as provided in 72624
division (E) of this section, not until the first day of a 72625
calendar quarter following the expiration of sixty-five days from 72626
the date the tax commissioner receives notice from the board of 72627
elections of the affirmative vote. 72628

(b) A resolution specifying that the tax is to be used 72629
exclusively for the purpose set forth in division (A)(3) of this 72630

section that is adopted as an emergency measure shall become 72631
effective as provided in division (A) of this section, but may 72632
direct the board of elections to submit the question of repealing 72633
the tax or increase in the rate of the tax to the electors of the 72634
county at the next general election in the county occurring not 72635
less than ninety days after the resolution is certified to the 72636
board of elections. Upon certification of the resolution to the 72637
board of elections, the board of county commissioners shall notify 72638
the tax commissioner in writing of the levy question to be 72639
submitted to the electors. The ballot question shall be the same 72640
as that prescribed in section 5739.022 of the Revised Code. The 72641
board of elections shall notify the board of county commissioners 72642
and the tax commissioner of the result of the election immediately 72643
after the result has been declared. If a majority of the qualified 72644
electors voting on the question of repealing the tax or increase 72645
in the rate of the tax vote for repeal of the tax or repeal of the 72646
increase, the board of county commissioners, on the first day of a 72647
calendar quarter following the expiration of sixty-five days after 72648
the date the board and tax commissioner received notice of the 72649
result of the election, shall, in the case of a repeal of the tax, 72650
cease to levy the tax, or, in the case of a repeal of an increase 72651
in the rate of the tax, cease to levy the increased rate and levy 72652
the tax at the rate at which it was imposed immediately prior to 72653
the increase in rate. 72654

(c) A board of county commissioners, by resolution, may 72655
reduce the rate of a tax levied exclusively for the purpose set 72656
forth in division (A)(3) of this section to a lower rate 72657
authorized by this section. Any such reduction shall be made 72658
effective on the first day of the calendar quarter next following 72659
the sixty-fifth day after the tax commissioner receives a 72660
certified copy of the resolution from the board. 72661

(E) If a vendor makes a sale in this state by printed catalog 72662

and the consumer computed the tax on the sale based on local rates 72663
published in the catalog, any tax levied or repealed or rate 72664
changed under this section shall not apply to such a sale until 72665
the first day of a calendar quarter following the expiration of 72666
one hundred twenty days from the date of notice by the tax 72667
commissioner pursuant to division (G) of this section. 72668

(F) The tax levied pursuant to this section shall be in 72669
addition to the tax levied by section 5739.02 of the Revised Code 72670
and any tax levied pursuant to section 5739.021 ~~or~~, 5739.023, or 72671
5739.024 of the Revised Code. 72672

A county that levies a tax pursuant to this section shall 72673
levy a tax at the same rate pursuant to section 5741.023 of the 72674
Revised Code. 72675

The additional tax levied by the county shall be collected 72676
pursuant to section 5739.025 of the Revised Code. 72677

Any tax levied pursuant to this section is subject to the 72678
exemptions provided in section 5739.02 of the Revised Code and in 72679
addition shall not be applicable to sales not within the taxing 72680
power of a county under the Constitution of the United States or 72681
the Ohio Constitution. 72682

(G) Upon receipt from a board of county commissioners of a 72683
certified copy of a resolution required by division (A) of this 72684
section, or from the board of elections a notice of the results of 72685
an election required by division (D)(1), (2)(a), (b), or (c) of 72686
this section, the tax commissioner shall provide notice of a tax 72687
rate change in a manner that is reasonably accessible to all 72688
affected vendors. The commissioner shall provide this notice at 72689
least sixty days prior to the effective date of the rate change. 72690
The commissioner, by rule, may establish the method by which 72691
notice will be provided. 72692

Sec. 5739.027. (A) Notwithstanding sections 5739.02, 72693
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 72694
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, the tax 72695
due on the sale to a consumer who is a nonresident of this state 72696
of a watercraft or outboard motor required to be titled pursuant 72697
to Chapter 1548. of the Revised Code, or on the sale of a 72698
watercraft documented or to be documented with the United States 72699
coast guard, shall be the lesser of the combined tax rate in 72700
effect at the location of the vendor or the sales, use, or similar 72701
excise tax that the consumer would owe in the state of the 72702
consumer's intended titling, registration, or use of the 72703
watercraft or outboard motor, if all of the following apply: 72704

(1) The consumer immediately will remove the watercraft or 72705
outboard motor from this state for use outside this state; 72706

(2) The consumer will title or register the watercraft or 72707
outboard motor in another state, if such titling or registration 72708
is required; 72709

(3) The consumer will pay all applicable sales, use, or 72710
similar excise taxes due in the state of titling, registration, or 72711
use; 72712

(4) The state of titling, registration, or use grants a 72713
credit against its sales, use, or similar excise tax for tax paid 72714
to this state; 72715

(5) The consumer executes the affidavit specified in division 72716
(C) of this section. 72717

The vendor shall collect the tax and remit it to the state in 72718
the manner specified by the tax commissioner. 72719

(B) If all of the conditions specified in division (A) of 72720
this section exist, except that the state of titling, 72721
registration, or use does not grant a credit for sales or use tax 72722

paid to this state, or that the consumer's ownership or use of the 72723
watercraft or outboard motor is exempt or otherwise not taxable in 72724
such other state, the consumer may take title to and possession of 72725
the watercraft or outboard motor without payment of any sales or 72726
use tax to this state. 72727

(C) Every nonresident consumer who purchases a watercraft or 72728
outboard motor, as described in division (A) of this section, for 72729
immediate removal from this state shall execute an affidavit in 72730
triplicate, in such form as the tax commissioner specifies, 72731
affirming such facts and specifying the consumer's tax liability 72732
in the intended state of titling, registration, or use. The 72733
affidavit shall be given to the vendor. The vendor shall retain a 72734
copy of the affidavit and file another copy with the clerk of the 72735
court of common pleas if the vendor is procuring an Ohio title on 72736
behalf of the consumer. The original copy of the affidavit shall 72737
be filed with the tax commissioner in the manner prescribed by the 72738
tax commissioner. 72739

(D) If the vendor procures a title on behalf of the 72740
nonresident consumer from the clerk of the court of common pleas 72741
of the county where the vendor is located on the sale of a 72742
watercraft or outboard motor, the vendor shall file the affidavit 72743
specified in division (C) of this section with the clerk. The 72744
clerk shall issue the title without requiring payment of a sales 72745
or use tax. 72746

(E) If the watercraft or outboard motor is purchased by a 72747
corporation described in division (B)(6) of section 5739.01 of the 72748
Revised Code, for purposes of this section the state of residence 72749
of the consumer shall be the state of residence of the principal 72750
shareholder. 72751

(F) For purposes of this section, the consideration received 72752
for watercraft trailers not required to be titled pursuant to 72753
Chapter 4505. of the Revised Code and other accessories, which are 72754

transferred to a nonresident consumer with the watercraft or 72755
outboard motor, is part of the price of the watercraft or outboard 72756
motor, provided that such consideration is included in the price 72757
of the watercraft or outboard motor as reported by the vendor. 72758
Tangible personal property sold separately to the nonresident 72759
consumer shall be taxed as otherwise provided in this chapter and 72760
Chapter 5741. of the Revised Code. 72761

(G) A vendor who in good faith accepts an affidavit provided 72762
by a nonresident consumer pursuant to division (C) of this section 72763
may rely upon the representations made in the affidavit. 72764

(H) All provisions of this chapter and of Chapter 5741. of 72765
the Revised Code that are not inconsistent with this section apply 72766
to transactions described in this section. 72767

(I) Any vendor who makes sales described in this section 72768
shall file with the tax commissioner any supplemental report or 72769
return the tax commissioner considers necessary for the efficient 72770
administration and enforcement of this section. 72771

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 72772
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 72773
5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, and 72774
except as otherwise provided in division (B) of this section, the 72775
tax due under this chapter on the sale of a motor vehicle required 72776
to be titled under Chapter 4505. of the Revised Code by a motor 72777
vehicle dealer to a consumer that is a nonresident of this state 72778
shall be the lesser of the amount of tax that would be due under 72779
this chapter and Chapter 5741. of the Revised Code if the total 72780
combined rate were six per cent, or the amount of tax that would 72781
be due to the state in which the consumer titles or registers the 72782
motor vehicle or to which the consumer removes the vehicle for 72783
use. 72784

(B) No tax is due under this section, any other section of 72785

this chapter, or Chapter 5741. of the Revised Code under any of 72786
the following circumstances: 72787

(1)(a) The consumer intends to immediately remove the motor 72788
vehicle from this state for use outside this state; 72789

(b) Upon removal of the motor vehicle from this state, the 72790
consumer intends to title or register the vehicle in another state 72791
if such titling or registration is required; 72792

(c) The consumer executes an affidavit as required under 72793
division (C) of this section affirming the consumer's intentions 72794
under divisions (B)(1)(a) and (b) of this section; and 72795

(d) The state in which the consumer titles or registers the 72796
motor vehicle or to which the consumer removes the vehicle for use 72797
provides an exemption under circumstances substantially similar to 72798
those described in division (B)(1) of this section. 72799

(2) The state in which the consumer titles or registers the 72800
motor vehicle or to which the consumer removes the vehicle for use 72801
does not provide a credit against its sales or use tax or similar 72802
excise tax for sales or use tax paid to this state. 72803

(3) The state in which the consumer titles or registers the 72804
motor vehicle or to which the consumer removes the vehicle for use 72805
does not impose a sales or use tax or similar excise tax on the 72806
ownership or use of motor vehicles. 72807

(C) Any nonresident consumer that purchases a motor vehicle 72808
from a motor vehicle dealer in this state under the circumstances 72809
described in divisions (B)(1)(a) and (b) of this section shall 72810
execute an affidavit affirming the intentions described in those 72811
divisions. The affidavit shall be executed in triplicate and in 72812
the form specified by the tax commissioner. The affidavit shall be 72813
given to the motor vehicle dealer. 72814

A motor vehicle dealer that accepts in good faith an 72815

affidavit presented under this division by a nonresident consumer 72816
may rely upon the representations made in the affidavit. 72817

(D) A motor vehicle dealer making a sale subject to the tax 72818
under division (A) of this section shall collect the tax due 72819
unless the sale is subject to the exception under division (B) of 72820
this section or unless the sale is not otherwise subject to taxes 72821
levied under sections 5739.02, 5739.021, 5739.023, 5739.024, 72822
5739.026, 5741.02, 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 72823
of the Revised Code. In the case of a sale under the circumstances 72824
described in division (B)(1) of this section, the dealer shall 72825
retain one copy of the affidavit and file the original and the 72826
other copy with the clerk of the court of common pleas. If tax is 72827
due under division (A) of this section, the dealer shall remit the 72828
tax collected to the clerk at the time the dealer obtains the Ohio 72829
certificate of title in the name of the consumer as required under 72830
section 4505.06 of the Revised Code. The clerk shall forward the 72831
original affidavit to the tax commissioner in the manner 72832
prescribed by the commissioner. 72833

Unless a sale is excepted from taxation under division (B) of 72834
this section, upon receipt of an application for certificate of 72835
title a clerk of the court of common pleas shall collect the sales 72836
tax due under division (A) of this section. The clerk shall remit 72837
the tax collected to the tax commissioner in the manner prescribed 72838
by the commissioner. 72839

(E) If a motor vehicle is purchased by a corporation 72840
described in division (B)(6) of section 5739.01 of the Revised 72841
Code, the state of residence of the consumer for the purposes of 72842
this section is the state of residence of the corporation's 72843
principal shareholder. 72844

(F) Any provision of this chapter or of Chapter 5741. of the 72845
Revised Code that is not inconsistent with this section applies to 72846
sales described in division (A) of this section. 72847

(G) As used in this section: 72848

(1) For the purposes of this section only, the sale or 72849
purchase of a motor vehicle does not include a lease or rental of 72850
a motor vehicle subject to division (A)(2) or (3) of section 72851
5739.02 or division (A)(2) or (3) of section 5741.02 of the 72852
Revised Code; 72853

(2) "State," except in reference to "this state," means any 72854
state, district, commonwealth, or territory of the United States 72855
and any province of Canada. 72856

Sec. 5739.03. (A) Except as provided in section 5739.05 or 72857
section 5739.051 of the Revised Code, the tax imposed by or 72858
pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 72859
5739.026 of the Revised Code shall be paid by the consumer to the 72860
vendor, and each vendor shall collect from the consumer, as a 72861
trustee for the state of Ohio, the full and exact amount of the 72862
tax payable on each taxable sale, in the manner and at the times 72863
provided as follows: 72864

(1) If the price is, at or prior to the provision of the 72865
service or the delivery of possession of the thing sold to the 72866
consumer, paid in currency passed from hand to hand by the 72867
consumer or the consumer's agent to the vendor or the vendor's 72868
agent, the vendor or the vendor's agent shall collect the tax with 72869
and at the same time as the price; 72870

(2) If the price is otherwise paid or to be paid, the vendor 72871
or the vendor's agent shall, at or prior to the provision of the 72872
service or the delivery of possession of the thing sold to the 72873
consumer, charge the tax imposed by or pursuant to section 72874
5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised 72875
Code to the account of the consumer, which amount shall be 72876
collected by the vendor from the consumer in addition to the 72877
price. Such sale shall be reported on and the amount of the tax 72878

applicable thereto shall be remitted with the return for the 72879
period in which the sale is made, and the amount of the tax shall 72880
become a legal charge in favor of the vendor and against the 72881
consumer. 72882

(B)(1)(a) If any sale is claimed to be exempt under division 72883
(E) of section 5739.01 of the Revised Code or under section 72884
5739.02 of the Revised Code, with the exception of divisions 72885
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 72886
consumer must provide to the vendor, and the vendor must obtain 72887
from the consumer, a certificate specifying the reason that the 72888
sale is not legally subject to the tax. The certificate shall be 72889
in such form, and shall be provided either in a hard copy form or 72890
electronic form, as the tax commissioner prescribes. 72891

(b) A vendor that obtains a fully completed exemption 72892
certificate from a consumer is relieved of liability for 72893
collecting and remitting tax on any sale covered by that 72894
certificate. If it is determined the exemption was improperly 72895
claimed, the consumer shall be liable for any tax due on that sale 72896
under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 72897
or Chapter 5741. of the Revised Code. Relief under this division 72898
from liability does not apply to any of the following: 72899

(i) A vendor that fraudulently fails to collect tax; 72900

(ii) A vendor that solicits consumers to participate in the 72901
unlawful claim of an exemption; 72902

(iii) A vendor that accepts an exemption certificate from a 72903
consumer that claims an exemption based on who purchases or who 72904
sells property or a service, when the subject of the transaction 72905
sought to be covered by the exemption certificate is actually 72906
received by the consumer at a location operated by the vendor in 72907
this state, and this state has posted to its web site an exemption 72908
certificate form that clearly and affirmatively indicates that the 72909

claimed exemption is not available in this state; 72910

(iv) A vendor that accepts an exemption certificate from a 72911
consumer who claims a multiple points of use exemption under 72912
division (D) of section 5739.033 of the Revised Code, if the item 72913
purchased is tangible personal property, other than prewritten 72914
computer software. 72915

(2) The vendor shall maintain records, including exemption 72916
certificates, of all sales on which a consumer has claimed an 72917
exemption, and provide them to the tax commissioner on request. 72918

(3) The tax commissioner may establish an identification 72919
system whereby the commissioner issues an identification number to 72920
a consumer that is exempt from payment of the tax. The consumer 72921
must present the number to the vendor, if any sale is claimed to 72922
be exempt as provided in this section. 72923

(4) If no certificate is provided or obtained within ninety 72924
days after the date on which such sale is consummated, it shall be 72925
presumed that the tax applies. Failure to have so provided or 72926
obtained a certificate shall not preclude a vendor, within one 72927
hundred twenty days after the tax commissioner gives written 72928
notice of intent to levy an assessment, from either establishing 72929
that the sale is not subject to the tax, or obtaining, in good 72930
faith, a fully completed exemption certificate. 72931

(5) Certificates need not be obtained nor provided where the 72932
identity of the consumer is such that the transaction is never 72933
subject to the tax imposed or where the item of tangible personal 72934
property sold or the service provided is never subject to the tax 72935
imposed, regardless of use, or when the sale is in interstate 72936
commerce. 72937

(6) If a transaction is claimed to be exempt under division 72938
(B)(13) of section 5739.02 of the Revised Code, the contractor 72939
shall obtain certification of the claimed exemption from the 72940

contractee. This certification shall be in addition to an 72941
exemption certificate provided by the contractor to the vendor. A 72942
contractee that provides a certification under this division shall 72943
be deemed to be the consumer of all items purchased by the 72944
contractor under the claim of exemption, if it is subsequently 72945
determined that the exemption is not properly claimed. The 72946
certification shall be in such form as the tax commissioner 72947
prescribes. 72948

(C) As used in this division, "contractee" means a person who 72949
seeks to enter or enters into a contract or agreement with a 72950
contractor or vendor for the construction of real property or for 72951
the sale and installation onto real property of tangible personal 72952
property. 72953

Any contractor or vendor may request from any contractee a 72954
certification of what portion of the property to be transferred 72955
under such contract or agreement is to be incorporated into the 72956
realty and what portion will retain its status as tangible 72957
personal property after installation is completed. The contractor 72958
or vendor shall request the certification by certified mail 72959
delivered to the contractee, return receipt requested. Upon 72960
receipt of such request and prior to entering into the contract or 72961
agreement, the contractee shall provide to the contractor or 72962
vendor a certification sufficiently detailed to enable the 72963
contractor or vendor to ascertain the resulting classification of 72964
all materials purchased or fabricated by the contractor or vendor 72965
and transferred to the contractee. This requirement applies to a 72966
contractee regardless of whether the contractee holds a direct 72967
payment permit under section 5739.031 of the Revised Code or 72968
provides to the contractor or vendor an exemption certificate as 72969
provided under this section. 72970

For the purposes of the taxes levied by this chapter and 72971
Chapter 5741. of the Revised Code, the contractor or vendor may in 72972

good faith rely on the contractee's certification. Notwithstanding 72973
division (B) of section 5739.01 of the Revised Code, if the tax 72974
commissioner determines that certain property certified by the 72975
contractee as tangible personal property pursuant to this division 72976
is, in fact, real property, the contractee shall be considered to 72977
be the consumer of all materials so incorporated into that real 72978
property and shall be liable for the applicable tax, and the 72979
contractor or vendor shall be excused from any liability on those 72980
materials. 72981

If a contractee fails to provide such certification upon the 72982
request of the contractor or vendor, the contractor or vendor 72983
shall comply with the provisions of this chapter and Chapter 5741. 72984
of the Revised Code without the certification. If the tax 72985
commissioner determines that such compliance has been performed in 72986
good faith and that certain property treated as tangible personal 72987
property by the contractor or vendor is, in fact, real property, 72988
the contractee shall be considered to be the consumer of all 72989
materials so incorporated into that real property and shall be 72990
liable for the applicable tax, and the construction contractor or 72991
vendor shall be excused from any liability on those materials. 72992

This division does not apply to any contract or agreement 72993
where the tax commissioner determines as a fact that a 72994
certification under this division was made solely on the decision 72995
or advice of the contractor or vendor. 72996

(D) Notwithstanding division (B) of section 5739.01 of the 72997
Revised Code, whenever the total rate of tax imposed under this 72998
chapter is increased after the date after a construction contract 72999
is entered into, the contractee shall reimburse the construction 73000
contractor for any additional tax paid on tangible property 73001
consumed or services received pursuant to the contract. 73002

(E) A vendor who files a petition for reassessment contesting 73003
the assessment of tax on sales for which the vendor obtained no 73004

valid exemption certificates and for which the vendor failed to 73005
establish that the sales were properly not subject to the tax 73006
during the one-hundred-twenty-day period allowed under division 73007
(B) of this section, may present to the tax commissioner 73008
additional evidence to prove that the sales were properly subject 73009
to a claim of exception or exemption. The vendor shall file such 73010
evidence within ninety days of the receipt by the vendor of the 73011
notice of assessment, except that, upon application and for 73012
reasonable cause, the period for submitting such evidence shall be 73013
extended thirty days. 73014

The commissioner shall consider such additional evidence in 73015
reaching the final determination on the assessment and petition 73016
for reassessment. 73017

(F) Whenever a vendor refunds the price, minus any separately 73018
stated delivery charge, of an item of tangible personal property 73019
on which the tax imposed under this chapter has been paid, the 73020
vendor shall also refund the amount of tax paid, minus the amount 73021
of tax attributable to the delivery charge. 73022

Sec. 5739.031. (A) Upon application, the tax commissioner may 73023
issue a direct payment permit that authorizes a consumer to pay 73024
the sales tax levied by or pursuant to section 5739.02, 5739.021, 73025
5739.023, 5739.024, or 5739.026 of the Revised Code or the use tax 73026
levied by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 73027
5741.023, or 5741.024 of the Revised Code directly to the state 73028
and waives the collection of the tax by the vendor or seller if 73029
payment directly to the state would improve compliance and 73030
increase the efficiency of the administration of the tax. The 73031
commissioner may adopt rules establishing the criteria for the 73032
issuance of such permits. 73033

(B) Each permit holder, on or before the twenty-third day of 73034
each month, shall make and file with the treasurer of state a 73035

return for the preceding month in such form as is prescribed by 73036
the tax commissioner and shall pay the tax shown on the return to 73037
be due. The return shall show the sum of the prices of taxable 73038
merchandise used and taxable services received, the amount of tax 73039
due from the permit holder, and such other information as the 73040
commissioner deems necessary. The commissioner, upon written 73041
request by the permit holder, may extend the time for making and 73042
filing returns and paying the tax. If the commissioner determines 73043
that a permit holder's tax liability is not such as to merit 73044
monthly filing, the commissioner may authorize the permit holder 73045
to file returns and pay the tax at less frequent intervals. The 73046
treasurer of state shall show on the return the date it was filed 73047
and the amount of the payment remitted to the treasurer. 73048
Thereafter, the treasurer immediately shall transmit all returns 73049
filed under this section to the tax commissioner. 73050

Any permit holder required to file a return and pay the tax 73051
under this section whose total payment for any calendar year 73052
equals or exceeds the amount shown in section 5739.032 of the 73053
Revised Code shall make each payment required by this section in 73054
the second ensuing and each succeeding year by electronic funds 73055
transfer as prescribed by, and on or before the dates specified 73056
in, section 5739.032 of the Revised Code, except as otherwise 73057
prescribed by that section. 73058

(C) For purposes of reporting and remitting the tax, the 73059
price of tangible personal property or services purchased by, or 73060
of tangible personal property produced by, the permit holder shall 73061
be determined under division (G) of section 5741.01 of the Revised 73062
Code. Except as otherwise provided in division (E) of section 73063
5739.033 of the Revised Code, the situs of any purchase 73064
transaction made by the permit holder is the location where the 73065
tangible personal property or service is received by the permit 73066
holder. 73067

(D) It shall be the duty of every permit holder required to 73068
make a return and pay its tax under this section to keep and 73069
preserve suitable records of purchases together with invoices of 73070
purchases, bills of lading, asset ledgers, depreciation schedules, 73071
transfer journals, and such other primary and secondary records 73072
and documents in such form as the commissioner requires. All such 73073
records and other documents shall be open during business hours to 73074
the inspection of the tax commissioner, and shall be preserved for 73075
a period of four years, unless the commissioner, in writing, has 73076
authorized their destruction or disposal at an earlier date, or by 73077
order or by reason of a waiver of the four-year time limitation 73078
pursuant to section 5739.16 of the Revised Code requires that they 73079
be kept longer. 73080

(E) A permit granted pursuant to this section shall continue 73081
to be valid until surrendered by the holder or canceled for cause 73082
by the tax commissioner. 73083

(F) Persons who hold a direct payment permit that has not 73084
been canceled shall not be required to issue exemption 73085
certificates and shall not be required to pay the tax as 73086
prescribed in sections 5739.03, 5739.033, and 5741.12 of the 73087
Revised Code. Such persons shall notify vendors and sellers from 73088
whom purchases of tangible personal property or services are made, 73089
of their direct payment permit number and that the tax is being 73090
paid directly to the state. Upon receipt of such notice, such 73091
vendor or seller shall be absolved from all duties and liabilities 73092
imposed by section 5739.03 or 5741.04 of the Revised Code with 73093
respect to sales of tangible personal property or services to such 73094
permit holder. 73095

Vendors and sellers who make sales upon which the tax is not 73096
collected by reason of the provisions of this section shall 73097
maintain records in such manner that the amount involved and 73098
identity of the purchaser may be ascertained. The receipts from 73099

such sales shall not be subject to the tax levied in section 73100
5739.10 of the Revised Code. 73101

Upon the cancellation or surrender of a direct payment 73102
permit, the provisions of sections 5739.03, 5741.04, and 5741.12 73103
of the Revised Code shall immediately apply to all purchases made 73104
subsequent to such cancellation or surrender by the person who 73105
previously held such permit, and such person shall so notify 73106
vendors and sellers from whom purchases of tangible personal 73107
property or services are made, in writing, prior to or at the time 73108
of the first purchase after such cancellation or surrender. Upon 73109
receipt of such notice, the vendor shall be subject to the 73110
provisions of sections 5739.03 and 5739.10 of the Revised Code and 73111
the seller shall be subject to the provisions of section 5741.04 73112
of the Revised Code, with respect to all sales subsequently made 73113
to such person. Failure of any such person to notify vendors or 73114
sellers from whom purchases of tangible personal property or 73115
services are made of the cancellation or surrender of a direct 73116
payment permit shall be considered as a refusal to pay the tax by 73117
the person required to issue such notice. 73118

Sec. 5739.033. (A) The amount of tax due pursuant to sections 73119
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 73120
Code is the sum of the taxes imposed pursuant to those sections at 73121
the sourcing location of the sale as determined under this section 73122
or, if applicable, under division (C) of section 5739.031 or 73123
section 5739.034 of the Revised Code. This section applies only to 73124
a vendor's or seller's obligation to collect and remit sales taxes 73125
under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 73126
of the Revised Code or use taxes under section 5741.02, 5741.021, 73127
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code. Division 73128
(A) of this section does not apply in determining the jurisdiction 73129
for which sellers are required to collect the use tax under 73130
section 5741.05 of the Revised Code. This section does not affect 73131

the obligation of a consumer to remit use taxes on the storage, 73132
use, or other consumption of tangible personal property or on the 73133
benefit realized of any service provided, to the jurisdiction of 73134
that storage, use, or consumption, or benefit realized. 73135

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(B)(1) Beginning January 1, 2010, retail sales, excluding the 73137
lease or rental, of tangible personal property or digital goods 73138
shall be sourced to the location where the vendor receives an 73139
order for the sale of such property or goods if: 73140

(a) The vendor receives the order in this state and the 73141
consumer receives the property or goods in this state; 73142

(b) The location where the consumer receives the property or 73143
goods is determined under division (C)(2), (3), or (4) of this 73144
section; and 73145

(c) The record-keeping system used by the vendor to calculate 73146
the tax imposed captures the location where the order is received 73147
at the time the order is received. 73148

(2) A consumer has no additional liability to this state 73149
under this chapter or Chapter 5741. of the Revised Code for tax, 73150
penalty, or interest on a sale for which the consumer remits tax 73151
to the vendor in the amount invoiced by the vendor if the invoice 73152
amount is calculated at either the rate applicable to the location 73153
where the consumer receives the property or digital good or at the 73154
rate applicable to the location where the order is received by the 73155
vendor. A consumer may rely on a written representation by the 73156
vendor as to the location where the order for the sale was 73157
received by the vendor. If the consumer does not have a written 73158
representation by the vendor as to the location where the order 73159
was received by the vendor, the consumer may use a location 73160
indicated by a business address for the vendor that is available 73161
from records that are maintained in the ordinary course of the 73162

consumer's business to determine the rate applicable to the 73163
location where the order was received. 73164

(3) For the purposes of division (B) of this section, the 73165
location where an order is received by or on behalf of a vendor 73166
means the physical location of the vendor or a third party such as 73167
an established outlet, office location, or automated order receipt 73168
system operated by or on behalf of the vendor, where an order is 73169
initially received by or on behalf of the vendor, and not where 73170
the order may be subsequently accepted, completed, or fulfilled. 73171
An order is received when all necessary information to determine 73172
whether the order can be accepted has been received by or on 73173
behalf of the vendor. The location from which the property or 73174
digital good is shipped shall not be used to determine the 73175
location where the order is received by the vendor. 73176

(4) For the purposes of division (B) of this section, if 73177
services subject to taxation under this chapter or Chapter 5741. 73178
of the Revised Code are sold with tangible personal property or 73179
digital goods pursuant to a single contract or in the same 73180
transaction, the services are billed on the same billing statement 73181
or invoice, and, because of the application of division (B) of 73182
this section, the transaction would be sourced to more than one 73183
jurisdiction, the situs of the transaction shall be the location 73184
where the order is received by or on behalf of the vendor. 73185

(C) Except for sales, other than leases, of titled motor 73186
vehicles, titled watercraft, or titled outboard motors as provided 73187
in section 5741.05 of the Revised Code, or as otherwise provided 73188
in this section and section 5739.034 of the Revised Code, all 73189
sales shall be sourced as follows: 73190

(1) If the consumer or a donee designated by the consumer 73191
receives tangible personal property or a service at a vendor's 73192
place of business, the sale shall be sourced to that place of 73193
business. 73194

(2) When the tangible personal property or service is not received at a vendor's place of business, the sale shall be sourced to the location known to the vendor where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee.

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(3) If divisions (C)(1) and (2) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer that is available from the vendor's business records that are maintained in the ordinary course of the vendor's business, when use of that address does not constitute bad faith.

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(4) If divisions (C)(1), (2), and (3) of this section do not apply, the sale shall be sourced to the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith.

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(5) If divisions (C)(1), (2), (3), and (4) of this section do not apply, including in the circumstance where the vendor is without sufficient information to apply any of those divisions, the sale shall be sourced to the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided.

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(6) As used in division (C) of this section, "receive" means taking possession of tangible personal property or making first use of a service. "Receive" does not include possession by a shipping company on behalf of a consumer.

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(D)(1)(a) Notwithstanding divisions (C)(1) to (5) of this section, a business consumer that is not a holder of a direct payment permit granted under section 5739.031 of the Revised Code,

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that purchases a digital good, computer software, except computer 73226
software received in person by a business consumer at a vendor's 73227
place of business, or a service, and that knows at the time of 73228
purchase that such digital good, software, or service will be 73229
concurrently available for use in more than one taxing 73230
jurisdiction shall deliver to the vendor in conjunction with its 73231
purchase an exemption certificate claiming multiple points of use, 73232
or shall meet the requirements of division (D)(2) of this section. 73233
On receipt of the exemption certificate claiming multiple points 73234
of use, the vendor is relieved of its obligation to collect, pay, 73235
or remit the tax due, and the business consumer must pay the tax 73236
directly to the state. 73237

(b) A business consumer that delivers the exemption 73238
certificate claiming multiple points of use to a vendor may use 73239
any reasonable, consistent, and uniform method of apportioning the 73240
tax due on the digital good, computer software, or service that is 73241
supported by the consumer's business records as they existed at 73242
the time of the sale. The business consumer shall report and pay 73243
the appropriate tax to each jurisdiction where concurrent use 73244
occurs. The tax due shall be calculated as if the apportioned 73245
amount of the digital good, computer software, or service had been 73246
delivered to each jurisdiction to which the sale is apportioned 73247
under this division. 73248

(c) The exemption certificate claiming multiple points of use 73249
shall remain in effect for all future sales by the vendor to the 73250
business consumer until it is revoked in writing by the business 73251
consumer, except as to the business consumer's specific 73252
apportionment of a subsequent sale under division (D)(1)(b) of 73253
this section and the facts existing at the time of the sale. 73254

(2) When the vendor knows that a digital good, computer 73255
software, or service sold will be concurrently available for use 73256
by the business consumer in more than one jurisdiction, but the 73257

business consumer does not provide an exemption certificate 73258
claiming multiple points of use as required by division (D)(1) of 73259
this section, the vendor may work with the business consumer to 73260
produce the correct apportionment. Governed by the principles of 73261
division (D)(1)(b) of this section, the vendor and business 73262
consumer may use any reasonable, but consistent and uniform, 73263
method of apportionment that is supported by the vendor's and 73264
business consumer's books and records as they exist at the time 73265
the sale is reported for purposes of the taxes levied under this 73266
chapter. If the business consumer certifies to the accuracy of the 73267
apportionment and the vendor accepts the certification, the vendor 73268
shall collect and remit the tax accordingly. In the absence of bad 73269
faith, the vendor is relieved of any further obligation to collect 73270
tax on any transaction where the vendor has collected tax pursuant 73271
to the information certified by the business consumer. 73272

(3) When the vendor knows that the digital good, computer 73273
software, or service will be concurrently available for use in 73274
more than one jurisdiction, and the business consumer does not 73275
have a direct pay permit and does not provide to the vendor an 73276
exemption certificate claiming multiple points of use as required 73277
in division (D)(1) of this section, or certification pursuant to 73278
division (D)(2) of this section, the vendor shall collect and 73279
remit the tax based on division (C) of this section. 73280

(4) Nothing in this section shall limit a person's obligation 73281
for sales or use tax to any state in which a digital good, 73282
computer software, or service is concurrently available for use, 73283
nor limit a person's ability under local, state, or federal law, 73284
to claim a credit for sales or use taxes legally due and paid to 73285
other jurisdictions. 73286

(E) A person who holds a direct payment permit issued under 73287
section 5739.031 of the Revised Code is not required to deliver an 73288
exemption certificate claiming multiple points of use to a vendor. 73289

But such permit holder shall comply with division (D)(2) of this 73290
section in apportioning the tax due on a digital good, computer 73291
software, or a service for use in business that will be 73292
concurrently available for use in more than one taxing 73293
jurisdiction. 73294

(F)(1) Notwithstanding divisions (C)(1) to (5) of this 73295
section, the consumer of direct mail that is not a holder of a 73296
direct payment permit shall provide to the vendor in conjunction 73297
with the sale either an exemption certificate claiming direct mail 73298
prescribed by the tax commissioner, or information to show the 73299
jurisdictions to which the direct mail is delivered to recipients. 73300

(2) Upon receipt of such exemption certificate, the vendor is 73301
relieved of all obligations to collect, pay, or remit the 73302
applicable tax and the consumer is obligated to pay that tax on a 73303
direct pay basis. An exemption certificate claiming direct mail 73304
shall remain in effect for all future sales of direct mail by the 73305
vendor to the consumer until it is revoked in writing. 73306

(3) Upon receipt of information from the consumer showing the 73307
jurisdictions to which the direct mail is delivered to recipients, 73308
the vendor shall collect the tax according to the delivery 73309
information provided by the consumer. In the absence of bad faith, 73310
the vendor is relieved of any further obligation to collect tax on 73311
any transaction where the vendor has collected tax pursuant to the 73312
delivery information provided by the consumer. 73313

(4) If the consumer of direct mail does not have a direct 73314
payment permit and does not provide the vendor with either an 73315
exemption certificate claiming direct mail or delivery information 73316
as required by division (F)(1) of this section, the vendor shall 73317
collect the tax according to division (C)(5) of this section. 73318
Nothing in division (F)(4) of this section shall limit a 73319
consumer's obligation to pay sales or use tax to any state to 73320
which the direct mail is delivered. 73321

(5) If a consumer of direct mail provides the vendor with documentation of direct payment authority, the consumer shall not be required to provide an exemption certificate claiming direct mail or delivery information to the vendor.

(G) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(H)(1) As used in this division and division (I) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (H)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (C) of this section.

(I)(1) A lease or rental of tangible personal property that

does not require recurring periodic payments shall be sourced 73352
pursuant to division (C) of this section. 73353

(2) A lease or rental of tangible personal property that 73354
requires recurring periodic payments shall be sourced as follows: 73355

(a) In the case of a motor vehicle, other than a motor 73356
vehicle that is transportation equipment, or an aircraft, other 73357
than an aircraft that is transportation equipment, such lease or 73358
rental shall be sourced as follows: 73359

(i) An accelerated tax payment on a lease or rental taxed 73360
pursuant to division (A)(2) of section 5739.02 of the Revised Code 73361
shall be sourced to the primary property location at the time the 73362
lease or rental is consummated. Any subsequent taxable charges on 73363
the lease or rental shall be sourced to the primary property 73364
location for the period in which the charges are incurred. 73365

(ii) For a lease or rental taxed pursuant to division (A)(3) 73366
of section 5739.02 of the Revised Code, each lease or rental 73367
installment shall be sourced to the primary property location for 73368
the period covered by the installment. 73369

(b) In the case of a lease or rental of all other tangible 73370
personal property, other than transportation equipment, such lease 73371
or rental shall be sourced as follows: 73372

(i) An accelerated tax payment on a lease or rental that is 73373
taxed pursuant to division (A)(2) of section 5739.02 of the 73374
Revised Code shall be sourced pursuant to division (C) of this 73375
section at the time the lease or rental is consummated. Any 73376
subsequent taxable charges on the lease or rental shall be sourced 73377
to the primary property location for the period in which the 73378
charges are incurred. 73379

(ii) For a lease or rental that is taxed pursuant to division 73380
(A)(3) of section 5739.02 of the Revised Code, the initial lease 73381
or rental installment shall be sourced pursuant to division (C) of 73382

this section. Each subsequent installment shall be sourced to the 73383
primary property location for the period covered by the 73384
installment. 73385

(3) As used in division (I) of this section, "primary 73386
property location" means an address for tangible personal property 73387
provided by the lessee or renter that is available to the lessor 73388
or owner from its records maintained in the ordinary course of 73389
business, when use of that address does not constitute bad faith. 73390

(J) If the vendor provides a service specified in division 73391
(B)(11) of section 5739.01 of the Revised Code, the situs of the 73392
sale is the location of the enrollee for whom a medicaid health 73393
insurance corporation receives managed care premiums. Such sales 73394
shall be sourced to the locations of the enrollees in the same 73395
proportion as the managed care premiums received by the medicaid 73396
health insuring corporation on behalf of enrollees located in a 73397
particular taxing jurisdiction in Ohio as compared to all managed 73398
care premiums received by the medicaid health insuring 73399
corporation. 73400

Sec. 5739.034. (A) As used in this section: 73401

(1) "Air-to-ground radiotelephone service" means a radio 73402
service, as defined in 47 C.F.R. 22.99, in which common carriers 73403
are authorized to offer and provide radio telecommunications 73404
service for hire to subscribers in aircraft. 73405

(2) "Call-by-call basis" means any method of charging for 73406
telecommunications services where the price is measured by 73407
individual calls. 73408

(3) "Customer" means the person or entity that contracts with 73409
a seller of telecommunications service. If the end user of 73410
telecommunications service is not the contracting party, the end 73411
user of the telecommunications service is the customer of the 73412

telecommunications service. "Customer" does not include a reseller 73413
of telecommunications service or of mobile telecommunications 73414
service of a serving carrier under an agreement to serve the 73415
customer outside the home service provider's licensed service 73416
area. 73417

(4) "End user" means the person who utilizes the 73418
telecommunications service. In the case of a person other than an 73419
individual, "end user" means the individual who utilizes the 73420
service on behalf of the person. 73421

(5) "Home service provider" has the same meaning as in the 73422
"Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 73423
Stat. 631 (2000), 4 U.S.C. 124(5), as amended. 73424

(6) "Place of primary use" means the street address 73425
representative of where the customer's use of the 73426
telecommunications service primarily occurs, which must be the 73427
residential street address or the primary business street address 73428
of the customer. In the case of mobile telecommunications 73429
services, "place of primary use" must be within the licensed 73430
service area of the home service provider. 73431

(7) "Post-paid calling service" means the telecommunications 73432
service obtained by making a payment on a call-by-call basis 73433
either through the use of a credit card or payment mechanism such 73434
as a bank card, travel card, credit card, or debit card, or by 73435
charge made to a telephone number that is not associated with the 73436
origination or termination of the telecommunications service. 73437
"Post-paid calling service" includes a telecommunications service, 73438
except a prepaid wireless calling service, that would be a prepaid 73439
calling service, but for the fact that it is not exclusively a 73440
telecommunications service. 73441

(8) "Prepaid calling service" and "prepaid wireless calling 73442
service" have the same meanings as in section 5739.01 of the 73443

Revised Code. 73444

(9) "Service address" means: 73445

(a) The location of the telecommunications equipment to which 73446
a customer's call is charged and from which the call originates or 73447
terminates, regardless of where the call is billed or paid. 73448

(b) If the location in division (A)(9)(a) of this section is 73449
not known, "service address" means the origination point of the 73450
signal of the telecommunications service first identified by 73451
either the seller's telecommunications system or in information 73452
received by the seller from its service provider, where the system 73453
used to transport such signals is not that of the seller. 73454

(c) If the locations in divisions (A)(9)(a) and (b) of this 73455
section are not known, "service address" means the location of the 73456
customer's place of primary use. 73457

(10) "Private communication service" means a 73458
telecommunications service that entitles a customer to exclusive 73459
or priority use of a communications channel or group of channels 73460
between or among termination points, regardless of the manner in 73461
which the channel or channels are connected, and includes 73462
switching capacity, extension lines, stations, and any other 73463
associated services that are provided in connection with the use 73464
of such channel or channels. 73465

(B) The amount of tax due pursuant to sections 5739.02, 73466
5739.021, 5739.023, 5739.024, and 5739.026 of the Revised Code on 73467
sales of telecommunications service, information service, or 73468
mobile telecommunications service, is the sum of the taxes imposed 73469
pursuant to those sections at the sourcing location of the sale as 73470
determined under this section. 73471

(C) Except for the telecommunications services described in 73472
division (E) of this section, the sale of telecommunications 73473
service sold on a call-by-call basis shall be sourced to each 73474

level of taxing jurisdiction where the call originates and 73475
terminates in that jurisdiction, or each level of taxing 73476
jurisdiction where the call either originates or terminates and in 73477
which the service address also is located. 73478

(D) Except for the telecommunications services described in 73479
division (E) of this section, a sale of telecommunications 73480
services sold on a basis other than a call-by-call basis shall be 73481
sourced to the customer's place of primary use. 73482

(E) The sale of the following telecommunications services 73483
shall be sourced to each level of taxing jurisdiction, as follows: 73484

(1) A sale of mobile telecommunications service, other than 73485
air-to-ground radiotelephone service and prepaid calling service, 73486
shall be sourced to the customer's place of primary use as 73487
required by the Mobile Telecommunications Sourcing Act. 73488

(2) A sale of post-paid calling service shall be sourced to 73489
the origination point of the telecommunications signal as first 73490
identified by the service provider's telecommunications system, or 73491
information received by the seller from its service provider, 73492
where the system used to transport such signals is not that of the 73493
seller. 73494

(3) A sale of prepaid calling service or prepaid wireless 73495
calling service shall be sourced under division (C) of section 73496
5739.033 of the Revised Code. But in the case of prepaid wireless 73497
calling service, in lieu of sourcing the sale of the service under 73498
division (C)(5) of section 5739.033 of the Revised Code, the 73499
service provider may elect to source the sale to the location 73500
associated with the mobile telephone number. 73501

(4) A sale of a private communication service shall be 73502
sourced as follows: 73503

(a) Service for a separate charge related to a customer 73504
channel termination point shall be sourced to each level of 73505

jurisdiction in which the customer channel termination point is 73506
located; 73507

(b) Service where all customer channel termination points are 73508
located entirely within one jurisdiction or level of jurisdiction 73509
shall be sourced in the jurisdiction in which the customer channel 73510
termination points are located; 73511

(c) Service for segments of a channel between two customer 73512
channel termination points located in different jurisdictions and 73513
which segments of a channel are separately charged shall be 73514
sourced fifty per cent in each level of jurisdiction in which the 73515
customer channel termination points are located; 73516

(d) Service for segments of a channel located in more than 73517
one jurisdiction or level of jurisdiction and which segments are 73518
not separately billed shall be sourced in each jurisdiction based 73519
on the percentage determined by dividing the number of customer 73520
channel termination points in the jurisdiction by the total number 73521
of customer channel termination points. 73522

Sec. 5739.04. If modification of a county's jurisdictional 73523
boundaries ~~or~~, a transit authority's territory, or a tourism 73524
development district's territory results in a change in the tax 73525
rate levied under section 5739.021, 5739.023, 5739.024, or 73526
5739.026 of the Revised Code, the tax commissioner, within thirty 73527
days of such change, shall notify any vendor or the vendor's 73528
certified service provider, if the vendor has selected one, of 73529
such change. The rate change shall not apply to sales made by such 73530
vendor until the first day of a calendar quarter following the 73531
expiration of sixty days from the date of notice by the 73532
commissioner. 73533

Sec. 5739.05. (A) The tax commissioner shall enforce and 73534
administer sections 5739.01 to 5739.31 of the Revised Code, which 73535

are hereby declared to be sections which the commissioner is 73536
required to administer within the meaning of sections 5703.17 to 73537
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 73538
commissioner may adopt and promulgate, in accordance with sections 73539
119.01 to 119.13 of the Revised Code, such rules as the 73540
commissioner deems necessary to administer sections 5739.01 to 73541
5739.31 of the Revised Code. 73542

(B) Upon application, the commissioner may authorize a vendor 73543
to pay on a predetermined basis the tax levied by or pursuant to 73544
section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the 73545
Revised Code upon sales of things produced or distributed or 73546
services provided by such vendor, and the commissioner may waive 73547
the collection of the tax from the consumer. The commissioner 73548
shall not grant such authority unless the commissioner finds that 73549
the granting of the authority would improve compliance and 73550
increase the efficiency of the administration of the tax. The 73551
person to whom such authority is granted shall post a notice, if 73552
required by the commissioner, at the location where the product is 73553
offered for sale that the tax is included in the selling price. 73554
The commissioner may adopt rules to administer this division. 73555

(C) Upon application, the commissioner may authorize a vendor 73556
to remit, on the basis of a prearranged agreement under this 73557
division, the tax levied by section 5739.02 or pursuant to section 73558
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code. The 73559
proportions and ratios in a prearranged agreement shall be 73560
determined either by a test check conducted by the commissioner 73561
under terms and conditions agreed to by the commissioner and the 73562
vendor or by any other method agreed upon by the vendor and the 73563
commissioner. If the parties are unable to agree to the terms and 73564
conditions of the test check or other method, the application 73565
shall be denied. 73566

If used, the test check shall determine the proportion that 73567

taxable retail sales bear to all of the vendor's retail sales and 73568
the ratio which the tax required to be collected under sections 73569
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 73570
Code bears to the receipts from the vendor's taxable retail sales. 73571

The vendor's liability for remitting the tax shall be based 73572
solely upon the proportions and ratios established in the 73573
agreement until such time that the vendor or the commissioner 73574
believes that the nature of the vendor's business has so changed 73575
as to make the agreement no longer representative. The 73576
commissioner may give notice to the vendor at any time that the 73577
authorization is revoked or the vendor may notify the commissioner 73578
that the vendor no longer elects to report under the 73579
authorization. Such notice shall be delivered to the other party 73580
personally or by registered mail. The revocation or cancellation 73581
is effective the last day of the month in which the vendor or the 73582
commissioner receives the notice. 73583

Sec. 5739.051. (A) The tax commissioner shall issue a direct 73584
payment permit to a medicaid health insuring corporation that 73585
authorizes the medicaid health insuring corporation to pay all 73586
taxes due on sales described in division (B)(11) of section 73587
5739.01 of the Revised Code directly to the state. Each medicaid 73588
health insuring corporation shall pay pursuant to such direct 73589
payment authority all sales tax levied on such sales by sections 73590
5739.02, 5739.021, 5739.023, 5739.024, and 5739.026 of the Revised 73591
Code and all use tax levied on such sales pursuant to sections 73592
5741.02, 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the 73593
Revised Code, unless division (B)(11)(b) of section 5739.01 of the 73594
Revised Code applies. 73595

(B) Each medicaid health insuring corporation shall, on or 73596
before the twenty-third day of each month, file a return for the 73597
preceding month on a form prescribed by the tax commissioner and 73598

shall pay the tax shown on the return to be due, unless division 73599
(B)(11)(b) of section 5739.01 of the Revised Code applies. The 73600
return shall show the amount of tax due from the medicaid health 73601
care insuring corporation for the period covered by the return and 73602
other such information as the commissioner deems necessary. Upon 73603
written request, the commissioner may extend the time for filing 73604
the return and paying the tax. The commissioner may require each 73605
medicaid health insuring corporation to file returns and remit 73606
payment by electronic means as provided in section 5739.032 of the 73607
Revised Code. 73608

Sec. 5739.061. (A) As used in this section, "origin-based 73609
sourcing requirements" means the manner in which intrastate sales 73610
are to be sourced under division (B)(1) of section 5739.033 of the 73611
Revised Code. 73612

(B) On and after July 1, 2009, a vendor that received 73613
temporary compensation under section 5739.123 of the Revised Code 73614
as that section existed before its repeal by H.B. 429 of the 127th 73615
general assembly may apply for compensation to assist the vendor 73616
in complying with the origin-based sourcing requirements. The 73617
vendor shall file an application in accordance with division (C) 73618
of this section. The compensation shall be a one-time payment 73619
equal to the actual total costs the vendor incurred in complying 73620
with the origin-based sourcing requirements, not to exceed one 73621
thousand dollars for vendors that were required to comply with 73622
divisions (C) to (I) of section 5739.033 of the Revised Code 73623
before the effective date of this section, and six hundred dollars 73624
for vendors that irrevocably elected to comply with divisions (C) 73625
to (I) of that section before the effective date of this section. 73626
In no event shall a vendor receive compensation that exceeds its 73627
total cost of complying with the origin-based sourcing 73628
requirements. 73629

(C) To be considered for compensation under this section, a vendor shall file an application with the tax commissioner on a form prescribed by the commissioner. The commissioner shall determine the amount of compensation to which the vendor is entitled, and if that amount is equal to or greater than the amount claimed on the application, the commissioner shall certify that amount to the director of budget and management and the treasurer of state for payment from the general revenue fund. If the commissioner determines that the amount of compensation to which the vendor is entitled is less than the amount claimed on the vendor's application, the commissioner shall proceed in accordance with section 5703.70 of the Revised Code.

(D) The compensation provided under this section shall not reduce the amount required to be returned to counties, municipal corporations, townships, and transit authorities under section 5739.21 of the Revised Code.

Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as provided in divisions (A)(2), (3), (4), (5), (6), ~~and (7),~~ and (8) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax

on the transactions, a uniform percentage of the tax collected in 73662
the municipal corporation or in the unincorporated portion of the 73663
township from each transaction, not to exceed thirty-three and 73664
one-third per cent. The remainder of the revenue arising from the 73665
tax shall be deposited in a separate fund and shall be spent 73666
solely to make contributions to the convention and visitors' 73667
bureau operating within the county, including a pledge and 73668
contribution of any portion of the remainder pursuant to an 73669
agreement authorized by section 307.678 or 307.695 of the Revised 73670
Code, provided that if the board of county commissioners of an 73671
eligible county as defined in section 307.678 or 307.695 of the 73672
Revised Code adopts a resolution amending a resolution levying a 73673
tax under this division to provide that revenue from the tax shall 73674
be used by the board as described in either division (D) of 73675
section 307.678 or division (H) of section 307.695 of the Revised 73676
Code, the remainder of the revenue shall be used as described in 73677
the resolution making that amendment. Except as provided in 73678
division (A)(2), (3), (4), (5), (6), ~~or (7)~~, or (8) or (H) of this 73679
section, on and after May 10, 1994, a board of county 73680
commissioners may not levy an excise tax pursuant to this division 73681
in any municipal corporation or township located wholly or partly 73682
within the county that has in effect an ordinance or resolution 73683
levying an excise tax pursuant to division (B) of this section. 73684
The board of a county that has levied a tax under division (C) of 73685
this section may, by resolution adopted within ninety days after 73686
July 15, 1985, by a majority of the members of the board, amend 73687
the resolution levying a tax under this division to provide for a 73688
portion of that tax to be pledged and contributed in accordance 73689
with an agreement entered into under section 307.695 of the 73690
Revised Code. A tax, any revenue from which is pledged pursuant to 73691
such an agreement, shall remain in effect at the rate at which it 73692
is imposed for the duration of the period for which the revenue 73693
from the tax has been so pledged. 73694

The board of county commissioners of an eligible county as 73695
defined in section 307.695 of the Revised Code may, by resolution 73696
adopted by a majority of the members of the board, amend a 73697
resolution levying a tax under this division to provide that the 73698
revenue from the tax shall be used by the board as described in 73699
division (H) of section 307.695 of the Revised Code, in which case 73700
the tax shall remain in effect at the rate at which it was imposed 73701
for the duration of any agreement entered into by the board under 73702
section 307.695 of the Revised Code, the duration during which any 73703
securities issued by the board under that section are outstanding, 73704
or the duration of the period during which the board owns a 73705
project as defined in section 307.695 of the Revised Code, 73706
whichever duration is longest. 73707

The board of county commissioners of an eligible county as 73708
defined in section 307.678 of the Revised Code may, by resolution, 73709
amend a resolution levying a tax under this division to provide 73710
that revenue from the tax, not to exceed five hundred thousand 73711
dollars each year, may be used as described in division (D) of 73712
section 307.678 of the Revised Code. 73713

(2) A board of county commissioners that levies an excise tax 73714
under division (A)(1) of this section on June 30, 1997, at a rate 73715
of three per cent, and that has pledged revenue from the tax to an 73716
agreement entered into under section 307.695 of the Revised Code 73717
or, in the case of the board of county commissioners of an 73718
eligible county as defined in section 307.695 of the Revised Code, 73719
has amended a resolution levying a tax under division (C) of this 73720
section to provide that proceeds from the tax shall be used by the 73721
board as described in division (H) of section 307.695 of the 73722
Revised Code, may, at any time by a resolution adopted by a 73723
majority of the members of the board, amend the resolution levying 73724
a tax under division (A)(1) of this section to provide for an 73725
increase in the rate of that tax up to seven per cent on each 73726

transaction; to provide that revenue from the increase in the rate 73727
shall be used as described in division (H) of section 307.695 of 73728
the Revised Code or be spent solely to make contributions to the 73729
convention and visitors' bureau operating within the county to be 73730
used specifically for promotion, advertising, and marketing of the 73731
region in which the county is located; and to provide that the 73732
rate in excess of the three per cent levied under division (A)(1) 73733
of this section shall remain in effect at the rate at which it is 73734
imposed for the duration of the period during which any agreement 73735
is in effect that was entered into under section 307.695 of the 73736
Revised Code by the board of county commissioners levying a tax 73737
under division (A)(1) of this section, the duration of the period 73738
during which any securities issued by the board under division (I) 73739
of section 307.695 of the Revised Code are outstanding, or the 73740
duration of the period during which the board owns a project as 73741
defined in section 307.695 of the Revised Code, whichever duration 73742
is longest. The amendment also shall provide that no portion of 73743
that revenue need be returned to townships or municipal 73744
corporations as would otherwise be required under division (A)(1) 73745
of this section. 73746

(3) A board of county commissioners that levies a tax under 73747
division (A)(1) of this section on March 18, 1999, at a rate of 73748
three per cent may, by resolution adopted not later than 73749
forty-five days after March 18, 1999, amend the resolution levying 73750
the tax to provide for all of the following: 73751

(a) That the rate of the tax shall be increased by not more 73752
than an additional four per cent on each transaction; 73753

(b) That all of the revenue from the increase in the rate 73754
shall be pledged and contributed to a convention facilities 73755
authority established by the board of county commissioners under 73756
Chapter 351. of the Revised Code on or before November 15, 1998, 73757
and used to pay costs of constructing, maintaining, operating, and 73758

promoting a facility in the county, including paying bonds, or 73759
notes issued in anticipation of bonds, as provided by that 73760
chapter; 73761

(c) That no portion of the revenue arising from the increase 73762
in rate need be returned to municipal corporations or townships as 73763
otherwise required under division (A)(1) of this section; 73764

(d) That the increase in rate shall not be subject to 73765
diminution by initiative or referendum or by law while any bonds, 73766
or notes in anticipation of bonds, issued by the authority under 73767
Chapter 351. of the Revised Code to which the revenue is pledged, 73768
remain outstanding in accordance with their terms, unless 73769
provision is made by law or by the board of county commissioners 73770
for an adequate substitute therefor that is satisfactory to the 73771
trustee if a trust agreement secures the bonds. 73772

Division (A)(3) of this section does not apply to the board 73773
of county commissioners of any county in which a convention center 73774
or facility exists or is being constructed on November 15, 1998, 73775
or of any county in which a convention facilities authority levies 73776
a tax pursuant to section 351.021 of the Revised Code on that 73777
date. 73778

As used in division (A)(3) of this section, "cost" and 73779
"facility" have the same meanings as in section 351.01 of the 73780
Revised Code, and "convention center" has the same meaning as in 73781
section 307.695 of the Revised Code. 73782

(4)(a) A board of county commissioners that levies a tax 73783
under division (A)(1) of this section on June 30, 2002, at a rate 73784
of three per cent may, by resolution adopted not later than 73785
September 30, 2002, amend the resolution levying the tax to 73786
provide for all of the following: 73787

(i) That the rate of the tax shall be increased by not more 73788
than an additional three and one-half per cent on each 73789

transaction; 73790

(ii) That all of the revenue from the increase in rate shall 73791
be pledged and contributed to a convention facilities authority 73792
established by the board of county commissioners under Chapter 73793
351. of the Revised Code on or before May 15, 2002, and be used to 73794
pay costs of constructing, expanding, maintaining, operating, or 73795
promoting a convention center in the county, including paying 73796
bonds, or notes issued in anticipation of bonds, as provided by 73797
that chapter; 73798

(iii) That no portion of the revenue arising from the 73799
increase in rate need be returned to municipal corporations or 73800
townships as otherwise required under division (A)(1) of this 73801
section; 73802

(iv) That the increase in rate shall not be subject to 73803
diminution by initiative or referendum or by law while any bonds, 73804
or notes in anticipation of bonds, issued by the authority under 73805
Chapter 351. of the Revised Code to which the revenue is pledged, 73806
remain outstanding in accordance with their terms, unless 73807
provision is made by law or by the board of county commissioners 73808
for an adequate substitute therefor that is satisfactory to the 73809
trustee if a trust agreement secures the bonds. 73810

(b) Any board of county commissioners that, pursuant to 73811
division (A)(4)(a) of this section, has amended a resolution 73812
levying the tax authorized by division (A)(1) of this section may 73813
further amend the resolution to provide that the revenue referred 73814
to in division (A)(4)(a)(ii) of this section shall be pledged and 73815
contributed both to a convention facilities authority to pay the 73816
costs of constructing, expanding, maintaining, or operating one or 73817
more convention centers in the county, including paying bonds, or 73818
notes issued in anticipation of bonds, as provided in Chapter 351. 73819
of the Revised Code, and to a convention and visitors' bureau to 73820
pay the costs of promoting one or more convention centers in the 73821

county. 73822

As used in division (A)(4) of this section, "cost" has the 73823
same meaning as in section 351.01 of the Revised Code, and 73824
"convention center" has the same meaning as in section 307.695 of 73825
the Revised Code. 73826

(5)(a) As used in division (A)(5) of this section: 73827

(i) "Port authority" means a port authority created under 73828
Chapter 4582. of the Revised Code. 73829

(ii) "Port authority military-use facility" means port 73830
authority facilities on which or adjacent to which is located an 73831
installation of the armed forces of the United States, a reserve 73832
component thereof, or the national guard and at least part of 73833
which is made available for use, for consideration, by the armed 73834
forces of the United States, a reserve component thereof, or the 73835
national guard. 73836

(b) For the purpose of contributing revenue to pay operating 73837
expenses of a port authority that operates a port authority 73838
military-use facility, the board of county commissioners of a 73839
county that created, participated in the creation of, or has 73840
joined such a port authority may do one or both of the following: 73841

(i) Amend a resolution previously adopted under division 73842
(A)(1) of this section to designate some or all of the revenue 73843
from the tax levied under the resolution to be used for that 73844
purpose, notwithstanding that division; 73845

(ii) Amend a resolution previously adopted under division 73846
(A)(1) of this section to increase the rate of the tax by not more 73847
than an additional two per cent and use the revenue from the 73848
increase exclusively for that purpose. 73849

(c) If a board of county commissioners amends a resolution to 73850
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 73851

of this section, the board also may amend the resolution to 73852
specify that the increase in rate of the tax does not apply to 73853
"hotels," as otherwise defined in section 5739.01 of the Revised 73854
Code, having fewer rooms used for the accommodation of guests than 73855
a number of rooms specified by the board. 73856

(6) A board of county commissioners of a county organized 73857
under a county charter adopted pursuant to Article X, Section 3, 73858
Ohio Constitution, and that levies an excise tax under division 73859
(A)(1) of this section at a rate of three per cent and levies an 73860
additional excise tax under division (E) of this section at a rate 73861
of one and one-half per cent may, by resolution adopted not later 73862
than January 1, 2008, by a majority of the members of the board, 73863
amend the resolution levying a tax under division (A)(1) of this 73864
section to provide for an increase in the rate of that tax by not 73865
more than an additional one per cent on transactions by which 73866
lodging by a hotel is or is to be furnished to transient guests. 73867
Notwithstanding divisions (A)(1) and (E) of this section, the 73868
resolution shall provide that all of the revenue from the increase 73869
in rate, after deducting the real and actual costs of 73870
administering the tax, shall be used to pay the costs of 73871
improving, expanding, equipping, financing, or operating a 73872
convention center by a convention and visitors' bureau in the 73873
county. The increase in rate shall remain in effect for the period 73874
specified in the resolution, not to exceed ten years. The increase 73875
in rate shall be subject to the regulations adopted under division 73876
(A)(1) of this section, except that the resolution may provide 73877
that no portion of the revenue from the increase in the rate shall 73878
be returned to townships or municipal corporations as would 73879
otherwise be required under that division. 73880

(7) Division (A)(7) of this section applies only to a county 73881
with a population greater than sixty-five thousand and less than 73882
seventy thousand according to the most recent federal decennial 73883

census and in which, on December 31, 2006, an excise tax is levied 73884
under division (A)(1) of this section at a rate not less than and 73885
not greater than three per cent, and in which the most recent 73886
increase in the rate of that tax was enacted or took effect in 73887
November 1984. 73888

The board of county commissioners of a county to which this 73889
division applies, by resolution adopted by a majority of the 73890
members of the board, may increase the rate of the tax by not more 73891
than one per cent on transactions by which lodging by a hotel is 73892
or is to be furnished to transient guests. The increase in rate 73893
shall be for the purpose of paying expenses deemed necessary by 73894
the convention and visitors' bureau operating in the county to 73895
promote travel and tourism. The increase in rate shall remain in 73896
effect for the period specified in the resolution, not to exceed 73897
twenty years, provided that the increase in rate may not continue 73898
beyond the time when the purpose for which the increase is levied 73899
ceases to exist. If revenue from the increase in rate is pledged 73900
to the payment of debt charges on securities, the increase in rate 73901
is not subject to diminution by initiative or referendum or by law 73902
for so long as the securities are outstanding, unless provision is 73903
made by law or by the board of county commissioners for an 73904
adequate substitute for that revenue that is satisfactory to the 73905
trustee if a trust agreement secures payment of the debt charges. 73906
The increase in rate shall be subject to the regulations adopted 73907
under division (A)(1) of this section, except that the resolution 73908
may provide that no portion of the revenue from the increase in 73909
the rate shall be returned to townships or municipal corporations 73910
as would otherwise be required under division (A)(1) of this 73911
section. A resolution adopted under division (A)(7) of this 73912
section is subject to referendum under sections 305.31 to 305.99 73913
of the Revised Code. 73914

(8)(a) Division (A)(8) of this section applies only to a 73915

county satisfying all of the following: 73916

(i) The population of the county is greater than one hundred 73917
seventy-five thousand and less than two hundred twenty-five 73918
thousand according to the most recent federal decennial census. 73919

(ii) An amusement park with an average yearly attendance in 73920
excess of two million guests is located in the county. 73921

(iii) On December 31, 2014, an excise tax was levied in the 73922
county under division (A)(1) of this section at a rate of three 73923
per cent. 73924

(b) The board of county commissioners of a county to which 73925
this division applies, by resolution adopted by a majority of the 73926
members of the board, may increase the rate of the tax by not more 73927
than one per cent on transactions by which lodging by a hotel is 73928
or is to be furnished to transient guests. The increase in rate 73929
shall be for the purpose of paying the costs of constructing and 73930
maintaining county-owned facilities designed to host sporting 73931
events and paying expenses deemed necessary by the convention and 73932
visitors' bureau operating in the county to promote travel and 73933
tourism with reference to the sports facilities. The increase in 73934
rate shall remain in effect for the period specified in the 73935
resolution. If revenue from the increase in rate is pledged to the 73936
payment of debt charges on securities, the increase in rate is not 73937
subject to diminution by initiative or referendum or by law for so 73938
long as the securities are outstanding, unless provision is made 73939
by law or by the board of county commissioners for an adequate 73940
substitute for that revenue that is satisfactory to the trustee if 73941
a trust agreement secures payment of the debt charges. The 73942
increase in rate shall be subject to the regulations adopted under 73943
division (A)(1) of this section, except that the resolution may 73944
provide that no portion of the revenue from the increase in the 73945
rate shall be returned to townships or municipal corporations as 73946
would otherwise be required under division (A)(1) of this section. 73947

(B)(1) The legislative authority of a municipal corporation 73948
or the board of trustees of a township that is not wholly or 73949
partly located in a county that has in effect a resolution levying 73950
an excise tax pursuant to division (A)(1) of this section may, by 73951
ordinance or resolution, levy an excise tax not to exceed three 73952
per cent on transactions by which lodging by a hotel is or is to 73953
be furnished to transient guests. The legislative authority of the 73954
municipal corporation or the board of trustees of the township 73955
shall deposit at least fifty per cent of the revenue from the tax 73956
levied pursuant to this division into a separate fund, which shall 73957
be spent solely to make contributions to convention and visitors' 73958
bureaus operating within the county in which the municipal 73959
corporation or township is wholly or partly located, and the 73960
balance of that revenue shall be deposited in the general fund. 73961
The municipal corporation or township shall establish all 73962
regulations necessary to provide for the administration and 73963
allocation of the tax. The regulations may prescribe the time for 73964
payment of the tax, and may provide for the imposition of a 73965
penalty or interest, or both, for late payments, provided that the 73966
penalty does not exceed ten per cent of the amount of tax due, and 73967
the rate at which interest accrues does not exceed the rate per 73968
annum prescribed pursuant to section 5703.47 of the Revised Code. 73969
The levy of a tax under this division is in addition to any tax 73970
imposed on the same transaction by a municipal corporation or a 73971
township as authorized by division (A) of section 5739.08 of the 73972
Revised Code. 73973

(2)(a) The legislative authority of the most populous 73974
municipal corporation located wholly or partly in a county in 73975
which the board of county commissioners has levied a tax under 73976
division (A)(4) of this section may amend, on or before September 73977
30, 2002, that municipal corporation's ordinance or resolution 73978
that levies an excise tax on transactions by which lodging by a 73979
hotel is or is to be furnished to transient guests, to provide for 73980

all of the following: 73981

(i) That the rate of the tax shall be increased by not more 73982
than an additional one per cent on each transaction; 73983

(ii) That all of the revenue from the increase in rate shall 73984
be pledged and contributed to a convention facilities authority 73985
established by the board of county commissioners under Chapter 73986
351. of the Revised Code on or before May 15, 2002, and be used to 73987
pay costs of constructing, expanding, maintaining, operating, or 73988
promoting a convention center in the county, including paying 73989
bonds, or notes issued in anticipation of bonds, as provided by 73990
that chapter; 73991

(iii) That the increase in rate shall not be subject to 73992
diminution by initiative or referendum or by law while any bonds, 73993
or notes in anticipation of bonds, issued by the authority under 73994
Chapter 351. of the Revised Code to which the revenue is pledged, 73995
remain outstanding in accordance with their terms, unless 73996
provision is made by law, by the board of county commissioners, or 73997
by the legislative authority, for an adequate substitute therefor 73998
that is satisfactory to the trustee if a trust agreement secures 73999
the bonds. 74000

(b) The legislative authority of a municipal corporation 74001
that, pursuant to division (B)(2)(a) of this section, has amended 74002
its ordinance or resolution to increase the rate of the tax 74003
authorized by division (B)(1) of this section may further amend 74004
the ordinance or resolution to provide that the revenue referred 74005
to in division (B)(2)(a)(ii) of this section shall be pledged and 74006
contributed both to a convention facilities authority to pay the 74007
costs of constructing, expanding, maintaining, or operating one or 74008
more convention centers in the county, including paying bonds, or 74009
notes issued in anticipation of bonds, as provided in Chapter 351. 74010
of the Revised Code, and to a convention and visitors' bureau to 74011
pay the costs of promoting one or more convention centers in the 74012

county. 74013

As used in division (B)(2) of this section, "cost" has the 74014
same meaning as in section 351.01 of the Revised Code, and 74015
"convention center" has the same meaning as in section 307.695 of 74016
the Revised Code. 74017

(C) For the purposes described in section 307.695 of the 74018
Revised Code and to cover the costs of administering the tax, a 74019
board of county commissioners of a county where a tax imposed 74020
under division (A)(1) of this section is in effect may, by 74021
resolution adopted within ninety days after July 15, 1985, by a 74022
majority of the members of the board, levy an additional excise 74023
tax not to exceed three per cent on transactions by which lodging 74024
by a hotel is or is to be furnished to transient guests. The tax 74025
authorized by this division shall be in addition to any tax that 74026
is levied pursuant to division (A) of this section, but it shall 74027
not apply to transactions subject to a tax levied by a municipal 74028
corporation or township pursuant to the authorization granted by 74029
division (A) of section 5739.08 of the Revised Code. The board 74030
shall establish all regulations necessary to provide for the 74031
administration and allocation of the tax. The regulations may 74032
prescribe the time for payment of the tax, and may provide for the 74033
imposition of a penalty or interest, or both, for late payments, 74034
provided that the penalty does not exceed ten per cent of the 74035
amount of tax due, and the rate at which interest accrues does not 74036
exceed the rate per annum prescribed pursuant to section 5703.47 74037
of the Revised Code. All revenues arising from the tax shall be 74038
expended in accordance with section 307.695 of the Revised Code. 74039
The board of county commissioners of an eligible county as defined 74040
in section 307.695 of the Revised Code may, by resolution adopted 74041
by a majority of the members of the board, amend the resolution 74042
levying a tax under this division to provide that the revenue from 74043
the tax shall be used by the board as described in division (H) of 74044

section 307.695 of the Revised Code. A tax imposed under this 74045
division shall remain in effect at the rate at which it is imposed 74046
for the duration of the period during which any agreement entered 74047
into by the board under section 307.695 of the Revised Code is in 74048
effect, the duration of the period during which any securities 74049
issued by the board under division (I) of section 307.695 of the 74050
Revised Code are outstanding, or the duration of the period during 74051
which the board owns a project as defined in section 307.695 of 74052
the Revised Code, whichever duration is longest. 74053

(D) For the purpose of providing contributions under division 74054
(B)(1) of section 307.671 of the Revised Code to enable the 74055
acquisition, construction, and equipping of a port authority 74056
educational and cultural facility in the county and, to the extent 74057
provided for in the cooperative agreement authorized by that 74058
section, for the purpose of paying debt service charges on bonds, 74059
or notes in anticipation of bonds, described in division (B)(1)(b) 74060
of that section, a board of county commissioners, by resolution 74061
adopted within ninety days after December 22, 1992, by a majority 74062
of the members of the board, may levy an additional excise tax not 74063
to exceed one and one-half per cent on transactions by which 74064
lodging by a hotel is or is to be furnished to transient guests. 74065
The excise tax authorized by this division shall be in addition to 74066
any tax that is levied pursuant to divisions (A), (B), and (C) of 74067
this section, to any excise tax levied pursuant to section 5739.08 74068
of the Revised Code, and to any excise tax levied pursuant to 74069
section 351.021 of the Revised Code. The board of county 74070
commissioners shall establish all regulations necessary to provide 74071
for the administration and allocation of the tax that are not 74072
inconsistent with this section or section 307.671 of the Revised 74073
Code. The regulations may prescribe the time for payment of the 74074
tax, and may provide for the imposition of a penalty or interest, 74075
or both, for late payments, provided that the penalty does not 74076
exceed ten per cent of the amount of tax due, and the rate at 74077

which interest accrues does not exceed the rate per annum 74078
prescribed pursuant to section 5703.47 of the Revised Code. All 74079
revenues arising from the tax shall be expended in accordance with 74080
section 307.671 of the Revised Code and division (D) of this 74081
section. The levy of a tax imposed under this division may not 74082
commence prior to the first day of the month next following the 74083
execution of the cooperative agreement authorized by section 74084
307.671 of the Revised Code by all parties to that agreement. The 74085
tax shall remain in effect at the rate at which it is imposed for 74086
the period of time described in division (C) of section 307.671 of 74087
the Revised Code for which the revenue from the tax has been 74088
pledged by the county to the corporation pursuant to that section, 74089
but, to any extent provided for in the cooperative agreement, for 74090
no lesser period than the period of time required for payment of 74091
the debt service charges on bonds, or notes in anticipation of 74092
bonds, described in division (B)(1)(b) of that section. 74093

(E) For the purpose of paying the costs of acquiring, 74094
constructing, equipping, and improving a municipal educational and 74095
cultural facility, including debt service charges on bonds 74096
provided for in division (B) of section 307.672 of the Revised 74097
Code, and for any additional purposes determined by the county in 74098
the resolution levying the tax or amendments to the resolution, 74099
including subsequent amendments providing for paying costs of 74100
acquiring, constructing, renovating, rehabilitating, equipping, 74101
and improving a port authority educational and cultural performing 74102
arts facility, as defined in section 307.674 of the Revised Code, 74103
and including debt service charges on bonds provided for in 74104
division (B) of section 307.674 of the Revised Code, the 74105
legislative authority of a county, by resolution adopted within 74106
ninety days after June 30, 1993, by a majority of the members of 74107
the legislative authority, may levy an additional excise tax not 74108
to exceed one and one-half per cent on transactions by which 74109
lodging by a hotel is or is to be furnished to transient guests. 74110

The excise tax authorized by this division shall be in addition to 74111
any tax that is levied pursuant to divisions (A), (B), (C), and 74112
(D) of this section, to any excise tax levied pursuant to section 74113
5739.08 of the Revised Code, and to any excise tax levied pursuant 74114
to section 351.021 of the Revised Code. The legislative authority 74115
of the county shall establish all regulations necessary to provide 74116
for the administration and allocation of the tax. The regulations 74117
may prescribe the time for payment of the tax, and may provide for 74118
the imposition of a penalty or interest, or both, for late 74119
payments, provided that the penalty does not exceed ten per cent 74120
of the amount of tax due, and the rate at which interest accrues 74121
does not exceed the rate per annum prescribed pursuant to section 74122
5703.47 of the Revised Code. All revenues arising from the tax 74123
shall be expended in accordance with section 307.672 of the 74124
Revised Code and this division. The levy of a tax imposed under 74125
this division shall not commence prior to the first day of the 74126
month next following the execution of the cooperative agreement 74127
authorized by section 307.672 of the Revised Code by all parties 74128
to that agreement. The tax shall remain in effect at the rate at 74129
which it is imposed for the period of time determined by the 74130
legislative authority of the county. That period of time shall not 74131
exceed fifteen years, except that the legislative authority of a 74132
county with a population of less than two hundred fifty thousand 74133
according to the most recent federal decennial census, by 74134
resolution adopted by a majority of its members before the 74135
original tax expires, may extend the duration of the tax for an 74136
additional period of time. The additional period of time by which 74137
a legislative authority extends a tax levied under this division 74138
shall not exceed fifteen years. 74139

(F) The legislative authority of a county that has levied a 74140
tax under division (E) of this section may, by resolution adopted 74141
within one hundred eighty days after January 4, 2001, by a 74142
majority of the members of the legislative authority, amend the 74143

resolution levying a tax under that division to provide for the 74144
use of the proceeds of that tax, to the extent that it is no 74145
longer needed for its original purpose as determined by the 74146
parties to a cooperative agreement amendment pursuant to division 74147
(D) of section 307.672 of the Revised Code, to pay costs of 74148
acquiring, constructing, renovating, rehabilitating, equipping, 74149
and improving a port authority educational and cultural performing 74150
arts facility, including debt service charges on bonds provided 74151
for in division (B) of section 307.674 of the Revised Code, and to 74152
pay all obligations under any guaranty agreements, reimbursement 74153
agreements, or other credit enhancement agreements described in 74154
division (C) of section 307.674 of the Revised Code. The 74155
resolution may also provide for the extension of the tax at the 74156
same rate for the longer of the period of time determined by the 74157
legislative authority of the county, but not to exceed an 74158
additional twenty-five years, or the period of time required to 74159
pay all debt service charges on bonds provided for in division (B) 74160
of section 307.672 of the Revised Code and on port authority 74161
revenue bonds provided for in division (B) of section 307.674 of 74162
the Revised Code. All revenues arising from the amendment and 74163
extension of the tax shall be expended in accordance with section 74164
307.674 of the Revised Code, this division, and division (E) of 74165
this section. 74166

(G) For purposes of a tax levied by a county, township, or 74167
municipal corporation under this section or section 5739.08 of the 74168
Revised Code, a board of county commissioners, board of township 74169
trustees, or the legislative authority of a municipal corporation 74170
may adopt a resolution or ordinance at any time specifying that 74171
"hotel," as otherwise defined in section 5739.01 of the Revised 74172
Code, includes the following: 74173

(1) Establishments in which fewer than five rooms are used 74174
for the accommodation of guests. 74175

(2) Establishments at which rooms are used for the 74176
accommodation of guests regardless of whether each room is 74177
accessible through its own keyed entry or several rooms are 74178
accessible through the same keyed entry; and, in determining the 74179
number of rooms, all rooms are included regardless of the number 74180
of structures in which the rooms are situated or the number of 74181
parcels of land on which the structures are located if the 74182
structures are under the same ownership and the structures are not 74183
identified in advertisements of the accommodations as distinct 74184
establishments. For the purposes of division (G)(2) of this 74185
section, two or more structures are under the same ownership if 74186
they are owned by the same person, or if they are owned by two or 74187
more persons the majority of the ownership interests of which are 74188
owned by the same person. 74189

The resolution or ordinance may apply to a tax imposed 74190
pursuant to this section prior to the adoption of the resolution 74191
or ordinance if the resolution or ordinance so states, but the tax 74192
shall not apply to transactions by which lodging by such an 74193
establishment is provided to transient guests prior to the 74194
adoption of the resolution or ordinance. 74195

(H)(1) As used in this division: 74196

(a) "Convention facilities authority" has the same meaning as 74197
in section 351.01 of the Revised Code. 74198

(b) "Convention center" has the same meaning as in section 74199
307.695 of the Revised Code. 74200

(2) Notwithstanding any contrary provision of division (D) of 74201
this section, the legislative authority of a county with a 74202
population of one million or more according to the most recent 74203
federal decennial census that has levied a tax under division (D) 74204
of this section may, by resolution adopted by a majority of the 74205
members of the legislative authority, provide for the extension of 74206

such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be deposited in the county general fund, provided that such proceeds shall be used to satisfy any pledges

made in connection with an agreement entered into under section 74239
307.695 of the Revised Code. 74240

(5) No amount collected from a tax levied, extended, or 74241
required to be deposited in the county general fund under division 74242
(H) of this section shall be contributed to a convention 74243
facilities authority, corporation, or other entity created after 74244
July 1, 2003, for the principal purpose of constructing, 74245
improving, expanding, equipping, financing, or operating a 74246
convention center unless the mayor of the municipal corporation in 74247
which the convention center is to be operated by that convention 74248
facilities authority, corporation, or other entity has consented 74249
to the creation of that convention facilities authority, 74250
corporation, or entity. Notwithstanding any contrary provision of 74251
section 351.04 of the Revised Code, if a tax is levied by a county 74252
under division (H) of this section, the board of county 74253
commissioners of that county may determine the manner of 74254
selection, the qualifications, the number, and terms of office of 74255
the members of the board of directors of any convention facilities 74256
authority, corporation, or other entity described in division 74257
(H)(5) of this section. 74258

(6)(a) No amount collected from a tax levied, extended, or 74259
required to be deposited in the county general fund under division 74260
(H) of this section may be used for any purpose other than paying 74261
the direct and indirect costs of constructing, improving, 74262
expanding, equipping, financing, or operating a convention center 74263
and for the real and actual costs of administering the tax, 74264
unless, prior to the adoption of the resolution of the legislative 74265
authority of the county authorizing the levy, extension, increase, 74266
or deposit, the county and the mayor of the most populous 74267
municipal corporation in that county have entered into an 74268
agreement as to the use of such amounts, provided that such 74269
agreement has been approved by a majority of the mayors of the 74270

other municipal corporations in that county. The agreement shall 74271
provide that the amounts to be used for purposes other than paying 74272
the convention center or administrative costs described in 74273
division (H)(6)(a) of this section be used only for the direct and 74274
indirect costs of capital improvements, including the financing of 74275
capital improvements. 74276

(b) If the county in which the tax is levied has an 74277
association of mayors and city managers, the approval of that 74278
association of an agreement described in division (H)(6)(a) of 74279
this section shall be considered to be the approval of the 74280
majority of the mayors of the other municipal corporations for 74281
purposes of that division. 74282

(7) Each year, the auditor of state shall conduct an audit of 74283
the uses of any amounts collected from taxes levied, extended, or 74284
deposited under division (H) of this section and shall prepare a 74285
report of the auditor of state's findings. The auditor of state 74286
shall submit the report to the legislative authority of the county 74287
that has levied, extended, or deposited the tax, the speaker of 74288
the house of representatives, the president of the senate, and the 74289
leaders of the minority parties of the house of representatives 74290
and the senate. 74291

(I)(1) As used in this division: 74292

(a) "Convention facilities authority" has the same meaning as 74293
in section 351.01 of the Revised Code. 74294

(b) "Convention center" has the same meaning as in section 74295
307.695 of the Revised Code. 74296

(2) Notwithstanding any contrary provision of division (D) of 74297
this section, the legislative authority of a county with a 74298
population of one million two hundred thousand or more according 74299
to the most recent federal decennial census or the most recent 74300
annual population estimate published or released by the United 74301

States census bureau at the time the resolution is adopted placing 74302
the levy on the ballot, that has levied a tax under division (D) 74303
of this section may, by resolution adopted by a majority of the 74304
members of the legislative authority, provide for the extension of 74305
such levy and may provide that the proceeds of that tax, to the 74306
extent that the proceeds are no longer needed for their original 74307
purpose as defined by a cooperative agreement entered into under 74308
section 307.671 of the Revised Code and after deducting the real 74309
and actual costs of administering the tax, shall be used for 74310
paying the direct and indirect costs of constructing, improving, 74311
expanding, equipping, financing, or operating a convention center. 74312
The resolution shall provide for the extension of the tax at a 74313
rate not to exceed the rate specified in division (D) of this 74314
section for a period of time determined by the legislative 74315
authority of the county, but not to exceed an additional forty 74316
years. 74317

(3) The legislative authority of a county with a population 74318
of one million two hundred thousand or more that has levied a tax 74319
under division (A)(1) of this section may, by resolution adopted 74320
by a majority of the members of the legislative authority, 74321
increase the rate of the tax levied by such county under division 74322
(A)(1) of this section to a rate not to exceed five per cent on 74323
transactions by which lodging by a hotel is or is to be furnished 74324
to transient guests. Notwithstanding any contrary provision of 74325
division (A)(1) of this section, the resolution shall provide that 74326
all collections resulting from the rate levied in excess of three 74327
per cent, after deducting the real and actual costs of 74328
administering the tax, shall be used for paying the direct and 74329
indirect costs of constructing, improving, expanding, equipping, 74330
financing, or operating a convention center. 74331

(4) The legislative authority of a county with a population 74332
of one million two hundred thousand or more that has levied a tax 74333

under division (A)(1) of this section may, by resolution adopted 74334
on or before July 1, 2008, by a majority of the members of the 74335
legislative authority, provide that all or a portion of the 74336
proceeds of the tax levied under division (A)(1) of this section, 74337
after deducting the real and actual costs of administering the tax 74338
and the amounts required to be returned to townships and municipal 74339
corporations with respect to the first three per cent levied under 74340
division (A)(1) of this section, shall be used to satisfy any 74341
pledges made in connection with an agreement entered into under 74342
section 307.695 of the Revised Code or shall otherwise be used for 74343
paying the direct and indirect costs of constructing, improving, 74344
expanding, equipping, financing, or operating a convention center. 74345

(5) Any amount collected from a tax levied or extended under 74346
division (I) of this section may be contributed to a convention 74347
facilities authority created before July 1, 2005, but no amount 74348
collected from a tax levied or extended under division (I) of this 74349
section may be contributed to a convention facilities authority, 74350
corporation, or other entity created after July 1, 2005, unless 74351
the mayor of the municipal corporation in which the convention 74352
center is to be operated by that convention facilities authority, 74353
corporation, or other entity has consented to the creation of that 74354
convention facilities authority, corporation, or entity. 74355

(J)(1) Except as provided in division (J)(2) of this section, 74356
money collected by a county and distributed under this section to 74357
a convention and visitors' bureau in existence as of June 30, 74358
2013, the effective date of H.B. 59 of the 130th general assembly, 74359
except for any such money pledged, as of that effective date, to 74360
the payment of debt service charges on bonds, notes, securities, 74361
or lease agreements, shall be used solely for tourism sales, 74362
marketing and promotion, and their associated costs, including, 74363
but not limited to, operational and administrative costs of the 74364
bureau, sales and marketing, and maintenance of the physical 74365

bureau structure. 74366

(2) A convention and visitors' bureau that has entered into 74367
an agreement under section 307.678 of the Revised Code may use 74368
revenue it receives from a tax levied under division (A)(1) of 74369
this section as described in division (D) of section 307.678 of 74370
the Revised Code. 74371

(K) The board of county commissioners of a county with a 74372
population between one hundred three thousand and one hundred 74373
seven thousand according to the most recent federal decennial 74374
census, by resolution adopted by a majority of the members of the 74375
board within six months after September 15, 2014, the effective 74376
date of H.B. 483 of the 130th general assembly, may levy a tax not 74377
to exceed three per cent on transactions by which a hotel is or is 74378
to be furnished to transient guests. The purpose of the tax shall 74379
be to pay the costs of expanding, maintaining, or operating a 74380
soldiers' memorial and the costs of administering the tax. All 74381
revenue arising from the tax shall be credited to one or more 74382
special funds in the county treasury and shall be spent solely for 74383
the purposes of paying those costs. The board of county 74384
commissioners shall adopt all rules necessary to provide for the 74385
administration of the tax subject to the same limitations on 74386
imposing penalty or interest under division (A)(1) of this 74387
section. 74388

As used in this division "soldiers' memorial" means a 74389
memorial constructed and funded under Chapter 345. of the Revised 74390
Code. 74391

(L) A board of county commissioners of an eligible county, by 74392
resolution adopted by a majority of the members of the board, may 74393
levy an excise tax at the rate of up to three per cent on 74394
transactions by which lodging by a hotel is or is to be furnished 74395
to transient guests for the purpose of paying the costs of 74396
permanent improvements at sites at which one or more agricultural 74397

societies conduct fairs or exhibits, paying the costs of 74398
maintaining or operating such permanent improvements, and paying 74399
the costs of administering the tax. A resolution adopted under 74400
this division shall direct the board of elections to submit the 74401
question of the proposed lodging tax to the electors of the county 74402
at a special election held on the date specified by the board in 74403
the resolution, provided that the election occurs not less than 74404
ninety days after a certified copy of the resolution is 74405
transmitted to the board of elections. A resolution submitted to 74406
the electors under this division shall not go into effect unless 74407
it is approved by a majority of those voting upon it. The 74408
resolution takes effect on the date the board of county 74409
commissioners receives notification from the board of elections of 74410
an affirmative vote. 74411

The tax shall remain in effect for the period specified in 74412
the resolution, not to exceed five years. All revenue arising from 74413
the tax shall be credited to one or more special funds in the 74414
county treasury and shall be spent solely for the purpose of the 74415
costs of such permanent improvements, including the pledge to pay 74416
debt charges of securities of the county issued under section 74417
1711.151 of the Revised Code and notes issued in anticipation of 74418
such securities, and for the purpose of maintaining or operating 74419
the improvements. Revenue allocated for the use of a county 74420
agricultural society and not pledged to the payment of such debt 74421
may be credited to the county agricultural society fund created in 74422
section 1711.16 of the Revised Code upon appropriation by the 74423
board. If revenue is credited to that fund, it shall be expended 74424
only as provided in that section. 74425

The board of county commissioners shall adopt all rules 74426
necessary to provide for the administration of the tax. The rules 74427
may prescribe the time for payment of the tax, and may provide for 74428
the imposition or penalty or interest, or both, for late payments, 74429

provided that the penalty does not exceed ten per cent of the 74430
amount of tax due, and the rate at which interest accrues does not 74431
exceed the rate per annum prescribed in section 5703.47 of the 74432
Revised Code. 74433

As used in this division, "eligible county" means a county in 74434
which a county agricultural society or independent agricultural 74435
society is organized under section 1711.01 or 1711.02 of the 74436
Revised Code, provided the agricultural society owns a facility or 74437
site in the county at which an annual harness horse race is 74438
conducted where one-day attendance equals at least forty thousand 74439
attendees. 74440

Sec. 5739.10. (A) In addition to the tax levied by section 74441
5739.02 of the Revised Code and any tax levied pursuant to section 74442
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, and 74443
to secure the same objectives specified in those sections, there 74444
is hereby levied upon the privilege of engaging in the business of 74445
making retail sales, an excise tax equal to the tax levied by 74446
section 5739.02 of the Revised Code, or, in the case of retail 74447
sales subject to a tax levied pursuant to section 5739.021, 74448
5739.023, 5739.024, or 5739.026 of the Revised Code, a percentage 74449
equal to the aggregate rate of such taxes and the tax levied by 74450
section 5739.02 of the Revised Code of the receipts derived from 74451
all retail sales, except those to which the excise tax imposed by 74452
section 5739.02 of the Revised Code is made inapplicable by 74453
division (B) of that section. 74454

(B) For the purpose of this section, no vendor shall be 74455
required to maintain records of sales of food for human 74456
consumption off the premises where sold, and no assessment shall 74457
be made against any vendor for sales of food for human consumption 74458
off the premises where sold, solely because the vendor has no 74459
records of, or has inadequate records of, such sales; provided 74460

that where a vendor does not have adequate records of receipts 74461
from the vendor's sales of food for human consumption on the 74462
premises where sold, the tax commissioner may refuse to accept the 74463
vendor's return and, upon the basis of test checks of the vendor's 74464
business for a representative period, and other information 74465
relating to the sales made by such vendor, determine the 74466
proportion that taxable retail sales bear to all of the vendor's 74467
retail sales. The tax imposed by this section shall be determined 74468
by deducting from the sum representing five and three-fourths per 74469
cent, as applicable under division (A) of this section, or, in the 74470
case of retail sales subject to a tax levied pursuant to section 74471
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, a 74472
percentage equal to the aggregate rate of such taxes and the tax 74473
levied by section 5739.02 of the Revised Code of the receipts from 74474
such retail sales, the amount of tax paid to the state or to a 74475
clerk of a court of common pleas. The section does not affect any 74476
duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 74477
to 5739.31 of the Revised Code, nor the liability of any consumer 74478
to pay any tax imposed by or pursuant to section 5739.02, 74479
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code. 74480

Sec. 5739.12. (A)(1) Each person who has or is required to 74481
have a vendor's license, on or before the twenty-third day of each 74482
month, shall make and file a return for the preceding month in the 74483
form prescribed by the tax commissioner, and shall pay the tax 74484
shown on the return to be due. The return shall be filed 74485
electronically using the Ohio business gateway, as defined in 74486
section 718.01 of the Revised Code, the Ohio telefile system, or 74487
any other electronic means prescribed by the commissioner. Payment 74488
of the tax shown on the return to be due shall be made 74489
electronically in a manner approved by the commissioner. The 74490
commissioner may require a vendor that operates from multiple 74491
locations or has multiple vendor's licenses to report all tax 74492

liabilities on one consolidated return. The return shall show the 74493
amount of tax due from the vendor to the state for the period 74494
covered by the return and such other information as the 74495
commissioner deems necessary for the proper administration of this 74496
chapter. The commissioner may extend the time for making and 74497
filing returns and paying the tax, and may require that the return 74498
for the last month of any annual or semiannual period, as 74499
determined by the commissioner, be a reconciliation return 74500
detailing the vendor's sales activity for the preceding annual or 74501
semiannual period. The reconciliation return shall be filed by the 74502
last day of the month following the last month of the annual or 74503
semiannual period. The commissioner may remit all or any part of 74504
amounts or penalties that may become due under this chapter and 74505
may adopt rules relating thereto. Such return shall be filed 74506
electronically as directed by the tax commissioner, and payment of 74507
the amount of tax shown to be due thereon, after deduction of any 74508
discount provided for under this section, shall be made 74509
electronically in a manner approved by the tax commissioner. 74510

(2) Any person required to file returns and make payments 74511
electronically under division (A)(1) of this section may apply to 74512
the tax commissioner on a form prescribed by the commissioner to 74513
be excused from that requirement. For good cause shown, the 74514
commissioner may excuse the person from that requirement and may 74515
permit the person to file the returns and make the payments 74516
required by this section by nonelectronic means. 74517

(B)(1) If the return is filed and the amount of tax shown 74518
thereon to be due is paid on or before the date such return is 74519
required to be filed, the vendor shall be entitled to a discount 74520
of three-fourths of one per cent of the amount shown to be due on 74521
the return. 74522

(2) A vendor that has selected a certified service provider 74523
as its agent shall not be entitled to the discount if the 74524

certified service provider receives a monetary allowance pursuant 74525
to section 5739.06 of the Revised Code for performing the vendor's 74526
sales and use tax functions in this state. Amounts paid to the 74527
clerk of courts pursuant to section 4505.06 of the Revised Code 74528
shall be subject to the applicable discount. The discount shall be 74529
in consideration for prompt payment to the clerk of courts and for 74530
other services performed by the vendor in the collection of the 74531
tax. 74532

(C)(1) Upon application to the tax commissioner, a vendor who 74533
is required to file monthly returns may be relieved of the 74534
requirement to report and pay the actual tax due, provided that 74535
the vendor agrees to remit to the commissioner payment of not less 74536
than an amount determined by the commissioner to be the average 74537
monthly tax liability of the vendor, based upon a review of the 74538
returns or other information pertaining to such vendor for a 74539
period of not less than six months nor more than two years 74540
immediately preceding the filing of the application. Vendors who 74541
agree to the above conditions shall make and file an annual or 74542
semiannual reconciliation return, as prescribed by the 74543
commissioner. The reconciliation return shall be filed 74544
electronically as directed by the tax commissioner, and payment of 74545
the amount of tax shown to be due thereon, after deduction of any 74546
discount provided in this section, shall be made electronically in 74547
a manner approved by the commissioner. Failure of a vendor to 74548
comply with any of the above conditions may result in immediate 74549
reinstatement of the requirement of reporting and paying the 74550
actual tax liability on each monthly return, and the commissioner 74551
may at the commissioner's discretion deny the vendor the right to 74552
report and pay based upon the average monthly liability for a 74553
period not to exceed two years. The amount ascertained by the 74554
commissioner to be the average monthly tax liability of a vendor 74555
may be adjusted, based upon a review of the returns or other 74556
information pertaining to the vendor for a period of not less than 74557

six months nor more than two years preceding such adjustment. 74558

(2) The commissioner may authorize vendors whose tax 74559
liability is not such as to merit monthly returns, as ascertained 74560
by the commissioner upon the basis of administrative costs to the 74561
state, to make and file returns at less frequent intervals. When 74562
returns are filed at less frequent intervals in accordance with 74563
such authorization, the vendor shall be allowed the discount 74564
provided in this section in consideration for prompt payment with 74565
the return, provided the return is filed and payment is made of 74566
the amount of tax shown to be due thereon, at the time specified 74567
by the commissioner, but a vendor that has selected a certified 74568
service provider as its agent shall not be entitled to the 74569
discount. 74570

(D) Any vendor who fails to file a return or to pay the full 74571
amount of the tax shown on the return to be due in the manner 74572
prescribed under this section and the rules of the commissioner 74573
may, for each such return, be required to forfeit and pay into the 74574
state treasury an additional charge not exceeding fifty dollars or 74575
ten per cent of the tax required to be paid for the reporting 74576
period, whichever is greater, as revenue arising from the tax 74577
imposed by this chapter, and such sum may be collected by 74578
assessment in the manner provided in section 5739.13 of the 74579
Revised Code. The commissioner may remit all or a portion of the 74580
additional charge and may adopt rules relating to the imposition 74581
and remission of the additional charge. 74582

(E) If the amount required to be collected by a vendor from 74583
consumers is in excess of the applicable percentage of the 74584
vendor's receipts from sales that are taxable under section 74585
5739.02 of the Revised Code, or in the case of sales subject to a 74586
tax levied pursuant to section 5739.021, 5739.023, 5739.024, or 74587
5739.026 of the Revised Code, in excess of the percentage equal to 74588
the aggregate rate of such taxes and the tax levied by section 74589

5739.02 of the Revised Code, such excess shall be remitted along 74590
with the remittance of the amount of tax due under section 5739.10 74591
of the Revised Code. 74592

(F) The commissioner, if the commissioner deems it necessary 74593
in order to insure the payment of the tax imposed by this chapter, 74594
may require returns and payments to be made for other than monthly 74595
periods. 74596

(G) Any vendor required to file a return and pay the tax 74597
under this section whose total payment for a year equals or 74598
exceeds the amount shown in division (A) of section 5739.122 of 74599
the Revised Code is subject to the accelerated tax payment 74600
requirements in divisions (B) and (C) of that section. For a 74601
vendor that operates from multiple locations or has multiple 74602
vendor's licenses, in determining whether the vendor's total 74603
payment equals or exceeds the amount shown in division (A) of that 74604
section, the vendor's total payment amount shall be the amount of 74605
the vendor's total tax liability for the previous calendar year 74606
for all of the vendor's locations or licenses. 74607

Sec. 5739.13. (A) If any vendor collects the tax imposed by 74608
or pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 74609
5739.026 of the Revised Code, and fails to remit the tax to the 74610
state as prescribed, or on the sale of a motor vehicle, 74611
watercraft, or outboard motor required to be titled, fails to 74612
remit payment to a clerk of a court of common pleas as provided in 74613
section 1548.06 or 4505.06 of the Revised Code, the vendor shall 74614
be personally liable for any tax collected and not remitted. The 74615
tax commissioner may make an assessment against such vendor based 74616
upon any information in the commissioner's possession. 74617

If any vendor fails to collect the tax or any consumer fails 74618
to pay the tax imposed by or pursuant to section 5739.02, 74619
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code, on 74620

any transaction subject to the tax, the vendor or consumer shall 74621
be personally liable for the amount of the tax applicable to the 74622
transaction. The commissioner may make an assessment against 74623
either the vendor or consumer, as the facts may require, based 74624
upon any information in the commissioner's possession. 74625

An assessment against a vendor when the tax imposed by or 74626
pursuant to section 5739.02, 5739.021, 5739.023, 5739.024, or 74627
5739.026 of the Revised Code has not been collected or paid, shall 74628
not discharge the purchaser's or consumer's liability to reimburse 74629
the vendor for the tax applicable to such transaction. 74630

An assessment issued against either, pursuant to this 74631
section, shall not be considered an election of remedies, nor a 74632
bar to an assessment against the other for the tax applicable to 74633
the same transaction, provided that no assessment shall be issued 74634
against any person for the tax due on a particular transaction if 74635
the tax on that transaction actually has been paid by another. 74636

The commissioner may make an assessment against any vendor 74637
who fails to file a return or remit the proper amount of tax 74638
required by this chapter, or against any consumer who fails to pay 74639
the proper amount of tax required by this chapter. When 74640
information in the possession of the commissioner indicates that 74641
the amount required to be collected or paid under this chapter is 74642
greater than the amount remitted by the vendor or paid by the 74643
consumer, the commissioner may audit a sample of the vendor's 74644
sales or the consumer's purchases for a representative period, to 74645
ascertain the per cent of exempt or taxable transactions or the 74646
effective tax rate and may issue an assessment based on the audit. 74647
The commissioner shall make a good faith effort to reach agreement 74648
with the vendor or consumer in selecting a representative sample. 74649

The commissioner may make an assessment, based on any 74650
information in the commissioner's possession, against any person 74651
who fails to file a return or remit the proper amount of tax 74652

required by section 5739.102 of the Revised Code. 74653

The commissioner may issue an assessment on any transaction 74654
for which any tax imposed under this chapter or Chapter 5741. of 74655
the Revised Code was due and unpaid on the date the vendor or 74656
consumer was informed by an agent of the tax commissioner of an 74657
investigation or audit. If the vendor or consumer remits any 74658
payment of the tax for the period covered by the assessment after 74659
the vendor or consumer was informed of the investigation or audit, 74660
the payment shall be credited against the amount of the 74661
assessment. 74662

The commissioner shall give the party assessed written notice 74663
of the assessment in the manner provided in section 5703.37 of the 74664
Revised Code. With the notice, the commissioner shall provide 74665
instructions on how to petition for reassessment and request a 74666
hearing on the petition. 74667

(B) Unless the party assessed files with the commissioner 74668
within sixty days after service of the notice of assessment, 74669
either personally or by certified mail, a written petition for 74670
reassessment, signed by the party assessed or that party's 74671
authorized agent having knowledge of the facts, the assessment 74672
becomes final and the amount of the assessment is due from the 74673
party assessed and payable to the treasurer of state and remitted 74674
to the tax commissioner. The petition shall indicate the 74675
objections of the party assessed, but additional objections may be 74676
raised in writing if received by the commissioner prior to the 74677
date shown on the final determination. If the petition has been 74678
properly filed, the commissioner shall proceed under section 74679
5703.60 of the Revised Code. 74680

(C) After an assessment becomes final, if any portion of the 74681
assessment remains unpaid, including accrued interest, a certified 74682
copy of the commissioner's entry making the assessment final may 74683
be filed in the office of the clerk of the court of common pleas 74684

in the county in which the place of business of the party assessed 74685
is located or the county in which the party assessed resides. If 74686
the party assessed maintains no place of business in this state 74687
and is not a resident of this state, the certified copy of the 74688
entry may be filed in the office of the clerk of the court of 74689
common pleas of Franklin county. 74690

Immediately upon the filing of the entry, the clerk shall 74691
enter a judgment for the state against the party assessed in the 74692
amount shown on the entry. The judgment may be filed by the clerk 74693
in a loose-leaf book entitled "~~special judgments for state,~~ 74694
~~county, and transit authority~~ and local retail sales tax" or, if 74695
appropriate, "special judgments for resort area excise tax," and 74696
shall have the same effect as other judgments. Execution shall 74697
issue upon the judgment upon the request of the tax commissioner, 74698
and all laws applicable to sales on execution shall apply to sales 74699
made under the judgment except as otherwise provided in this 74700
chapter. 74701

If the assessment is not paid in its entirety within sixty 74702
days after the date the assessment was issued, the portion of the 74703
assessment consisting of tax due shall bear interest at the rate 74704
per annum prescribed by section 5703.47 of the Revised Code from 74705
the day the tax commissioner issues the assessment until the 74706
assessment is paid or until it is certified to the attorney 74707
general for collection under section 131.02 of the Revised Code, 74708
whichever comes first. If the unpaid portion of the assessment is 74709
certified to the attorney general for collection, the entire 74710
unpaid portion of the assessment shall bear interest at the rate 74711
per annum prescribed by section 5703.47 of the Revised Code from 74712
the date of certification until the date it is paid in its 74713
entirety. Interest shall be paid in the same manner as the tax and 74714
may be collected by issuing an assessment under this section. 74715

(D) All money collected by the tax commissioner under this 74716

section shall be paid to the treasurer of state, and when paid 74717
shall be considered as revenue arising from the taxes imposed by 74718
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 74719

Sec. 5739.16. (A) Except as otherwise provided in this 74720
section, no assessment shall be made or issued against a vendor or 74721
consumer for any tax imposed by or pursuant to section 5739.02, 74722
5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised 74723
Code more than four years after the return date for the period in 74724
which the sale or purchase was made, or more than four years after 74725
the return for such period is filed, whichever is later. A 74726
consumer who provides a fully completed exemption certificate 74727
pursuant to division (B) of section 5739.03 of the Revised Code 74728
may be assessed any tax imposed by or pursuant to section 5739.02, 74729
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code that 74730
results from denial of the claimed exemption within the later of a 74731
period otherwise allowed by this section or one year after the 74732
date the certificate was provided. This division does not bar an 74733
assessment: 74734

(1) When the tax commissioner has substantial evidence of 74735
amounts of taxes collected by a vendor from consumers on retail 74736
sales, which were not returned to the state; 74737

(2) When the vendor assessed failed to file a return as 74738
required by section 5739.12 of the Revised Code; 74739

(3) When the vendor or consumer and the commissioner waive in 74740
writing the time limitation. 74741

(B) No assessment shall be made or issued against a vendor or 74742
consumer for any tax imposed by or pursuant to section 5739.02, 74743
5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised 74744
Code for any period during which there was in full force and 74745
effect a rule of the tax commissioner under or by virtue of which 74746
the collection or payment of any such tax was not required. This 74747

division does not bar an assessment when the tax commissioner has 74748
substantial evidence of amounts of taxes collected by a vendor 74749
from consumers on retail sales which were not returned to the 74750
state. 74751

(C) No assessment shall be made or issued against a person 74752
for any tax imposed pursuant to section 5739.101 of the Revised 74753
Code more than four years after the return date for the period in 74754
which the tax is imposed on the person's gross receipts, or more 74755
than four years after the return for such period is filed, 74756
whichever is later. This division does not bar an assessment when 74757
the person assessed failed to file a return as required under 74758
section 5739.102 of the Revised Code, or when the person and the 74759
commissioner waive in writing the time limitation. 74760

Sec. 5739.17. (A) No person shall engage in making retail 74761
sales subject to a tax imposed by or pursuant to section 5739.02, 74762
5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code as a 74763
business without having a license therefor, except as otherwise 74764
provided in divisions (A)(1), (2), and (3) of this section. 74765

(1) In the dissolution of a partnership by death, the 74766
surviving partner may operate under the license of the partnership 74767
for a period of sixty days. 74768

(2) The heirs or legal representatives of deceased persons, 74769
and receivers and trustees in bankruptcy, appointed by any 74770
competent authority, may operate under the license of the person 74771
so succeeded in possession. 74772

(3) Two or more persons who are not partners may operate a 74773
single place of business under one license. In such case neither 74774
the retirement of any such person from business at that place of 74775
business, nor the entrance of any person, under an existing 74776
arrangement, shall affect the license or require the issuance of a 74777
new license, unless the person retiring from the business is the 74778

individual named on the vendor's license. 74779

Except as otherwise provided in this section, each applicant 74780
for a license shall make out and deliver to the county auditor of 74781
each county in which the applicant desires to engage in business, 74782
upon a blank to be furnished by such auditor for that purpose, a 74783
statement showing the name of the applicant, each place of 74784
business in the county where the applicant will make retail sales, 74785
the nature of the business, and any other information the tax 74786
commissioner reasonably prescribes in the form of a statement 74787
prescribed by the commissioner. 74788

At the time of making the application, the applicant shall 74789
pay into the county treasury a license fee in the sum of 74790
twenty-five dollars for each fixed place of business in the county 74791
that will be the situs of retail sales. Upon receipt of the 74792
application and exhibition of the county treasurer's receipt, 74793
showing the payment of the license fee, the county auditor shall 74794
issue to the applicant a license for each fixed place of business 74795
designated in the application, authorizing the applicant to engage 74796
in business at that location. 74797

(B) If a vendor's identity changes, the vendor shall apply 74798
for a new license. If a vendor wishes to move an existing fixed 74799
place of business to a new location within the same county, the 74800
vendor shall obtain a new vendor's license or submit a request to 74801
the commissioner to transfer the existing vendor's license to the 74802
new location. When the new location has been verified as being 74803
within the same county, the commissioner shall authorize the 74804
transfer and notify the county auditor of the change of location. 74805
If a vendor wishes to move an existing fixed place of business to 74806
another county, the vendor's license shall not transfer and the 74807
vendor shall obtain a new vendor's license from the county in 74808
which the business is to be located. The form of the license shall 74809
be prescribed by the commissioner. The fees collected shall be 74810

credited to the general fund of the county. If a vendor fails to 74811
notify the commissioner of a change of location of its fixed place 74812
of business or that its business has closed, the commissioner may 74813
cancel the vendor's license if ordinary mail sent to the location 74814
shown on the license is returned because of an undeliverable 74815
address. 74816

(C) The commissioner may establish or participate in a 74817
registration system whereby any vendor may obtain a vendor's 74818
license by submitting to the commissioner a vendor's license 74819
application and a license fee of twenty-five dollars for each 74820
fixed place of business at which the vendor intends to make retail 74821
sales. Under this registration system, the commissioner shall 74822
issue a vendor's license to the applicant on behalf of the county 74823
auditor of the county in which the applicant desires to engage in 74824
business, and shall forward a copy of the application and license 74825
fee to that county. All such license fees received by the 74826
commissioner for the issuance of vendor's licenses shall be 74827
deposited into the vendor's license application fund, which is 74828
hereby created in the state treasury. The commissioner shall 74829
certify to the director of budget and management within ten 74830
business days after the close of a month the license fees to be 74831
transmitted to each county from the vendor's license application 74832
fund for vendor's license applications received by the 74833
commissioner during that month. License fees transmitted to a 74834
county for which payment was not received by the commissioner may 74835
be netted against a future distribution to that county, including 74836
distributions made pursuant to section 5739.21 of the Revised 74837
Code. 74838

A vendor that makes retail sales subject to tax under Chapter 74839
5739. of the Revised Code pursuant to a permit issued by the 74840
division of liquor control shall obtain a vendor's license in the 74841
identical name and for the identical address as shown on the 74842

permit. 74843

Except as otherwise provided in this section, if a vendor has 74844
no fixed place of business and sells from a vehicle, each vehicle 74845
intended to be used within a county constitutes a place of 74846
business for the purpose of this section. 74847

(D) As used in this section, "transient vendor" means any 74848
person who makes sales of tangible personal property from vending 74849
machines located on land owned by others, who leases titled motor 74850
vehicles, titled watercraft, or titled outboard motors, who 74851
effectuates leases that are taxed according to division (A)(2) of 74852
section 5739.02 of the Revised Code, or who, in the usual course 74853
of the person's business, transports inventory, stock of goods, or 74854
similar tangible personal property to a temporary place of 74855
business or temporary exhibition, show, fair, flea market, or 74856
similar event in a county in which the person has no fixed place 74857
of business, for the purpose of making retail sales of such 74858
property. A "temporary place of business" means any public or 74859
quasi-public place including, but not limited to, a hotel, rooming 74860
house, storeroom, building, part of a building, tent, vacant lot, 74861
railroad car, or motor vehicle that is temporarily occupied for 74862
the purpose of making retail sales of goods to the public. A place 74863
of business is not temporary if the same person conducted business 74864
at the place continuously for more than six months or occupied the 74865
premises as the person's permanent residence for more than six 74866
months, or if the person intends it to be a fixed place of 74867
business. 74868

Any transient vendor, in lieu of obtaining a vendor's license 74869
under division (A) of this section for counties in which the 74870
transient vendor has no fixed place of business, may apply to the 74871
tax commissioner, on a form prescribed by the commissioner, for a 74872
transient vendor's license. The transient vendor's license 74873
authorizes the transient vendor to make retail sales in any county 74874

in which the transient vendor does not maintain a fixed place of 74875
business. Any holder of a transient vendor's license shall not be 74876
required to obtain a separate vendor's license from the county 74877
auditor in that county. Upon the commissioner's determination that 74878
an applicant is a transient vendor, the applicant shall pay a 74879
license fee in the amount of twenty-five dollars, at which time 74880
the tax commissioner shall issue the license. The tax commissioner 74881
may require a vendor to be licensed as a transient vendor if, in 74882
the opinion of the commissioner, such licensing is necessary for 74883
the efficient administration of the tax. 74884

Any holder of a valid transient vendor's license may make 74885
retail sales at a temporary place of business or temporary 74886
exhibition, show, fair, flea market, or similar event, held 74887
anywhere in the state without complying with any provision of 74888
section 311.37 of the Revised Code. Any holder of a valid vendor's 74889
license may make retail sales as a transient vendor at a temporary 74890
place of business or temporary exhibition, show, fair, flea 74891
market, or similar event held in any county in which the vendor 74892
maintains a fixed place of business for which the vendor holds a 74893
vendor's license without obtaining a transient vendor's license. 74894

(E) Any vendor who is issued a license pursuant to this 74895
section shall display the license or a copy of it prominently, in 74896
plain view, at every place of business of the vendor. 74897

(F) No owner, organizer, or promoter who operates a fair, 74898
flea market, show, exhibition, convention, or similar event at 74899
which transient vendors are present shall fail to keep a 74900
comprehensive record of all such vendors, listing the vendor's 74901
name, permanent address, vendor's license number, and the type of 74902
goods sold. Such records shall be kept for four years and shall be 74903
open to inspection by the commissioner. 74904

(G) The commissioner may issue additional types of licenses 74905
if required to efficiently administer the tax imposed by this 74906

chapter. 74907

Sec. 5739.21. (A) One hundred per cent of all money deposited 74908
into the state treasury under sections 5739.01 to 5739.31 of the 74909
Revised Code that is not required to be distributed as provided in 74910
section 5739.102 of the Revised Code or division (B) of this 74911
section shall be credited to the general revenue fund. 74912

(B)(1) In any case where any county, municipal corporation, 74913
township, or transit authority has levied a tax or taxes pursuant 74914
to section 5739.021, 5739.023, 5739.024, or 5739.026 of the 74915
Revised Code, the tax commissioner shall, within forty-five days 74916
after the end of each month, determine and certify to the director 74917
of budget and management the amount of the proceeds of such tax or 74918
taxes received during that month from billings and assessments, or 74919
associated with tax returns or reports filed during that month, to 74920
be returned to the ~~county or transit authority~~ subdivision levying 74921
the tax or taxes. The amount to be returned to each ~~county and~~ 74922
~~transit authority~~ subdivision shall be a fraction of the aggregate 74923
amount of money collected with respect to each area in which one 74924
or more of such taxes are concurrently in effect with the tax 74925
levied by section 5739.02 of the Revised Code. The numerator of 74926
the fraction is the rate of the tax levied by the ~~county or~~ 74927
~~transit authority~~ subdivision and the denominator of the fraction 74928
is the aggregate rate of such taxes applicable to such area. The 74929
amount to be returned to each ~~county or transit authority~~ 74930
subdivision shall be reduced by the amount of any refunds of 74931
~~county or transit authority~~ such tax paid pursuant to section 74932
5739.07 of the Revised Code during the same month, or transfers 74933
made pursuant to division (B)(2) of section 5703.052 of the 74934
Revised Code. 74935

(2) On a periodic basis, using the best information 74936
available, the tax commissioner shall distribute any amount of 74937

~~such a county or transit authority~~ tax that cannot be distributed 74938
under division (B)(1) of this section. Through audit or other 74939
means, the commissioner shall attempt to obtain the information 74940
necessary to make the distribution as provided under that division 74941
and, on receipt of that information, shall make adjustments to 74942
distributions previously made under this division. 74943

(3) Beginning July 1, 2008, eight and thirty-three 74944
one-hundredths of one per cent of the revenue collected from the 74945
tax due under division (A) of section 5739.029 of the Revised Code 74946
shall be distributed to the county where the sale of the motor 74947
vehicle is situated under section 5739.035 of the Revised Code. The 74948
amount to be so distributed to the county shall be apportioned on 74949
the basis of the rates of taxes the county levies pursuant to 74950
sections 5739.021 and 5739.026 of the Revised Code, as applicable, 74951
and shall be credited to the funds of the county as provided in 74952
divisions (A) and (B) of section 5739.211 of the Revised Code. 74953

(C) The aggregate amount to be returned to any ~~county or~~ 74954
~~transit authority~~ subdivision shall be reduced by one per cent, 74955
which shall be certified directly to the credit of the local sales 74956
tax administrative fund, which is hereby created in the state 74957
treasury. For the purpose of determining the amount to be returned 74958
to a county and transit authority in which the rate of tax imposed 74959
by the transit authority has been reduced under section 5739.028 74960
of the Revised Code, the tax commissioner shall use the respective 74961
rates of tax imposed by the county or transit authority that 74962
results from the change in the rates authorized under that 74963
section. 74964

(D) The director of budget and management shall transfer, 74965
from the same funds and in the same proportions specified in 74966
division (A) of this section, to the permissive tax distribution 74967
fund created by division (B)(1) of section 4301.423 of the Revised 74968
Code and to the local sales tax administrative fund, the amounts 74969

certified by the tax commissioner. The tax commissioner shall 74970
then, on or before the twentieth day of the month in which such 74971
certification is made, provide for payment of such respective 74972
amounts to the county treasurer and to the fiscal officer of the 74973
municipal corporation, township, or transit authority levying the 74974
tax or taxes. The amount transferred to the local sales tax 74975
administrative fund is for use by the tax commissioner in 74976
defraying costs incurred in administering such taxes levied by a 74977
county, municipal corporation, township, or transit authority. 74978

Sec. 5739.211. (A) The moneys received by a county levying an 74979
additional sales tax pursuant to section 5739.021 of the Revised 74980
Code shall be deposited in the county general fund to be expended 74981
for any purpose for which general fund moneys of the county may be 74982
used, including the acquisition or construction of permanent 74983
improvements or to make payments in accordance with section 333.06 74984
or 333.07 of the Revised Code, or in the bond retirement fund for 74985
the payment of debt service charges on notes or bonds of the 74986
county issued for the acquisition or construction of permanent 74987
improvements. The amounts to be deposited in each of such funds 74988
shall be determined by the board of county commissioners. 74989

(B) The moneys received by a county levying an additional 74991
sales tax pursuant to section 5739.026 of the Revised Code shall 74992
be deposited in a separate fund, which shall be allocated and 74993
distributed in accordance with the resolution adopted under such 74994
section. Moneys allocated for the purpose of division (A)(4) of 74995
section 5739.026 of the Revised Code shall be transferred to and 74996
disbursed from the community improvements fund in the county 74997
treasury. Notwithstanding section 135.351 of the Revised Code, if 74998
an allocation of moneys to a convention facilities authority or a 74999
transit authority is required pursuant to division (C) of section 75000
5739.026 of the Revised Code, the county shall pay and distribute 75001

each authority's share of any such moneys to its fiscal officer 75002
within five business days of the date of their receipt by the 75003
county. If the moneys allocated under such division are not so 75004
paid, the county shall pay to such authority any interest that the 75005
county has received or will receive on such moneys that accrues 75006
from the date the county received the moneys, together with the 75007
principal amount of such moneys. 75008

(C) The moneys received by a transit authority levying an 75009
additional sales tax pursuant to section 5739.023 of the Revised 75010
Code shall be deposited in such fund or funds of the transit 75011
authority as determined by the legislative authority of the 75012
transit authority to be expended for any purpose for which a 75013
county transit board or the board of county commissioners 75014
operating a county transit system, in the case of a county, or the 75015
board of trustees of a regional transit authority, in the case of 75016
a regional transit authority, may expend moneys under their 75017
control, including the purchase, acquisition, construction, 75018
replacement, improvement, extension, or enlargement of permanent 75019
improvements and for the payment of debt service charges on notes 75020
or bonds of the transit authority. 75021

(D) Money received by a municipal corporation or township 75022
levying an additional sales tax pursuant to section 5739.024 of 75023
the Revised Code shall be deposited in a special fund in the 75024
subdivision's treasury created by the legislative authority of the 75025
subdivision. The municipal corporation or township may use such 75026
revenue solely for the purpose of fostering and developing tourism 75027
in the tourism development district in which the tax is levied. 75028

Sec. 5739.34. The levy of any excise, income, or property tax 75029
by the state or any political subdivision thereof shall not be 75030
construed as preempting the power of a county, municipal 75031
corporation, township, or transit authority to levy an additional 75032

sales tax pursuant to section 5739.021, 5739.023, 5739.024, or 75033
5739.026 of the Revised Code. No tax levied by a board of county 75034
commissioners pursuant to section 5739.023 of the Revised Code 75035
shall become effective at any time while a tax levied by the board 75036
of trustees of a regional transit authority pursuant to such 75037
section is in effect in any part of such county. 75038

Sec. 5739.36. (A) For the purpose of tracking the growth and 75039
overall economic impact of the travel and tourism industry in this 75040
state, the tax commissioner shall prepare a report summarizing the 75041
amount of tax revenue collected during each semiannual period 75042
ending on the last day of June or December, annually. The 75043
commissioner shall prepare the report by industry classification 75044
using business activity codes. The report shall include the 75045
combined total statewide collections from the taxes levied under 75046
sections 5739.02, 5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 75047
5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code 75048
as reported by taxpayers with respect to collections during the 75049
semiannual period. The report shall reflect all industries 75050
included in the industrial classification system used by the 75051
commissioner the activities of which relate in any way to travel 75052
and tourism, including, but not limited to, industries such as 75053
bars and restaurants; hotels, motels, and other lodging 75054
establishments; and other industries related to travel and 75055
tourism. The first report shall be for the semiannual period 75056
ending December 31, 2005. 75057

(B) The tax commissioner shall file a copy of the report 75058
required under this section with the governor, the president of 75059
the senate, the speaker of the house of representatives, and the 75060
legislative service commission. The reports shall be filed on or 75061
before the first day of May or November, annually, that 75062
immediately follows the semiannual period to which the report 75063
relates. A copy of the commissioner's most recent report shall be 75064

made available to the public through the department of taxation's 75065
official internet web site. 75066

(C) The commissioner shall adopt rules that are necessary to 75067
administer this section. 75068

Sec. 5739.50. (A) As used in this section: 75069

(1) "Business" means a sole proprietorship, a corporation for 75070
profit, a pass-through entity as defined in section 5733.04 of the 75071
Revised Code, the federal government, the state, the state's 75072
political subdivisions, a nonprofit organization, or a school 75073
district. A business "operates within the proposed district" if 75074
the business conducts retail sales that would be subject to a tax 75075
levied in the proposed tourism development district pursuant to 75076
section 5739.024 of the Revised Code. 75077

(2) "Owner" means a partner of a partnership, a member of a 75078
limited liability company, a majority shareholder of an S 75079
corporation, a person with a majority ownership interest in a 75080
pass-through entity, or any officer, employee, or agent with the 75081
authority to make decisions legally binding upon a business. The 75082
signature of any owner of a business operates as the signature of 75083
the business. 75084

(B)(1) The legislative authority of a municipal corporation 75085
or township, by ordinance or resolution, may declare an area of 75086
the municipal corporation or township, respectively, to be a 75087
tourism development district for the purpose of fostering and 75088
developing tourism in the district, if all of the following 75089
criteria are met: 75090

(a) The district's area does not exceed one hundred acres. 75091

(b) All territory in the district is contiguous. 75092

(c) Before adopting that resolution or ordinance, the 75093
legislative authority holds at least two public hearings 75094

concerning the creation of the tourism development district. 75095

(d) Before adopting that resolution or ordinance, the legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district. 75096
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(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district. 75101
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(3) The legislative authority shall certify the resolution or ordinance described in division (B)(1) of this section to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution or ordinance. 75104
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(4) Subject to the limitations of division (B)(1)(a) and (b) of this section, a legislative authority may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district. 75109
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(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the fiscal officer of the township or 75118
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municipal corporation that designated the tourism development 75126
district. A lessor that imposes such a fee shall remit all 75127
collections of the fee to the township or municipal corporation in 75128
which the real property is located. 75129

The legislative authority shall establish all regulations 75130
necessary to provide for the administration and remittance of such 75131
fees. The regulations may prescribe the time for payment of the 75132
fee, and may provide for the imposition of a penalty or interest, 75133
or both, for late remittances, provided that the penalty does not 75134
exceed ten per cent of the amount of fee due, and the rate at 75135
which interest accrues does not exceed the rate per annum 75136
prescribed pursuant to section 5703.47 of the Revised Code. The 75137
regulations shall provide, after deducting the real and actual 75138
costs of administering the fee, that the revenue be used 75139
exclusively for fostering and developing tourism within the 75140
tourism development district. 75141

(D) The legislative authority of a municipal corporation or 75142
township that has designated a tourism development district under 75143
this section may levy the taxes authorized under sections 5739.024 75144
and 5741.024 of the Revised Code. A legislative authority of a 75145
township that has designated a tourism development district may 75146
levy the tax authorized under sections 5739.51 to 5739.54 of the 75147
Revised Code. Nothing in this section limits the power of the 75148
legislative authority of a municipal corporation to levy a tax on 75149
the basis of admissions in a tourism development district pursuant 75150
to its powers of local self government conferred by Section 3 of 75151
Article XVIII, Ohio Constitution. 75152

Sec. 5739.51. As used in sections 5739.51 to 5739.54 of the 75153
Revised Code: 75154

(A) "Admission" means the right or privilege to enter into a 75155
place. 75156

(B) "Political subdivision" means a municipal corporation, township, county, school district, or any other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. 75157
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Sec. 5739.52. (A) For the purpose of fostering and developing tourism within a tourism development district and paying the costs of administering the tax, the legislative authority of a township may, by resolution, levy a tax upon all of the following: 75161
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(1) Amounts paid for admission to any place located in the territory of a tourism development district created by the township; 75165
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(2) Amounts paid for tickets or cards of admission to theaters, operas, and other places of amusement located in the territory of a tourism development district, sold at places other than the ticket offices of such places, over and above the amounts representing the established price therefor at such ticket offices; 75168
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(3) Amounts paid for admission to any public performance at any roof garden, cabaret, or other similar entertainment venue located in the territory of a tourism development district, in which the charge for admission is a service or cover charge; 75174
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(4) Amounts paid as annual membership dues by every club or organization maintaining a golf course located in the territory of a tourism development district; 75178
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(5) Green fees paid to a golf course located in the territory of a tourism development district either under club or private ownership. 75181
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(B) The rate of a tax levied under this section shall not exceed two per cent of the admission charge, membership dues, or green fees. Every person receiving any payment on which a tax is 75184
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levied under this section shall collect the amount of the tax from 75187
the person making the admission payment. 75188

Sec. 5739.53. (A) No tax shall be levied by a board of 75189
township trustees under section 5739.52 of the Revised Code on any 75190
admission to an agricultural fair or any event occurring during 75191
the fair conducted by a county or independent agricultural society 75192
or any admission to which the proceeds inure to any of the 75193
following: 75194

(1) Exclusively to the benefit of religious, educational, or 75195
charitable institutions, societies, or organizations; 75196

(2) Exclusively to the benefit of persons in the armed forces 75197
of the United States, or veterans thereof that are in need; 75198

(3) Exclusively to the benefit of veterans' organizations or 75199
the posts thereof; 75200

(4) Exclusively to the benefit of members of the police or 75201
fire department of any subdivision; 75202

(5) Exclusively to the benefit of the general fund of any 75203
political subdivision. 75204

(B) The exemptions provided in this section shall not apply 75205
to the following: 75206

(1) Admissions to a wrestling match, prize fight, or a 75207
boxing, sparring, or other pugilistic match or exhibition; 75208

(2) Admissions to an athletic game or exhibition, the 75209
proceeds of which wholly or partly inure to the benefit of a 75210
primary or secondary school or college or university. 75211

Sec. 5739.54. The legislative authority of a township levying 75212
a tax pursuant to section 5739.52 of the Revised Code shall 75213
establish all regulations necessary to provide for the 75214
administration of the tax. The regulations may prescribe the time 75215

for payment of the tax, and may provide for the imposition of a 75216
penalty or interest, or both, for late payments, provided that the 75217
penalty does not exceed ten per cent of the amount of tax due, and 75218
the rate at which interest accrues does not exceed the rate per 75219
annum prescribed pursuant to section 5703.47 of the Revised Code. 75220
The regulations shall provide, after deducting the real and actual 75221
costs of administering the tax, that the revenue be used 75222
exclusively for fostering and developing tourism within the 75223
tourism development district in which the tax is levied. 75224

Sec. 5739.99. (A) Whoever violates section 5739.26 or 5739.29 75225
of the Revised Code shall be fined not less than twenty-five nor 75226
more than one hundred dollars for a first offense; for each 75227
subsequent offense such person shall, if a corporation, be fined 75228
not less than one hundred nor more than five hundred dollars, or 75229
if an individual, or a member of a partnership, firm, or 75230
association, be fined not less than twenty-five nor more than one 75231
hundred dollars, or imprisoned not more than sixty days, or both. 75232

(B) Whoever violates division (A) of section 5739.30 of the 75234
Revised Code shall be fined not less than one hundred nor more 75235
than one thousand dollars, or imprisoned not more than sixty days, 75236
or both. 75237

(C)(1) Whoever violates division (A)(1) of section 5739.31 of 75238
the Revised Code shall be fined not less than twenty-five nor more 75239
than one hundred dollars. If the offender previously has been 75240
convicted of a violation of division (A)(1) of section 5739.31 of 75241
the Revised Code, the offender is guilty of a felony of the fourth 75242
degree. 75243

(2) Whoever violates division (A)(2) of section 5739.31 of 75244
the Revised Code shall be fined not less than one hundred dollars 75245

nor more than five hundred dollars, or imprisoned for not more than ten days, or both, for the first offense; for each subsequent offense, each such person shall be fined not less than one thousand dollars nor more than twenty-five hundred dollars, or imprisoned not more than thirty days, or both. The motor vehicles and goods of any person charged with violating division (A)(2) of section 5739.31 of the Revised Code may be impounded and held pending the disposition of the charge, and may be sold at auction by the county sheriff in the manner prescribed by law to satisfy any fine imposed by this division.

(3) Whoever violates division (B) of section 5739.31 of the Revised Code is guilty of a felony of the fourth degree. Each day that business is conducted while a vendor's license is suspended constitutes a separate offense.

(D) Except as otherwise provided in this section, whoever violates sections 5739.01 to 5739.31 of the Revised Code, or any lawful rule promulgated by the department of taxation under authority of such sections, shall be fined not less than twenty-five nor more than one hundred dollars.

(E) Whoever violates section 5739.12 of the Revised Code by recklessly failing to remit to the state the tax collected under section 5739.02, 5739.021, 5739.023, 5739.024, or 5739.026 of the Revised Code is guilty of a felony of the fourth degree and shall suffer the loss of the person's vendor's license as required by section 5739.17 of the Revised Code. A person shall not be eligible for a vendor's license for two years following conviction.

(F) Whoever violates division (E) of section 5739.17 of the Revised Code is guilty of failure to display a transient vendor's license, a minor misdemeanor. A sheriff or police officer in a municipal corporation may enforce this division. The prosecuting attorney of a county shall inform the tax commissioner of any

instance when a complaint is brought against a transient vendor 75278
pursuant to this division. 75279

(G) Whoever violates section 5739.103 of the Revised Code 75280
shall be fined not less than twenty-five nor more than one hundred 75281
dollars. If the offender previously has been convicted of 75282
violating that section, the offender is guilty of a felony of the 75283
fourth degree. 75284

(H) The penalties provided in this section are in addition to 75285
any penalties imposed by the tax commissioner under section 75286
5739.133 of the Revised Code. 75287

Sec. 5740.01. As used in this chapter: 75288

(A) "Agreement" means the streamlined sales and use tax 75289
agreement as amended and adopted on January 27, 2001, by the 75290
national conference of state legislatures' special task force on 75291
state and local taxation of telecommunications and electronic 75292
commerce, and unanimously adopted by the national conference of 75293
state legislatures' executive committee, and as subsequently 75294
amended and adopted by the member states. 75295

(B) "Certified automated system" means software certified 75296
jointly by the member states to calculate the sales or use tax 75297
imposed by each jurisdiction on a transaction, determine the 75298
amount of tax to remit to the appropriate state, and maintain a 75299
record of the transaction. 75300

(C) "Certified service provider" means an agent certified 75301
jointly by the member states to perform all of the seller's sales 75302
and use tax functions. 75303

(D) "Member state" means any state that is a signatory to the 75304
agreement. 75305

(E) "Person" means an individual, trust, estate, fiduciary, 75306
partnership, limited liability company, limited liability 75307

partnership, corporation, or any other legal entity. 75308

(F) "Sales tax" means the tax levied by section 5739.02, 75309
5739.021, 5739.023, 5739.024, 5739.026, or 5739.10 of the Revised 75310
Code. 75311

(G) "Seller" means any person making sales, leases, or 75312
rentals of personal property or services. 75313

(H) "State" means any state of the United States and the 75314
District of Columbia. 75315

(I) "Use tax" means the tax levied by section 5741.02, 75316
5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code. 75317

Sec. 5740.09. (A) No cause of action shall accrue against a 75318
seller for over-collection of the taxes levied by section 5739.02, 75319
5739.021, 5739.023, 5739.024, 5739.026, 5741.02, 5741.021, 75320
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code until the 75321
purchaser has provided written notice of the over-collection to 75322
the seller and the seller has had sixty days after the notice was 75323
mailed to respond. The notice must contain the information 75324
necessary to determine the validity of the request. In no case 75325
shall a cause of action accrue against a seller for the 75326
over-collection of such taxes if either the purchaser or the 75327
seller has filed a refund claim for the over-collection pursuant 75328
to section 5739.07 or 5741.10 of the Revised Code. 75329

(B) In connection with a purchaser's request from a seller of 75330
over-collected taxes under division (A) of this section, a seller 75331
shall be presumed to have a reasonable business practice if, in 75332
the collection of the taxes, the seller does both of the 75333
following: 75334

(1) Uses either a certified service provider or a certified 75335
automated system, including a proprietary system; and 75336

(2) Has remitted to the state all taxes collected, less any 75337

deductions or collection allowances provided by section 5739.12 or 75338
5741.12 of the Revised Code. 75339

Sec. 5741.01. As used in this chapter: 75340

(A) "Person" includes individuals, receivers, assignees, 75341
trustees in bankruptcy, estates, firms, partnerships, 75342
associations, joint-stock companies, joint ventures, clubs, 75343
societies, corporations, business trusts, governments, and 75344
combinations of individuals of any form. 75345

(B) "Storage" means and includes any keeping or retention in 75346
this state for use or other consumption in this state. 75347

(C) "Use" means and includes the exercise of any right or 75348
power incidental to the ownership of the thing used. A thing is 75349
also "used" in this state if its consumer gives or otherwise 75350
distributes it, without charge, to recipients in this state. 75351

(D) "Purchase" means acquired or received for a 75352
consideration, whether such acquisition or receipt was effected by 75353
a transfer of title, or of possession, or of both, or a license to 75354
use or consume; whether such transfer was absolute or conditional, 75355
and by whatever means the transfer was effected; and whether the 75356
consideration was money, credit, barter, or exchange. Purchase 75357
includes production, even though the article produced was used, 75358
stored, or consumed by the producer. The transfer of copyrighted 75359
motion picture films for exhibition purposes is not a purchase, 75360
except such films as are used solely for advertising purposes. 75361

(E) "Seller" means the person from whom a purchase is made, 75362
and includes every person engaged in this state or elsewhere in 75363
the business of selling tangible personal property or providing a 75364
service for storage, use, or other consumption or benefit in this 75365
state; and when, in the opinion of the tax commissioner, it is 75366
necessary for the efficient administration of this chapter, to 75367

regard any salesperson, representative, peddler, or canvasser as 75368
the agent of a dealer, distributor, supervisor, or employer under 75369
whom the person operates, or from whom the person obtains tangible 75370
personal property, sold by the person for storage, use, or other 75371
consumption in this state, irrespective of whether or not the 75372
person is making such sales on the person's own behalf, or on 75373
behalf of such dealer, distributor, supervisor, or employer, the 75374
commissioner may regard the person as such agent, and may regard 75375
such dealer, distributor, supervisor, or employer as the seller. 75376
"Seller" does not include any person to the extent the person 75377
provides a communications medium, such as, but not limited to, 75378
newspapers, magazines, radio, television, or cable television, by 75379
means of which sellers solicit purchases of their goods or 75380
services. 75381

(F) "Consumer" means any person who has purchased tangible 75382
personal property or has been provided a service for storage, use, 75383
or other consumption or benefit in this state. "Consumer" does not 75384
include a person who receives, without charge, tangible personal 75385
property or a service. 75386

A person who performs a facility management or similar 75387
service contract for a contractee is a consumer of all tangible 75388
personal property and services purchased for use in connection 75389
with the performance of such contract, regardless of whether title 75390
to any such property vests in the contractee. The purchase of such 75391
property and services is not subject to the exception for resale 75392
under division (E) of section 5739.01 of the Revised Code. 75393

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 75394
of this section, has the same meaning as in division (H)(1) of 75395
section 5739.01 of the Revised Code. 75396

(2) In the case of watercraft, outboard motors, or new motor 75397
vehicles, "price" has the same meaning as in divisions (H)(2) and 75398
(3) of section 5739.01 of the Revised Code. 75399

(3) In the case of a nonresident business consumer that 75400
purchases and uses tangible personal property outside this state 75401
and subsequently temporarily stores, uses, or otherwise consumes 75402
such tangible personal property in the conduct of business in this 75403
state, the consumer or the tax commissioner may determine the 75404
price based on the value of the temporary storage, use, or other 75405
consumption, in lieu of determining the price pursuant to division 75406
(G)(1) of this section. A price determination made by the consumer 75407
is subject to review and redetermination by the commissioner. 75408

(4) In the case of tangible personal property held in this 75409
state as inventory for sale or lease, and that is temporarily 75410
stored, used, or otherwise consumed in a taxable manner, the price 75411
is the value of the temporary use. A price determination made by 75412
the consumer is subject to review and redetermination by the 75413
commissioner. 75414

(5) In the case of tangible personal property originally 75415
purchased and used by the consumer outside this state, and that 75416
becomes permanently stored, used, or otherwise consumed in this 75417
state more than six months after its acquisition by the consumer, 75418
the consumer or the commissioner may determine the price based on 75419
the current value of such tangible personal property, in lieu of 75420
determining the price pursuant to division (G)(1) of this section. 75421
A price determination made by the consumer is subject to review 75422
and redetermination by the commissioner. 75423

(6) If a consumer produces tangible personal property for 75424
sale and removes that property from inventory for the consumer's 75425
own use, the price is the produced cost of that tangible personal 75426
property. 75427

(H) "Nexus with this state" means that the seller engages in 75428
continuous and widespread solicitation of purchases from residents 75429
of this state or otherwise purposefully directs its business 75430
activities at residents of this state. 75431

(I) "Substantial nexus with this state" means that the seller 75432
has sufficient contact with this state, in accordance with Section 75433
8 of Article I of the Constitution of the United States, to allow 75434
the state to require the seller to collect and remit use tax on 75435
sales of tangible personal property or services made to consumers 75436
in this state. "Substantial nexus with this state" exists when the 75437
seller does any of the following: 75438

(1) Maintains a place of business within this state, whether 75439
operated by employees or agents of the seller, by a member of an 75440
affiliated group, as defined in division (B)(3)(e) of section 75441
5739.01 of the Revised Code, of which the seller is a member, or 75442
by a franchisee using a trade name of the seller; 75443

(2) Regularly has employees, agents, representatives, 75444
solicitors, installers, repairmen, salesmen, or other individuals 75445
in this state for the purpose of conducting the business of the 75446
seller; 75447

(3) Uses a person in this state for the purpose of receiving 75448
or processing orders of the seller's goods or services; 75449

(4) Makes regular deliveries of tangible personal property 75450
into this state by means other than common carrier; 75451

(5) Has membership in an affiliated group, as described in 75452
division (B)(3)(e) of section 5739.01 of the Revised Code, at 75453
least one other member of which has substantial nexus with this 75454
state; 75455

(6) Owns tangible personal property that is rented or leased 75456
to a consumer in this state, or offers tangible personal property, 75457
on approval, to consumers in this state; 75458

(7) Except as provided in section 5703.65 of the Revised 75459
Code, is registered with the secretary of state to do business in 75460
this state or is registered or licensed by any state agency, 75461
board, or commission to transact business in this state or to make 75462

sales to persons in this state; 75463

(8) Has any other contact with this state that would allow 75464
this state to require the seller to collect and remit use tax 75465
under Section 8 of Article I of the Constitution of the United 75466
States. 75467

(J) "Fiscal officer" means, with respect to a regional 75468
transit authority, the secretary-treasurer thereof, and with 75469
respect to a county which is a transit authority, the fiscal 75470
officer of the county transit board appointed pursuant to section 75471
306.03 of the Revised Code or, if the board of county 75472
commissioners operates the county transit system, the county 75473
auditor. "Fiscal officer," with respect to a municipal corporation 75474
or township, has the same meaning as in section 5705.01 of the 75475
Revised Code. 75476

(K) "Territory of the transit authority" means all of the 75477
area included within the territorial boundaries of a transit 75478
authority as they from time to time exist. Such territorial 75479
boundaries must at all times include all the area of a single 75480
county or all the area of the most populous county which is a part 75481
of such transit authority. County population shall be measured by 75482
the most recent census taken by the United States census bureau. 75483

(L) "Transit authority" means a regional transit authority 75484
created pursuant to section 306.31 of the Revised Code or a county 75485
in which a county transit system is created pursuant to section 75486
306.01 of the Revised Code. For the purposes of this chapter, a 75487
transit authority must extend to at least the entire area of a 75488
single county. A transit authority which includes territory in 75489
more than one county must include all the area of the most 75490
populous county which is a part of such transit authority. County 75491
population shall be measured by the most recent census taken by 75492
the United States census bureau. 75493

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| (M) "Providing a service" has the same meaning as in division | 75494 |
| (X) of section 5739.01 of the Revised Code. | 75495 |
| (N) "Other consumption" includes receiving the benefits of a | 75496 |
| service. | 75497 |
| (O) "Lease" or "rental" has the same meaning as in division | 75498 |
| (UU) of section 5739.01 of the Revised Code. | 75499 |
| (P) "Certified service provider" has the same meaning as in | 75500 |
| section 5740.01 of the Revised Code. | 75501 |
| (Q) "Remote sale" means a sale for which the seller could not | 75502 |
| be legally required to pay, collect, or remit a tax imposed under | 75503 |
| this chapter or Chapter 5739. of the Revised Code, unless | 75504 |
| otherwise provided by the laws of the United States. | 75505 |
| (R) "Remote seller" means a seller that makes remote sales to | 75506 |
| one or more consumers. | 75507 |
| (S) "Remote small seller" means a remote seller that has | 75508 |
| gross annual receipts from remote sales in the United States not | 75509 |
| exceeding one million dollars for the preceding calendar year. For | 75510 |
| the purposes of determining whether a person is a small remote | 75511 |
| seller, the sales of all persons related within the meaning of | 75512 |
| subsection (b) or (c) of section 267 or section 707(b)(1) of the | 75513 |
| Internal Revenue Code shall be aggregated, and persons with one or | 75514 |
| more ownership relationships shall be aggregated if those | 75515 |
| relationships were designed with the principal purpose to qualify | 75516 |
| as a remote small seller. | 75517 |
| <u>(T) "Territory of the tourism development district" means all</u> | 75518 |
| <u>of the area included within the territorial boundaries of a</u> | 75519 |
| <u>tourism development district.</u> | 75520 |
| <u>(U) "Tourism development district" has the same meaning as in</u> | 75521 |
| <u>section 5739.01 of the Revised Code.</u> | 75522 |
| Sec. 5741.02. (A)(1) For the use of the general revenue fund | 75523 |

of the state, an excise tax is hereby levied on the storage, use, 75524
or other consumption in this state of tangible personal property 75525
or the benefit realized in this state of any service provided. The 75526
tax shall be collected as provided in section 5739.025 of the 75527
Revised Code. The rate of the tax shall be five and three-fourths 75528
per cent. 75529

(2) In the case of the lease or rental, with a fixed term of 75530
more than thirty days or an indefinite term with a minimum period 75531
of more than thirty days, of any motor vehicles designed by the 75532
manufacturer to carry a load of not more than one ton, watercraft, 75533
outboard motor, or aircraft, or of any tangible personal property, 75534
other than motor vehicles designed by the manufacturer to carry a 75535
load of more than one ton, to be used by the lessee or renter 75536
primarily for business purposes, the tax shall be collected by the 75537
seller at the time the lease or rental is consummated and shall be 75538
calculated by the seller on the basis of the total amount to be 75539
paid by the lessee or renter under the lease or rental agreement. 75540
If the total amount of the consideration for the lease or rental 75541
includes amounts that are not calculated at the time the lease or 75542
rental is executed, the tax shall be calculated and collected by 75543
the seller at the time such amounts are billed to the lessee or 75544
renter. In the case of an open-end lease or rental, the tax shall 75545
be calculated by the seller on the basis of the total amount to be 75546
paid during the initial fixed term of the lease or rental, and for 75547
each subsequent renewal period as it comes due. As used in this 75548
division, "motor vehicle" has the same meaning as in section 75549
4501.01 of the Revised Code, and "watercraft" includes an outdrive 75550
unit attached to the watercraft. 75551

(3) Except as provided in division (A)(2) of this section, in 75552
the case of a transaction, the price of which consists in whole or 75553
part of the lease or rental of tangible personal property, the tax 75554
shall be measured by the installments of those leases or rentals. 75555

(B) Each consumer, storing, using, or otherwise consuming in 75556
this state tangible personal property or realizing in this state 75557
the benefit of any service provided, shall be liable for the tax, 75558
and such liability shall not be extinguished until the tax has 75559
been paid to this state; provided, that the consumer shall be 75560
relieved from further liability for the tax if the tax has been 75561
paid to a seller in accordance with section 5741.04 of the Revised 75562
Code or prepaid by the seller in accordance with section 5741.06 75563
of the Revised Code. 75564

(C) The tax does not apply to the storage, use, or 75565
consumption in this state of the following described tangible 75566
personal property or services, nor to the storage, use, or 75567
consumption or benefit in this state of tangible personal property 75568
or services purchased under the following described circumstances: 75569

(1) When the sale of property or service in this state is 75570
subject to the excise tax imposed by sections 5739.01 to 5739.31 75571
of the Revised Code, provided said tax has been paid; 75572

(2) Except as provided in division (D) of this section, 75573
tangible personal property or services, the acquisition of which, 75574
if made in Ohio, would be a sale not subject to the tax imposed by 75575
sections 5739.01 to 5739.31 of the Revised Code; 75576

(3) Property or services, the storage, use, or other 75577
consumption of or benefit from which this state is prohibited from 75578
taxing by the Constitution of the United States, laws of the 75579
United States, or the Constitution of this state. This exemption 75580
shall not exempt from the application of the tax imposed by this 75581
section the storage, use, or consumption of tangible personal 75582
property that was purchased in interstate commerce, but that has 75583
come to rest in this state, provided that fuel to be used or 75584
transported in carrying on interstate commerce that is stopped 75585
within this state pending transfer from one conveyance to another 75586
is exempt from the excise tax imposed by this section and section 75587

5739.02 of the Revised Code; 75588

(4) Transient use of tangible personal property in this state 75589
by a nonresident tourist or vacationer, or a nonbusiness use 75590
within this state by a nonresident of this state, if the property 75591
so used was purchased outside this state for use outside this 75592
state and is not required to be registered or licensed under the 75593
laws of this state; 75594

(5) Tangible personal property or services rendered, upon 75595
which taxes have been paid to another jurisdiction to the extent 75596
of the amount of the tax paid to such other jurisdiction. Where 75597
the amount of the tax imposed by this section and imposed pursuant 75598
to section 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the 75599
Revised Code exceeds the amount paid to another jurisdiction, the 75600
difference shall be allocated between the tax imposed by this 75601
section and any tax imposed by a county, municipal corporation, 75602
township, or a transit authority pursuant to section 5741.021, 75603
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code, in 75604
proportion to the respective rates of such taxes. 75605

As used in this subdivision, "taxes paid to another 75606
jurisdiction" means the total amount of retail sales or use tax or 75607
similar tax based upon the sale, purchase, or use of tangible 75608
personal property or services rendered legally, levied by and paid 75609
to another state or political subdivision thereof, or to the 75610
District of Columbia, where the payment of such tax does not 75611
entitle the taxpayer to any refund or credit for such payment. 75612

(6) The transfer of a used manufactured home or used mobile 75613
home, as defined by section 5739.0210 of the Revised Code, made on 75614
or after January 1, 2000; 75615

(7) Drugs that are or are intended to be distributed free of 75616
charge to a practitioner licensed to prescribe, dispense, and 75617
administer drugs to a human being in the course of a professional 75618

practice and that by law may be dispensed only by or upon the 75619
order of such a practitioner.; 75620

(8) Computer equipment and related software leased from a 75621
lessor located outside this state and initially received in this 75622
state on behalf of the consumer by a third party that will retain 75623
possession of such property for not more than ninety days and that 75624
will, within that ninety-day period, deliver such property to the 75625
consumer at a location outside this state. Division (C)(8) of this 75626
section does not provide exemption from taxation for any otherwise 75627
taxable charges associated with such property while it is in this 75628
state or for any subsequent storage, use, or consumption of such 75629
property in this state by or on behalf of the consumer. 75630

(9) Tangible personal property held for sale by a person but 75631
not for that person's own use and donated by that person, without 75632
charge or other compensation, to either of the following: 75633

(a) A nonprofit organization operated exclusively for 75634
charitable purposes in this state, no part of the net income of 75635
which inures to the benefit of any private shareholder or 75636
individual and no substantial part of the activities of which 75637
consists of carrying on propaganda or otherwise attempting to 75638
influence legislation; or 75639

(b) This state or any political subdivision of this state, 75640
but only if donated for exclusively public purposes. 75641

For the purposes of division (C)~~(10)~~(9) of this section, 75642
"charitable purposes" has the same meaning as in division (B)(12) 75643
of section 5739.02 of the Revised Code. 75644

(D) The tax applies to the storage, use, or other consumption 75645
in this state of tangible personal property or services, the 75646
acquisition of which at the time of sale was excepted under 75647
division (E) of section 5739.01 of the Revised Code from the tax 75648
imposed by section 5739.02 of the Revised Code, but which has 75649

subsequently been temporarily or permanently stored, used, or 75650
otherwise consumed in a taxable manner. 75651

(E)(1)(a) If any transaction is claimed to be exempt under 75652
division (E) of section 5739.01 of the Revised Code or under 75653
section 5739.02 of the Revised Code, with the exception of 75654
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised 75655
Code, the consumer shall provide to the seller, and the seller 75656
shall obtain from the consumer, a certificate specifying the 75657
reason that the transaction is not subject to the tax. The 75658
certificate shall be in such form, and shall be provided either in 75659
a hard copy form or electronic form, as the tax commissioner 75660
prescribes. 75661

(b) A seller that obtains a fully completed exemption 75662
certificate from a consumer is relieved of liability for 75663
collecting and remitting tax on any sale covered by that 75664
certificate. If it is determined the exemption was improperly 75665
claimed, the consumer shall be liable for any tax due on that sale 75666
under this chapter. Relief under this division from liability does 75667
not apply to any of the following: 75668

(i) A seller that fraudulently fails to collect tax; 75669

(ii) A seller that solicits consumers to participate in the 75670
unlawful claim of an exemption; 75671

(iii) A seller that accepts an exemption certificate from a 75672
consumer that claims an exemption based on who purchases or who 75673
sells property or a service, when the subject of the transaction 75674
sought to be covered by the exemption certificate is actually 75675
received by the consumer at a location operated by the seller in 75676
this state, and this state has posted to its web site an exemption 75677
certificate form that clearly and affirmatively indicates that the 75678
claimed exemption is not available in this state; 75679

(iv) A seller that accepts an exemption certificate from a 75680

consumer who claims a multiple points of use exemption under 75681
division (D) of section 5739.033 of the Revised Code, if the item 75682
purchased is tangible personal property, other than prewritten 75683
computer software. 75684

(2) The seller shall maintain records, including exemption 75685
certificates, of all sales on which a consumer has claimed an 75686
exemption, and provide them to the tax commissioner on request. 75687

(3) If no certificate is provided or obtained within ninety 75688
days after the date on which the transaction is consummated, it 75689
shall be presumed that the tax applies. Failure to have so 75690
provided or obtained a certificate shall not preclude a seller, 75691
within one hundred twenty days after the tax commissioner gives 75692
written notice of intent to levy an assessment, from either 75693
establishing that the transaction is not subject to the tax, or 75694
obtaining, in good faith, a fully completed exemption certificate. 75695

(4) If a transaction is claimed to be exempt under division 75696
(B)(13) of section 5739.02 of the Revised Code, the contractor 75697
shall obtain certification of the claimed exemption from the 75698
contractee. This certification shall be in addition to an 75699
exemption certificate provided by the contractor to the seller. A 75700
contractee that provides a certification under this division shall 75701
be deemed to be the consumer of all items purchased by the 75702
contractor under the claim of exemption, if it is subsequently 75703
determined that the exemption is not properly claimed. The 75704
certification shall be in such form as the tax commissioner 75705
prescribes. 75706

(F) A seller who files a petition for reassessment contesting 75707
the assessment of tax on transactions for which the seller 75708
obtained no valid exemption certificates, and for which the seller 75709
failed to establish that the transactions were not subject to the 75710
tax during the one-hundred-twenty-day period allowed under 75711
division (E) of this section, may present to the tax commissioner 75712

additional evidence to prove that the transactions were exempt. 75713
The seller shall file such evidence within ninety days of the 75714
receipt by the seller of the notice of assessment, except that, 75715
upon application and for reasonable cause, the tax commissioner 75716
may extend the period for submitting such evidence thirty days. 75717

(G) For the purpose of the proper administration of sections 75718
5741.01 to 5741.22 of the Revised Code, and to prevent the evasion 75719
of the tax hereby levied, it shall be presumed that any use, 75720
storage, or other consumption of tangible personal property in 75721
this state is subject to the tax until the contrary is 75722
established. 75723

(H) The tax collected by the seller from the consumer under 75724
this chapter is not part of the price, but is a tax collection for 75725
the benefit of the state, and of counties levying an additional 75726
use tax pursuant to section 5741.021 or 5741.023 of the Revised 75727
Code ~~and~~, of transit authorities levying an additional use tax 75728
pursuant to section 5741.022 of the Revised Code, and of municipal 75729
corporations and townships levying the additional use tax pursuant 75730
to section 5741.024 of the Revised Code. Except for the discount 75731
authorized under section 5741.12 of the Revised Code and the 75732
effects of any rounding pursuant to section 5703.055 of the 75733
Revised Code, no person other than the state or such a county, 75734
municipal corporation, township, or transit authority shall derive 75735
any benefit from the collection of such tax. 75736

Sec. 5741.021. (A) For the purpose of providing additional 75737
general revenues for the county or supporting criminal and 75738
administrative justice services in the county, or both, and to pay 75739
the expenses of administering such levy, any county which levies a 75740
tax pursuant to section 5739.021 of the Revised Code shall levy a 75741
tax at the same rate levied pursuant to section 5739.021 of the 75742
Revised Code on the storage, use, or other consumption in the 75743

county of the following: 75744

(1) Motor vehicles, and watercraft and outboard motors 75745
required to be titled in the county pursuant to Chapter 1548. of 75746
the Revised Code and acquired by a transaction subject to the tax 75747
imposed by section 5739.02 of the Revised Code; 75748

(2) In addition to the tax imposed by section 5741.02 of the 75749
Revised Code, tangible personal property and services subject to 75750
the tax levied by this state as provided in section 5741.02 of the 75751
Revised Code, and tangible personal property and services 75752
purchased in another county within this state by a transaction 75753
subject to the tax imposed by section 5739.02 of the Revised Code. 75754

The tax shall be levied pursuant to a resolution of the board 75755
of county commissioners which shall be adopted after publication 75756
of notice and hearing in the same manner as provided in section 75757
5739.021 of the Revised Code. Such resolution shall be adopted and 75758
shall become effective on the same day as the resolution adopted 75759
by the board of county commissioners levying a sales tax pursuant 75760
to section 5739.021 of the Revised Code and shall remain in effect 75761
until such sales tax is repealed. 75762

(B) The tax levied pursuant to this section on the storage, 75763
use, or other consumption of tangible personal property and on the 75764
benefit of a service realized shall be in addition to the tax 75765
levied by section 5741.02 of the Revised Code and, except as 75766
provided in division (D) of this section, any tax levied pursuant 75767
to sections 5741.022 ~~and~~, 5741.023, and 5741.024 of the Revised 75768
Code. 75769

(C) The additional tax levied by the county shall be 75770
collected pursuant to section 5739.025 of the Revised Code. If the 75771
additional tax or some portion thereof is levied for the purpose 75772
of criminal and administrative justice services, the revenue from 75773
the tax, or the amount or rate apportioned to that purpose, shall 75774

be credited to a special fund created in the county treasury for 75775
receipt of that revenue. 75776

(D) The tax levied pursuant to this section shall not be 75777
applicable to any benefit of a service realized or to any storage, 75778
use, or consumption of property not within the taxing power of a 75779
county under the constitution of the United States or the 75780
constitution of this state, or to property or services on which a 75781
tax levied by a county, municipal corporation, township, or 75782
transit authority pursuant to this section or section 5739.021, 75783
5739.023, 5739.024, 5739.026, 5741.022, ~~or~~ 5741.023, or 5741.024 75784
of the Revised Code has been paid, if the sum of the taxes paid 75785
pursuant to those sections is equal to or greater than the sum of 75786
the taxes due under this section and sections 5741.022 and, 75787
5741.023, and 5741.024 of the Revised Code. If the sum of the 75788
taxes paid is less than the sum of the taxes due under this 75789
section and sections 5741.022 and, 5741.023, and 5741.024 of the 75790
Revised Code, the amount of tax paid shall be credited against the 75791
amount of tax due. 75792

(E) As used in this section, "criminal and administrative 75793
justice services" has the same meaning as in section 5739.021 of 75794
the Revised Code. 75795

Sec. 5741.022. (A) For the purpose of providing additional 75796
general revenues for the transit authority and paying the expenses 75797
of administering such levy, any transit authority as defined in 75798
section 5741.01 of the Revised Code that levies a tax pursuant to 75799
section 5739.023 of the Revised Code shall levy a tax at the same 75800
rate levied pursuant to such section on the storage, use, or other 75801
consumption in the territory of the transit authority of the 75802
following: 75803

(1) Motor vehicles, and watercraft and outboard motors 75804
required to be titled in the county pursuant to Chapter 1548. of 75805

the Revised Code and acquired by a transaction subject to the tax 75806
imposed by section 5739.02 of the Revised Code; 75807

(2) In addition to the tax imposed by section 5741.02 of the 75808
Revised Code, tangible personal property and services subject to 75809
the tax levied by this state as provided in section 5741.02 of the 75810
Revised Code, and tangible personal property and services 75811
purchased in another county within this state by a transaction 75812
subject to the tax imposed by section 5739.02 of the Revised Code. 75813

The tax shall be in effect at the same time and at the same 75814
rate and shall be levied pursuant to the resolution of the 75815
legislative authority of the transit authority levying a sales tax 75816
pursuant to section 5739.023 of the Revised Code. 75817

(B) The tax levied pursuant to this section on the storage, 75818
use, or other consumption of tangible personal property and on the 75819
benefit of a service realized shall be in addition to the tax 75820
levied by section 5741.02 of the Revised Code and, except as 75821
provided in division (D) of this section, any tax levied pursuant 75822
to sections 5741.021 ~~and~~, 5741.023, and 5741.024 of the Revised 75823
Code. 75824

(C) The additional tax levied by the authority shall be 75825
collected pursuant to section 5739.025 of the Revised Code. 75826

(D) The tax levied pursuant to this section shall not be 75827
applicable to any benefit of a service realized or to any storage, 75828
use, or consumption of property not within the taxing power of a 75829
transit authority under the constitution of the United States or 75830
the constitution of this state, or to property or services on 75831
which a tax levied by a county, municipal corporation, township, 75832
or transit authority pursuant to this section or section 5739.021, 75833
5739.023, 5739.024, 5739.026, 5741.021, ~~or~~ 5741.023, or 5741.024 75834
of the Revised Code has been paid, if the sum of the taxes paid 75835
pursuant to those sections is equal to or greater than the sum of 75836

the taxes due under this section and sections 5741.021 ~~and~~, 75837
5741.023, and 5741.024 of the Revised Code. If the sum of the 75838
taxes paid is less than the sum of the taxes due under this 75839
section and sections 5741.021 ~~and~~, 5741.023, and 5741.024 of the 75840
Revised Code, the amount of tax paid shall be credited against the 75841
amount of tax due. 75842

(E) The rate of a tax levied under this section is subject to 75843
reduction under section 5739.028 of the Revised Code if a ballot 75844
question is approved by voters pursuant to that section. 75845

Sec. 5741.023. (A) For the same purposes for which it has 75846
imposed a tax under section 5739.026 of the Revised Code, any 75847
county that levies a tax pursuant to such section shall levy a tax 75848
at the same rate levied pursuant to such section on the storage, 75849
use, or other consumption in the county of the following: 75850

(1) Motor vehicles, and watercraft and outboard motors 75851
required to be titled in the county pursuant to Chapter 1548. of 75852
the Revised Code, acquired by a transaction subject to the tax 75853
imposed by section 5739.02 of the Revised Code; 75854

(2) In addition to the tax imposed by section 5741.02 of the 75855
Revised Code, tangible personal property and services subject to 75856
the tax levied by this state as provided in section 5741.02 of the 75857
Revised Code, and tangible personal property and services 75858
purchased in another county within this state by a transaction 75859
subject to the tax imposed by section 5739.02 of the Revised Code. 75860

The tax shall be levied pursuant to a resolution of the board 75861
of county commissioners, which shall be adopted in the same manner 75862
as provided in section 5739.026 of the Revised Code. Such 75863
resolution shall be adopted and shall become effective on the same 75864
day as the resolution adopted by the board of county commissioners 75865
levying a sales tax pursuant to such section and shall remain in 75866
effect until such sales tax is repealed or expires. 75867

(B) The tax levied pursuant to this section shall be in 75868
addition to the tax levied by section 5741.02 of the Revised Code 75869
and, except as provided in division (D) of this section, any tax 75870
levied pursuant to sections 5741.021 ~~and~~, 5741.022, and 5741.024 75871
of the Revised Code. 75872

(C) The additional tax levied by the county shall be 75873
collected pursuant to section 5739.025 of the Revised Code. 75874

(D) The tax levied pursuant to this section shall not be 75875
applicable to any benefit of a service realized or to any storage, 75876
use, or consumption of property not within the taxing power of a 75877
county under the constitution of the United States or the 75878
constitution of this state, or to property or services on which 75879
tax levied by a county, municipal corporation, township, or 75880
transit authority pursuant to this section or section 5739.021, 75881
5739.023, 5739.024, 5739.026, 5741.021, ~~or~~ 5741.022, or 5741.024 75882
of the Revised Code has been paid, if the sum of the taxes paid 75883
pursuant to those sections is equal to or greater than the sum of 75884
the taxes due under this section and sections 5741.021 ~~and~~, 75885
5741.022, and 5741.024 of the Revised Code. If the sum of the 75886
taxes paid is less than the sum of the taxes due under this 75887
section and sections 5741.021 ~~and~~, 5741.022, and 5741.024 of the 75888
Revised Code, the amount of tax paid shall be credited against the 75889
amount of tax due. 75890

Sec. 5741.024. (A) For the purpose of fostering and 75891
developing tourism within a tourism development district and 75892
paying the expenses of administering the levy, any legislative 75893
authority of a municipal corporation or township that levies a tax 75894
pursuant to section 5739.024 of the Revised Code in the territory 75895
of a tourism development district shall levy a tax at the same 75896
rate levied under that section on the storage, use, or other 75897
consumption in the territory of that district of the following: 75898

(1) Motor vehicles by a transaction subject to the tax 75899
imposed by section 5739.02 of the Revised Code; 75900

(2) In addition to the tax imposed by section 5741.02 of the 75901
Revised Code, tangible personal property and services subject to 75902
the tax levied by this state as provided in section 5741.02 of the 75903
Revised Code and tangible personal property and services purchased 75904
in another county within this state by a transaction subject to 75905
the tax imposed by section 5739.02 of the Revised Code. 75906

The tax shall be in effect at the same time and at the same 75907
rate and shall be levied pursuant to the resolution or ordinance 75908
of the legislative authority levying a sales tax pursuant to 75909
section 5739.024 of the Revised Code. 75910

(B) The tax levied pursuant to this section on the storage, 75911
use, or other consumption of tangible personal property and on the 75912
benefit of a service realized shall be in addition to the tax 75913
levied by section 5741.02 of the Revised Code and, except as 75914
provided in division (D) of this section, any tax levied pursuant 75915
to sections 5741.021, 5741.022, and 5741.023 of the Revised Code. 75916

(C) A tax levied pursuant to this section shall be collected 75917
pursuant to section 5739.025 of the Revised Code. 75918

(D) The tax levied pursuant to this section shall not be 75919
applicable to property or services on which a tax levied pursuant 75920
to this section or section 5739.021, 5739.023, 5739.024, 5739.026, 75921
5741.021, 5741.022, or 5741.023 of the Revised Code has been paid, 75922
if the sum of the taxes paid pursuant to those sections is equal 75923
to or greater than the sum of the taxes due under this section and 75924
sections 5741.021, 5741.022, and 5741.023 of the Revised Code. If 75925
the sum of the taxes paid is less than the sum of the taxes due 75926
under this section and sections 5741.021, 5741.022, and 5741.023 75927
of the Revised Code, the amount of tax paid shall be credited 75928
against the amount of tax due. 75929

Sec. 5741.03. (A) One hundred per cent of all money deposited 75930
into the state treasury under sections 5741.01 to 5741.22 of the 75931
Revised Code that is not required to be distributed as provided in 75932
division (B) of this section shall be credited to the general 75933
revenue fund. 75934

(B) In any case where any county, municipal corporation, 75935
township, or transit authority has levied a tax or taxes pursuant 75936
to section 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the 75937
Revised Code, the tax commissioner shall, within forty-five days 75938
after the end of each month, determine and certify to the director 75939
of budget and management the amount of the proceeds of such tax or 75940
taxes from billings and assessments received during that month, or 75941
shown on tax returns or reports filed during that month, to be 75942
returned to the county, municipal corporation, township, or 75943
transit authority levying the tax or taxes, which amounts shall be 75944
determined in the manner provided in section 5739.21 of the 75945
Revised Code. The director of budget and management shall 75946
transfer, from the general revenue fund, to the permissive tax 75947
distribution fund created by division (B)(1) of section 4301.423 75948
of the Revised Code and to the local sales tax administrative fund 75949
created by division (C) of section 5739.21 of the Revised Code, 75950
the amounts certified by the tax commissioner. The tax 75951
commissioner shall then, on or before the twentieth day of the 75952
month in which such certification is made, provide for payment of 75953
such respective amounts to the county treasurer or to the fiscal 75954
officer of the municipal corporation, township, or transit 75955
authority levying the tax or taxes. The amount transferred to the 75956
local sales tax administrative fund is for use by the tax 75957
commissioner in defraying costs the commissioner incurs in 75958
administering such taxes levied by a county, municipal 75959
corporation, township, or transit authority. 75960

(C)(1) Not later than the first day of January and of July 75961

each calendar year beginning July 1, 2015, the tax commissioner 75962
and the director of budget and management shall jointly determine 75963
the amount of tax imposed by section 5741.02 of the Revised Code 75964
and remitted under this chapter by remote sellers during the 75965
six-month period ending on the preceding last day of November and 75966
of May, respectively, reduced by any such tax remitted by sellers 75967
pursuant to an agreement entered into under section 5740.03 of the 75968
Revised Code during the six-month period and by any refunds issued 75969
during the six-month period to remote sellers from the tax refund 75970
fund on account of that tax. 75971

(2) Not later than that first day of January and of July of 75972
the calendar year beginning July 1, 2015, the director of budget 75973
and management shall transfer from the general revenue fund to the 75974
income tax reduction fund the amount determined under division 75975
(C)(1) of this section, less one-half of the amount of that tax 75976
remitted during fiscal year 2013 by remote sellers that 75977
voluntarily registered under section 5741.17 of the Revised Code. 75978
Amounts transferred to the income tax reduction fund under this 75979
section shall be included in the determination of the percentage 75980
under division (B)(2) of section 131.44 of the Revised Code 75981
required to be made by the thirty-first day of July of the 75982
calendar year in which the commissioner makes the certifications 75983
under this division. 75984

Sec. 5741.031. (A) The funds received by a county levying an 75985
additional use tax pursuant to section 5741.021 of the Revised 75986
Code shall be deposited in the county general fund to be expended 75987
for any purpose for which general fund moneys of the county may be 75988
used, including the acquisition or construction of permanent 75989
improvements or to make payments in accordance with section 333.06 75990
or 333.07 of the Revised Code, or in the bond retirement fund for 75991
the payment of debt service charges on notes or bonds of the 75992
county issued for the acquisition or construction of permanent 75993

improvements. The amounts to be deposited in each of such funds 75994
shall be determined by the board of county commissioners. 75995

(B) The moneys received by a county levying an additional use 75996
tax pursuant to section 5741.023 of the Revised Code shall be 75997
deposited in a separate fund, which shall be allocated, 75998
distributed, and used in accordance with the resolution adopted 75999
under section 5739.026 of the Revised Code. Moneys allocated for 76000
the purpose of division (A)(4) of section 5739.026 of the Revised 76001
Code shall be transferred to and disbursed from the community 76002
improvements fund in the county treasury. Notwithstanding section 76003
135.351 of the Revised Code, if an allocation of moneys to a 76004
convention facilities authority or a transit authority is required 76005
pursuant to division (C) of section 5739.026 of the Revised Code, 76006
the county shall pay and distribute each authority's share of any 76007
such moneys to its fiscal officer within five business days of the 76008
date of their receipt by the county. If the moneys allocated under 76009
such division are not so paid, the county shall pay to such 76010
authority any interest that the county has received or will 76011
receive on such moneys that accrues from the date the county 76012
received the moneys, together with the principal amount of such 76013
moneys. 76014

(C) The funds received by a transit authority levying an 76015
additional use tax pursuant to section 5741.022 of the Revised 76016
Code shall be deposited in such fund or funds of the transit 76017
authority as determined by the legislative authority of the 76018
transit authority to be expended for any purpose for which a 76019
county transit board or the board of county commissioners 76020
operating a county transit system, in the case of a county, or the 76021
board of trustees of a regional transit authority, in the case of 76022
a regional transit authority, may expend moneys under their 76023
control, including the purchase, acquisition, construction, 76024
replacement, improvement, extension, or enlargement of permanent 76025

improvements or in the bond retirement fund for the payment of 76026
debt service charges on notes or bonds of the transit authority. 76027

(D) Money received by a municipal corporation or township 76028
levying an additional use tax pursuant to section 5741.024 of the 76029
Revised Code shall be deposited in a special fund in the 76030
subdivision's treasury created by the legislative authority of the 76031
subdivision. The municipal corporation or township may use such 76032
revenue solely for the purpose of fostering and developing tourism 76033
in the tourism development district in which the tax is levied. 76034

Sec. 5741.04. Every seller required to register with the tax 76035
commissioner pursuant to section 5741.17 of the Revised Code who 76036
is engaged in the business of selling tangible personal property 76037
in this state for storage, use, or other consumption in this 76038
state, to which section 5741.02 of the Revised Code applies, or 76039
which is subject to a tax levied pursuant to section 5741.021, 76040
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code, shall, and 76041
any other seller who is authorized by rule of the tax commissioner 76042
to do so may, collect from the consumer the full and exact amount 76043
of the tax payable on each such storage, use, or consumption, in 76044
the manner and at the times provided as follows: 76045

(A) If the price is, at or prior to the delivery of 76046
possession of the thing sold to the consumer, paid in currency 76047
passed from hand to hand by the consumer or the consumer's agent, 76048
to the seller or the seller's agent, the seller or the seller's 76049
agent shall collect the tax with and at the same time as the 76050
price. 76051

(B) If the price is otherwise paid or to be paid, the seller 76052
or the seller's agent shall, at or prior to the delivery of 76053
possession of the thing sold to the consumer, charge the tax 76054
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 76055
5741.023, or 5741.024 of the Revised Code to the account of the 76056

consumer, which amount shall be collected by the seller from the consumer in addition to the price. Such transaction shall be reported on the return for the period in which the transaction occurred, and the amount of tax applicable to the transaction shall be remitted with the return or, if the consumer is subject to section 5741.121 of the Revised Code, in the manner prescribed by that section. The amount of the tax shall become a legal charge in favor of the seller and against the consumer.

(C) It shall be the obligation of each consumer, as required by section 5741.12 of the Revised Code, to report and pay the taxes levied by sections 5741.021, 5741.022, ~~and~~ 5741.023, and 5741.024 of the Revised Code, if applicable, on any storage, use, or other consumption of tangible personal property purchased in this state from a vendor required to be licensed pursuant to section 5739.17 of the Revised Code.

Sec. 5741.05. (A) A seller that collects the tax levied by sections 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code on transactions, other than sales of titled motor vehicles, titled watercraft, or titled outboard motors, shall determine under section 5739.033 or 5739.034 of the Revised Code the jurisdiction for which to collect the tax. A vendor or seller of motor vehicles, watercraft, or outboard motors required to be titled in this state shall collect the tax levied by section 5739.02 or 5741.02 of the Revised Code and the additional taxes levied by division (A)(1) of section 5741.021, division (A)(1) of section 5741.022, ~~and~~ division (A)(1) of section 5741.023, and division (A)(1) of section 5741.024 of the Revised Code for the consumer's county of residence as provided in section 1548.06 and division (B) of section 4505.06 of the Revised Code.

(B) A vendor or seller is not responsible for collecting or remitting additional tax if a consumer subsequently stores, uses,

or consumes the tangible personal property or service in another 76088
jurisdiction with a rate of tax imposed by sections 5741.02, 76089
5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code 76090
that is higher than the amount collected by the vendor or seller 76091
pursuant to Chapter 5739. or 5741. of the Revised Code. 76092

Sec. 5741.06. The tax commissioner shall enforce and 76093
administer sections 5741.01 to 5741.22 of the Revised Code, which 76094
are hereby declared to be laws which ~~he~~ the commissioner is 76095
required to administer within the meaning of sections 5703.17 to 76096
5703.39 and 5703.45 of the Revised Code. The commissioner may 76097
adopt and promulgate such rules as ~~he~~ the commissioner deems 76098
necessary to administer sections 5741.01 to 5741.22 of the Revised 76099
Code, and may authorize a seller to prepay the tax levied by or 76100
pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 76101
5741.024 of the Revised Code upon storage, use, or consumption of 76102
things produced or distributed by such seller, and ~~he~~ the 76103
commissioner may waive the collection of the tax from the 76104
consumer; but no such authority shall be granted or exercised, 76105
except upon application to the commissioner and unless ~~he~~ the 76106
commissioner finds, that the conditions of the applicant's 76107
business are such as to render impracticable the collection of the 76108
tax by the seller in the manner otherwise provided by such 76109
sections; nor shall the authority so granted be exercised, nor the 76110
seller actually selling such products be exempted from sections 76111
5741.01 to 5741.22 of the Revised Code, by virtue of such an 76112
authorization, unless the person to whom such authority is granted 76113
prints plainly upon the product sold, or offered for sale, a 76114
statement to the effect that the tax has been paid in advance, or 76115
otherwise conveys said information to the consumer by written 76116
notice. The commissioner may require security to ~~his~~ the 76117
commissioner's satisfaction to be filed with ~~him~~ the commissioner, 76118
in such amount as ~~he~~ the commissioner determines to be sufficient 76119

to secure the prepayment under the provisions of this section of 76120
the taxes levied by or pursuant to section 5741.02, 5741.021, 76121
5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code in the 76122
manner desired. 76123

Sec. 5741.08. If modification of a county's jurisdictional 76124
boundaries ~~or~~, a transit authority's territory, or a tourism 76125
development district's territory results in a change in the tax 76126
rate levied under section 5741.021, 5741.022, ~~or~~ 5741.023, or 76127
5741.024 of the Revised Code, the tax commissioner, within thirty 76128
days of such change, shall notify any seller or the seller's 76129
certified service provider, if the seller has selected one, of 76130
such change. The rate change shall not apply until the first day 76131
of a calendar quarter following the expiration of sixty days from 76132
the date of notice by the commissioner. 76133

Sec. 5741.11. If any seller who is required or authorized to 76134
collect the tax imposed by or pursuant to section 5741.02, 76135
5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code 76136
fails to do so, ~~he~~ the seller shall be liable personally for such 76137
amount as ~~he~~ the seller failed to collect. If any seller collects 76138
the tax imposed by or pursuant to any such section and fails to 76139
remit the same to the state as prescribed, ~~he~~ the seller shall be 76140
personally liable for any amount collected which ~~he~~ the seller 76141
failed to remit. The tax commissioner may make an assessment 76142
against such seller, based upon any information within ~~his~~ the 76143
commissioner's possession. The commissioner shall give to the 76144
seller written notice of such assessment. Such notice may be 76145
served upon the seller personally or by certified mail. 76146

Sec. 5741.12. (A) Each seller required by section 5741.17 of 76147
the Revised Code to register with the tax commissioner, and any 76148
seller authorized by the commissioner to collect the tax imposed 76149

by or pursuant to section 5741.02, 5741.021, 5741.022, ~~or~~ 76150
5741.023, or 5741.024 of the Revised Code is subject to the same 76151
requirements and entitled to the same deductions and discount for 76152
prompt payments as are vendors under section 5739.12 of the 76153
Revised Code, and the same monetary allowances as are vendors 76154
under section 5739.06 of the Revised Code. The powers and duties 76155
of the commissioner with respect to returns and tax remittances 76156
under this section shall be identical with those prescribed in 76157
section 5739.12 of the Revised Code. 76158

(B) Every person storing, using, or consuming tangible 76159
personal property or receiving the benefit of a service, the 76160
storage, use, consumption, or receipt of which is subject to the 76161
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 76162
~~or~~ 5741.023, or 5741.024 of the Revised Code, when such tax was 76163
not paid to a seller, shall, on or before the twenty-third day of 76164
each month, file with the tax commissioner a return for the 76165
preceding month in such form as is prescribed by the commissioner, 76166
showing such information as the commissioner deems necessary, and 76167
shall pay the tax shown on the return to be due. Remittance shall 76168
be made payable to the treasurer of state. The commissioner may 76169
require consumers to file returns and pay the tax at other than 76170
monthly intervals, if the commissioner determines that such filing 76171
is necessary for the efficient administration of the tax. If the 76172
commissioner determines that a consumer's tax liability is not 76173
such as to merit monthly filing, the commissioner may authorize 76174
the consumer to file returns and pay tax at less frequent 76175
intervals. 76176

Any consumer required to file a return and pay the tax under 76177
this section whose payment for any year equals or exceeds the 76178
amount shown in division (A) of section 5741.121 of the Revised 76179
Code is subject to the accelerated tax payment requirements in 76180
divisions (B) and (C) of that section. 76181

(C) Every person storing, using, or consuming a motor 76182
vehicle, watercraft, or outboard motor, the ownership of which 76183
must be evidenced by certificate of title, shall file the return 76184
required by this section and pay the tax due at or prior to the 76185
time of filing an application for certificate of title. 76186

Sec. 5741.15. Every seller having nexus with this state and 76187
every person receiving the benefit of services in this state or 76188
storing, using, or otherwise consuming in this state tangible 76189
personal property subject to the tax imposed by or pursuant to 76190
section 5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of 76191
the Revised Code shall keep such records, receipts, invoices, 76192
bills of lading, asset ledgers, depreciation schedules, transfer 76193
journals, and such primary and secondary records and documents in 76194
such form as the tax commissioner requires. Such records and other 76195
documents shall be open during business hours to the inspection of 76196
the commissioner, and shall be preserved for a period of four 76197
years, unless the commissioner consents, in writing, to their 76198
destruction within such period, or by order requires that they be 76199
kept longer. Persons refusing to provide such records and 76200
documents for inspection by the tax commissioner are subject to 76201
the penalty imposed under section 5703.19 of the Revised Code. 76202

Sec. 5741.16. (A) Except as provided in division (B) or (C) 76203
of this section, no assessment shall be made or issued against a 76204
seller or consumer for any tax imposed by or pursuant to section 76205
5741.02, 5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the 76206
Revised Code more than four years after the return date for the 76207
period in which the sale or purchase was made, or more than four 76208
years after the return for such period was filed, whichever date 76209
is later. 76210

(B) A consumer who provides a fully completed exemption 76211
certificate pursuant to division (B) of section 5739.03 or 76212

division (E) of section 5741.02 of the Revised Code may be 76213
assessed any tax imposed by or pursuant to section 5741.02, 76214
5741.021, 5741.022, ~~or~~ 5741.023, or 5741.024 of the Revised Code 76215
that results from denial of the claimed exemption within the later 76216
of a period allowed by division (A) of this section or one year 76217
after the date the certificate was provided. 76218

(C) This section does not bar an assessment: 76219

(1) When the tax commissioner has substantial evidence of 76220
amounts of taxes collected by a seller from consumers on 76221
purchases, which were not returned to the state by direct 76222
remittance; 76223

(2) When the person assessed failed to file a return as 76224
required by section 5741.12 of the Revised Code; 76225

(3) When the seller or consumer and the commissioner waive in 76226
writing the time limitation. 76227

Sec. 5741.19. No consumer shall refuse to pay the full and 76228
exact tax required by section 5741.02, 5741.021, 5741.022, ~~or~~ 76229
5741.023, or 5741.024 of the Revised Code, or refuse to comply 76230
with sections 5741.01 to 5741.22 of the Revised Code, and the 76231
rules of the tax commissioner, or present to the seller a false 76232
certificate indicating that the storage, use, or consumption of 76233
the thing transferred is not subject to the tax. 76234

Sec. 5741.21. No seller shall fail to collect the full and 76235
exact tax as required by section 5741.02, 5741.021, 5741.022, ~~or~~ 76236
5741.023, or 5741.024 of the Revised Code, or fail to comply with 76237
sections 5741.01 to 5741.22 of the Revised Code, and the rules of 76238
the tax commissioner or except as expressly authorized by such 76239
sections, refund, remit, or rebate to a consumer, directly or 76240
indirectly by whatsoever means, any of the tax, or make in any 76241
form of advertising, verbal or otherwise, any statements which 76242

might imply that ~~he~~ the seller is absorbing the tax, or paying the 76243
tax for the consumer by an adjustment of prices, or selling at a 76244
price including the tax, or rebating the tax in any other manner. 76245

Sec. 5741.23. The levy of any excise, income, or property tax 76246
by the state or by any political subdivision thereof shall not be 76247
construed as preempting the power of a county, municipal 76248
corporation, township, or transit authority to levy an additional 76249
use tax pursuant to section 5741.021, 5741.022, ~~or~~ 5741.023, or 76250
5741.024 of the Revised Code. No tax levied by a board of county 76251
commissioners pursuant to section 5741.022 of the Revised Code 76252
shall become effective at any time while a tax levied by the board 76253
of trustees of a regional transit authority pursuant to such 76254
section is in effect in any part of such county. 76255

Sec. 5743.01. As used in this chapter: 76256

(A) "Person" includes individuals, firms, partnerships, 76257
associations, joint-stock companies, corporations, combinations of 76258
individuals of any form, and the state and any of its political 76259
subdivisions. 76260

(B) "Wholesale dealer" includes only those persons: 76261

(1) Who bring in or cause to be brought into this state 76262
unstamped cigarettes purchased directly from the manufacturer, 76263
producer, or importer of cigarettes for sale in this state but 76264
does not include persons who bring in or cause to be brought into 76265
this state cigarettes with respect to which no evidence of tax 76266
payment is required thereon as provided in section 5743.04 of the 76267
Revised Code; or 76268

(2) Who are engaged in the business of selling cigarettes or 76269
tobacco products to others for the purpose of resale. 76270

"Wholesale dealer" does not include any cigarette 76271
manufacturer, export warehouse proprietor, or importer with a 76272

valid permit under 26 U.S.C. 5713 if that person sells cigarettes 76273
in this state only to wholesale dealers holding valid and current 76274
licenses under section 5743.15 of the Revised Code or to an export 76275
warehouse proprietor or another manufacturer. 76276

(C) "Retail dealer" includes: 76277

(1) In reference to dealers in cigarettes, every person other 76278
than a wholesale dealer engaged in the business of selling 76279
cigarettes in this state, regardless of whether the person is 76280
located in this state or elsewhere, and regardless of quantity, 76281
amount, or number of sales; 76282

(2) In reference to dealers in tobacco products, any person 76283
in this state engaged in the business of selling tobacco products 76284
to ultimate consumers in this state, regardless of quantity, 76285
amount, or number of sales. 76286

(D) "Sale" includes exchange, barter, gift, offer for sale, 76287
and distribution, and includes transactions in interstate or 76288
foreign commerce. 76289

(E) "Cigarettes" includes any roll for smoking made wholly or 76290
in part of tobacco, irrespective of size or shape, and whether or 76291
not such tobacco is flavored, adulterated, or mixed with any other 76292
ingredient, the wrapper or cover of which is made of paper, 76293
reconstituted cigarette tobacco, homogenized cigarette tobacco, 76294
cigarette tobacco sheet, or any similar materials other than cigar 76295
tobacco. 76296

(F) "Package" means the individual package, box, or other 76297
container in or from which retail sales of cigarettes are normally 76298
made or intended to be made. 76299

(G) "Storage" includes any keeping or retention of cigarettes 76300
or tobacco products for use or consumption in this state. 76301

(H) "Use" includes the exercise of any right or power 76302

incidental to the ownership of cigarettes or tobacco products. 76303

(I) "Tobacco product" or "other tobacco product" means any 76304
product made from tobacco, other than cigarettes, that is made for 76305
smoking or chewing, or both, and snuff. 76306

(J) "Wholesale price" means the invoice price, including all 76307
federal excise taxes, at which the manufacturer of the tobacco 76308
product sells the tobacco product to unaffiliated distributors, 76309
excluding any discounts based on the method of payment of the 76310
invoice or on time of payment of the invoice. If the taxpayer buys 76311
from other than a manufacturer, "wholesale price" means the 76312
invoice price, including all federal excise taxes and excluding 76313
any discounts based on the method of payment of the invoice or on 76314
time of payment of the invoice. 76315

(K) "Distributor" means: 76316

(1) Any manufacturer who sells, barter, exchanges, or 76317
distributes tobacco products to a retail dealer in the state, 76318
except when selling to a retail dealer that has filed with the 76319
manufacturer a signed statement agreeing to pay and be liable for 76320
the tax imposed by section 5743.51 of the Revised Code; 76321

(2) Any wholesale dealer located in the state who receives 76322
tobacco products from a manufacturer, or who receives tobacco 76323
products on which the tax imposed by this chapter has not been 76324
paid; 76325

(3) Any wholesale dealer located outside the state who sells, 76326
barter, exchanges, or distributes tobacco products to a wholesale 76327
or retail dealer in the state; or 76328

(4) Any retail dealer who receives tobacco products on which 76329
the tax has not or will not be paid by another distributor, 76330
including a retail dealer that has filed a signed statement with a 76331
manufacturer in which the retail dealer agrees to pay and be 76332
liable for the tax that would otherwise be imposed on the 76333

manufacturer by section 5743.51 of the Revised Code. 76334

(L) "Taxpayer" means any person liable for the tax imposed by 76335
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 76336

(M) "Seller" means any person located outside this state 76337
engaged in the business of selling tobacco products to consumers 76338
for storage, use, or other consumption in this state. 76339

(N) "Manufacturer" means any person who manufactures and 76340
sells cigarettes or tobacco products. 76341

(O) "Importer" means any person that is authorized, under a 76342
valid permit issued under Section 5713 of the Internal Revenue 76343
Code, to import finished cigarettes into the United States, either 76344
directly or indirectly. 76345

(P) "Little cigar" means any roll for smoking, other than 76346
cigarettes, made wholly or in part of tobacco that uses an 76347
integrated cellulose acetate filter or other filter and is wrapped 76348
in any substance containing tobacco, other than natural leaf 76349
tobacco. 76350

Sec. 5743.021. (A) As used in this section, "qualifying 76351
regional arts and cultural district" means a regional arts and 76352
cultural district created under section 3381.04 or 3381.041 of the 76353
Revised Code ~~in a county having a population of one million two~~ 76354
~~hundred thousand or more according to the 2000 federal decennial~~ 76355
~~census.~~ 76356

(B) For one or more of the purposes for which a tax may be 76357
levied under section 3381.16 of the Revised Code and for the 76358
purposes of paying the expenses of administering the tax and the 76359
expenses charged by a board of elections to hold an election on a 76360
question submitted under this section, the board of county 76361
commissioners of a county that has within its territorial 76362
boundaries a qualifying regional arts and cultural district may 76363

levy a tax on the sale of cigarettes sold for resale at retail in 76364
the county composing the district. The rate of the tax, when added 76365
to the rate of any other tax concurrently levied by the board 76366
under this section, shall not exceed fifteen mills per cigarette, 76367
and shall be computed on each cigarette sold. Only one sale of the 76368
same article shall be used in computing the amount of tax due. The 76369
tax may be levied for any number of years not exceeding ten years. 76370

The tax shall be levied pursuant to a resolution of the board 76371
of county commissioners approved by a majority of the electors in 76372
the county voting on the question of levying the tax. The 76373
resolution shall specify the rate of the tax, the number of years 76374
the tax will be levied, and the purposes for which the tax is 76375
levied. The election may be held on the date of a general, 76376
primary, or special election held not sooner than ninety days 76377
after the date the board certifies its resolution to the board of 76378
elections. If approved by the electors, the tax shall take effect 76379
on the first day of the month specified in the resolution but not 76380
sooner than the first day of the month that is at least sixty days 76381
after the certification of the election results by the board of 76382
elections. A copy of the resolution levying the tax shall be 76383
certified to the tax commissioner at least sixty days prior to the 76384
date on which the tax is to become effective. 76385

(C) The Except as provided in division (E) of this section, 76386
the form of the ballot in an election held under this section 76387
shall be as follows, or in any other form acceptable to the 76388
secretary of state: 76389

"For the purpose of (insert the purpose or 76390
purposes of the tax), shall an excise tax be levied throughout 76391
..... County for the benefit of the (name of the 76392
qualifying regional arts and cultural district) on the sale of 76393
cigarettes at wholesale at the rate of mills per cigarette 76394
for years? 76395

| | | |
|--|-----------------|---|
| | For the tax | |
| | Against the tax | " |

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(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

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(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section certified by the tax commissioner pursuant to section 5743.05 of the Revised Code;

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(2) Following the crediting of amounts pursuant to division (D)(1) of this section:

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(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

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(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

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On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

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(E) A resolution adopted under this section by a board of county commissioners that created a regional arts and cultural district under section 3381.041 of the Revised Code may be joined on the ballot as a single question with a resolution adopted under section 3381.041 or 4301.425 of the Revised Code to levy a tax for the same purposes. The form of the ballot in an election held pursuant to this section shall be as prescribed by section

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3381.041 of the Revised Code. 76427

Sec. 5747.01. Except as otherwise expressly provided or 76428
clearly appearing from the context, any term used in this chapter 76429
that is not otherwise defined in this section has the same meaning 76430
as when used in a comparable context in the laws of the United 76431
States relating to federal income taxes or if not used in a 76432
comparable context in those laws, has the same meaning as in 76433
section 5733.40 of the Revised Code. Any reference in this chapter 76434
to the Internal Revenue Code includes other laws of the United 76435
States relating to federal income taxes. 76436

As used in this chapter: 76437

(A) "Adjusted gross income" or "Ohio adjusted gross income" 76438
means federal adjusted gross income, as defined and used in the 76439
Internal Revenue Code, adjusted as provided in this section: 76440

(1) Add interest or dividends on obligations or securities of 76441
any state or of any political subdivision or authority of any 76442
state, other than this state and its subdivisions and authorities. 76443

(2) Add interest or dividends on obligations of any 76444
authority, commission, instrumentality, territory, or possession 76445
of the United States to the extent that the interest or dividends 76446
are exempt from federal income taxes but not from state income 76447
taxes. 76448

(3) Deduct interest or dividends on obligations of the United 76449
States and its territories and possessions or of any authority, 76450
commission, or instrumentality of the United States to the extent 76451
that the interest or dividends are included in federal adjusted 76452
gross income but exempt from state income taxes under the laws of 76453
the United States. 76454

(4) Deduct disability and survivor's benefits to the extent 76455
included in federal adjusted gross income. 76456

(5) ~~Deduct~~ If the taxpayer's federal adjusted gross income is not greater than one hundred thousand dollars, deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter.

"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net income included in the adjusted gross income of a beneficiary shall reduce the undistributed net income of the trust commencing with the earliest years of the accumulation period.

(7) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal

Revenue Code not been in effect. 76489

(8) Deduct any interest or interest equivalent on public 76490
obligations and purchase obligations to the extent that the 76491
interest or interest equivalent is included in federal adjusted 76492
gross income. 76493

(9) Add any loss or deduct any gain resulting from the sale, 76494
exchange, or other disposition of public obligations to the extent 76495
that the loss has been deducted or the gain has been included in 76496
computing federal adjusted gross income. 76497

(10) Deduct or add amounts, as provided under section 5747.70 76498
of the Revised Code, related to contributions to variable college 76499
savings program accounts made or tuition units purchased pursuant 76500
to Chapter 3334. of the Revised Code. 76501

(11)(a) Deduct, to the extent not otherwise allowable as a 76502
deduction or exclusion in computing federal or Ohio adjusted gross 76503
income for the taxable year, the amount the taxpayer paid during 76504
the taxable year for medical care insurance and qualified 76505
long-term care insurance for the taxpayer, the taxpayer's spouse, 76506
and dependents. No deduction for medical care insurance under 76507
division (A)(11) of this section shall be allowed either to any 76508
taxpayer who is eligible to participate in any subsidized health 76509
plan maintained by any employer of the taxpayer or of the 76510
taxpayer's spouse, or to any taxpayer who is entitled to, or on 76511
application would be entitled to, benefits under part A of Title 76512
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 76513
301, as amended. For the purposes of division (A)(11)(a) of this 76514
section, "subsidized health plan" means a health plan for which 76515
the employer pays any portion of the plan's cost. The deduction 76516
allowed under division (A)(11)(a) of this section shall be the net 76517
of any related premium refunds, related premium reimbursements, or 76518
related insurance premium dividends received during the taxable 76519
year. 76520

(b) Deduct, to the extent not otherwise deducted or excluded 76521
in computing federal or Ohio adjusted gross income during the 76522
taxable year, the amount the taxpayer paid during the taxable 76523
year, not compensated for by any insurance or otherwise, for 76524
medical care of the taxpayer, the taxpayer's spouse, and 76525
dependents, to the extent the expenses exceed seven and one-half 76526
per cent of the taxpayer's federal adjusted gross income. 76527

(c) Deduct, to the extent not otherwise deducted or excluded 76528
in computing federal or Ohio adjusted gross income, any amount 76529
included in federal adjusted gross income under section 105 or not 76530
excluded under section 106 of the Internal Revenue Code solely 76531
because it relates to an accident and health plan for a person who 76532
otherwise would be a "qualifying relative" and thus a "dependent" 76533
under section 152 of the Internal Revenue Code but for the fact 76534
that the person fails to meet the income and support limitations 76535
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 76536

(d) For purposes of division (A)(11) of this section, 76537
"medical care" has the meaning given in section 213 of the 76538
Internal Revenue Code, subject to the special rules, limitations, 76539
and exclusions set forth therein, and "qualified long-term care" 76540
has the same meaning given in section 7702B(c) of the Internal 76541
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 76542
of this section, "dependent" includes a person who otherwise would 76543
be a "qualifying relative" and thus a "dependent" under section 76544
152 of the Internal Revenue Code but for the fact that the person 76545
fails to meet the income and support limitations under section 76546
152(d)(1)(B) and (C) of the Internal Revenue Code. 76547

(12)(a) Deduct any amount included in federal adjusted gross 76548
income solely because the amount represents a reimbursement or 76549
refund of expenses that in any year the taxpayer had deducted as 76550
an itemized deduction pursuant to section 63 of the Internal 76551
Revenue Code and applicable United States department of the 76552

treasury regulations. The deduction otherwise allowed under 76553
division (A)(12)(a) of this section shall be reduced to the extent 76554
the reimbursement is attributable to an amount the taxpayer 76555
deducted under this section in any taxable year. 76556

(b) Add any amount not otherwise included in Ohio adjusted 76557
gross income for any taxable year to the extent that the amount is 76558
attributable to the recovery during the taxable year of any amount 76559
deducted or excluded in computing federal or Ohio adjusted gross 76560
income in any taxable year. 76561

(13) Deduct any portion of the deduction described in section 76562
1341(a)(2) of the Internal Revenue Code, for repaying previously 76563
reported income received under a claim of right, that meets both 76564
of the following requirements: 76565

(a) It is allowable for repayment of an item that was 76566
included in the taxpayer's adjusted gross income for a prior 76567
taxable year and did not qualify for a credit under division (A) 76568
or (B) of section 5747.05 of the Revised Code for that year; 76569

(b) It does not otherwise reduce the taxpayer's adjusted 76570
gross income for the current or any other taxable year. 76571

(14) Deduct an amount equal to the deposits made to, and net 76572
investment earnings of, a medical savings account during the 76573
taxable year, in accordance with section 3924.66 of the Revised 76574
Code. The deduction allowed by division (A)(14) of this section 76575
does not apply to medical savings account deposits and earnings 76576
otherwise deducted or excluded for the current or any other 76577
taxable year from the taxpayer's federal adjusted gross income. 76578

(15)(a) Add an amount equal to the funds withdrawn from a 76579
medical savings account during the taxable year, and the net 76580
investment earnings on those funds, when the funds withdrawn were 76581
used for any purpose other than to reimburse an account holder 76582
for, or to pay, eligible medical expenses, in accordance with 76583

section 3924.66 of the Revised Code; 76584

(b) Add the amounts distributed from a medical savings 76585
account under division (A)(2) of section 3924.68 of the Revised 76586
Code during the taxable year. 76587

(16) Add any amount claimed as a credit under section 76588
5747.059 or 5747.65 of the Revised Code to the extent that such 76589
amount satisfies either of the following: 76590

(a) The amount was deducted or excluded from the computation 76591
of the taxpayer's federal adjusted gross income as required to be 76592
reported for the taxpayer's taxable year under the Internal 76593
Revenue Code; 76594

(b) The amount resulted in a reduction of the taxpayer's 76595
federal adjusted gross income as required to be reported for any 76596
of the taxpayer's taxable years under the Internal Revenue Code. 76597

(17) Deduct the amount contributed by the taxpayer to an 76598
individual development account program established by a county 76599
department of job and family services pursuant to sections 329.11 76600
to 329.14 of the Revised Code for the purpose of matching funds 76601
deposited by program participants. On request of the tax 76602
commissioner, the taxpayer shall provide any information that, in 76603
the tax commissioner's opinion, is necessary to establish the 76604
amount deducted under division (A)(17) of this section. 76605

(18) Beginning in taxable year 2001 but not for any taxable 76606
year beginning after December 31, 2005, if the taxpayer is married 76607
and files a joint return and the combined federal adjusted gross 76608
income of the taxpayer and the taxpayer's spouse for the taxable 76609
year does not exceed one hundred thousand dollars, or if the 76610
taxpayer is single and has a federal adjusted gross income for the 76611
taxable year not exceeding fifty thousand dollars, deduct amounts 76612
paid during the taxable year for qualified tuition and fees paid 76613
to an eligible institution for the taxpayer, the taxpayer's 76614

spouse, or any dependent of the taxpayer, who is a resident of 76615
this state and is enrolled in or attending a program that 76616
culminates in a degree or diploma at an eligible institution. The 76617
deduction may be claimed only to the extent that qualified tuition 76618
and fees are not otherwise deducted or excluded for any taxable 76619
year from federal or Ohio adjusted gross income. The deduction may 76620
not be claimed for educational expenses for which the taxpayer 76621
claims a credit under section 5747.27 of the Revised Code. 76622

(19) Add any reimbursement received during the taxable year 76623
of any amount the taxpayer deducted under division (A)(18) of this 76624
section in any previous taxable year to the extent the amount is 76625
not otherwise included in Ohio adjusted gross income. 76626

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 76627
(v) of this section, add five-sixths of the amount of depreciation 76628
expense allowed by subsection (k) of section 168 of the Internal 76629
Revenue Code, including the taxpayer's proportionate or 76630
distributive share of the amount of depreciation expense allowed 76631
by that subsection to a pass-through entity in which the taxpayer 76632
has a direct or indirect ownership interest. 76633

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 76634
this section, add five-sixths of the amount of qualifying section 76635
179 depreciation expense, including the taxpayer's proportionate 76636
or distributive share of the amount of qualifying section 179 76637
depreciation expense allowed to any pass-through entity in which 76638
the taxpayer has a direct or indirect ownership interest. 76639

(iii) Subject to division (A)(20)(a)(v) of this section, for 76640
taxable years beginning in 2012 or thereafter, if the increase in 76641
income taxes withheld by the taxpayer is equal to or greater than 76642
ten per cent of income taxes withheld by the taxpayer during the 76643
taxpayer's immediately preceding taxable year, "two-thirds" shall 76644
be substituted for "five-sixths" for the purpose of divisions 76645
(A)(20)(a)(i) and (ii) of this section. 76646

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative

methods of apportionment enumerated in section 5747.21 of the Revised Code. 76679
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(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount. 76681
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(e) For the purposes of divisions (A)(20) and (21) of this section: 76688
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(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year. 76690
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(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year. 76693
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(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002. 76698
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(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following: 76705
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(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of 76708
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qualifying section 179 depreciation expense or depreciation 76710
expense allowed by subsection (k) of section 168 of the Internal 76711
Revenue Code; 76712

(ii) One-half of the amount so added for each of the two 76713
succeeding taxable years if the amount so added was two-thirds of 76714
such depreciation expense; 76715

(iii) One-sixth of the amount so added for each of the six 76716
succeeding taxable years if the entire amount of such depreciation 76717
expense was so added. 76718

(b) If the amount deducted under division (A)(21)(a) of this 76719
section is attributable to an add-back allocated under division 76720
(A)(20)(c) of this section, the amount deducted shall be sitused 76721
to the same location. Otherwise, the add-back shall be apportioned 76722
using the apportionment factors for the taxable year in which the 76723
deduction is taken, subject to one or more of the four alternative 76724
methods of apportionment enumerated in section 5747.21 of the 76725
Revised Code. 76726

(c) No deduction is available under division (A)(21)(a) of 76727
this section with regard to any depreciation allowed by section 76728
168(k) of the Internal Revenue Code and by the qualifying section 76729
179 depreciation expense amount to the extent that such 76730
depreciation results in or increases a federal net operating loss 76731
carryback or carryforward. If no such deduction is available for a 76732
taxable year, the taxpayer may carry forward the amount not 76733
deducted in such taxable year to the next taxable year and add 76734
that amount to any deduction otherwise available under division 76735
(A)(21)(a) of this section for that next taxable year. The 76736
carryforward of amounts not so deducted shall continue until the 76737
entire addition required by division (A)(20)(a) of this section 76738
has been deducted. 76739

(d) No refund shall be allowed as a result of adjustments 76740

made by division (A)(21) of this section. 76741

(22) Deduct, to the extent not otherwise deducted or excluded 76742
in computing federal or Ohio adjusted gross income for the taxable 76743
year, the amount the taxpayer received during the taxable year as 76744
reimbursement for life insurance premiums under section 5919.31 of 76745
the Revised Code. 76746

(23) Deduct, to the extent not otherwise deducted or excluded 76747
in computing federal or Ohio adjusted gross income for the taxable 76748
year, the amount the taxpayer received during the taxable year as 76749
a death benefit paid by the adjutant general under section 5919.33 76750
of the Revised Code. 76751

(24) Deduct, to the extent included in federal adjusted gross 76752
income and not otherwise allowable as a deduction or exclusion in 76753
computing federal or Ohio adjusted gross income for the taxable 76754
year, military pay and allowances received by the taxpayer during 76755
the taxable year for active duty service in the United States 76756
army, air force, navy, marine corps, or coast guard or reserve 76757
components thereof or the national guard. The deduction may not be 76758
claimed for military pay and allowances received by the taxpayer 76759
while the taxpayer is stationed in this state. 76760

(25) Deduct, to the extent not otherwise allowable as a 76761
deduction or exclusion in computing federal or Ohio adjusted gross 76762
income for the taxable year and not otherwise compensated for by 76763
any other source, the amount of qualified organ donation expenses 76764
incurred by the taxpayer during the taxable year, not to exceed 76765
ten thousand dollars. A taxpayer may deduct qualified organ 76766
donation expenses only once for all taxable years beginning with 76767
taxable years beginning in 2007. 76768

For the purposes of division (A)(25) of this section: 76769

(a) "Human organ" means all or any portion of a human liver, 76770
pancreas, kidney, intestine, or lung, and any portion of human 76771

bone marrow. 76772

(b) "Qualified organ donation expenses" means travel 76773
expenses, lodging expenses, and wages and salary forgone by a 76774
taxpayer in connection with the taxpayer's donation, while living, 76775
of one or more of the taxpayer's human organs to another human 76776
being. 76777

(26) Deduct, to the extent not otherwise deducted or excluded 76778
in computing federal or Ohio adjusted gross income for the taxable 76779
year, amounts received by the taxpayer as retired personnel pay 76780
for service in the uniformed services or reserve components 76781
thereof, or the national guard, or received by the surviving 76782
spouse or former spouse of such a taxpayer under the survivor 76783
benefit plan on account of such a taxpayer's death. If the 76784
taxpayer receives income on account of retirement paid under the 76785
federal civil service retirement system or federal employees 76786
retirement system, or under any successor retirement program 76787
enacted by the congress of the United States that is established 76788
and maintained for retired employees of the United States 76789
government, and such retirement income is based, in whole or in 76790
part, on credit for the taxpayer's uniformed service, the 76791
deduction allowed under this division shall include only that 76792
portion of such retirement income that is attributable to the 76793
taxpayer's uniformed service, to the extent that portion of such 76794
retirement income is otherwise included in federal adjusted gross 76795
income and is not otherwise deducted under this section. Any 76796
amount deducted under division (A)(26) of this section is not 76797
included in a taxpayer's adjusted gross income for the purposes of 76798
section 5747.055 of the Revised Code. No amount may be deducted 76799
under division (A)(26) of this section on the basis of which a 76800
credit was claimed under section 5747.055 of the Revised Code. 76801

(27) Deduct, to the extent not otherwise deducted or excluded 76802
in computing federal or Ohio adjusted gross income for the taxable 76803

year, the amount the taxpayer received during the taxable year 76804
from the military injury relief fund created in section ~~5101.98~~ 76805
5902.05 of the Revised Code. 76806

(28) Deduct, to the extent not otherwise deducted or excluded 76807
in computing federal or Ohio adjusted gross income for the taxable 76808
year, the amount the taxpayer received as a veterans bonus during 76809
the taxable year from the Ohio department of veterans services as 76810
authorized by Section 2r of Article VIII, Ohio Constitution. 76811

(29) Deduct, to the extent not otherwise deducted or excluded 76812
in computing federal or Ohio adjusted gross income for the taxable 76813
year, any income derived from a transfer agreement or from the 76814
enterprise transferred under that agreement under section 4313.02 76815
of the Revised Code. 76816

(30) Deduct, to the extent not otherwise deducted or excluded 76817
in computing federal or Ohio adjusted gross income for the taxable 76818
year, Ohio college opportunity or federal Pell grant amounts 76819
received by the taxpayer or the taxpayer's spouse or dependent 76820
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 76821
1070a, et seq., and used to pay room or board furnished by the 76822
educational institution for which the grant was awarded at the 76823
institution's facilities, including meal plans administered by the 76824
institution. For the purposes of this division, receipt of a grant 76825
includes the distribution of a grant directly to an educational 76826
institution and the crediting of the grant to the enrollee's 76827
account with the institution. 76828

(31) Deduct ~~one-half~~ seventy-five per cent of the ~~taxpayer's~~ 76829
individual's Ohio small business ~~investor~~ income, the deduction 76830
not to exceed ~~sixty-two thousand five hundred~~ ninety-three 76831
thousand seven hundred fifty dollars for each spouse if spouses 76832
file separate returns under section 5747.08 of the Revised Code or 76833
one hundred ~~twenty-five thousand~~ eighty-seven thousand five 76834
hundred dollars for all other ~~taxpayers. No pass-through entity~~ 76835

~~may claim a deduction under this division~~ individuals. 76836

For the purposes of this division, "Ohio small business 76837
~~investor~~ income" means the portion of a ~~taxpayer's~~ an individual's 76838
adjusted gross income, computed without regard to the deduction 76839
under division (A)(31) of this section, that is business income, 76840
reduced by deductions from business income and apportioned or 76841
allocated to this state under sections 5747.21 and 5747.22 of the 76842
Revised Code, to the extent not otherwise deducted or excluded in 76843
computing federal or Ohio adjusted gross income for the taxable 76844
year. 76845

(B) "Business income" means income, including gain or loss, 76846
arising from transactions, activities, and sources in the regular 76847
course of a trade or business and includes income, gain, or loss 76848
from real property, tangible property, and intangible property if 76849
the acquisition, rental, management, and disposition of the 76850
property constitute integral parts of the regular course of a 76851
trade or business operation. "Business income" includes income, 76852
including gain or loss, from a partial or complete liquidation of 76853
a business, including, but not limited to, gain or loss from the 76854
sale or other disposition of goodwill. 76855

(C) "Nonbusiness income" means all income other than business 76856
income and may include, but is not limited to, compensation, rents 76857
and royalties from real or tangible personal property, capital 76858
gains, interest, dividends and distributions, patent or copyright 76859
royalties, or lottery winnings, prizes, and awards. 76860

(D) "Compensation" means any form of remuneration paid to an 76861
employee for personal services. 76862

(E) "Fiduciary" means a guardian, trustee, executor, 76863
administrator, receiver, conservator, or any other person acting 76864
in any fiduciary capacity for any individual, trust, or estate. 76865

(F) "Fiscal year" means an accounting period of twelve months 76866

ending on the last day of any month other than December. 76867

(G) "Individual" means any natural person. 76868

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 76869
76870

(I) "Resident" means any of the following, provided that 76871
division (I)(3) of this section applies only to taxable years of a 76872
trust beginning in 2002 or thereafter: 76873

(1) An individual who is domiciled in this state, subject to 76874
section 5747.24 of the Revised Code; 76875

(2) The estate of a decedent who at the time of death was 76876
domiciled in this state. The domicile tests of section 5747.24 of 76877
the Revised Code are not controlling for purposes of division 76878
(I)(2) of this section. 76879

(3) A trust that, in whole or part, resides in this state. If 76880
only part of a trust resides in this state, the trust is a 76881
resident only with respect to that part. 76882

For the purposes of division (I)(3) of this section: 76883

(a) A trust resides in this state for the trust's current 76884
taxable year to the extent, as described in division (I)(3)(d) of 76885
this section, that the trust consists directly or indirectly, in 76886
whole or in part, of assets, net of any related liabilities, that 76887
were transferred, or caused to be transferred, directly or 76888
indirectly, to the trust by any of the following: 76889

(i) A person, a court, or a governmental entity or 76890
instrumentality on account of the death of a decedent, but only if 76891
the trust is described in division (I)(3)(e)(i) or (ii) of this 76892
section; 76893

(ii) A person who was domiciled in this state for the 76894
purposes of this chapter when the person directly or indirectly 76895
transferred assets to an irrevocable trust, but only if at least 76896

one of the trust's qualifying beneficiaries is domiciled in this 76897
state for the purposes of this chapter during all or some portion 76898
of the trust's current taxable year; 76899

(iii) A person who was domiciled in this state for the 76900
purposes of this chapter when the trust document or instrument or 76901
part of the trust document or instrument became irrevocable, but 76902
only if at least one of the trust's qualifying beneficiaries is a 76903
resident domiciled in this state for the purposes of this chapter 76904
during all or some portion of the trust's current taxable year. If 76905
a trust document or instrument became irrevocable upon the death 76906
of a person who at the time of death was domiciled in this state 76907
for purposes of this chapter, that person is a person described in 76908
division (I)(3)(a)(iii) of this section. 76909

(b) A trust is irrevocable to the extent that the transferor 76910
is not considered to be the owner of the net assets of the trust 76911
under sections 671 to 678 of the Internal Revenue Code. 76912

(c) With respect to a trust other than a charitable lead 76913
trust, "qualifying beneficiary" has the same meaning as "potential 76914
current beneficiary" as defined in section 1361(e)(2) of the 76915
Internal Revenue Code, and with respect to a charitable lead trust 76916
"qualifying beneficiary" is any current, future, or contingent 76917
beneficiary, but with respect to any trust "qualifying 76918
beneficiary" excludes a person or a governmental entity or 76919
instrumentality to any of which a contribution would qualify for 76920
the charitable deduction under section 170 of the Internal Revenue 76921
Code. 76922

(d) For the purposes of division (I)(3)(a) of this section, 76923
the extent to which a trust consists directly or indirectly, in 76924
whole or in part, of assets, net of any related liabilities, that 76925
were transferred directly or indirectly, in whole or part, to the 76926
trust by any of the sources enumerated in that division shall be 76927
ascertained by multiplying the fair market value of the trust's 76928

assets, net of related liabilities, by the qualifying ratio, which 76929
shall be computed as follows: 76930

(i) The first time the trust receives assets, the numerator 76931
of the qualifying ratio is the fair market value of those assets 76932
at that time, net of any related liabilities, from sources 76933
enumerated in division (I)(3)(a) of this section. The denominator 76934
of the qualifying ratio is the fair market value of all the 76935
trust's assets at that time, net of any related liabilities. 76936

(ii) Each subsequent time the trust receives assets, a 76937
revised qualifying ratio shall be computed. The numerator of the 76938
revised qualifying ratio is the sum of (1) the fair market value 76939
of the trust's assets immediately prior to the subsequent 76940
transfer, net of any related liabilities, multiplied by the 76941
qualifying ratio last computed without regard to the subsequent 76942
transfer, and (2) the fair market value of the subsequently 76943
transferred assets at the time transferred, net of any related 76944
liabilities, from sources enumerated in division (I)(3)(a) of this 76945
section. The denominator of the revised qualifying ratio is the 76946
fair market value of all the trust's assets immediately after the 76947
subsequent transfer, net of any related liabilities. 76948

(iii) Whether a transfer to the trust is by or from any of 76949
the sources enumerated in division (I)(3)(a) of this section shall 76950
be ascertained without regard to the domicile of the trust's 76951
beneficiaries. 76952

(e) For the purposes of division (I)(3)(a)(i) of this 76953
section: 76954

(i) A trust is described in division (I)(3)(e)(i) of this 76955
section if the trust is a testamentary trust and the testator of 76956
that testamentary trust was domiciled in this state at the time of 76957
the testator's death for purposes of the taxes levied under 76958
Chapter 5731. of the Revised Code. 76959

(ii) A trust is described in division (I)(3)(e)(ii) of this section if the transfer is a qualifying transfer described in any of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year.

(f) For the purposes of division (I)(3)(e)(ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following:

(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter.

(iii) The transfer is made on account of a contractual relationship existing directly or indirectly between the transferor and either the decedent or the estate of the decedent at any time prior to the date of the decedent's death, and the decedent was domiciled in this state at the time of death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter.

(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code.

(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year.

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

(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.

(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.

(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined and used in the Internal Revenue Code, adjusted as follows:

(1) Add interest or dividends, net of ordinary, necessary, and reasonable expenses not deducted in computing federal taxable income, on obligations or securities of any state or of any

political subdivision or authority of any state, other than this 77052
state and its subdivisions and authorities, but only to the extent 77053
that such net amount is not otherwise includible in Ohio taxable 77054
income and is described in either division (S)(1)(a) or (b) of 77055
this section: 77056

(a) The net amount is not attributable to the S portion of an 77057
electing small business trust and has not been distributed to 77058
beneficiaries for the taxable year; 77059

(b) The net amount is attributable to the S portion of an 77060
electing small business trust for the taxable year. 77061

(2) Add interest or dividends, net of ordinary, necessary, 77062
and reasonable expenses not deducted in computing federal taxable 77063
income, on obligations of any authority, commission, 77064
instrumentality, territory, or possession of the United States to 77065
the extent that the interest or dividends are exempt from federal 77066
income taxes but not from state income taxes, but only to the 77067
extent that such net amount is not otherwise includible in Ohio 77068
taxable income and is described in either division (S)(1)(a) or 77069
(b) of this section; 77070

(3) Add the amount of personal exemption allowed to the 77071
estate pursuant to section 642(b) of the Internal Revenue Code; 77072

(4) Deduct interest or dividends, net of related expenses 77073
deducted in computing federal taxable income, on obligations of 77074
the United States and its territories and possessions or of any 77075
authority, commission, or instrumentality of the United States to 77076
the extent that the interest or dividends are exempt from state 77077
taxes under the laws of the United States, but only to the extent 77078
that such amount is included in federal taxable income and is 77079
described in either division (S)(1)(a) or (b) of this section; 77080

(5) Deduct the amount of wages and salaries, if any, not 77081
otherwise allowable as a deduction but that would have been 77082

allowable as a deduction in computing federal taxable income for 77083
the taxable year, had the targeted jobs credit allowed under 77084
sections 38, 51, and 52 of the Internal Revenue Code not been in 77085
effect, but only to the extent such amount relates either to 77086
income included in federal taxable income for the taxable year or 77087
to income of the S portion of an electing small business trust for 77088
the taxable year; 77089

(6) Deduct any interest or interest equivalent, net of 77090
related expenses deducted in computing federal taxable income, on 77091
public obligations and purchase obligations, but only to the 77092
extent that such net amount relates either to income included in 77093
federal taxable income for the taxable year or to income of the S 77094
portion of an electing small business trust for the taxable year; 77095

(7) Add any loss or deduct any gain resulting from sale, 77096
exchange, or other disposition of public obligations to the extent 77097
that such loss has been deducted or such gain has been included in 77098
computing either federal taxable income or income of the S portion 77099
of an electing small business trust for the taxable year; 77100

(8) Except in the case of the final return of an estate, add 77101
any amount deducted by the taxpayer on both its Ohio estate tax 77102
return pursuant to section 5731.14 of the Revised Code, and on its 77103
federal income tax return in determining federal taxable income; 77104

(9)(a) Deduct any amount included in federal taxable income 77105
solely because the amount represents a reimbursement or refund of 77106
expenses that in a previous year the decedent had deducted as an 77107
itemized deduction pursuant to section 63 of the Internal Revenue 77108
Code and applicable treasury regulations. The deduction otherwise 77109
allowed under division (S)(9)(a) of this section shall be reduced 77110
to the extent the reimbursement is attributable to an amount the 77111
taxpayer or decedent deducted under this section in any taxable 77112
year. 77113

(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code;

(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.

(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only

if the assets of the trust include at least ten acres of land 77145
satisfying the definition of "land devoted exclusively to 77146
agricultural use" under section 5713.30 of the Revised Code, 77147
regardless of whether the land is valued for tax purposes as such 77148
land under sections 5713.30 to 5713.38 of the Revised Code. If the 77149
trust is a pass-through entity investor, section 5747.231 of the 77150
Revised Code applies in ascertaining if the trust is eligible to 77151
claim the deduction provided by division (S)(12) of this section 77152
in connection with the pass-through entity's farm income. 77153

Except for farm income attributable to the S portion of an 77154
electing small business trust, the deduction provided by division 77155
(S)(12) of this section is allowed only to the extent that the 77156
trust has not distributed such farm income. Division (S)(12) of 77157
this section applies only to taxable years of a trust beginning in 77158
2002 or thereafter. 77159

(13) Add the net amount of income described in section 641(c) 77160
of the Internal Revenue Code to the extent that amount is not 77161
included in federal taxable income. 77162

(14) Add or deduct the amount the taxpayer would be required 77163
to add or deduct under division (A)(20) or (21) of this section if 77164
the taxpayer's Ohio taxable income were computed in the same 77165
manner as an individual's Ohio adjusted gross income is computed 77166
under this section. In the case of a trust, division (S)(14) of 77167
this section applies only to any of the trust's taxable years 77168
beginning in 2002 or thereafter. 77169

(T) "School district income" and "school district income tax" 77170
have the same meanings as in section 5748.01 of the Revised Code. 77171

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 77172
of this section, "public obligations," "purchase obligations," and 77173
"interest or interest equivalent" have the same meanings as in 77174
section 5709.76 of the Revised Code. 77175

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Eligible institution" means a state university or state institution of higher education as defined in section 3345.011 of the Revised Code, or a private, nonprofit college, university, or other post-secondary institution located in this state that possesses a certificate of authorization issued by the ~~Ohio board of regents~~ director of higher education pursuant to Chapter 1713. of the Revised Code or a certificate of registration issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.

(2) "Qualified tuition and fees" means tuition and fees imposed by an eligible institution as a condition of enrollment or attendance, not exceeding two thousand five hundred dollars in each of the individual's first two years of post-secondary education. If the individual is a part-time student, "qualified tuition and fees" includes tuition and fees paid for the academic equivalent of the first two years of post-secondary education during a maximum of five taxable years, not exceeding a total of five thousand dollars. "Qualified tuition and fees" does not

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| include: | 77207 |
| (a) Expenses for any course or activity involving sports, games, or hobbies unless the course or activity is part of the individual's degree or diploma program; | 77208 77209 77210 |
| (b) The cost of books, room and board, student activity fees, athletic fees, insurance expenses, or other expenses unrelated to the individual's academic course of instruction; | 77211 77212 77213 |
| (c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program. | 77214 77215 77216 |
| (BB)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any. | 77217 77218 77219 |
| (2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied: | 77220 77221 77222 77223 77224 |
| (a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust. | 77225 77226 77227 77228 77229 |
| (b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss. | 77230 77231 77232 |
| Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be. | 77233 77234 77235 |
| (3) "Modified nonbusiness income" means a trust's Ohio | 77236 |

taxable income other than modified business income, other than the 77237
qualifying trust amount, and other than qualifying investment 77238
income, as defined in section 5747.012 of the Revised Code, to the 77239
extent such qualifying investment income is not otherwise part of 77240
modified business income. 77241

(4) "Modified Ohio taxable income" applies only to trusts, 77242
and means the sum of the amounts described in divisions (BB)(4)(a) 77243
to (c) of this section: 77244

(a) The fraction, calculated under section 5747.013, and 77245
applying section 5747.231 of the Revised Code, multiplied by the 77246
sum of the following amounts: 77247

(i) The trust's modified business income; 77248

(ii) The trust's qualifying investment income, as defined in 77249
section 5747.012 of the Revised Code, but only to the extent the 77250
qualifying investment income does not otherwise constitute 77251
modified business income and does not otherwise constitute a 77252
qualifying trust amount. 77253

(b) The qualifying trust amount multiplied by a fraction, the 77254
numerator of which is the sum of the book value of the qualifying 77255
investee's physical assets in this state on the last day of the 77256
qualifying investee's fiscal or calendar year ending immediately 77257
prior to the day on which the trust recognizes the qualifying 77258
trust amount, and the denominator of which is the sum of the book 77259
value of the qualifying investee's total physical assets 77260
everywhere on the last day of the qualifying investee's fiscal or 77261
calendar year ending immediately prior to the day on which the 77262
trust recognizes the qualifying trust amount. If, for a taxable 77263
year, the trust recognizes a qualifying trust amount with respect 77264
to more than one qualifying investee, the amount described in 77265
division (BB)(4)(b) of this section shall equal the sum of the 77266
products so computed for each such qualifying investee. 77267

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b)

of this section, all of the following apply: 77300

(i) If the qualifying investee is a member of a qualifying 77301
controlled group on the last day of the qualifying investee's 77302
fiscal or calendar year ending immediately prior to the date on 77303
which the trust recognizes the gain or loss, then "qualifying 77304
investee" includes all persons in the qualifying controlled group 77305
on such last day. 77306

(ii) If the qualifying investee, or if the qualifying 77307
investee and any members of the qualifying controlled group of 77308
which the qualifying investee is a member on the last day of the 77309
qualifying investee's fiscal or calendar year ending immediately 77310
prior to the date on which the trust recognizes the gain or loss, 77311
separately or cumulatively own, directly or indirectly, on the 77312
last day of the qualifying investee's fiscal or calendar year 77313
ending immediately prior to the date on which the trust recognizes 77314
the qualifying trust amount, more than fifty per cent of the 77315
equity of a pass-through entity, then the qualifying investee and 77316
the other members are deemed to own the proportionate share of the 77317
pass-through entity's physical assets which the pass-through 77318
entity directly or indirectly owns on the last day of the 77319
pass-through entity's calendar or fiscal year ending within or 77320
with the last day of the qualifying investee's fiscal or calendar 77321
year ending immediately prior to the date on which the trust 77322
recognizes the qualifying trust amount. 77323

(iii) For the purposes of division (BB)(5)(a)(iii) of this 77324
section, "upper level pass-through entity" means a pass-through 77325
entity directly or indirectly owning any equity of another 77326
pass-through entity, and "lower level pass-through entity" means 77327
that other pass-through entity. 77328

An upper level pass-through entity, whether or not it is also 77329
a qualifying investee, is deemed to own, on the last day of the 77330
upper level pass-through entity's calendar or fiscal year, the 77331

proportionate share of the lower level pass-through entity's 77332
physical assets that the lower level pass-through entity directly 77333
or indirectly owns on the last day of the lower level pass-through 77334
entity's calendar or fiscal year ending within or with the last 77335
day of the upper level pass-through entity's fiscal or calendar 77336
year. If the upper level pass-through entity directly and 77337
indirectly owns less than fifty per cent of the equity of the 77338
lower level pass-through entity on each day of the upper level 77339
pass-through entity's calendar or fiscal year in which or with 77340
which ends the calendar or fiscal year of the lower level 77341
pass-through entity and if, based upon clear and convincing 77342
evidence, complete information about the location and cost of the 77343
physical assets of the lower pass-through entity is not available 77344
to the upper level pass-through entity, then solely for purposes 77345
of ascertaining if a gain or loss constitutes a qualifying trust 77346
amount, the upper level pass-through entity shall be deemed as 77347
owning no equity of the lower level pass-through entity for each 77348
day during the upper level pass-through entity's calendar or 77349
fiscal year in which or with which ends the lower level 77350
pass-through entity's calendar or fiscal year. Nothing in division 77351
(BB)(5)(a)(iii) of this section shall be construed to provide for 77352
any deduction or exclusion in computing any trust's Ohio taxable 77353
income. 77354

(b) With respect to a trust that is not a resident for the 77355
taxable year and with respect to a part of a trust that is not a 77356
resident for the taxable year, "qualifying investee" for that 77357
taxable year does not include a C corporation if both of the 77358
following apply: 77359

(i) During the taxable year the trust or part of the trust 77360
recognizes a gain or loss from the sale, exchange, or other 77361
disposition of equity or ownership interests in, or debt 77362
obligations of, the C corporation. 77363

(ii) Such gain or loss constitutes nonbusiness income. 77364

(6) "Available" means information is such that a person is 77365
able to learn of the information by the due date plus extensions, 77366
if any, for filing the return for the taxable year in which the 77367
trust recognizes the gain or loss. 77368

(CC) "Qualifying controlled group" has the same meaning as in 77369
section 5733.04 of the Revised Code. 77370

(DD) "Related member" has the same meaning as in section 77371
5733.042 of the Revised Code. 77372

(EE)(1) For the purposes of division (EE) of this section: 77373

(a) "Qualifying person" means any person other than a 77374
qualifying corporation. 77375

(b) "Qualifying corporation" means any person classified for 77376
federal income tax purposes as an association taxable as a 77377
corporation, except either of the following: 77378

(i) A corporation that has made an election under subchapter 77379
S, chapter one, subtitle A, of the Internal Revenue Code for its 77380
taxable year ending within, or on the last day of, the investor's 77381
taxable year; 77382

(ii) A subsidiary that is wholly owned by any corporation 77383
that has made an election under subchapter S, chapter one, 77384
subtitle A of the Internal Revenue Code for its taxable year 77385
ending within, or on the last day of, the investor's taxable year. 77386

(2) For the purposes of this chapter, unless expressly stated 77387
otherwise, no qualifying person indirectly owns any asset directly 77388
or indirectly owned by any qualifying corporation. 77389

(FF) For purposes of this chapter and Chapter 5751. of the 77390
Revised Code: 77391

(1) "Trust" does not include a qualified pre-income tax 77392
trust. 77393

(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.

(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.

(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements:

(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972;

(b) The trust became irrevocable upon the creation of the trust; and

(c) The grantor was domiciled in this state at the time the trust was created.

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving

income in this state, on every individual, trust, and estate 77424
 earning or receiving lottery winnings, prizes, or awards pursuant 77425
 to Chapter 3770. of the Revised Code, on every individual, trust, 77426
 and estate earning or receiving winnings on casino gaming, and on 77427
 every individual, trust, and estate otherwise having nexus with or 77428
 in this state under the Constitution of the United States, an 77429
 annual tax measured in the case of individuals by Ohio adjusted 77430
 gross income less an exemption for the taxpayer, the taxpayer's 77431
 spouse, and each dependent as provided in section 5747.025 of the 77432
 Revised Code; measured in the case of trusts by modified Ohio 77433
 taxable income under division (D) of this section; and measured in 77434
 the case of estates by Ohio taxable income. The tax imposed by 77435
 this section on the balance thus obtained is hereby levied as 77436
 follows: 77437

(1) For taxable years beginning in 2004: 77438

OHIO ADJUSTED GROSS INCOME LESS 77439

EXEMPTIONS (INDIVIDUALS)

OR 77440

MODIFIED OHIO 77441

TAXABLE INCOME (TRUSTS) 77442

OR 77443

OHIO TAXABLE INCOME (ESTATES) TAX 77444

\$5,000 or less .743% 77445

More than \$5,000 but not more \$37.15 plus 1.486% of the amount 77446
 than \$10,000 in excess of \$5,000

More than \$10,000 but not more \$111.45 plus 2.972% of the 77447
 than \$15,000 amount in excess of \$10,000

More than \$15,000 but not more \$260.05 plus 3.715% of the 77448
 than \$20,000 amount in excess of \$15,000

More than \$20,000 but not more \$445.80 plus 4.457% of the 77449
 than \$40,000 amount in excess of \$20,000

More than \$40,000 but not more \$1,337.20 plus 5.201% of the 77450

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| than \$80,000 | amount in excess of \$40,000 | |
| More than \$80,000 but not more than \$100,000 | \$3,417.60 plus 5.943% of the amount in excess of \$80,000 | 77451 |
| More than \$100,000 but not more than \$200,000 | \$4,606.20 plus 6.9% of the amount in excess of \$100,000 | 77452 |
| More than \$200,000 | \$11,506.20 plus 7.5% of the amount in excess of \$200,000 | 77453 |
| (2) For taxable years beginning in 2005: | | 77454 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) | | 77455 |
| OR | | 77456 |
| MODIFIED OHIO TAXABLE INCOME (TRUSTS) | | 77457 |
| OR | | 77459 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 77460 |
| \$5,000 or less | .712% | 77461 |
| More than \$5,000 but not more than \$10,000 | \$35.60 plus 1.424% of the amount in excess of \$5,000 | 77462 |
| More than \$10,000 but not more than \$15,000 | \$106.80 plus 2.847% of the amount in excess of \$10,000 | 77463 |
| More than \$15,000 but not more than \$20,000 | \$249.15 plus 3.559% of the amount in excess of \$15,000 | 77464 |
| More than \$20,000 but not more than \$40,000 | \$427.10 plus 4.27% of the amount in excess of \$20,000 | 77465 |
| More than \$40,000 but not more than \$80,000 | \$1,281.10 plus 4.983% of the amount in excess of \$40,000 | 77466 |
| More than \$80,000 but not more than \$100,000 | \$3,274.30 plus 5.693% of the amount in excess of \$80,000 | 77467 |
| More than \$100,000 but not more than \$200,000 | \$4,412.90 plus 6.61% of the amount in excess of \$100,000 | 77468 |
| More than \$200,000 | \$11,022.90 plus 7.185% of the amount in excess of \$200,000 | 77469 |
| (3) For taxable years beginning in 2006: | | 77470 |

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| OHIO ADJUSTED GROSS INCOME LESS | | 77471 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 77472 |
| MODIFIED OHIO | | 77473 |
| TAXABLE INCOME (TRUSTS) | | 77474 |
| OR | | 77475 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 77476 |
| \$5,000 or less | .681% | 77477 |
| More than \$5,000 but not more than \$10,000 | \$34.05 plus 1.361% of the amount in excess of \$5,000 | 77478 |
| More than \$10,000 but not more than \$15,000 | \$102.10 plus 2.722% of the amount in excess of \$10,000 | 77479 |
| More than \$15,000 but not more than \$20,000 | \$238.20 plus 3.403% of the amount in excess of \$15,000 | 77480 |
| More than \$20,000 but not more than \$40,000 | \$408.35 plus 4.083% of the amount in excess of \$20,000 | 77481 |
| More than \$40,000 but not more than \$80,000 | \$1,224.95 plus 4.764% of the amount in excess of \$40,000 | 77482 |
| More than \$80,000 but not more than \$100,000 | \$3,130.55 plus 5.444% of the amount in excess of \$80,000 | 77483 |
| More than \$100,000 but not more than \$200,000 | \$4,219.35 plus 6.32% of the amount in excess of \$100,000 | 77484 |
| More than \$200,000 | \$10,539.35 plus 6.87% of the amount in excess of \$200,000 | 77485 |
| (4) For taxable years beginning in 2007: | | 77486 |
| OHIO ADJUSTED GROSS INCOME LESS | | 77487 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 77488 |
| MODIFIED OHIO | | 77489 |
| TAXABLE INCOME (TRUSTS) | | 77490 |
| OR | | 77491 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 77492 |
| \$5,000 or less | .649% | 77493 |

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| More than \$5,000 but not more than \$10,000 | \$32.45 plus 1.299% of the amount in excess of \$5,000 | 77494 |
| More than \$10,000 but not more than \$15,000 | \$97.40 plus 2.598% of the amount in excess of \$10,000 | 77495 |
| More than \$15,000 but not more than \$20,000 | \$227.30 plus 3.247% of the amount in excess of \$15,000 | 77496 |
| More than \$20,000 but not more than \$40,000 | \$389.65 plus 3.895% of the amount in excess of \$20,000 | 77497 |
| More than \$40,000 but not more than \$80,000 | \$1,168.65 plus 4.546% of the amount in excess of \$40,000 | 77498 |
| More than \$80,000 but not more than \$100,000 | \$2,987.05 plus 5.194% of the amount in excess of \$80,000 | 77499 |
| More than \$100,000 but not more than \$200,000 | \$4,025.85 plus 6.031% of the amount in excess of \$100,000 | 77500 |
| More than \$200,000 | \$10,056.85 plus 6.555% of the amount in excess of \$200,000 | 77501 |
| (5) For taxable years beginning in 2008, 2009, or 2010: | | 77502 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) | | 77503 |
| OR | | 77504 |
| MODIFIED OHIO | | 77505 |
| TAXABLE INCOME (TRUSTS) | | 77506 |
| OR | | 77507 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 77508 |
| \$5,000 or less | .618% | 77509 |
| More than \$5,000 but not more than \$10,000 | \$30.90 plus 1.236% of the amount in excess of \$5,000 | 77510 |
| More than \$10,000 but not more than \$15,000 | \$92.70 plus 2.473% of the amount in excess of \$10,000 | 77511 |
| More than \$15,000 but not more than \$20,000 | \$216.35 plus 3.091% of the amount in excess of \$15,000 | 77512 |
| More than \$20,000 but not more than \$40,000 | \$370.90 plus 3.708% of the amount in excess of \$20,000 | 77513 |

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| More than \$40,000 but not more than \$80,000 | \$1,112.50 plus 4.327% of the amount in excess of \$40,000 | 77514 |
| More than \$80,000 but not more than \$100,000 | \$2,843.30 plus 4.945% of the amount in excess of \$80,000 | 77515 |
| More than \$100,000 but not more than \$200,000 | \$3,832.30 plus 5.741% of the amount in excess of \$100,000 | 77516 |
| More than \$200,000 | \$9,573.30 plus 6.24% of the amount in excess of \$200,000 | 77517 |
| (6) For taxable years beginning in 2011 or 2012: | | 77518 |
| OHIO ADJUSTED GROSS INCOME LESS | | 77519 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 77520 |
| MODIFIED OHIO | | 77521 |
| TAXABLE INCOME (TRUSTS) | | 77522 |
| OR | | 77523 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 77524 |
| \$5,000 or less | .587% | 77525 |
| More than \$5,000 but not more than \$10,000 | \$29.35 plus 1.174% of the amount in excess of \$5,000 | 77526 |
| More than \$10,000 but not more than \$15,000 | \$88.05 plus 2.348% of the amount in excess of \$10,000 | 77527 |
| More than \$15,000 but not more than \$20,000 | \$205.45 plus 2.935% of the amount in excess of \$15,000 | 77528 |
| More than \$20,000 but not more than \$40,000 | \$352.20 plus 3.521% of the amount in excess of \$20,000 | 77529 |
| More than \$40,000 but not more than \$80,000 | \$1,056.40 plus 4.109% of the amount in excess of \$40,000 | 77530 |
| More than \$80,000 but not more than \$100,000 | \$2,700.00 plus 4.695% of the amount in excess of \$80,000 | 77531 |
| More than \$100,000 but not more than \$200,000 | \$3,639.00 plus 5.451% of the amount in excess of \$100,000 | 77532 |
| More than \$200,000 | \$9,090.00 plus 5.925% of the amount in excess of \$200,000 | 77533 |

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| (7) For taxable years beginning in 2013: | | 77534 |
| OHIO ADJUSTED GROSS INCOME LESS | | 77535 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 77536 |
| MODIFIED OHIO | | 77537 |
| TAXABLE INCOME (TRUSTS) | | 77538 |
| OR | | 77539 |
| OHIO TAXABLE INCOME (ESTATES) | TAX | 77540 |
| \$5,000 or less | .537% | 77541 |
| More than \$5,000 but not more than \$10,000 | \$26.86 plus 1.074% of the amount in excess of \$5,000 | 77542 |
| More than \$10,000 but not more than \$15,000 | \$80.57 plus 2.148% of the amount in excess of \$10,000 | 77543 |
| More than \$15,000 but not more than \$20,000 | \$187.99 plus 2.686% of the amount in excess of \$15,000 | 77544 |
| More than \$20,000 but not more than \$40,000 | \$322.26 plus 3.222% of the amount in excess of \$20,000 | 77545 |
| More than \$40,000 but not more than \$80,000 | \$966.61 plus 3.760% of the amount in excess of \$40,000 | 77546 |
| More than \$80,000 but not more than \$100,000 | \$2,470.50 plus 4.296% of the amount in excess of \$80,000 | 77547 |
| More than \$100,000 but not more than \$200,000 | \$3,329.68 plus 4.988% of the amount in excess of \$100,000 | 77548 |
| More than \$200,000 | \$8,317.35 plus 5.421% of the amount in excess of \$200,000 | 77549 |
| (8) For taxable years beginning in 2014 or thereafter : | | 77550 |
| OHIO ADJUSTED GROSS INCOME LESS | | 77551 |
| EXEMPTIONS (INDIVIDUALS) | | |
| OR | | 77552 |
| MODIFIED OHIO | | 77553 |
| TAXABLE INCOME (TRUSTS) | | 77554 |
| OR | | 77555 |

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| OHIO TAXABLE INCOME (ESTATES) | TAX | 77556 |
| \$5,000 or less | .528% | 77557 |
| More than \$5,000 but not more than \$10,000 | \$26.41 plus 1.057% of the amount in excess of \$5,000 | 77558 |
| More than \$10,000 but not more than \$15,000 | \$79.24 plus 2.113% of the amount in excess of \$10,000 | 77559 |
| More than \$15,000 but not more than \$20,000 | \$184.90 plus 2.642% of the amount in excess of \$15,000 | 77560 |
| More than \$20,000 but not more than \$40,000 | \$316.98 plus 3.169% of the amount in excess of \$20,000 | 77561 |
| More than \$40,000 but not more than \$80,000 | \$950.76 plus 3.698% of the amount in excess of \$40,000 | 77562 |
| More than \$80,000 but not more than \$100,000 | \$2,430.00 plus 4.226% of the amount in excess of \$80,000 | 77563 |
| More than \$100,000 but not more than \$200,000 | \$3,275.10 plus 4.906% of the amount in excess of \$100,000 | 77564 |
| More than \$200,000 | \$8,181.00 plus 5.333% of the amount in excess of \$200,000 | 77565 |
| <u>(9) For taxable years beginning in 2015 or thereafter:</u> | | 77566 |
| <u>OHIO ADJUSTED GROSS INCOME LESS</u> | | 77567 |
| <u>EXEMPTIONS (INDIVIDUALS)</u> | | |
| <u>OR</u> | | 77568 |
| <u>MODIFIED OHIO</u> | | 77569 |
| <u>TAXABLE INCOME (TRUSTS)</u> | | 77570 |
| <u>OR</u> | | 77571 |
| <u>OHIO TAXABLE INCOME (ESTATES)</u> | <u>TAX</u> | 77572 |
| <u>\$5,000 or less</u> | <u>.495%</u> | 77573 |
| <u>More than \$5,000 but not more than \$10,000</u> | <u>\$24.75 plus .990% of the amount in excess of \$5,000</u> | 77574 |
| <u>More than \$10,000 but not more than \$15,000</u> | <u>\$74.25 plus 1.980% of the amount in excess of \$10,000</u> | 77575 |
| <u>More than \$15,000 but not more than \$20,000</u> | <u>\$173.25 plus 2.476% of the amount in excess of \$15,000</u> | 77576 |

| | | |
|--|--|-------|
| <u>More than \$20,000 but not more than \$40,000</u> | <u>\$297.05 plus 2.969% of the amount in excess of \$20,000</u> | 77577 |
| <u>More than \$40,000 but not more than \$80,000</u> | <u>\$890.85 plus 3.465% of the amount in excess of \$40,000</u> | 77578 |
| <u>More than \$80,000 but not more than \$100,000</u> | <u>\$2,276.85 plus 3.960% of the amount in excess of \$80,000</u> | 77579 |
| <u>More than \$100,000 but not more than \$200,000</u> | <u>\$3,068.85 plus 4.597% of the amount in excess of \$100,000</u> | 77580 |
| <u>More than \$200,000</u> | <u>\$7,665.85 plus 4.997% of the amount in excess of \$200,000</u> | 77581 |

Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. The rates of taxation shall not be adjusted.

The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year. The commissioner shall not make a new adjustment for taxable years beginning in 2013, 2014, or 2015.

(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under division (A) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.

(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district created under section 715.70 or 715.71 or sections 715.72 to 715.81 of the Revised Code from levying a tax on income.

(D) This division applies only to taxable years of a trust beginning in 2002 or thereafter.

(1) The tax imposed by this section on a trust shall be computed by multiplying the Ohio modified taxable income of the trust by the rates prescribed by division (A) of this section.

(2) A resident trust may claim a credit against the tax computed under division (D) of this section equal to the lesser of (1) the tax paid to another state or the District of Columbia on the resident trust's modified nonbusiness income, other than the portion of the resident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the Revised Code, or (2) the effective tax rate, based on modified Ohio taxable income, multiplied by the resident trust's modified nonbusiness income other than the portion of the resident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) The credits enumerated in divisions (A)(1) to (13) of section 5747.98 of the Revised Code do not apply to a trust subject to division (D) of this section. Any credits enumerated in

other divisions of section 5747.98 of the Revised Code apply to a trust subject to division (D) of this section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

Sec. 5747.05. As used in this section, "income tax" includes both a tax on net income and a tax measured by net income.

The following credits shall be allowed against the income tax imposed by section 5747.02 of the Revised Code on individuals and estates:

(A)(1) The amount of tax otherwise due under section 5747.02 of the Revised Code on such portion of the adjusted gross income of any nonresident taxpayer that is not allocable or apportionable to this state pursuant to sections 5747.20 to 5747.23 of the Revised Code;

(2) The credit provided under this division shall not exceed the portion of the total tax due under section 5747.02 of the

Revised Code that the amount of the nonresident taxpayer's 77666
adjusted gross income not allocated to this state pursuant to 77667
sections 5747.20 to 5747.23 of the Revised Code bears to the total 77668
adjusted gross income of the nonresident taxpayer derived from all 77669
sources everywhere. 77670

(3) The tax commissioner may enter into an agreement with the 77671
taxing authorities of any state or of the District of Columbia 77672
that imposes an income tax to provide that compensation paid in 77673
this state to a nonresident taxpayer shall not be subject to the 77674
tax levied in section 5747.02 of the Revised Code so long as 77675
compensation paid in such other state or in the District of 77676
Columbia to a resident taxpayer shall likewise not be subject to 77677
the income tax of such other state or of the District of Columbia. 77678

(B) The lesser of division (B)(1) or (2) of this section: 77679

(1) The amount of tax otherwise due under section 5747.02 of 77680
the Revised Code on such portion of the adjusted gross income of a 77681
resident taxpayer that in another state or in the District of 77682
Columbia is subjected to an income tax. The credit provided under 77683
division (B)(1) of this section shall not exceed the portion of 77684
the total tax due under section 5747.02 of the Revised Code that 77685
the amount of the resident taxpayer's adjusted gross income 77686
subjected to an income tax in the other state or in the District 77687
of Columbia bears to the total adjusted gross income of the 77688
resident taxpayer derived from all sources everywhere. 77689

(2) The amount of income tax liability to another state or 77690
the District of Columbia on the portion of the adjusted gross 77691
income of a resident taxpayer that in another state or in the 77692
District of Columbia is subjected to an income tax. The credit 77693
provided under division (B)(2) of this section shall not exceed 77694
the amount of tax otherwise due under section 5747.02 of the 77695
Revised Code. 77696

(3) If the credit provided under division (B) of this section 77697
is affected by a change in either the portion of adjusted gross 77698
income of a resident taxpayer subjected to an income tax in 77699
another state or the District of Columbia or the amount of income 77700
tax liability that has been paid to another state or the District 77701
of Columbia, the taxpayer shall report the change to the tax 77702
commissioner within sixty days of the change in such form as the 77703
commissioner requires. 77704

(a) In the case of an underpayment, the report shall be 77705
accompanied by payment of any additional tax due as a result of 77706
the reduction in credit together with interest on the additional 77707
tax and is a return subject to assessment under section 5747.13 of 77708
the Revised Code solely for the purpose of assessing any 77709
additional tax due under this division, together with any 77710
applicable penalty and interest. It shall not reopen the 77711
computation of the taxpayer's tax liability under this chapter 77712
from a previously filed return no longer subject to assessment 77713
except to the extent that such liability is affected by an 77714
adjustment to the credit allowed by division (B) of this section. 77715

(b) In the case of an overpayment, an application for refund 77716
may be filed under this division within the sixty-day period 77717
prescribed for filing the report even if it is beyond the period 77718
prescribed in section 5747.11 of the Revised Code if it otherwise 77719
conforms to the requirements of such section. An application filed 77720
under this division shall only claim refund of overpayments 77721
resulting from an adjustment to the credit allowed by division (B) 77722
of this section unless it is also filed within the time prescribed 77723
in section 5747.11 of the Revised Code. It shall not reopen the 77724
computation of the taxpayer's tax liability except to the extent 77725
that such liability is affected by an adjustment to the credit 77726
allowed by division (B) of this section. 77727

(4) No credit shall be allowed under division (B) of this 77728

section ~~for~~: 77729

(a) For income tax paid or accrued to another state or to the District of Columbia if the taxpayer, when computing federal adjusted gross income, has directly or indirectly deducted, or was required to directly or indirectly deduct, the amount of that income tax; 77730
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(b) For compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A)(3) of this section; or 77735
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(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid. 77739
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~~(C) For a taxpayer sixty five years of age or older during the taxable year, a credit for such year equal to fifty dollars for each return required to be filed under section 5747.08 of the Revised Code.~~ 77743
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~~(D) A taxpayer sixty five years of age or older during the taxable year who has received a lump sum distribution from a pension, retirement, or profit sharing plan in the taxable year may elect to receive a credit under this division in lieu of the credit to which the taxpayer is entitled under division (C) of this section. A taxpayer making such election shall receive a credit for the taxable year equal to fifty dollars times the taxpayer's expected remaining life as shown by annuity tables issued under the provisions of the Internal Revenue Code and in effect for the calendar year which includes the last day of the taxable year. A taxpayer making an election under this division is not entitled to the credit authorized under division (C) of this section in subsequent taxable years except that if such election~~ 77747
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~~was made prior to July 1, 1983, the taxpayer is entitled to 77760
one half the credit authorized under such division in subsequent 77761
taxable years but may not make another election under this 77762
division. 77763~~

~~(E) A taxpayer who is not sixty five years of age or older 77764
during the taxable year who has received a lump sum distribution 77765
from a pension, retirement, or profit sharing plan in a taxable 77766
year ending on or before July 31, 1991, may elect to take a credit 77767
against the tax otherwise due under this chapter for such year 77768
equal to fifty dollars times the expected remaining life of a 77769
taxpayer sixty five years of age as shown by annuity tables issued 77770
under the provisions of the Internal Revenue Code and in effect 77771
for the calendar year which includes the last day of the taxable 77772
year. A taxpayer making an election under this division is not 77773
entitled to a credit under division (C) or (D) of this section in 77774
any subsequent year except that if such election was made prior to 77775
July 1, 1983, the taxpayer is entitled to one half the credit 77776
authorized under division (C) of this section in subsequent years 77777
but may not make another election under this division. No taxpayer 77778
may make an election under this division for a taxable year ending 77779
on or after August 1, 1991. 77780~~

~~(F) A taxpayer making an election under either division (D) 77781
or (E) of this section may make only one such election in the 77782
taxpayer's lifetime. 77783~~

~~(G) An individual who is a resident for part of a taxable 77784
year and a nonresident for the remainder of the taxable year is 77785
allowed the credits under divisions (A) and (B) of this section in 77786
accordance with rules prescribed by the tax commissioner. In no 77787
event shall the same income be subject to both credits. 77788~~

~~(D) The credit allowed under division (A) of this section 77789
shall be calculated based upon the amount of tax due under section 77790
5747.02 of the Revised Code after subtracting any other credits 77791~~

that precede the credit under that division in the order required 77792
under section 5747.98 of the Revised Code. The credit allowed 77793
under division (B) of this section shall be calculated based upon 77794
the amount of tax due under section 5747.02 of the Revised Code 77795
after subtracting any other credits that precede the credit under 77796
that division in the order required under section 5747.98 of the 77797
Revised Code. 77798

(E)(1) On a joint return filed by a husband and wife, each of 77799
whom had adjusted gross income of at least five hundred dollars, 77800
exclusive of interest, dividends and distributions, royalties, 77801
rent, and capital gains, a credit equal to the percentage shown in 77802
the table contained in this division of the amount of tax due 77803
after allowing for any other credit that precedes the credit under 77804
this division in the order required under section 5747.98 of the 77805
Revised Code. 77806

(2) The credit to which a taxpayer is entitled under this 77807
division in any taxable year is the percentage shown in column B 77808
that corresponds with the taxpayer's adjusted gross income, less 77809
exemptions for the taxable year: 77810

| A. | B. | |
|-----------------------------------|----------------------------|-------|
| IF THE ADJUSTED GROSS INCOME, | THE CREDIT FOR THE TAXABLE | 77811 |
| LESS EXEMPTIONS, FOR THE TAX YEAR | YEAR IS: | 77812 |
| IS: | | |
| \$25,000 or less | 20% | 77813 |
| More than \$25,000 but not more | 15% | 77814 |
| than \$50,000 | | |
| More than \$50,000 but not more | 10% | 77815 |
| than \$75,000 | | |
| More than \$75,000 | 5% | 77816 |

(3) The credit allowed under this division shall not exceed 77817
six hundred fifty dollars in any taxable year. 77818

(4) The credit shall be claimed in the order required under 77819

section 5747.98 of the Revised Code. 77820

~~(H)(F) No claim for credit under this section shall be 77821
allowed unless the claimant furnishes such supporting information 77822
as the tax commissioner prescribes by rules. Each credit under 77823
this section shall be claimed in the order required under section 77824
5747.98 of the Revised Code. 77825~~

~~(I) An individual who is a resident for part of a taxable 77826
year and a nonresident for the remainder of the taxable year is 77827
allowed the credits under divisions (A) and (B) of this section in 77828
accordance with rules prescribed by the tax commissioner. In no 77829
event shall the same income be subject to both credits. 77830~~

~~(J) The credit allowed under division (A) of this section 77831
shall be calculated based upon the amount of tax due under section 77832
5747.02 of the Revised Code after subtracting any other credits 77833
that precede the credit under that division in the order required 77834
under section 5747.98 of the Revised Code. The credit allowed 77835
under division (B) of this section shall be calculated based upon 77836
the amount of tax due under section 5747.02 of the Revised Code 77837
after subtracting any other credits that precede the credit under 77838
that division in the order required under section 5747.98 of the 77839
Revised Code. 77840~~

~~(K) No credit shall be allowed under division (B) of this 77841
section unless the taxpayer furnishes such proof as the tax 77842
commissioner shall require that the income tax liability has been 77843
paid to another state or the District of Columbia. 77844~~

~~(L) No credit shall be allowed under division (B) of this 77845
section for compensation that is not subject to the income tax of 77846
another state or the District of Columbia as the result of an 77847
agreement entered into by the tax commissioner under division 77848
(A)(3) of this section. 77849~~

Sec. 5747.055. (A) As used in this section "retirement
income" means retirement benefits, annuities, or distributions
that are made from or pursuant to a pension, retirement, or
profit-sharing plan and that:

(1) In the case of an individual, are received by the
individual on account of retirement and are included in the
individual's adjusted gross income;

(2) In the case of an estate, are payable to the estate for
the benefit of the surviving spouse of the decedent and are
included in the estate's taxable income.

(B) A credit shall be allowed against the tax imposed by
section 5747.02 of the Revised Code for taxpayers who received
retirement income during the taxable year and whose adjusted gross
income for the taxable year, less applicable exemptions under
section 5747.025 of the Revised Code, as shown on an individual or
joint annual return is less than one hundred thousand dollars.
Only one such credit shall be allowed for each return, and the
amount of the credit shall be computed in accordance with the
following schedule, subject to the limitation provided in division
(F) of this section:

| AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR | CREDIT FOR THE TAXABLE YEAR | |
|---|--------------------------------|-------|
| \$500 or less | \$ 0 | 77872 |
| Over \$500 but not more than \$1,500 | \$ 25 | 77873 |
| Over \$1,500 but not more than \$3,000 | \$ 50 | 77874 |
| Over \$3,000 but not more than \$5,000 | \$ 80 | 77875 |
| Over \$5,000 but not more than \$8,000 | \$130 | 77876 |
| Over \$8,000 | \$200 | 77877 |

(C) At the election of a taxpayer who receives a lump-sum
distribution from a pension, retirement, or profit-sharing plan
within one taxable year and whose adjusted gross income for the

taxable year, less applicable exemptions under section 5747.025 of 77881
the Revised Code, as shown on an individual or joint annual return 77882
is less than one hundred thousand dollars, the credit allowed by 77883
this section for that year shall be computed as follows: 77884

(1) Divide the amount of retirement income received during 77885
the taxable year by the taxpayer's expected remaining life on the 77886
last day of the taxable year, as shown by annuity tables issued 77887
under the provisions of the Internal Revenue Code and in effect 77888
for the calendar year that includes the last day of the taxable 77889
year; 77890

(2) Using the quotient thus obtained as the amount of 77891
retirement income received during the taxable year, compute the 77892
credit for the taxable year in accordance with division (B) of 77893
this section; 77894

(3) Multiply the credit thus obtained by the taxpayer's 77895
expected remaining life. The product thus obtained shall be the 77896
credit under this division for the taxable year. A taxpayer who 77897
elects to receive a credit under this division is not entitled to 77898
receive a credit under this section for any subsequent year except 77899
as provided in divisions (D) and (E) of this section. 77900

(D) If the credit under division (C) or (E) of this section 77901
exceeds the tax due for the taxable year after allowing for any 77902
other credit that precedes that credit in the order required under 77903
section 5747.98 of the Revised Code, the taxpayer may elect to 77904
receive a credit for each subsequent taxable year. The amount of 77905
the credit for each such year shall be computed as follows: 77906

(1) Determine the amount by which the unused credit elected 77907
under division (C) or (E) of this section exceeded the tax due for 77908
the taxable year after allowing for any preceding credit in the 77909
required order; 77910

(2) Divide the amount of such excess by one year less than 77911

the taxpayer's expected remaining life on the last day of the 77912
taxable year of the distribution for which the credit was allowed 77913
under division (C) or (E) of this section. The quotient thus 77914
obtained shall be the credit for each subsequent year. 77915

(E) If subsequent to the receipt of a lump-sum distribution 77916
and an election under division (C) of this section an individual 77917
receives another lump-sum distribution within one taxable year, 77918
and the taxpayer's adjusted gross income for the taxable year, 77919
less applicable exemptions under section 5747.025 of the Revised 77920
Code, as shown on an individual or joint annual return is less 77921
than one hundred thousand dollars, the taxpayer may elect to 77922
receive a credit for that taxable year. The credit shall equal the 77923
lesser of: 77924

(1) A credit computed in the manner prescribed in division 77925
(C) of this section; 77926

(2) The amount of credit, if any, to which the taxpayer would 77927
otherwise be entitled for the taxable year under division (D) of 77928
this section times the taxpayer's expected remaining life on the 77929
last day of the taxable year. A taxpayer who elects to receive a 77930
credit under this division is not entitled to a credit under this 77931
section for any subsequent year except as provided in division (D) 77932
of this section. 77933

~~(F) In the case of a taxpayer who elected to take an 77934
exclusion under division (A)(1) or (3) of former section 5747.01 77935
of the Revised Code based upon the taxpayer's expected remaining 77936
life, and who was entitled immediately preceding the effective 77937
date of this section under division (A)(2) or (3) of such section 77938
to a further exclusion, any credit computed in accordance with the 77939
schedule in division (B) of this section, including the credit 77940
computed under division (C)(2) of this section, shall not exceed 77941
the credit available upon an amount of retirement income received 77942
during the taxable year equal to the sum of such former exclusion 77943~~

~~plus four thousand dollars~~ A credit equal to fifty dollars for 77944
each return required to be filed under section 5747.08 of the 77945
Revised Code shall be allowed against the tax imposed by section 77946
5747.02 of the Revised Code for taxpayers sixty-five years of age 77947
or older during the taxable year whose adjusted gross income, less 77948
applicable exemptions under section 5747.025 of the Revised Code, 77949
as shown on an individual or joint annual return is less than one 77950
hundred thousand dollars for that taxable year. 77951

(G) A taxpayer sixty-five years of age or older during the 77952
taxable year who has received a lump-sum distribution from a 77953
pension, retirement, or profit-sharing plan in the taxable year, 77954
and whose adjusted gross income, less applicable exemptions under 77955
section 5747.025 of the Revised Code, as shown on an individual or 77956
joint annual return is less than one hundred thousand dollars for 77957
that taxable year may elect to receive a credit under this 77958
division in lieu of the credit to which the taxpayer is entitled 77959
under division (F) of this section. A taxpayer making such an 77960
election shall receive a credit for the taxable year against the 77961
tax imposed by section 5747.02 of the Revised Code equal to fifty 77962
dollars times the taxpayer's expected remaining life as shown by 77963
annuity tables issued under the Internal Revenue Code and in 77964
effect for the calendar year that includes the last day of the 77965
taxable year. A taxpayer making an election under this division is 77966
not entitled to the credit authorized under division (F) of this 77967
section in subsequent taxable years. 77968

(H) The credits allowed by this section shall be claimed in 77969
the order required under section 5747.98 of the Revised Code. The 77970
tax commissioner may require a taxpayer to furnish any information 77971
necessary to support a claim for credit under this section, and no 77972
credit shall be allowed unless such information is provided. 77973

Sec. 5747.058. (A) A refundable income tax credit granted by 77974

the tax credit authority under section 122.17 or former division 77975
(B)(2) or (3) of section 122.171 of the Revised Code, as those 77976
divisions existed before the effective date of the amendment of 77977
this section by H.B. 64 of the 131st general assembly, may be 77978
claimed under this chapter, in the order required under section 77979
5747.98 of the Revised Code. For purposes of making tax payments 77980
under this chapter, taxes equal to the amount of the refundable 77981
credit shall be considered to be paid to this state on the first 77982
day of the taxable year. The refundable credit shall not be 77983
claimed for any taxable years ending with or following the 77984
calendar year in which a relocation of employment positions occurs 77985
in violation of an agreement entered into under section 122.17 or 77986
122.171 of the Revised Code. 77987

(B) A nonrefundable income tax credit granted by the tax 77988
credit authority under division (B)~~(1)~~ of section 122.171 of the 77989
Revised Code may be claimed under this chapter, in the order 77990
required under section 5747.98 of the Revised Code. 77991

Sec. 5747.08. An annual return with respect to the tax 77992
imposed by section 5747.02 of the Revised Code and each tax 77993
imposed under Chapter 5748. of the Revised Code shall be made by 77994
every taxpayer for any taxable year for which the taxpayer is 77995
liable for the tax imposed by that section or under that chapter, 77996
unless the total credits allowed under ~~divisions~~ division (E)~~,~~ 77997
~~(F), and (G)~~ of section 5747.05 and divisions (F) and (G) of 77998
section 5747.055 of the Revised Code for the year are equal to or 77999
exceed the tax imposed by section 5747.02 of the Revised Code, in 78000
which case no return shall be required unless the taxpayer is 78001
liable for a tax imposed pursuant to Chapter 5748. of the Revised 78002
Code. 78003

(A) If an individual is deceased, any return or notice 78004
required of that individual under this chapter shall be made and 78005

filed by that decedent's executor, administrator, or other person 78006
charged with the property of that decedent. 78007

(B) If an individual is unable to make a return or notice 78008
required by this chapter, the return or notice required of that 78009
individual shall be made and filed by the individual's duly 78010
authorized agent, guardian, conservator, fiduciary, or other 78011
person charged with the care of the person or property of that 78012
individual. 78013

(C) Returns or notices required of an estate or a trust shall 78014
be made and filed by the fiduciary of the estate or trust. 78015

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 78016
of this section, any pass-through entity may file a single return 78017
on behalf of one or more of the entity's investors other than an 78018
investor that is a person subject to the tax imposed under section 78019
5733.06 of the Revised Code. The single return shall set forth the 78020
name, address, and social security number or other identifying 78021
number of each of those pass-through entity investors and shall 78022
indicate the distributive share of each of those pass-through 78023
entity investor's income taxable in this state in accordance with 78024
sections 5747.20 to 5747.231 of the Revised Code. Such 78025
pass-through entity investors for whom the pass-through entity 78026
elects to file a single return are not entitled to the exemption 78027
or credit provided for by sections 5747.02 and 5747.022 of the 78028
Revised Code; shall calculate the tax before business credits at 78029
the highest rate of tax set forth in section 5747.02 of the 78030
Revised Code for the taxable year for which the return is filed; 78031
and are entitled to only their distributive share of the business 78032
credits as defined in division (D)(2) of this section. A single 78033
check drawn by the pass-through entity shall accompany the return 78034
in full payment of the tax due, as shown on the single return, for 78035
such investors, other than investors who are persons subject to 78036
the tax imposed under section 5733.06 of the Revised Code. 78037

(b)(i) A pass-through entity shall not include in such a 78038
single return any investor that is a trust to the extent that any 78039
direct or indirect current, future, or contingent beneficiary of 78040
the trust is a person subject to the tax imposed under section 78041
5733.06 of the Revised Code. 78042

(ii) A pass-through entity shall not include in such a single 78043
return any investor that is itself a pass-through entity to the 78044
extent that any direct or indirect investor in the second 78045
pass-through entity is a person subject to the tax imposed under 78046
section 5733.06 of the Revised Code. 78047

(c) Nothing in division (D) of this section precludes the tax 78048
commissioner from requiring such investors to file the return and 78049
make the payment of taxes and related interest, penalty, and 78050
interest penalty required by this section or section 5747.02, 78051
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 78052
of this section precludes such an investor from filing the annual 78053
return under this section, utilizing the refundable credit equal 78054
to the investor's proportionate share of the tax paid by the 78055
pass-through entity on behalf of the investor under division (I) 78056
of this section, and making the payment of taxes imposed under 78057
section 5747.02 of the Revised Code. Nothing in division (D) of 78058
this section shall be construed to provide to such an investor or 78059
pass-through entity any additional deduction or credit, other than 78060
the credit provided by division (I) of this section, solely on 78061
account of the entity's filing a return in accordance with this 78062
section. Such a pass-through entity also shall make the filing and 78063
payment of estimated taxes on behalf of the pass-through entity 78064
investors other than an investor that is a person subject to the 78065
tax imposed under section 5733.06 of the Revised Code. 78066

(2) For the purposes of this section, "business credits" 78067
means the credits listed in section 5747.98 of the Revised Code 78068
excluding the following credits: 78069

| | |
|--|----------------|
| (a) The retirement <u>income</u> credit under division (B) of section 5747.055 of the Revised Code; | 78070 78071 |
| (b) The senior citizen credit under division (C) <u>(F)</u> of section 5747.05 <u>5747.055</u> of the Revised Code; | 78072 78073 |
| (c) The lump sum distribution credit under division (D) <u>(G)</u> of section 5747.05 <u>5747.055</u> of the Revised Code; | 78074 78075 |
| (d) The dependent care credit under section 5747.054 of the Revised Code; | 78076 78077 |
| (e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code; | 78078 78079 |
| (f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code; | 78080 78081 |
| (g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code; | 78082 78083 |
| (h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code; | 78084 78085 |
| (i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code; | 78086 78087 |
| (j) The joint filing credit under division (C) <u>(E)</u> of section 5747.05 of the Revised Code; | 78088 78089 |
| (k) The nonresident credit under division (A) of section 5747.05 of the Revised Code; | 78090 78091 |
| (l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code; | 78092 78093 |
| (m) The low-income credit under section 5747.056 of the Revised Code; | 78094 78095 |
| (n) The earned income tax credit under section 5747.71 of the Revised Code. | 78096 78097 |
| (3) The election provided for under division (D) of this | 78098 |

section applies only to the taxable year for which the election is 78099
made by the pass-through entity. Unless the tax commissioner 78100
provides otherwise, this election, once made, is binding and 78101
irrevocable for the taxable year for which the election is made. 78102
Nothing in this division shall be construed to provide for any 78103
deduction or credit that would not be allowable if a nonresident 78104
pass-through entity investor were to file an annual return. 78105

(4) If a pass-through entity makes the election provided for 78106
under division (D) of this section, the pass-through entity shall 78107
be liable for any additional taxes, interest, interest penalty, or 78108
penalties imposed by this chapter if the tax commissioner finds 78109
that the single return does not reflect the correct tax due by the 78110
pass-through entity investors covered by that return. Nothing in 78111
this division shall be construed to limit or alter the liability, 78112
if any, imposed on pass-through entity investors for unpaid or 78113
underpaid taxes, interest, interest penalty, or penalties as a 78114
result of the pass-through entity's making the election provided 78115
for under division (D) of this section. For the purposes of 78116
division (D) of this section, "correct tax due" means the tax that 78117
would have been paid by the pass-through entity had the single 78118
return been filed in a manner reflecting the commissioner's 78119
findings. Nothing in division (D) of this section shall be 78120
construed to make or hold a pass-through entity liable for tax 78121
attributable to a pass-through entity investor's income from a 78122
source other than the pass-through entity electing to file the 78123
single return. 78124

(E) If a husband and wife file a joint federal income tax 78125
return for a taxable year, they shall file a joint return under 78126
this section for that taxable year, and their liabilities are 78127
joint and several, but, if the federal income tax liability of 78128
either spouse is determined on a separate federal income tax 78129
return, they shall file separate returns under this section. 78130

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the extension results in an extension of time for the payment of any state or school district income tax liability with respect to which the return is filed, the taxpayer shall pay at the time the tax liability is paid an amount of interest computed at the rate per annum prescribed by section 5703.47 of the Revised Code on that liability from the time that payment is due without extension

to the time of actual payment. Except as provided in section 78163
5747.132 of the Revised Code, in addition to all other interest 78164
charges and penalties, all taxes imposed under this chapter or 78165
Chapter 5748. of the Revised Code and remaining unpaid after they 78166
become due, except combined amounts due of one dollar or less, 78167
bear interest at the rate per annum prescribed by section 5703.47 78168
of the Revised Code until paid or until the day an assessment is 78169
issued under section 5747.13 of the Revised Code, whichever occurs 78170
first. 78171

If the commissioner considers it necessary in order to ensure 78172
the payment of the tax imposed by section 5747.02 of the Revised 78173
Code or any tax imposed under Chapter 5748. of the Revised Code, 78174
the commissioner may require returns and payments to be made 78175
otherwise than as provided in this section. 78176

To the extent that any provision in this division conflicts 78177
with any provision in section 5747.026 of the Revised Code, the 78178
provision in that section prevails. 78179

(H) The amounts withheld by an employer pursuant to section 78180
5747.06 of the Revised Code, a casino operator pursuant to section 78181
5747.063 of the Revised Code, or a lottery sales agent pursuant to 78182
section 5747.064 of the Revised Code shall be allowed to the 78183
recipient of the compensation casino winnings, or lottery prize 78184
award as credits against payment of the appropriate taxes imposed 78185
on the recipient by section 5747.02 and under Chapter 5748. of the 78186
Revised Code. 78187

(I) If a pass-through entity elects to file a single return 78188
under division (D) of this section and if any investor is required 78189
to file the annual return and make the payment of taxes required 78190
by this chapter on account of the investor's other income that is 78191
not included in a single return filed by a pass-through entity or 78192
any other investor elects to file the annual return, the investor 78193
is entitled to a refundable credit equal to the investor's 78194

proportionate share of the tax paid by the pass-through entity on 78195
behalf of the investor. The investor shall claim the credit for 78196
the investor's taxable year in which or with which ends the 78197
taxable year of the pass-through entity. Nothing in this chapter 78198
shall be construed to allow any credit provided in this chapter to 78199
be claimed more than once. For the purpose of computing any 78200
interest, penalty, or interest penalty, the investor shall be 78201
deemed to have paid the refundable credit provided by this 78202
division on the day that the pass-through entity paid the 78203
estimated tax or the tax giving rise to the credit. 78204

(J) The tax commissioner shall ensure that each return 78205
required to be filed under this section includes a box that the 78206
taxpayer may check to authorize a paid tax preparer who prepared 78207
the return to communicate with the department of taxation about 78208
matters pertaining to the return. The return or instructions 78209
accompanying the return shall indicate that by checking the box 78210
the taxpayer authorizes the department of taxation to contact the 78211
preparer concerning questions that arise during the processing of 78212
the return and authorizes the preparer only to provide the 78213
department with information that is missing from the return, to 78214
contact the department for information about the processing of the 78215
return or the status of the taxpayer's refund or payments, and to 78216
respond to notices about mathematical errors, offsets, or return 78217
preparation that the taxpayer has received from the department and 78218
has shown to the preparer. 78219

(K) The tax commissioner shall permit individual taxpayers to 78220
instruct the department of taxation to cause any refund of 78221
overpaid taxes to be deposited directly into a checking account, 78222
savings account, or an individual retirement account or individual 78223
retirement annuity, or preexisting college savings plan or program 78224
account offered by the Ohio tuition trust authority under Chapter 78225
3334. of the Revised Code, as designated by the taxpayer, when the 78226

taxpayer files the annual return required by this section 78227
electronically. 78228

(L) The tax commissioner may adopt rules to administer this 78229
section. 78230

Sec. 5747.113. (A) Any taxpayer claiming a refund under 78231
section 5747.11 of the Revised Code who wishes to contribute any 78232
part of the taxpayer's refund to the natural areas and preserves 78233
fund created in section 1517.11 of the Revised Code, the nongame 78234
and endangered wildlife fund created in section 1531.26 of the 78235
Revised Code, the military injury relief fund created in section 78236
~~5101.98~~ 5902.05 of the Revised Code, the Ohio historical society 78237
income tax contribution fund created in section 149.308 of the 78238
Revised Code, the breast and cervical cancer project income tax 78239
contribution fund created in section 3701.601 of the Revised Code, 78240
or all of those funds may designate on the taxpayer's income tax 78241
return the amount that the taxpayer wishes to contribute to the 78242
fund or funds. A designated contribution is irrevocable upon the 78243
filing of the return and shall be made in the full amount 78244
designated if the refund found due the taxpayer upon the initial 78245
processing of the taxpayer's return, after any deductions 78246
including those required by section 5747.12 of the Revised Code, 78247
is greater than or equal to the designated contribution. If the 78248
refund due as initially determined is less than the designated 78249
contribution, the contribution shall be made in the full amount of 78250
the refund. The tax commissioner shall subtract the amount of the 78251
contribution from the amount of the refund initially found due the 78252
taxpayer and shall certify the difference to the director of 78253
budget and management and treasurer of state for payment to the 78254
taxpayer in accordance with section 5747.11 of the Revised Code. 78255
For the purpose of any subsequent determination of the taxpayer's 78256
net tax payment, the contribution shall be considered a part of 78257
the refund paid to the taxpayer. 78258

(B) The tax commissioner shall provide a space on the income tax return form in which a taxpayer may indicate that the taxpayer wishes to make a donation in accordance with this section. The tax commissioner shall also print in the instructions accompanying the income tax return form a description of the purposes for which the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio historical society income tax contribution fund, and the breast and cervical cancer project income tax contribution fund were created and the use of moneys from the income tax refund contribution system established in this section. No person shall designate on the person's income tax return any part of a refund claimed under section 5747.11 of the Revised Code as a contribution to any fund other than the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio historical society income tax contribution fund, or the breast and cervical cancer project income tax contribution fund.

(C) The money collected under the income tax refund contribution system established in this section shall be deposited by the tax commissioner into the natural areas and preserves fund, the nongame and endangered wildlife fund, the military injury relief fund, the Ohio historical society income tax contribution fund, and the breast and cervical cancer project income tax contribution fund in the amounts designated on the tax returns.

(D) No later than the thirtieth day of September each year, the tax commissioner shall determine the total amount contributed to each fund under this section during the preceding eight months, any adjustments to prior months, and the cost to the department of taxation of administering the income tax refund contribution system during that eight-month period. The commissioner shall make an additional determination no later than the thirty-first day of

January of each year of the total amount contributed to each fund 78291
under this section during the preceding four calendar months, any 78292
adjustments to prior years made during that four-month period, and 78293
the cost to the department of taxation of administering the income 78294
tax contribution system during that period. The cost of 78295
administering the income tax contribution system shall be 78296
certified by the tax commissioner to the director of budget and 78297
management, who shall transfer an amount equal to one-fifth of 78298
such administrative costs from each of the five funds to the 78299
income tax contribution fund, which is hereby created, provided 78300
that the moneys that the department receives to pay the cost of 78301
administering the income tax refund contribution system in any 78302
year shall not exceed two and one-half per cent of the total 78303
amount contributed under that system during that year. 78304

(E) If the total amount contributed to a fund under this 78305
section in each of two consecutive calendar years is less than one 78306
hundred fifty thousand dollars, no person may designate a 78307
contribution to that fund for any taxable year ending after the 78308
last day of that two-year period. In such a case, the tax 78309
commissioner shall remove the space dedicated to the fund on the 78310
income tax return and the description of the fund in the 78311
instructions accompanying the income tax return. 78312

(F) The general assembly may authorize taxpayer refund 78313
contributions to no more than six funds under the income tax 78314
refund contribution system established in this section. If the 78315
general assembly authorizes income tax refund contributions to a 78316
fund other than the natural areas and preserves fund, the nongame 78317
and endangered wildlife fund, the military injury relief fund, the 78318
Ohio historical society income tax contribution fund, or the 78319
breast and cervical cancer project income tax contribution fund, 78320
such contributions may be authorized only for a period of two 78321
calendar years. 78322

With the exception of the Ohio historical society income tax contribution fund, the general assembly may authorize income tax refund contributions to a fund only if all the money in the fund will be expended or distributed by a state agency as defined in section 1.60 of the Revised Code.

(G)(1) The director of natural resources, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

(2) The director of ~~job and family~~ veterans services, the director of the Ohio historical society, and the director of health, in January of every odd-numbered year, each shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund, the Ohio historical society income tax contribution fund, and the breast and cervical cancer project income tax contribution fund, respectively. The report shall include the amount of money contributed to the fund in each of the previous five years, the amount of money contributed directly to the fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

Sec. 5747.50. (A) As used in this section:

(1) "County's proportionate share of the calendar year 2007 LGF and LGRAF distributions" means the percentage computed for the

county under division (B)(1)(a) of section 5747.501 of the Revised Code. 78354
78355

(2) "County's proportionate share of the total amount of the 78356
local government fund additional revenue formula" means each 78357
county's proportionate share of the state's population as 78358
determined for and certified to the county for distributions to be 78359
made during the current calendar year under division (B)(2)(a) of 78360
section 5747.501 of the Revised Code. If prior to the first day of 78361
January of the current calendar year the federal government has 78362
issued a revision to the population figures reflected in the 78363
estimate produced pursuant to division (B)(2)(a) of section 78364
5747.501 of the Revised Code, such revised population figures 78365
shall be used for making the distributions during the current 78366
calendar year. 78367

(3) "2007 LGF and LGRAF county distribution base available in 78368
that month" means the lesser of the amounts described in division 78369
(A)(3)(a) and (b) of this section, provided that the amount shall 78370
not be less than zero: 78371

(a) The total amount available for distribution to counties 78372
from the local government fund during the current month. 78373

(b) The total amount distributed to counties from the local 78374
government fund and the local government revenue assistance fund 78375
to counties in calendar year 2007 less the total amount 78376
distributed to counties under division (B)(1) of this section 78377
during previous months of the current calendar year. 78378

(4) "Local government fund additional revenue distribution 78379
base available during that month" means the total amount available 78380
for distribution to counties during the month from the local 78381
government fund, less any amounts to be distributed in that month 78382
from the local government fund under division (B)(1) of this 78383
section, provided that the local government fund additional 78384

revenue distribution base available during that month shall not be 78385
less than zero. 78386

(5) "Total amount available for distribution to counties" 78387
means the total amount available for distribution from the local 78388
government fund during the current month less the total amount 78389
available for distribution to municipal corporations during the 78390
current month under division (C) of this section. 78391

(B) On or before the tenth day of each month, the tax 78392
commissioner shall provide for payment to each county an amount 78393
equal to the sum of: 78394

(1) The county's proportionate share of the calendar year 78395
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 78396
LGRAF county distribution base available in that month, provided 78397
that if the 2007 LGF and LGRAF county distribution base available 78398
in that month is zero, no payment shall be made under division 78399
(B)(1) of this section for the month or the remainder of the 78400
calendar year; and 78401

(2) The county's proportionate share of the total amount of 78402
the local government fund additional revenue formula multiplied by 78403
the local government fund additional revenue distribution base 78404
available during that month. 78405

Money received into the treasury of a county under this 78406
division shall be credited to the undivided local government fund 78407
in the treasury of the county on or before the fifteenth day of 78408
each month. On or before the twentieth day of each month, the 78409
county auditor shall issue warrants against all of the undivided 78410
local government fund in the county treasury in the respective 78411
amounts allowed as provided in section 5747.51 of the Revised 78412
Code, and the treasurer shall distribute and pay such sums to the 78413
subdivision therein. 78414

(C)(1) As used in division (C) of this section: 78415

(a) "Total amount available for distribution to municipalities during the current month" means the product obtained by multiplying the total amount available for distribution from the local government fund during the current month by the aggregate municipal share.

(b) "Aggregate municipal share" means the quotient obtained by dividing the total amount distributed directly from the local government fund to municipal corporations during calendar year 2007 by the total distributions from the local government fund and local government revenue assistance fund during calendar year 2007.

(2) On or before the tenth day of each month, the tax commissioner shall provide for payment from the local government fund to each municipal corporation an amount equal to the product derived by multiplying the municipal corporation's percentage of the total amount distributed to all such municipal corporations under this division during calendar year 2007 by the total amount available for distribution to municipal corporations during the current month.

(3) Payments received by a municipal corporation under this division shall be paid into its general fund and may be used for any lawful purpose.

(4) The amount distributed to municipal corporations under this division during any calendar year shall not exceed the amount distributed directly from the local government fund to municipal corporations during calendar year 2007. If that maximum amount is reached during any month, distributions to municipal corporations in that month shall be as provided in divisions (C)(1) and (2) of this section, but no further distributions shall be made to municipal corporations under division (C) of this section during the remainder of the calendar year.

(5) Upon being informed of a municipal corporation's 78447
dissolution, the tax commissioner shall cease providing for 78448
payments to that municipal corporation under division (C) of this 78449
section. The proportionate shares of the total amount available 78450
for distribution to each of the remaining municipal corporations 78451
under this division shall be increased on a pro rata basis. 78452

The tax commissioner shall reduce payments under division (C) 78453
of this section to municipal corporations for which reduced 78454
payments are required under section 5747.502 of the Revised Code. 78455

(D) Each municipal corporation which has in effect a tax 78456
imposed under Chapter 718. of the Revised Code shall, no later 78457
than the thirty-first day of August of each year, certify to the 78458
tax commissioner, on a form prescribed by the commissioner, the 78459
amount of income tax revenue collected and refunded by such 78460
municipal corporation pursuant to such chapter during the 78461
preceding calendar year, arranged, when possible, by the type of 78462
income from which the revenue was collected or the refund was 78463
issued. The municipal corporation shall also report the amount of 78464
income tax revenue collected and refunded on behalf of a joint 78465
economic development district or a joint economic development zone 78466
that levies an income tax administered by the municipal 78467
corporation and the amount of such revenue distributed to 78468
contracting parties during the preceding calendar year. The tax 78469
commissioner may withhold payment of local government fund moneys 78470
pursuant to division (C) of this section from any municipal 78471
corporation for failure to comply with this reporting requirement. 78472

Sec. 5747.502. (A) As used in this section: 78473

(1) "Delinquent subdivision" means a municipal corporation, 78474
township, or county that has not filed a report or signed 78475
statement under section 4511.0915 of the Revised Code, as required 78476
under that section. 78477

(2) "Noncompliant subdivision" means a municipal corporation, township, or county that files a report under division (A)(1) of section 4511.0915 of the Revised Code for the most recent calendar quarter. 78478
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78480
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(B)(1)(a) Upon receiving notification of a delinquent subdivision under division (C)(2) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 78482
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78484

(i) If the delinquent subdivision is a municipal corporation, cease providing for payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment; 78485
78486
78487
78488

(ii) Immediately notify the county auditor and county treasurer required to provide for payments to the delinquent subdivision from a county undivided local government fund that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (B)(3)(a)(ii) of this section. 78489
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78491
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78494

(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment. 78495
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78498

(2)(a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C)(3) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 78499
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78502

(i) If the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment. 78503
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78505
78506

(ii) Immediately notify the county auditor and county treasurer who ceased payments to the formerly delinquent 78507
78508

subdivision under division (B)(1)(b) of this section that the 78509
treasurer shall begin providing for payment from a county 78510
undivided local government fund to the formerly delinquent 78511
subdivision under section 5747.51 or 5747.53 of the Revised Code. 78512

(b) A county treasurer receiving notice under division 78513
(B)(2)(a)(ii) of this section shall provide for payments to the 78514
formerly delinquent subdivision from a county undivided local 78515
government fund, beginning with the next required payment. 78516

(C)(1) Upon receiving notification of a noncompliant 78517
subdivision under division (C)(1) of section 4511.0915 of the 78518
Revised Code, the tax commissioner shall do both of the following: 78519

(a) If the delinquent subdivision is a municipal corporation, 78520
reduce the amount of each of the next three local government fund 78521
payments the noncompliant subdivision would otherwise receive 78522
under division (C) of section 5747.50 of the Revised Code in an 78523
amount equal to one-third of the gross amount of fines reported by 78524
the noncompliant subdivision on the report filed for the calendar 78525
quarter. 78526

(b) If the reduction described in division (C)(1)(a) of this 78527
section exceeds the amount of money the noncompliant subdivision 78528
would otherwise receive under division (C) of section 5747.50 of 78529
the Revised Code, immediately notify the county auditor and county 78530
treasurer required to provide for payments to the noncompliant 78531
subdivision from a county undivided local government fund that 78532
each of the next three such payments are to be reduced to that 78533
subdivision in an amount equal to one-third of that excess. 78534

(2) A county treasurer receiving notice under division 78535
(C)(1)(b) of this section shall reduce the payments to the 78536
noncompliant subdivision from a county undivided local government 78537
fund as required by the notice. 78538

(D)(1) The tax commissioner shall provide for payment of an 78539

amount equal to amounts withheld from municipal corporations under 78540
divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the 78541
undivided local government fund of the county from which the 78542
municipal corporation receives payments under section 5747.51 or 78543
5747.53 of the Revised Code. The county treasurer shall distribute 78544
that money among subdivisions that are not delinquent or 78545
noncompliant subdivisions and that are entitled to receive 78546
distributions under those sections by increasing each such 78547
subdivision's distribution on a pro rata basis. 78548

(2) A county treasurer shall distribute any amount withheld 78549
from a delinquent or noncompliant subdivision under division 78550
(B)(1)(b) or (C)(2) of this section among other subdivisions that 78551
are not delinquent or noncompliant subdivisions by increasing each 78552
such subdivision's distribution from the county's undivided local 78553
government fund on a pro rata basis. 78554

(E) A county, township, or municipal corporation receiving an 78555
increased distribution under division (B) or (C) of this section 78556
shall use such money for the current operating expenses of the 78557
subdivision. 78558

Sec. 5747.51. (A) On or before the twenty-fifth day of July 78559
of each year, the tax commissioner shall make and certify to the 78560
county auditor of each county an estimate of the amount of the 78561
local government fund to be allocated to the undivided local 78562
government fund of each county for the ensuing calendar year, 78563
adjusting the total as required to account for subdivisions 78564
receiving local government funds under section 5747.502 of the 78565
Revised Code. 78566

(B) At each annual regular session of the county budget 78567
commission convened pursuant to section 5705.27 of the Revised 78568
Code, each auditor shall present to the commission the certificate 78569
of the commissioner, the annual tax budget and estimates, and the 78570

records showing the action of the commission in its last preceding 78571
regular session. The commission, after extending to the 78572
representatives of each subdivision an opportunity to be heard, 78573
under oath administered by any member of the commission, and 78574
considering all the facts and information presented to it by the 78575
auditor, shall determine the amount of the undivided local 78576
government fund needed by and to be apportioned to each 78577
subdivision for current operating expenses, as shown in the tax 78578
budget of the subdivision. This determination shall be made 78579
pursuant to divisions (C) to (I) of this section, unless the 78580
commission has provided for a formula pursuant to section 5747.53 78581
of the Revised Code. The commissioner shall reduce or increase the 78582
amount of funds from the undivided local government fund to a 78583
subdivision required to receive reduced or increased funds under 78584
section 5747.502 of the Revised Code. 78585

Nothing in this section prevents the budget commission, for 78586
the purpose of apportioning the undivided local government fund, 78587
from inquiring into the claimed needs of any subdivision as stated 78588
in its tax budget, or from adjusting claimed needs to reflect 78589
actual needs. For the purposes of this section, "current operating 78590
expenses" means the lawful expenditures of a subdivision, except 78591
those for permanent improvements and except payments for interest, 78592
sinking fund, and retirement of bonds, notes, and certificates of 78593
indebtedness of the subdivision. 78594

(C) The commission shall determine the combined total of the 78595
estimated expenditures, including transfers, from the general fund 78596
and any special funds other than special funds established for 78597
road and bridge; street construction, maintenance, and repair; 78598
state highway improvement; and gas, water, sewer, and electric 78599
public utilities operated by a subdivision, as shown in the 78600
subdivision's tax budget for the ensuing calendar year. 78601

(D) From the combined total of expenditures calculated 78602

pursuant to division (C) of this section, the commission shall 78603
deduct the following expenditures, if included in these funds in 78604
the tax budget: 78605

(1) Expenditures for permanent improvements as defined in 78606
division (E) of section 5705.01 of the Revised Code; 78607

(2) In the case of counties and townships, transfers to the 78608
road and bridge fund, and in the case of municipalities, transfers 78609
to the street construction, maintenance, and repair fund and the 78610
state highway improvement fund; 78611

(3) Expenditures for the payment of debt charges; 78612

(4) Expenditures for the payment of judgments. 78613

(E) In addition to the deductions made pursuant to division 78614
(D) of this section, revenues accruing to the general fund and any 78615
special fund considered under division (C) of this section from 78616
the following sources shall be deducted from the combined total of 78617
expenditures calculated pursuant to division (C) of this section: 78618

(1) Taxes levied within the ten-mill limitation, as defined 78619
in section 5705.02 of the Revised Code; 78620

(2) The budget commission allocation of estimated county 78621
public library fund revenues to be distributed pursuant to section 78622
5747.48 of the Revised Code; 78623

(3) Estimated unencumbered balances as shown on the tax 78624
budget as of the thirty-first day of December of the current year 78625
in the general fund, but not any estimated balance in any special 78626
fund considered in division (C) of this section; 78627

(4) Revenue, including transfers, shown in the general fund 78628
and any special funds other than special funds established for 78629
road and bridge; street construction, maintenance, and repair; 78630
state highway improvement; and gas, water, sewer, and electric 78631
public utilities, from all other sources except those that a 78632

subdivision receives from an additional tax or service charge 78633
voted by its electorate or receives from special assessment or 78634
revenue bond collection. For the purposes of this division, where 78635
the charter of a municipal corporation prohibits the levy of an 78636
income tax, an income tax levied by the legislative authority of 78637
such municipal corporation pursuant to an amendment of the charter 78638
of that municipal corporation to authorize such a levy represents 78639
an additional tax voted by the electorate of that municipal 78640
corporation. For the purposes of this division, any measure 78641
adopted by a board of county commissioners pursuant to section 78642
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 78643
including those measures upheld by the electorate in a referendum 78644
conducted pursuant to section 322.021, 324.021, 4504.021, or 78645
5739.022 of the Revised Code, shall not be considered an 78646
additional tax voted by the electorate. 78647

Subject to division (G) of section 5705.29 of the Revised 78648
Code, money in a reserve balance account established by a county, 78649
township, or municipal corporation under section 5705.13 of the 78650
Revised Code shall not be considered an unencumbered balance or 78651
revenue under division (E)(3) or (4) of this section. Money in a 78652
reserve balance account established by a township under section 78653
5705.132 of the Revised Code shall not be considered an 78654
unencumbered balance or revenue under division (E)(3) or (4) of 78655
this section. 78656

If a county, township, or municipal corporation has created 78657
and maintains a nonexpendable trust fund under section 5705.131 of 78658
the Revised Code, the principal of the fund, and any additions to 78659
the principal arising from sources other than the reinvestment of 78660
investment earnings arising from such a fund, shall not be 78661
considered an unencumbered balance or revenue under division 78662
(E)(3) or (4) of this section. Only investment earnings arising 78663
from investment of the principal or investment of such additions 78664

to principal may be considered an unencumbered balance or revenue 78665
under those divisions. 78666

(F) The total expenditures calculated pursuant to division 78667
(C) of this section, less the deductions authorized in divisions 78668
(D) and (E) of this section, shall be known as the "relative need"
of the subdivision, for the purposes of this section. 78669
78670

(G) The budget commission shall total the relative need of 78671
all participating subdivisions in the county, and shall compute a 78672
relative need factor by dividing the total estimate of the 78673
undivided local government fund by the total relative need of all 78674
participating subdivisions. 78675

(H) The relative need of each subdivision shall be multiplied 78676
by the relative need factor to determine the proportionate share 78677
of the subdivision in the undivided local government fund of the 78678
county; provided, that the maximum proportionate share of a county 78679
shall not exceed the following maximum percentages of the total 78680
estimate of the undivided local government fund governed by the 78681
relationship of the percentage of the population of the county 78682
that resides within municipal corporations within the county to 78683
the total population of the county as reported in the reports on 78684
population in Ohio by the department of development as of the 78685
twentieth day of July of the year in which the tax budget is filed 78686
with the budget commission: 78687

| | | |
|-------------------------------|--------------------------------|-------|
| Percentage of municipal | Percentage share of the county | 78688 |
| population within the county: | shall not exceed: | |

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| | | |
|------------------------------|----------------|-------|
| Less than forty-one per cent | Sixty per cent | 78690 |
|------------------------------|----------------|-------|

| | | |
|--------------------------------|----------------|-------|
| Forty-one per cent or more but | Fifty per cent | 78691 |
|--------------------------------|----------------|-------|

less than eighty-one per cent

| | | |
|-----------------------------|-----------------|-------|
| Eighty-one per cent or more | Thirty per cent | 78692 |
|-----------------------------|-----------------|-------|

Where the proportionate share of the county exceeds the 78693

limitations established in this division, the budget commission 78694

shall adjust the proportionate shares determined pursuant to this 78695
division so that the proportionate share of the county does not 78696
exceed these limitations, and it shall increase the proportionate 78697
shares of all other subdivisions on a pro rata basis. In counties 78698
having a population of less than one hundred thousand, not less 78699
than ten per cent shall be distributed to the townships therein. 78700

(I) The proportionate share of each subdivision in the 78701
undivided local government fund determined pursuant to division 78702
(H) of this section for any calendar year shall not be less than 78703
the product of the average of the percentages of the undivided 78704
local government fund of the county as apportioned to that 78705
subdivision for the calendar years 1968, 1969, and 1970, 78706
multiplied by the total amount of the undivided local government 78707
fund of the county apportioned pursuant to former section 5735.23 78708
of the Revised Code for the calendar year 1970. For the purposes 78709
of this division, the total apportioned amount for the calendar 78710
year 1970 shall be the amount actually allocated to the county in 78711
1970 from the state collected intangible tax as levied by section 78712
5707.03 of the Revised Code and distributed pursuant to section 78713
5725.24 of the Revised Code, plus the amount received by the 78714
county in the calendar year 1970 pursuant to division (B)(1) of 78715
former section 5739.21 of the Revised Code, and distributed 78716
pursuant to former section 5739.22 of the Revised Code. If the 78717
total amount of the undivided local government fund for any 78718
calendar year is less than the amount of the undivided local 78719
government fund apportioned pursuant to former section 5739.23 of 78720
the Revised Code for the calendar year 1970, the minimum amount 78721
guaranteed to each subdivision for that calendar year pursuant to 78722
this division shall be reduced on a basis proportionate to the 78723
amount by which the amount of the undivided local government fund 78724
for that calendar year is less than the amount of the undivided 78725
local government fund apportioned for the calendar year 1970. 78726

(J) On the basis of such apportionment, the county auditor shall compute the percentage share of each such subdivision in the undivided local government fund and shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. No payment shall be made from the undivided local government fund, except in accordance with such percentage shares.

Within ten days after the budget commission has made its apportionment, whether conducted pursuant to section 5747.51 or 5747.53 of the Revised Code, the auditor shall publish a list of the subdivisions and the amount each is to receive from the undivided local government fund and the percentage share of each subdivision, in a newspaper or newspapers of countywide circulation, and send a copy of such allocation to the tax commissioner.

The county auditor shall also send by certified mail, return receipt requested, a copy of such allocation to the fiscal officer of each subdivision entitled to participate in the allocation of the undivided local government fund of the county. This copy shall constitute the official notice of the commission action referred to in section 5705.37 of the Revised Code.

All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision.

If a municipal corporation maintains a municipal university, such municipal university, when the board of trustees so requests the legislative authority of the municipal corporation, shall participate in the money apportioned to such municipal corporation from the total local government fund, however created and constituted, in such amount as requested by the board of trustees, provided such sum does not exceed nine per cent of the total amount paid to the municipal corporation.

If any public official fails to maintain the records required 78759
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 78760
issued by the tax commissioner, the auditor of state, or the 78761
treasurer of state pursuant to such sections, or fails to comply 78762
with any law relating to the enforcement of such sections, the 78763
local government fund money allocated to the county may be 78764
withheld until such time as the public official has complied with 78765
such sections or such law or the rules issued pursuant thereto. 78766

Sec. 5747.53. (A) As used in this section: 78767

(1) "City, located wholly or partially in the county, with 78768
the greatest population" means the city, located wholly or 78769
partially in the county, with the greatest population residing in 78770
the county; however, if the county budget commission on or before 78771
January 1, 1998, adopted an alternative method of apportionment 78772
that was approved by the legislative authority of the city, 78773
located partially in the county, with the greatest population but 78774
not the greatest population residing in the county, "city, located 78775
wholly or partially in the county, with the greatest population" 78776
means the city, located wholly or partially in the county, with 78777
the greatest population whether residing in the county or not, if 78778
this alternative meaning is adopted by action of the board of 78779
county commissioners and a majority of the boards of township 78780
trustees and legislative authorities of municipal corporations 78781
located wholly or partially in the county. 78782

(2) "Participating political subdivision" means a municipal 78783
corporation or township that satisfies all of the following: 78784

(a) It is located wholly or partially in the county. 78785

(b) It is not the city, located wholly or partially in the 78786
county, with the greatest population. 78787

(c) Undivided local government fund moneys are apportioned to 78788

it under the county's alternative method or formula of 78789
apportionment in the current calendar year. 78790

(B) In lieu of the method of apportionment of the undivided 78791
local government fund of the county provided by section 5747.51 of 78792
the Revised Code, the county budget commission may provide for the 78793
apportionment of the fund under an alternative method or on a 78794
formula basis as authorized by this section. The commissioner 78795
shall reduce or increase the amount of funds from the undivided 78796
local government fund to a subdivision required to receive reduced 78797
or increased funds under section 5747.502 of the Revised Code. 78798

Except as otherwise provided in division (C) of this section, 78799
the alternative method of apportionment shall have first been 78800
approved by all of the following governmental units: the board of 78801
county commissioners; the legislative authority of the city, 78802
located wholly or partially in the county, with the greatest 78803
population; and a majority of the boards of township trustees and 78804
legislative authorities of municipal corporations, located wholly 78805
or partially in the county, excluding the legislative authority of 78806
the city, located wholly or partially in the county, with the 78807
greatest population. In granting or denying approval for an 78808
alternative method of apportionment, the board of county 78809
commissioners, boards of township trustees, and legislative 78810
authorities of municipal corporations shall act by motion. A 78811
motion to approve shall be passed upon a majority vote of the 78812
members of a board of county commissioners, board of township 78813
trustees, or legislative authority of a municipal corporation, 78814
shall take effect immediately, and need not be published. 78815

Any alternative method of apportionment adopted and approved 78816
under this division may be revised, amended, or repealed in the 78817
same manner as it may be adopted and approved. If an alternative 78818
method of apportionment adopted and approved under this division 78819
is repealed, the undivided local government fund of the county 78820

shall be apportioned among the subdivisions eligible to 78821
participate in the fund, commencing in the ensuing calendar year, 78822
under the apportionment provided in section 5747.52 of the Revised 78823
Code, unless the repeal occurs by operation of division (C) of 78824
this section or a new method for apportionment of the fund is 78825
provided in the action of repeal. 78826

(C) This division applies only in counties in which the city, 78827
located wholly or partially in the county, with the greatest 78828
population has a population of twenty thousand or less and a 78829
population that is less than fifteen per cent of the total 78830
population of the county. In such a county, the legislative 78831
authorities or boards of township trustees of two or more 78832
participating political subdivisions, which together have a 78833
population residing in the county that is a majority of the total 78834
population of the county, each may adopt a resolution to exclude 78835
the approval otherwise required of the legislative authority of 78836
the city, located wholly or partially in the county, with the 78837
greatest population. All of the resolutions to exclude that 78838
approval shall be adopted not later than the first Monday of 78839
August of the year preceding the calendar year in which 78840
distributions are to be made under an alternative method of 78841
apportionment. 78842

A motion granting or denying approval of an alternative 78843
method of apportionment under this division shall be adopted by a 78844
majority vote of the members of the board of county commissioners 78845
and by a majority vote of a majority of the boards of township 78846
trustees and legislative authorities of the municipal corporations 78847
located wholly or partially in the county, other than the city, 78848
located wholly or partially in the county, with the greatest 78849
population, shall take effect immediately, and need not be 78850
published. The alternative method of apportionment under this 78851
division shall be adopted and approved annually, not later than 78852

the first Monday of August of the year preceding the calendar year 78853
in which distributions are to be made under it. A motion granting 78854
approval of an alternative method of apportionment under this 78855
division repeals any existing alternative method of apportionment, 78856
effective with distributions to be made from the fund in the 78857
ensuing calendar year. An alternative method of apportionment 78858
under this division shall not be revised or amended after the 78859
first Monday of August of the year preceding the calendar year in 78860
which distributions are to be made under it. 78861

(D) In determining an alternative method of apportionment 78862
authorized by this section, the county budget commission may 78863
include in the method any factor considered to be appropriate and 78864
reliable, in the sole discretion of the county budget commission. 78865

(E) The limitations set forth in section 5747.51 of the 78866
Revised Code, stating the maximum amount that the county may 78867
receive from the undivided local government fund and the minimum 78868
amount the townships in counties having a population of less than 78869
one hundred thousand may receive from the fund, are applicable to 78870
any alternative method of apportionment authorized under this 78871
section. 78872

(F) On the basis of any alternative method of apportionment 78873
adopted and approved as authorized by this section, as certified 78874
by the auditor to the county treasurer, the county treasurer shall 78875
make distribution of the money in the undivided local government 78876
fund to each subdivision eligible to participate in the fund, and 78877
the auditor, when the amount of those shares is in the custody of 78878
the treasurer in the amounts so computed to be due the respective 78879
subdivisions, shall at the same time certify to the tax 78880
commissioner the percentage share of the county as a subdivision. 78881
All money received into the treasury of a subdivision from the 78882
undivided local government fund in a county treasury shall be paid 78883
into the general fund and used for the current operating expenses 78884

of the subdivision. If a municipal corporation maintains a 78885
municipal university, the university, when the board of trustees 78886
so requests the legislative authority of the municipal 78887
corporation, shall participate in the money apportioned to the 78888
municipal corporation from the total local government fund, 78889
however created and constituted, in the amount requested by the 78890
board of trustees, provided that amount does not exceed nine per 78891
cent of the total amount paid to the municipal corporation. 78892

(G) The actions of the county budget commission taken 78893
pursuant to this section are final and may not be appealed to the 78894
board of tax appeals, except on the issues of abuse of discretion 78895
and failure to comply with the formula. 78896

Sec. 5747.71. There is hereby allowed a nonrefundable credit 78897
against the tax imposed by section 5747.02 of the Revised Code for 78898
a taxpayer who is an "eligible individual" as defined in section 78899
32 of the Internal Revenue Code. The credit shall equal five per 78900
cent of the credit allowed on the taxpayer's federal income tax 78901
return pursuant to section 32 of the Internal Revenue Code for 78902
taxable years beginning in 2013, and ten per cent of the federal 78903
credit allowed for taxable years beginning in or after 2014. If 78904
the Ohio adjusted gross income of the taxpayer, or the taxpayer 78905
and the taxpayer's spouse if the taxpayer and the taxpayer's 78906
spouse file a joint return under section 5747.08 of the Revised 78907
Code, less applicable exemptions under section 5747.025 of the 78908
Revised Code, exceeds twenty thousand dollars, the credit 78909
authorized by this section shall not exceed fifty per cent of the 78910
amount of tax otherwise due under section 5747.02 of the Revised 78911
Code after deducting any other nonrefundable credits that precede 78912
the credit allowed under this section in the order prescribed by 78913
section 5747.98 of the Revised Code except for the joint filing 78914
credit authorized under division ~~(G)~~(E) of section 5747.05 of the 78915
Revised Code. In all other cases, the credit authorized by this 78916

section shall not exceed the amount of tax otherwise due under 78917
section 5747.02 of the Revised Code after deducting any other 78918
nonrefundable credits that precede the credit allowed under this 78919
section in the order prescribed by section 5747.98 of the Revised 78920
Code. 78921

The credit shall be claimed in the order prescribed by 78922
section 5747.98 of the Revised Code. 78923

Sec. 5747.98. (A) To provide a uniform procedure for 78924
calculating the amount of tax due under section 5747.02 of the 78925
Revised Code, a taxpayer shall claim any credits to which the 78926
taxpayer is entitled in the following order: 78927

(1) The retirement income credit under division (B) of 78928
section 5747.055 of the Revised Code; 78929

(2) The senior citizen credit under division ~~(C)~~(F) of 78930
section ~~5747.05~~ 5747.055 of the Revised Code; 78931

(3) The lump sum distribution credit under division ~~(D)~~(G) of 78932
section ~~5747.05~~ 5747.055 of the Revised Code; 78933

(4) The dependent care credit under section 5747.054 of the 78934
Revised Code; 78935

(5) The lump sum retirement income credit under division (C) 78936
of section 5747.055 of the Revised Code; 78937

(6) The lump sum retirement income credit under division (D) 78938
of section 5747.055 of the Revised Code; 78939

(7) The lump sum retirement income credit under division (E) 78940
of section 5747.055 of the Revised Code; 78941

(8) The low-income credit under section 5747.056 of the 78942
Revised Code; 78943

(9) The credit for displaced workers who pay for job training 78944

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| under section 5747.27 of the Revised Code; | 78945 |
| (10) The <u>For taxable years ending before January 1, 2015, the</u> campaign contribution credit under section 5747.29 of the Revised Code <u>as that section existed before its repeal by H.B. 64 of the</u> <u>131st general assembly;</u> | 78946 78947 78948 78949 |
| (11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code; | 78950 78951 |
| (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code; | 78952 78953 |
| (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code; | 78954 78955 |
| (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code; | 78956 78957 |
| (15) The earned income credit under section 5747.71 of the Revised Code; | 78958 78959 |
| (16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code; | 78960 78961 |
| (17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code; | 78962 78963 |
| (18) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code; | 78964 78965 |
| (19) The credit for selling alternative fuel under section 5747.77 of the Revised Code; | 78966 78967 |
| (20) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code; | 78968 78969 78970 |
| (21) The job training credit under section 5747.39 of the Revised Code; | 78971 78972 |
| (22) The enterprise zone credit under section 5709.66 of the | 78973 |

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| Revised Code; | 78974 |
| (23) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code; | 78975 78976 |
| (24) The credit for adoption of a minor child under section 5747.37 of the Revised Code; | 78977 78978 |
| (25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code; | 78979 78980 |
| (26) The ethanol plant investment credit under section 5747.75 of the Revised Code; | 78981 78982 |
| (27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code; | 78983 78984 |
| (28) The small business investment credit under section 5747.81 of the Revised Code; | 78985 78986 |
| (29) The enterprise zone credits under section 5709.65 of the Revised Code; | 78987 78988 |
| (30) The research and development credit under section 5747.331 of the Revised Code; | 78989 78990 |
| (31) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code; | 78991 78992 |
| (32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code; | 78993 78994 |
| (33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code; | 78995 78996 |
| (34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code; | 78997 78998 |
| (35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code; | 78999 79000 79001 |
| (36) The refundable credit under section 5747.80 of the | 79002 |

Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code; 79003
79004

(37) The refundable motion picture production credit under section 5747.66 of the Revised Code; 79005
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(38) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code. 79007
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(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 79010
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Sec. 5751.02. (A) For the purpose of funding the needs of this state and its local governments, there is hereby levied a commercial activity tax on each person with taxable gross receipts for the privilege of doing business in this state. For the purposes of this chapter, "doing business" means engaging in any activity, whether legal or illegal, that is conducted for, or results in, gain, profit, or income, at any time during a calendar year. Persons on which the commercial activity tax is levied include, but are not limited to, persons with substantial nexus with this state. The tax imposed under this section is not a transactional tax and is not subject to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this section is in addition to any other taxes or fees imposed under the Revised Code. The tax levied under this section is imposed on the person receiving the 79020
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gross receipts and is not a tax imposed directly on a purchaser. 79034
The tax imposed by this section is an annual privilege tax for the 79035
calendar year that, in the case of calendar year taxpayers, is the 79036
annual tax period and, in the case of calendar quarter taxpayers, 79037
contains all quarterly tax periods in the calendar year. A 79038
taxpayer is subject to the annual privilege tax for doing business 79039
during any portion of such calendar year. 79040

(B) The tax imposed by this section is a tax on the taxpayer 79041
and shall not be billed or invoiced to another person. Even if the 79042
tax or any portion thereof is billed or invoiced and separately 79043
stated, such amounts remain part of the price for purposes of the 79044
sales and use taxes levied under Chapters 5739. and 5741. of the 79045
Revised Code. Nothing in division (B) of this section prohibits: 79046

(1) A person from including in the price charged for a good 79047
or service an amount sufficient to recover the tax imposed by this 79048
section; or 79049

(2) A lessor from including an amount sufficient to recover 79050
the tax imposed by this section in a lease payment charged, or 79051
from including such an amount on a billing or invoice pursuant to 79052
the terms of a written lease agreement providing for the recovery 79053
of the lessor's tax costs. The recovery of such costs shall be 79054
based on an estimate of the total tax cost of the lessor during 79055
the tax period, as the tax liability of the lessor cannot be 79056
calculated until the end of that period. 79057

(C)(1) The commercial activities tax receipts fund is hereby 79058
created in the state treasury and shall consist of money arising 79059
from the tax imposed under this chapter. Eighty-five 79060
one-hundredths of one per cent of the money credited to that fund 79061
shall be credited to the revenue enhancement fund and shall be 79062
used to defray the costs incurred by the department of taxation in 79063
administering the tax imposed by this chapter and in implementing 79064

tax reform measures. The remainder of the money in the commercial 79065
activities tax receipts fund shall first be credited to the 79066
commercial activity tax motor fuel receipts fund, pursuant to 79067
division (C)(2) of this section, and the remainder shall be 79068
credited in the following percentages each fiscal year to the 79069
general revenue fund, to the school district tangible property tax 79070
replacement fund, which is hereby created in the state treasury 79071
for the purpose of making the payments described in section 79072
5709.92 of the Revised Code, and to the local government tangible 79073
property tax replacement fund, which is hereby created in the 79074
state treasury for the purpose of making the payments described in 79075
section 5709.93 of the Revised Code, in the following percentages: 79076

| <u>Fiscal year</u> | <u>General Revenue</u> | <u>School District</u> | <u>Local Government</u> | |
|----------------------|------------------------|-------------------------|-------------------------|-------|
| | <u>Fund</u> | <u>Tangible</u> | <u>Tangible</u> | |
| | | <u>Property Tax</u> | <u>Property Tax</u> | |
| | | <u>Replacement Fund</u> | <u>Replacement Fund</u> | |
| <u>2014 and 2015</u> | <u>50.0%</u> | <u>35.0%</u> | <u>15.0%</u> | 79078 |
| <u>2016 and</u> | <u>75.0%</u> | <u>20.0%</u> | <u>5.0%</u> | 79079 |
| <u>thereafter</u> | | | | |

(2) Not later than the twentieth day of February, May, 79080
August, and November of each year, the commissioner shall provide 79081
for payment from the commercial activities tax receipts fund to 79082
the commercial activity tax motor fuel receipts fund an amount 79083
that bears the same ratio to the balance in the commercial 79084
activities tax receipts fund that (a) the taxable gross receipts 79085
attributed to motor fuel used for propelling vehicles on public 79086
highways as indicated by returns filed by the tenth day of that 79087
month for a liability that is due and payable on or after July 1, 79088
2013, for a tax period ending before July 1, 2014, bears to (b) 79089
all taxable gross receipts as indicated by those returns for such 79090
liabilities. 79091

(D)(1) If the total amount in the school district tangible 79092

property tax replacement fund is insufficient to make all payments 79093
under section 5709.92 of the Revised Code at the times the 79094
payments are to be made, the director of budget and management 79095
shall transfer from the general revenue fund to the school 79096
district tangible property tax replacement fund the difference 79097
between the total amount to be paid and the amount in the school 79098
district tangible property tax replacement fund. 79099

(2) If the total amount in the local government tangible 79100
property tax replacement fund is insufficient to make all payments 79101
under section 5709.93 of the Revised Code at the times the 79102
payments are to be made, the director of budget and management 79103
shall transfer from the general revenue fund to the local 79104
government tangible property tax replacement fund the difference 79105
between the total amount to be paid and the amount in the local 79106
government tangible property tax replacement fund. 79107

(E)(1) On or after the first day of June of each year, the 79108
director of budget and management may transfer any balance in the 79109
school district tangible property tax replacement fund to the 79110
general revenue fund. 79111

(2) On or after the first day of June of each year, the 79112
director of budget and management may transfer any balance in the 79113
local government tangible property tax replacement fund to the 79114
general revenue fund. 79115

(F)(1) There is hereby created in the state treasury the 79116
commercial activity tax motor fuel receipts fund. 79117

(2) On or before the fifteenth day of June of each fiscal 79118
year beginning with fiscal year 2015, the director of the Ohio 79119
public works commission shall certify to the director of budget 79120
and management the amount of debt service paid from the general 79121
revenue fund in the current fiscal year on bonds issued to finance 79122
or assist in the financing of the cost of local subdivision public 79123

infrastructure capital improvement projects, as provided for in 79124
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 79125
are attributable to costs for construction, reconstruction, 79126
maintenance, or repair of public highways and bridges and other 79127
statutory highway purposes. That certification shall allocate the 79128
total amount of debt service paid from the general revenue fund 79129
and attributable to those costs in the current fiscal year 79130
according to the applicable section of the Ohio Constitution under 79131
which the bonds were originally issued. 79132

(3) On or before the thirtieth day of June of each fiscal 79133
year beginning with fiscal year 2015, the director of budget and 79134
management shall determine an amount up to but not exceeding the 79135
amount certified under division (F)(2) of this section and shall 79136
reserve that amount from the cash balance in the petroleum 79137
activity tax public highways fund or the commercial activity tax 79138
motor fuel receipts fund for transfer to the general revenue fund 79139
at times and in amounts to be determined by the director. The 79140
director shall transfer the cash balance in the petroleum activity 79141
tax public highways fund or the commercial activity tax motor fuel 79142
receipts fund in excess of the amount so reserved to the highway 79143
operating fund on or before the thirtieth day of June of the 79144
current fiscal year. 79145

Sec. 5751.20. ~~(A)~~ No determinations, computations, 79146
certifications, or payments shall be made under this section after 79147
June 30, 2015. 79148

(A) As used in sections 5751.20 to 5751.22 of the Revised 79149
Code: 79150

(1) "School district," "joint vocational school district," 79151
"local taxing unit," "recognized valuation," "fixed-rate levy," 79152
and "fixed-sum levy" have the same meanings as used in section 79153
5727.84 of the Revised Code. 79154

(2) "State education aid" for a school district means the following: 79155
79156

(a) For fiscal years prior to fiscal year 2010, the sum of 79157
state aid amounts computed for the district under the following 79158
provisions, as they existed for the applicable fiscal year: 79159
division (A) of section 3317.022 of the Revised Code, including 79160
the amounts calculated under former section 3317.029 and section 79161
3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), 79162
and (F) of section 3317.022; divisions (B), (C), and (D) of 79163
section 3317.023; divisions (L) and (N) of section 3317.024; 79164
section 3317.0216; and any unit payments for gifted student 79165
services paid under section 3317.05 and former sections 3317.052 79166
and 3317.053 of the Revised Code; except that, for fiscal years 79167
2008 and 2009, the amount computed for the district under Section 79168
269.20.80 of H.B. 119 of the 127th general assembly and as that 79169
section subsequently may be amended shall be substituted for the 79170
amount computed under division (D) of section 3317.022 of the 79171
Revised Code, and the amount computed under Section 269.30.80 of 79172
H.B. 119 of the 127th general assembly and as that section 79173
subsequently may be amended shall be included. 79174

(b) For fiscal years 2010 and 2011, the sum of the amounts 79175
computed under former sections 3306.052, 3306.12, 3306.13, 79176
3306.19, 3306.191, and 3306.192 of the Revised Code; 79177

(c) For fiscal years 2012 and 2013, the sum of the amounts 79178
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 79179
153 of the 129th general assembly; 79180

(d) For fiscal year 2014 and each fiscal year thereafter, the 79181
sum of state amounts computed for the district under section 79182
3317.022 of the Revised Code; except that, for fiscal years 2014 79183
and 2015, the amount computed for the district under the section 79184
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 79185
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 79186

- (3) "State education aid" for a joint vocational school district means the following: 79187
79188
- (a) For fiscal years prior to fiscal year 2010, the sum of the state aid computed for the district under division (N) of section 3317.024 and former section 3317.16 of the Revised Code, except that, for fiscal years 2008 and 2009, the amount computed under Section 269.30.80 of H.B. 119 of the 127th general assembly and as that section subsequently may be amended shall be included. 79189
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- (b) For fiscal years 2010 and 2011, the amount paid in accordance with Section 265.30.50 of H.B. 1 of the 128th general assembly. 79195
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79197
- (c) For fiscal years 2012 and 2013, the amount paid in accordance with Section 267.30.60 of H.B. 153 of the 129th general assembly. 79198
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79200
- (d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included. 79201
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79206
- (4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 79207
79208
79209
- (5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 79210
79211
- (6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 79212
79213
- (7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 79214
79215
- (8) "Machinery and equipment fixed-rate levy loss" means the 79216

| | |
|--|--|
| amount determined under division (D)(1) of this section. | 79217 |
| (9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. | 79218 79219 |
| (10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. | 79220 79221 |
| (11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. | 79222 79223 79224 79225 |
| (12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. | 79226 79227 |
| (13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code. | 79228 79229 79230 |
| (14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code. | 79231 79232 79233 |
| (15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code. | 79234 79235 79236 |
| (16) "Qualifying levies" are levies in effect for tax year 2004 or applicable to tax year 2005 or approved at an election conducted before September 1, 2005. For the purpose of determining the rate of a qualifying levy authorized by section 5705.212 or 5705.213 of the Revised Code, the rate shall be the rate that would be in effect for tax year 2010. | 79237 79238 79239 79240 79241 79242 |
| (17) "Telephone property" means tangible personal property of a telephone, telegraph, or interexchange telecommunications company subject to an assessment rate specified in section 5727.111 of the Revised Code in tax year 2004. | 79243 79244 79245 79246 |

(18) "Telephone property tax value loss" means the amount 79247
determined under division (C)(4) of this section. 79248

(19) "Telephone property fixed-rate levy loss" means the 79249
amount determined under division (D)(4) of this section. 79250

(20) "Taxes charged and payable" means taxes charged and 79251
payable after the reduction required by section 319.301 of the 79252
Revised Code but before the reductions required by sections 79253
319.302 and 323.152 of the Revised Code. 79254

(21) "Median estate tax collections" means, in the case of a 79255
municipal corporation to which revenue from the taxes levied in 79256
Chapter 5731. of the Revised Code was distributed in each of 79257
calendar years 2006, 2007, 2008, and 2009, the median of those 79258
distributions. In the case of a municipal corporation to which no 79259
distributions were made in one or more of those years, "median 79260
estate tax collections" means zero. 79261

(22) "Total resources," in the case of a school district, 79262
means the sum of the amounts in divisions (A)(22)(a) to (h) of 79263
this section less any reduction required under division (A)(32) or 79264
(33) of this section. 79265

(a) The state education aid for fiscal year 2010; 79266

(b) The sum of the payments received by the school district 79267
in fiscal year 2010 for current expense levy losses pursuant to 79268
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 79269
section 5751.21 of the Revised Code, excluding the portion of such 79270
payments attributable to levies for joint vocational school 79271
district purposes; 79272

(c) The sum of fixed-sum levy loss payments received by the 79273
school district in fiscal year 2010 pursuant to division (E)(1) of 79274
section 5727.85 and division (E)(1) of section 5751.21 of the 79275
Revised Code for fixed-sum levies charged and payable for a 79276
purpose other than paying debt charges; 79277

(d) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2008, including taxes charged and payable from emergency levies charged and payable under section 5709.194 of the Revised Code and excluding taxes levied for joint vocational school district purposes;

(e) Fifty per cent of the school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses for tax year 2009, including taxes charged and payable from emergency levies and excluding taxes levied for joint vocational school district purposes;

(f) The school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009, including taxes charged and payable from emergency levies;

(g) The amount certified for fiscal year 2010 under division (A)(2) of section 3317.08 of the Revised Code;

(h) Distributions received during calendar year 2009 from taxes levied under section 718.09 of the Revised Code.

(23) "Total resources," in the case of a joint vocational school district, means the sum of amounts in divisions (A)(23)(a) to (g) of this section less any reduction required under division (A)(32) of this section.

(a) The state education aid for fiscal year 2010;

(b) The sum of the payments received by the joint vocational school district in fiscal year 2010 for current expense levy losses pursuant to division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of section 5751.21 of the Revised Code;

(c) Fifty per cent of the joint vocational school district's

taxes charged and payable against all property on the tax list of 79308
real and public utility property for current expense purposes for 79309
tax year 2008; 79310

(d) Fifty per cent of the joint vocational school district's 79311
taxes charged and payable against all property on the tax list of 79312
real and public utility property for current expenses for tax year 79313
2009; 79314

(e) Fifty per cent of a city, local, or exempted village 79315
school district's taxes charged and payable against all property 79316
on the tax list of real and public utility property for current 79317
expenses of the joint vocational school district for tax year 79318
2008; 79319

(f) Fifty per cent of a city, local, or exempted village 79320
school district's taxes charged and payable against all property 79321
on the tax list of real and public utility property for current 79322
expenses of the joint vocational school district for tax year 79323
2009; 79324

(g) The joint vocational school district's taxes charged and 79325
payable against all property on the general tax list of personal 79326
property for current expenses for tax year 2009. 79327

(24) "Total resources," in the case of county mental health 79328
and disability related functions, means the sum of the amounts in 79329
divisions (A)(24)(a) and (b) of this section less any reduction 79330
required under division (A)(32) of this section. 79331

(a) The sum of the payments received by the county for mental 79332
health and developmental disability related functions in calendar 79333
year 2010 under division (A)(1) of section 5727.86 and divisions 79334
(A)(1) and (2) of section 5751.22 of the Revised Code as they 79335
existed at that time; 79336

(b) With respect to taxes levied by the county for mental 79337
health and developmental disability related purposes, the taxes 79338

charged and payable for such purposes against all property on the 79339
tax list of real and public utility property for tax year 2009. 79340

(25) "Total resources," in the case of county senior services 79341
related functions, means the sum of the amounts in divisions 79342
(A)(25)(a) and (b) of this section less any reduction required 79343
under division (A)(32) of this section. 79344

(a) The sum of the payments received by the county for senior 79345
services related functions in calendar year 2010 under division 79346
(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 79347
5751.22 of the Revised Code as they existed at that time; 79348

(b) With respect to taxes levied by the county for senior 79349
services related purposes, the taxes charged and payable for such 79350
purposes against all property on the tax list of real and public 79351
utility property for tax year 2009. 79352

(26) "Total resources," in the case of county children's 79353
services related functions, means the sum of the amounts in 79354
divisions (A)(26)(a) and (b) of this section less any reduction 79355
required under division (A)(32) of this section. 79356

(a) The sum of the payments received by the county for 79357
children's services related functions in calendar year 2010 under 79358
division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of 79359
section 5751.22 of the Revised Code as they existed at that time; 79360

(b) With respect to taxes levied by the county for children's 79361
services related purposes, the taxes charged and payable for such 79362
purposes against all property on the tax list of real and public 79363
utility property for tax year 2009. 79364

(27) "Total resources," in the case of county public health 79365
related functions, means the sum of the amounts in divisions 79366
(A)(27)(a) and (b) of this section less any reduction required 79367
under division (A)(32) of this section. 79368

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the county for all other purposes in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009, excluding taxes charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the county in calendar year 2010 for the taxes levied pursuant to sections

5739.021 and 5741.021 of the Revised Code. 79400

(29) "Total resources," in the case of a municipal 79401
corporation, means the sum of the amounts in divisions (A)(29)(a) 79402
to (g) of this section less any reduction required under division 79403
(A)(32) or (33) of this section. 79404

(a) The sum of the payments received by the municipal 79405
corporation in calendar year 2010 for current expense levy losses 79406
under division (A)(1) of section 5727.86 and divisions (A)(1) and 79407
(2) of section 5751.22 of the Revised Code as they existed at that 79408
time; 79409

(b) The municipal corporation's percentage share of county 79410
undivided local government fund allocations as certified to the 79411
tax commissioner for calendar year 2010 by the county auditor 79412
under division (J) of section 5747.51 of the Revised Code or 79413
division (F) of section 5747.53 of the Revised Code multiplied by 79414
the total amount actually distributed in calendar year 2010 from 79415
the county undivided local government fund; 79416

(c) The sum of the amounts distributed to the municipal 79417
corporation in calendar year 2010 pursuant to section 5747.50 of 79418
the Revised Code; 79419

(d) With respect to taxes levied by the municipal 79420
corporation, the taxes charged and payable against all property on 79421
the tax list of real and public utility property for current 79422
expenses, defined in division (A)(35) of this section, for tax 79423
year 2009; 79424

(e) The amount of admissions tax collected by the municipal 79425
corporation in calendar year 2008, or if such information has not 79426
yet been reported to the tax commissioner, in the most recent year 79427
before 2008 for which the municipal corporation has reported data 79428
to the commissioner; 79429

(f) The amount of income taxes collected by the municipal 79430

corporation in calendar year 2008, or if such information has not yet been reported to the tax commissioner, in the most recent year before 2008 for which the municipal corporation has reported data to the commissioner;

(g) The municipal corporation's median estate tax collections.

(30) "Total resources," in the case of a township, means the sum of the amounts in divisions (A)(30)(a) to (c) of this section less any reduction required under division (A)(32) or (33) of this section.

(a) The sum of the payments received by the township in calendar year 2010 pursuant to division (A)(1) of section 5727.86 of the Revised Code and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time, excluding payments received for debt purposes;

(b) The township's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2010 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2010 from the county undivided local government fund;

(c) With respect to taxes levied by the township, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2009 excluding taxes charged and payable for the purpose of paying debt charges.

(31) "Total resources," in the case of a local taxing unit that is not a county, municipal corporation, or township, means the sum of the amounts in divisions (A)(31)(a) to (e) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the local taxing unit 79462
in calendar year 2010 pursuant to division (A)(1) of section 79463
5727.86 of the Revised Code and divisions (A)(1) and (2) of 79464
section 5751.22 of the Revised Code as they existed at that time; 79465

(b) The local taxing unit's percentage share of county 79466
undivided local government fund allocations as certified to the 79467
tax commissioner for calendar year 2010 by the county auditor 79468
under division (J) of section 5747.51 of the Revised Code or 79469
division (F) of section 5747.53 of the Revised Code multiplied by 79470
the total amount actually distributed in calendar year 2010 from 79471
the county undivided local government fund; 79472

(c) With respect to taxes levied by the local taxing unit, 79473
the taxes charged and payable against all property on the tax list 79474
of real and public utility property for tax year 2009 excluding 79475
taxes charged and payable for the purpose of paying debt charges; 79476

(d) The amount received from the tax commissioner during 79477
calendar year 2010 for sales or use taxes authorized under 79478
sections 5739.023 and 5741.022 of the Revised Code; 79479

(e) For institutions of higher education receiving tax 79480
revenue from a local levy, as identified in section 3358.02 of the 79481
Revised Code, the final state share of instruction allocation for 79482
fiscal year 2010 as calculated by the ~~board of regents~~ director of 79483
higher education and reported to the state controlling board. 79484

(32) If a fixed-rate levy that is a qualifying levy is not 79485
charged and payable in any year after tax year 2010, "total 79486
resources" used to compute payments to be made under division 79487
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 79488
5751.22 of the Revised Code in the tax years following the last 79489
year the levy is charged and payable shall be reduced to the 79490
extent that the payments are attributable to the fixed-rate levy 79491
loss of that levy as would be computed under division (C)(2) of 79492

section 5727.85, division (A)(1) of section 5727.85, divisions 79493
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 79494
5751.22 of the Revised Code. 79495

(33) In the case of a county, municipal corporation, school 79496
district, or township with fixed-rate levy losses attributable to 79497
a tax levied under section 5705.23 of the Revised Code, "total 79498
resources" used to compute payments to be made under division 79499
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 79500
division (C)(12) of section 5751.21, or division (A)(1)(c) of 79501
section 5751.22 of the Revised Code shall be reduced by the 79502
amounts described in divisions (A)(34)(a) to (c) of this section 79503
to the extent that those amounts were included in calculating the 79504
"total resources" of the school district or local taxing unit 79505
under division (A)(22), (28), (29), or (30) of this section. 79506

(34) "Total library resources," in the case of a county, 79507
municipal corporation, school district, or township public library 79508
that receives the proceeds of a tax levied under section 5705.23 79509
of the Revised Code, means the sum of the amounts in divisions 79510
(A)(34)(a) to (c) of this section less any reduction required 79511
under division (A)(32) of this section. 79512

(a) The sum of the payments received by the county, municipal 79513
corporation, school district, or township public library in 79514
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 79515
Revised Code, as they existed at that time, for fixed-rate levy 79516
losses attributable to a tax levied under section 5705.23 of the 79517
Revised Code for the benefit of the public library; 79518

(b) The public library's percentage share of county undivided 79519
local government fund allocations as certified to the tax 79520
commissioner for calendar year 2010 by the county auditor under 79521
division (J) of section 5747.51 of the Revised Code or division 79522
(F) of section 5747.53 of the Revised Code multiplied by the total 79523
amount actually distributed in calendar year 2010 from the county 79524

undivided local government fund; 79525

(c) With respect to a tax levied pursuant to section 5705.23 79526
of the Revised Code for the benefit of the public library, the 79527
amount of such tax that is charged and payable against all 79528
property on the tax list of real and public utility property for 79529
tax year 2009 excluding any tax that is charged and payable for 79530
the purpose of paying debt charges. 79531

(35) "Municipal current expense property tax levies" means 79532
all property tax levies of a municipality, except those with the 79533
following levy names: airport resurfacing; bond or any levy name 79534
including the word "bond"; capital improvement or any levy name 79535
including the word "capital"; debt or any levy name including the 79536
word "debt"; equipment or any levy name including the word 79537
"equipment," unless the levy is for combined operating and 79538
equipment; employee termination fund; fire pension or any levy 79539
containing the word "pension," including police pensions; 79540
fireman's fund or any practically similar name; sinking fund; road 79541
improvements or any levy containing the word "road"; fire truck or 79542
apparatus; flood or any levy containing the word "flood"; 79543
conservancy district; county health; note retirement; sewage, or 79544
any levy containing the words "sewage" or "sewer"; park 79545
improvement; parkland acquisition; storm drain; street or any levy 79546
name containing the word "street"; lighting, or any levy name 79547
containing the word "lighting"; and water. 79548

(36) "Current expense TPP allocation" means, in the case of a 79549
school district or joint vocational school district, the sum of 79550
the payments received by the school district in fiscal year 2011 79551
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 79552
Revised Code to the extent paid for current expense levies. In the 79553
case of a municipal corporation, "current expense TPP allocation" 79554
means the sum of the payments received by the municipal 79555
corporation in calendar year 2010 pursuant to divisions (A)(1) and 79556

(2) of section 5751.22 of the Revised Code to the extent paid for 79557
municipal current expense property tax levies as defined in 79558
division (A)(35) of this section, excluding any such payments 79559
received for current expense levy losses attributable to a tax 79560
levied under section 5705.23 of the Revised Code. If a fixed-rate 79561
levy that is a qualifying levy is not charged and payable in any 79562
year after tax year 2010, "current expense TPP allocation" used to 79563
compute payments to be made under division (C)(12) of section 79564
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 79565
Revised Code in the tax years following the last year the levy is 79566
charged and payable shall be reduced to the extent that the 79567
payments are attributable to the fixed-rate levy loss of that levy 79568
as would be computed under divisions (C)(10) and (11) of section 79569
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 79570

(37) "TPP allocation" means the sum of payments received by a 79571
local taxing unit in calendar year 2010 pursuant to divisions 79572
(A)(1) and (2) of section 5751.22 of the Revised Code, excluding 79573
any such payments received for fixed-rate levy losses attributable 79574
to a tax levied under section 5705.23 of the Revised Code. If a 79575
fixed-rate levy that is a qualifying levy is not charged and 79576
payable in any year after tax year 2010, "TPP allocation" used to 79577
compute payments to be made under division (A)(1)(b) or (c) of 79578
section 5751.22 of the Revised Code in the tax years following the 79579
last year the levy is charged and payable shall be reduced to the 79580
extent that the payments are attributable to the fixed-rate levy 79581
loss of that levy as would be computed under division (A)(1) of 79582
that section. 79583

(38) "Total TPP allocation" means, in the case of a school 79584
district or joint vocational school district, the sum of the 79585
amounts received in fiscal year 2011 pursuant to divisions (C)(10) 79586
and (11) and (D) of section 5751.21 of the Revised Code. In the 79587
case of a local taxing unit, "total TPP allocation" means the sum 79588

of payments received by the unit in calendar year 2010 pursuant to 79589
divisions (A)(1), (2), and (3) of section 5751.22 of the Revised 79590
Code. If a fixed-rate levy that is a qualifying levy is not 79591
charged and payable in any year after tax year 2010, "total TPP 79592
allocation" used to compute payments to be made under division 79593
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 79594
5751.22 of the Revised Code in the tax years following the last 79595
year the levy is charged and payable shall be reduced to the 79596
extent that the payments are attributable to the fixed-rate levy 79597
loss of that levy as would be computed under divisions (C)(10) and 79598
(11) of section 5751.21 or division (A)(1) of section 5751.22 of 79599
the Revised Code. 79600

(39) "Non-current expense TPP allocation" means the 79601
difference of total TPP allocation minus the sum of current 79602
expense TPP allocation and the portion of total TPP allocation 79603
constituting reimbursement for debt levies, pursuant to division 79604
(D) of section 5751.21 of the Revised Code in the case of a school 79605
district or joint vocational school district and pursuant to 79606
division (A)(3) of section 5751.22 of the Revised Code in the case 79607
of a municipal corporation. 79608

(40) "TPP allocation for library purposes" means the sum of 79609
payments received by a county, municipal corporation, school 79610
district, or township public library in calendar year 2010 79611
pursuant to section 5751.22 of the Revised Code for fixed-rate 79612
levy losses attributable to a tax levied under section 5705.23 of 79613
the Revised Code. If a fixed-rate levy authorized under section 79614
5705.23 of the Revised Code that is a qualifying levy is not 79615
charged and payable in any year after tax year 2010, "TPP 79616
allocation for library purposes" used to compute payments to be 79617
made under division (A)(1)(d) of section 5751.22 of the Revised 79618
Code in the tax years following the last year the levy is charged 79619
and payable shall be reduced to the extent that the payments are 79620

attributable to the fixed-rate levy loss of that levy as would be 79621
computed under division (A)(1) of section 5751.22 of the Revised 79622
Code. 79623

(41) "Threshold per cent" means, in the case of a school 79624
district or joint vocational school district, two per cent for 79625
fiscal year 2012 and four per cent for fiscal years 2013 and 79626
thereafter. In the case of a local taxing unit or public library 79627
that receives the proceeds of a tax levied under section 5705.23 79628
of the Revised Code, "threshold per cent" means two per cent for 79629
tax year 2011, four per cent for tax year 2012, and six per cent 79630
for tax years 2013 and thereafter. 79631

(B)(1) The commercial activities tax receipts fund is hereby 79632
created in the state treasury and shall consist of money arising 79633
from the tax imposed under this chapter. Eighty-five 79634
one-hundredths of one per cent of the money credited to that fund 79635
shall be credited to the revenue enhancement fund and shall be 79636
used to defray the costs incurred by the department of taxation in 79637
administering the tax imposed by this chapter and in implementing 79638
tax reform measures. The remainder of the money in the commercial 79639
activities tax receipts fund shall first be credited to the 79640
commercial activity tax motor fuel receipts fund, pursuant to 79641
division (B)(2) of this section, and the remainder shall be 79642
credited in the following percentages each fiscal year to the 79643
general revenue fund, to the school district tangible property tax 79644
replacement fund, which is hereby created in the state treasury 79645
for the purpose of making the payments described in section 79646
5751.21 of the Revised Code, and to the local government tangible 79647
property tax replacement fund, which is hereby created in the 79648
state treasury for the purpose of making the payments described in 79649
section 5751.22 of the Revised Code, in the following percentages: 79650

| Fiscal year | General Revenue Fund | School District Tangible | Local Government Tangible | |
|-------------|----------------------|--------------------------|---------------------------|-------|
| | | | | 79651 |

| | | Property Tax Replacement Fund | Property Tax Replacement Fund | |
|------------------------|-------|----------------------------------|----------------------------------|-------|
| 2006 | 67.7% | 22.6% | 9.7% | 79652 |
| 2007 | 0% | 70.0% | 30.0% | 79653 |
| 2008 | 0% | 70.0% | 30.0% | 79654 |
| 2009 | 0% | 70.0% | 30.0% | 79655 |
| 2010 | 0% | 70.0% | 30.0% | 79656 |
| 2011 | 0% | 70.0% | 30.0% | 79657 |
| 2012 | 25.0% | 52.5% | 22.5% | 79658 |
| 2013 and thereafter | 50.0% | 35.0% | 15.0% | 79659 |

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section, except as provided in division (C)(5) of this section:

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by

| | |
|---|-------|
| taxpayers for tax year 2004 multiplied by: | 79681 |
| (a) For tax year 2006, thirty-three and eight-tenths per cent; | 79682 |
| (b) For tax year 2007, sixty-one and three-tenths per cent; | 79684 |
| (c) For tax year 2008, eighty-three per cent; | 79685 |
| (d) For tax year 2009 and thereafter, one hundred per cent. | 79686 |
| (2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by: | 79687 |
| (a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three; | 79688 |
| (b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three; | 79689 |
| (c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three; | 79690 |
| (d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three. | 79691 |
| (3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by: | 79692 |
| (a) For tax year 2006, twenty-five per cent; | 79693 |
| (b) For tax year 2007, fifty per cent; | 79694 |
| (c) For tax year 2008, seventy-five per cent; | 79695 |
| (d) For tax year 2009 and thereafter, one hundred per cent. | 79696 |
| The taxable value of property reported by taxpayers used in | 79697 |
| | 79698 |
| | 79699 |
| | 79700 |
| | 79701 |
| | 79702 |
| | 79703 |
| | 79704 |
| | 79705 |
| | 79706 |
| | 79707 |
| | 79708 |

divisions (C)(1), (2), and (3) of this section shall be such 79709
values as determined to be final by the tax commissioner as of 79710
August 31, 2005. Such determinations shall be final except for any 79711
correction of a clerical error that was made prior to August 31, 79712
2005, by the tax commissioner. 79713

(4) Telephone property tax value loss is the taxable value of 79714
telephone property as taxpayers would have reported that property 79715
for tax year 2004 if the assessment rate for all telephone 79716
property for that year were twenty-five per cent, multiplied by: 79717

(a) For tax year 2006, zero per cent; 79718

(b) For tax year 2007, zero per cent; 79719

(c) For tax year 2008, zero per cent; 79720

(d) For tax year 2009, sixty per cent; 79721

(e) For tax year 2010, eighty per cent; 79722

(f) For tax year 2011 and thereafter, one hundred per cent. 79723

(5) Division (C)(5) of this section applies to any school 79724
district, joint vocational school district, or local taxing unit 79725
in a county in which is located a facility currently or formerly 79726
devoted to the enrichment or commercialization of uranium or 79727
uranium products, and for which the total taxable value of 79728
property listed on the general tax list of personal property for 79729
any tax year from tax year 2001 to tax year 2004 was fifty per 79730
cent or less of the taxable value of such property listed on the 79731
general tax list of personal property for the next preceding tax 79732
year. 79733

In computing the fixed-rate levy losses under divisions 79734
(D)(1), (2), and (3) of this section for any school district, 79735
joint vocational school district, or local taxing unit to which 79736
division (C)(5) of this section applies, the taxable value of such 79737
property as listed on the general tax list of personal property 79738

for tax year 2000 shall be substituted for the taxable value of 79739
such property as reported by taxpayers for tax year 2004, in the 79740
taxing district containing the uranium facility, if the taxable 79741
value listed for tax year 2000 is greater than the taxable value 79742
reported by taxpayers for tax year 2004. For the purpose of making 79743
the computations under divisions (D)(1), (2), and (3) of this 79744
section, the tax year 2000 valuation is to be allocated to 79745
machinery and equipment, inventory, and furniture and fixtures 79746
property in the same proportions as the tax year 2004 values. For 79747
the purpose of the calculations in division (A) of section 5751.21 79748
of the Revised Code, the tax year 2004 taxable values shall be 79749
used. 79750

To facilitate the calculations required under division (C) of 79751
this section, the county auditor, upon request from the tax 79752
commissioner, shall provide by August 1, 2005, the values of 79753
machinery and equipment, inventory, and furniture and fixtures for 79754
all single-county personal property taxpayers for tax year 2004. 79755

(D) Not later than September 15, 2005, the tax commissioner 79756
shall determine for each tax year from 2006 through 2009 for each 79757
school district, joint vocational school district, and local 79758
taxing unit its machinery and equipment, inventory, and furniture 79759
and fixtures fixed-rate levy losses, and for each tax year from 79760
2006 through 2011 its telephone property fixed-rate levy loss. 79761
Except as provided in division (F) of this section, such losses 79762
are the applicable amounts described in divisions (D)(1), (2), 79763
(3), and (4) of this section: 79764

(1) The machinery and equipment fixed-rate levy loss is the 79765
machinery and equipment property tax value loss multiplied by the 79766
sum of the tax rates of fixed-rate qualifying levies. 79767

(2) The inventory fixed-rate loss is the inventory property 79768
tax value loss multiplied by the sum of the tax rates of 79769
fixed-rate qualifying levies. 79770

(3) The furniture and fixtures fixed-rate levy loss is the 79771
furniture and fixture property tax value loss multiplied by the 79772
sum of the tax rates of fixed-rate qualifying levies. 79773

(4) The telephone property fixed-rate levy loss is the 79774
telephone property tax value loss multiplied by the sum of the tax 79775
rates of fixed-rate qualifying levies. 79776

(E) Not later than September 15, 2005, the tax commissioner 79777
shall determine for each school district, joint vocational school 79778
district, and local taxing unit its fixed-sum levy loss. The 79779
fixed-sum levy loss is the amount obtained by subtracting the 79780
amount described in division (E)(2) of this section from the 79781
amount described in division (E)(1) of this section: 79782

(1) The sum of the machinery and equipment property tax value 79783
loss, the inventory property tax value loss, and the furniture and 79784
fixtures property tax value loss, and, for 2008 through 2010, the 79785
telephone property tax value loss of the district or unit 79786
multiplied by the sum of the fixed-sum tax rates of qualifying 79787
levies. For 2006 through 2010, this computation shall include all 79788
qualifying levies remaining in effect for the current tax year and 79789
any school district levies charged and payable under section 79790
5705.194 or 5705.213 of the Revised Code that are qualifying 79791
levies not remaining in effect for the current year. For 2011 79792
through 2017 in the case of school district levies charged and 79793
payable under section 5705.194 or 5705.213 of the Revised Code and 79794
for all years after 2010 in the case of other fixed-sum levies, 79795
this computation shall include only qualifying levies remaining in 79796
effect for the current year. For purposes of this computation, a 79797
qualifying school district levy charged and payable under section 79798
5705.194 or 5705.213 of the Revised Code remains in effect in a 79799
year after 2010 only if, for that year, the board of education 79800
levies a school district levy charged and payable under section 79801
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 79802

an annual sum at least equal to the annual sum levied by the board 79803
in tax year 2004 less the amount of the payment certified under 79804
this division for 2006. 79805

(2) The total taxable value in tax year 2004 less the sum of 79806
the machinery and equipment, inventory, furniture and fixtures, 79807
and telephone property tax value losses in each school district, 79808
joint vocational school district, and local taxing unit multiplied 79809
by one-half of one mill per dollar. 79810

(3) For the calculations in divisions (E)(1) and (2) of this 79811
section, the tax value losses are those that would be calculated 79812
for tax year 2009 under divisions (C)(1), (2), and (3) of this 79813
section and for tax year 2011 under division (C)(4) of this 79814
section. 79815

(4) To facilitate the calculation under divisions (D) and (E) 79816
of this section, not later than September 1, 2005, any school 79817
district, joint vocational school district, or local taxing unit 79818
that has a qualifying levy that was approved at an election 79819
conducted during 2005 before September 1, 2005, shall certify to 79820
the tax commissioner a copy of the county auditor's certificate of 79821
estimated property tax millage for such levy as required under 79822
division (B) of section 5705.03 of the Revised Code, which is the 79823
rate that shall be used in the calculations under such divisions. 79824

If the amount determined under division (E) of this section 79825
for any school district, joint vocational school district, or 79826
local taxing unit is greater than zero, that amount shall equal 79827
the reimbursement to be paid pursuant to division (E) of section 79828
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 79829
and the one-half of one mill that is subtracted under division 79830
(E)(2) of this section shall be apportioned among all contributing 79831
fixed-sum levies in the proportion that each levy bears to the sum 79832
of all fixed-sum levies within each school district, joint 79833
vocational school district, or local taxing unit. 79834

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section:

(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division;

(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division.

The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code.

(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(H) Not later than October 1, 2005, the tax commissioner

shall certify the amount of the fixed-sum levy losses to the 79866
county auditor of each county in which a school district, joint 79867
vocational school district, or local taxing unit with a fixed-sum 79868
levy loss reimbursement has territory. 79869

(I) Not later than the twenty-eighth day of February each 79870
year beginning in 2011 and ending in 2014, the tax commissioner 79871
shall certify to the department of education for each school 79872
district first levying a tax under section 5705.219 of the Revised 79873
Code in the preceding year the revised fixed-rate levy losses 79874
determined under divisions (D) and (F) of this section. 79875

(J)(1) There is hereby created in the state treasury the 79876
commercial activity tax motor fuel receipts fund. 79877

(2)(a) On or before June 15, 2014, the director of the Ohio 79878
public works commission shall certify to the director of budget 79879
and management the amount of debt service paid from the general 79880
revenue fund in fiscal years 2013 and 2014 on bonds issued to 79881
finance or assist in the financing of the cost of local 79882
subdivision public infrastructure capital improvement projects, as 79883
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 79884
Constitution, that are attributable to costs for construction, 79885
reconstruction, maintenance, or repair of public highways and 79886
bridges and other statutory highway purposes. That certification 79887
shall allocate the total amount of debt service paid from the 79888
general revenue fund and attributable to those costs in each of 79889
fiscal years 2013 and 2014 according to the applicable section of 79890
the Ohio Constitution under which the bonds were originally 79891
issued. 79892

(b) On or before June 30, 2014, the director of budget and 79893
management shall determine an amount up to but not exceeding the 79894
amount certified under division (J)(2)(a) of this section and 79895
shall reserve that amount from the cash balance in the commercial 79896
activity tax motor fuel receipts fund for transfer to the general 79897

revenue fund at times and in amounts to be determined by the 79898
director. The director shall transfer the cash balance in the 79899
commercial activity tax motor fuel receipts fund in excess of the 79900
amount so reserved to the highway operating fund on or before June 79901
30, 2014. 79902

(3)(a) On or before the fifteenth day of June of each fiscal 79903
year beginning with fiscal year 2015, the director of the Ohio 79904
public works commission shall certify to the director of budget 79905
and management the amount of debt service paid from the general 79906
revenue fund in the current fiscal year on bonds issued to finance 79907
or assist in the financing of the cost of local subdivision public 79908
infrastructure capital improvement projects, as provided for in 79909
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 79910
are attributable to costs for construction, reconstruction, 79911
maintenance, or repair of public highways and bridges and other 79912
statutory highway purposes. That certification shall allocate the 79913
total amount of debt service paid from the general revenue fund 79914
and attributable to those costs in the current fiscal year 79915
according to the applicable section of the Ohio Constitution under 79916
which the bonds were originally issued. 79917

(b) On or before the thirtieth day of June of each fiscal 79918
year beginning with fiscal year 2015, the director of budget and 79919
management shall determine an amount up to but not exceeding the 79920
amount certified under division (J)(3)(a) of this section and 79921
shall reserve that amount from the cash balance in the petroleum 79922
activity tax public highways fund or the commercial activity tax 79923
motor fuel receipts fund for transfer to the general revenue fund 79924
at times and in amounts to be determined by the director. The 79925
director shall transfer the cash balance in the petroleum activity 79926
tax public highways fund or the commercial activity tax motor fuel 79927
receipts fund in excess of the amount so reserved to the highway 79928
operating fund on or before the thirtieth day of June of the 79929

current fiscal year. 79930

Sec. 5751.21. ~~(A) No determinations, computations,~~ 79931
~~certifications, or payments shall be made under this section after~~ 79932
~~June 30, 2015.~~ 79933

~~(A)~~ Not later than the thirtieth day of July of 2007 through 79934
2010, the department of education shall consult with the director 79935
of budget and management and determine the following for each 79936
school district and each joint vocational school district eligible 79937
for payment under division (B) of this section: 79938

(1) The state education aid offset, which, except as provided 79939
in division (A)(1)(c) of this section, is the difference obtained 79940
by subtracting the amount described in division (A)(1)(b) of this 79941
section from the amount described in division (A)(1)(a) of this 79942
section: 79943

(a) The state education aid computed for the school district 79944
or joint vocational school district for the current fiscal year as 79945
of the thirtieth day of July; 79946

(b) The state education aid that would be computed for the 79947
school district or joint vocational school district for the 79948
current fiscal year as of the thirtieth day of July if the 79949
valuation used in the calculation in division (B)(1) of section 79950
3306.13 of the Revised Code as that division existed for fiscal 79951
years 2010 and 2011 included the machinery and equipment, 79952
inventory, furniture and fixtures, and telephone property tax 79953
value losses for the school district or joint vocational school 79954
district for the second preceding tax year, and if taxes charged 79955
and payable associated with the tax value losses are accounted for 79956
in any state education aid computation dependent on taxes charged 79957
and payable. 79958

(c) The state education aid offset for fiscal year 2010 and 79959

fiscal year 2011 equals the greater of the state education aid 79960
offset calculated for that fiscal year under divisions (A)(1)(a) 79961
and (b) of this section and the state education aid offset 79962
calculated for fiscal year 2009. For fiscal ~~year~~ years 2012 and 79963
2013, the state education aid offset equals the state education 79964
aid offset for fiscal year 2011. 79965

(2) For fiscal years 2008 through 2011, the greater of zero 79966
or the difference obtained by subtracting the state education aid 79967
offset determined under division (A)(1) of this section from the 79968
sum of the machinery and equipment fixed-rate levy loss, the 79969
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 79970
levy loss, and telephone property fixed-rate levy loss certified 79971
under divisions (G) and (I) of section 5751.20 of the Revised Code 79972
for all taxing districts in each school district and joint 79973
vocational school district for the second preceding tax year. 79974

By the thirtieth day of July of each such year, the 79975
department of education and the director of budget and management 79976
shall agree upon the amount to be determined under division (A)(1) 79977
of this section. 79978

(B) On or before the thirty-first day of August of 2008, 79979
2009, and 2010, the department of education shall recalculate the 79980
offset described under division (A) of this section for the 79981
previous fiscal year and recalculate the payments made under 79982
division (C) of this section in the preceding fiscal year using 79983
the offset calculated under this division. If the payments 79984
calculated under this division differ from the payments made under 79985
division (C) of this section in the preceding fiscal year, the 79986
difference shall either be paid to a school district or recaptured 79987
from a school district through an adjustment at the same times 79988
during the current fiscal year that the payments under division 79989
(C) of this section are made. In August and October of the current 79990
fiscal year, the amount of each adjustment shall be three-sevenths 79991

of the amount calculated under this division. In May of the 79992
current fiscal year, the adjustment shall be one-seventh of the 79993
amount calculated under this division. 79994

(C) The department of education shall pay from the school 79995
district tangible property tax replacement fund to each school 79996
district and joint vocational school district all of the following 79997
for fixed-rate levy losses certified under divisions (G) and (I) 79998
of section 5751.20 of the Revised Code: 79999

(1) On or before May 31, 2006, one-seventh of the total 80000
fixed-rate levy loss for tax year 2006; 80001

(2) On or before August 31, 2006, and October 31, 2006, 80002
one-half of six-sevenths of the total fixed-rate levy loss for tax 80003
year 2006; 80004

(3) On or before May 31, 2007, one-seventh of the total 80005
fixed-rate levy loss for tax year 2007; 80006

(4) On or before August 31, 2007, and October 31, 2007, 80007
forty-three per cent of the amount determined under division 80008
(A)(2) of this section for fiscal year 2008, but not less than 80009
zero, plus one-half of six-sevenths of the difference between the 80010
total fixed-rate levy loss for tax year 2007 and the total 80011
fixed-rate levy loss for tax year 2006. 80012

(5) On or before May 31, 2008, fourteen per cent of the 80013
amount determined under division (A)(2) of this section for fiscal 80014
year 2008, but not less than zero, plus one-seventh of the 80015
difference between the total fixed-rate levy loss for tax year 80016
2008 and the total fixed-rate levy loss for tax year 2006. 80017

(6) On or before August 31, 2008, and October 31, 2008, 80018
forty-three per cent of the amount determined under division 80019
(A)(2) of this section for fiscal year 2009, but not less than 80020
zero, plus one-half of six-sevenths of the difference between the 80021
total fixed-rate levy loss in tax year 2008 and the total 80022

fixed-rate levy loss in tax year 2007. 80023

(7) On or before May 31, 2009, fourteen per cent of the 80024
amount determined under division (A)(2) of this section for fiscal 80025
year 2009, but not less than zero, plus one-seventh of the 80026
difference between the total fixed-rate levy loss for tax year 80027
2009 and the total fixed-rate levy loss for tax year 2007. 80028

(8) On or before August 31, 2009, and October 31, 2009, 80029
forty-three per cent of the amount determined under division 80030
(A)(2) of this section for fiscal year 2010, but not less than 80031
zero, plus one-half of six-sevenths of the difference between the 80032
total fixed-rate levy loss in tax year 2009 and the total 80033
fixed-rate levy loss in tax year 2008. 80034

(9) On or before May 31, 2010, fourteen per cent of the 80035
amount determined under division (A)(2) of this section for fiscal 80036
year 2010, but not less than zero, plus one-seventh of the 80037
difference between the total fixed-rate levy loss in tax year 2010 80038
and the total fixed-rate levy loss in tax year 2008. 80039

(10) On or before August 31, 2010, and October 31, 2010, 80040
forty-three per cent of the amount determined under division 80041
(A)(2) of this section for fiscal year 2011, but not less than 80042
zero, plus one-half of six-sevenths of the difference between the 80043
telephone property fixed-rate levy loss for tax year 2010 and the 80044
telephone property fixed-rate levy loss for tax year 2009. 80045

(11) On or before May 31, 2011, fourteen per cent of the 80046
amount determined under division (A)(2) of this section for fiscal 80047
year 2011, but not less than zero, plus one-seventh of the 80048
difference between the telephone property fixed-rate levy loss for 80049
tax year 2011 and the telephone property fixed-rate levy loss for 80050
tax year 2009. 80051

(12) For fiscal years 2012 and thereafter, the sum of the 80052
amounts in divisions (C)(12)(a) or (b) and (c) of this section 80053

shall be paid on or before the last day of November and the last 80054
day of May: 80055

(a) If the ratio of current expense TPP allocation to total 80056
resources is equal to or less than the threshold per cent, zero; 80057

(b) If the ratio of current expense TPP allocation to total 80058
resources is greater than the threshold per cent, fifty per cent 80059
of the difference of current expense TPP allocation minus the 80060
product of total resources multiplied by the threshold per cent; 80061

(c) Fifty per cent of the product of non-current expense TPP 80062
allocation multiplied by seventy-five per cent for fiscal year 80063
2012 and fifty per cent for fiscal years 2013 and thereafter. 80064

The department of education shall report to each school 80065
district and joint vocational school district the apportionment of 80066
the payments among the school district's or joint vocational 80067
school district's funds based on the certifications under 80068
divisions (G) and (I) of section 5751.20 of the Revised Code. 80069

(D) For taxes levied within the ten-mill limitation for debt 80070
purposes in tax year 2005, payments shall be made equal to one 80071
hundred per cent of the loss computed as if the tax were a 80072
fixed-rate levy, but those payments shall extend from fiscal year 80073
2006 through fiscal year 2018, as long as the qualifying levy 80074
continues to be used for debt purposes. If the purpose of such a 80075
qualifying levy is changed, that levy becomes subject to the 80076
payments determined in division (C) of this section. 80077

(E)(1) Not later than January 1, 2006, for each fixed-sum 80078
levy of each school district or joint vocational school district 80079
and for each year for which a determination is made under division 80080
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 80081
loss is to be reimbursed, the tax commissioner shall certify to 80082
the department of education the fixed-sum levy loss determined 80083
under that division. The certification shall cover a time period 80084

sufficient to include all fixed-sum levies for which the commissioner made such a determination. On or before the last day of May of the current year, the department shall pay from the school district property tax replacement fund to the school district or joint vocational school district one-third of the fixed-sum levy loss so certified, plus one-third of the amount certified under division (I) of section 5751.20 of the Revised Code, and on or before the last day of November, two-thirds of the fixed-sum levy loss so certified, plus two-thirds of the amount certified under division (I) of section 5751.20 of the Revised Code. Payments under this division of the amounts certified under division (I) of section 5751.20 of the Revised Code shall continue until the levy adopted under section 5705.219 of the Revised Code expires.

(2) Beginning in 2006, by the first day of January of each year, the tax commissioner shall review the certification originally made under division (E)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education.

(F) Beginning in September 2007 and through June 2013, the director of budget and management shall transfer from the school district tangible property tax replacement fund to the general revenue fund each of the following:

(1) On the first day of September, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(2) On the first day of December, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(3) On the first day of March, one-fourth of the amount 80116
determined for that fiscal year under division (A)(1) of this 80117
section; 80118

(4) On the first day of June, one-fourth of the amount 80119
determined for that fiscal year under division (A)(1) of this 80120
section. 80121

If, when a transfer is required under division (F)(1), (2), 80122
(3), or (4) of this section, there is not sufficient money in the 80123
school district tangible property tax replacement fund to make the 80124
transfer in the required amount, the director shall transfer the 80125
balance in the fund to the general revenue fund and may make 80126
additional transfers on later dates as determined by the director 80127
in a total amount that does not exceed one-fourth of the amount 80128
determined for the fiscal year. 80129

(G) If the total amount in the school district tangible 80130
property tax replacement fund is insufficient to make all payments 80131
under divisions (C), (D), and (E) of this section at the times the 80132
payments are to be made, the director of budget and management 80133
shall transfer from the general revenue fund to the school 80134
district tangible property tax replacement fund the difference 80135
between the total amount to be paid and the amount in the school 80136
district tangible property tax replacement fund. 80137

(H) On the fifteenth day of June of each year, the director 80138
of budget and management may transfer any balance in the school 80139
district tangible property tax replacement fund to the general 80140
revenue fund. 80141

(I) If all of the territory of a school district or joint 80142
vocational school district is merged with another district, or if 80143
a part of the territory of a school district or joint vocational 80144
school district is transferred to an existing or newly created 80145
district, the department of education, in consultation with the 80146

tax commissioner, shall adjust the payments made under this 80147
section as follows: 80148

(1) For a merger of two or more districts, the fixed-sum levy 80149
losses, total resources, current expense TPP allocation, total TPP 80150
allocation, and non-current expense TPP allocation of the 80151
successor district shall be the sum of such items for each of the 80152
districts involved in the merger. 80153

(2) If property is transferred from one district to a 80154
previously existing district, the amount of total resources, 80155
current expense TPP allocation, total TPP allocation, and 80156
non-current expense TPP allocation that shall be transferred to 80157
the recipient district shall be an amount equal to total 80158
resources, current expense TPP allocation, total TPP allocation, 80159
and non-current expense TPP allocation of the transferor district 80160
times a fraction, the numerator of which is the number of pupils 80161
being transferred to the recipient district, measured, in the case 80162
of a school district, by formula ADM as that term is defined in 80163
section 3317.02 of the Revised Code or, in the case of a joint 80164
vocational school district, by formula ADM as defined for a joint 80165
vocational school district in that section, and the denominator of 80166
which is the formula ADM of the transferor district. 80167

(3) After December 31, 2010, if property is transferred from 80168
one or more districts to a district that is newly created out of 80169
the transferred property, the newly created district shall be 80170
deemed not to have any total resources, current expense TPP 80171
allocation, total TPP allocation, or non-current expense TPP 80172
allocation. 80173

(4) If the recipient district under division (I)(2) of this 80174
section or the newly created district under division (I)(3) of 80175
this section is assuming debt from one or more of the districts 80176
from which the property was transferred and any of the districts 80177
losing the property had fixed-sum levy losses, the department of 80178

education, in consultation with the tax commissioner, shall make 80179
an equitable division of the fixed-sum levy loss reimbursements. 80180

Sec. 5751.22. ~~(A) No determinations, computations,~~ 80181
~~certifications, or payments shall be made under this section after~~ 80182
~~June 30, 2015.~~ 80183

(A) Not later than January 1, 2006, the tax commissioner 80184
shall compute the payments to be made to each local taxing unit, 80185
and to each public library that receives the proceeds of a tax 80186
levied under section 5705.23 of the Revised Code, for each year 80187
according to divisions (A)(1), (2), (3), and (4) of this section 80188
as this section existed on that date, and shall distribute the 80189
payments in the manner prescribed by division (C) of this section. 80190
The calculation of the fixed-sum levy loss shall cover a time 80191
period sufficient to include all fixed-sum levies for which the 80192
commissioner determined, pursuant to division (E) of section 80193
5751.20 of the Revised Code, that a fixed-sum levy loss is to be 80194
reimbursed. 80195

(1) Except as provided in division (A)(3) of this section, 80196
for fixed-rate levy losses determined under division (D) of 80197
section 5751.20 of the Revised Code, payments shall be made in an 80198
amount equal to the following: 80199

(a) For tax years 2006 through 2010, one hundred per cent of 80200
such losses; 80201

(b) For the payment in tax year 2011 to be made on or before 80202
the twentieth day of November, the sum of the amount in division 80203
(A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section: 80204

(i) If the ratio of six-sevenths of the TPP allocation to 80205
total resources is equal to or less than the threshold per cent, 80206
zero; 80207

(ii) If the ratio of six-sevenths of the TPP allocation to 80208

total resources is greater than the threshold per cent, the 80209
difference of six-sevenths of the TPP allocation minus the product 80210
of total resources multiplied by the threshold per cent; 80211

(iii) In the case of a municipal corporation, six-sevenths of 80212
the product of the non-current expense TPP allocation multiplied 80213
by seventy-five per cent. 80214

(c) For tax years 2012 and thereafter, the sum of the amount 80215
in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of 80216
this section: 80217

(i) If the ratio of TPP allocation to total resources is 80218
equal to or less than the threshold per cent, zero; 80219

(ii) If the ratio of TPP allocation to total resources is 80220
greater than the threshold per cent, the TPP allocation minus the 80221
product of total resources multiplied by the threshold per cent; 80222

(iii) In the case of a municipal corporation, non-current 80223
expense TPP allocation multiplied by fifty per cent for tax year 80224
2012 and twenty-five per cent for tax years 2013 and thereafter; 80225

(d) For tax years 2012 and thereafter, in the case of a 80226
county, school district, municipal corporation, or township public 80227
library, the amount in division (A)(1)(d)(i) or (ii) of this 80228
section: 80229

(i) If the ratio of TPP allocation for library purposes to 80230
total library resources is equal to or less than the threshold per 80231
cent, zero; 80232

(ii) If the ratio of TPP allocation for library purposes to 80233
total library resources is greater than the threshold per cent, 80234
the TPP allocation for library purposes minus the product of total 80235
library resources multiplied by the threshold per cent. 80236

(2) For fixed-sum levy losses determined under division (E) 80237
of section 5751.20 of the Revised Code, payments shall be made in 80238

the amount of one hundred per cent of the fixed-sum levy loss for 80239
payments required to be made in 2006 through 2011, except that no 80240
payments shall be made for qualifying levies that have expired. 80241
For payments required to be made in 2012 and thereafter, payments 80242
shall be made in the amount of fifty per cent of the fixed-sum 80243
levy loss until the qualifying levy has expired. 80244

(3) For taxes levied within the ten-mill limitation or 80245
pursuant to a municipal charter for debt purposes in tax year 80246
2005, payments shall be made based on the schedule in division 80247
(A)(1) of this section for each of the calendar years 2006 through 80248
2010. For each of the calendar years 2011 through 2017, the 80249
percentages for calendar year 2010 shall be used for taxes levied 80250
within the ten-mill limitation or pursuant to a municipal charter 80251
for debt purposes in tax year 2010, as long as such levies 80252
continue to be used for debt purposes. If the purpose of such a 80253
qualifying levy is changed, that levy becomes subject to the 80254
payment schedules in divisions (A)(1)(a) to (h) of this section. 80255
No payments shall be made for such levies after calendar year 80256
2017. For the purposes of this division, taxes levied pursuant to 80257
a municipal charter refer to taxes levied pursuant to a provision 80258
of a municipal charter that permits the tax to be levied without 80259
prior voter approval. 80260

(B) Beginning in 2007, by the thirty-first day of January of 80261
each year, the tax commissioner shall review the calculation 80262
originally made under division (A) of this section of the 80263
fixed-sum levy losses determined under division (E) of section 80264
5751.20 of the Revised Code. If the commissioner determines that a 80265
fixed-sum levy that had been scheduled to be reimbursed in the 80266
current year has expired, a revised calculation for that and all 80267
subsequent years shall be made. 80268

(C) Payments to local taxing units and public libraries 80269
required to be made under division (A) of this section shall be 80270

paid from the local government tangible property tax replacement 80271
fund to the county undivided income tax fund in the proper county 80272
treasury. From May 2006 through November 2010, one-seventh of the 80273
amount determined under that division shall be paid by the last 80274
day of May each year, and three-sevenths shall be paid by the last 80275
day of August and October each year. From May 2011 through 80276
November 2013, one-seventh of the amount determined under that 80277
division shall be paid on or before the last day of May each year, 80278
and six-sevenths shall be paid on or before the thirtieth day of 80279
November each year, except that in November 2011, the payment 80280
shall equal one hundred per cent of the amount calculated for that 80281
payment. Beginning in May 2014, one-half of the amount determined 80282
under that division shall be paid on or before the last day of May 80283
each year, and one-half shall be paid on or before the thirtieth 80284
day of November each year. Within thirty days after receipt of 80285
such payments, the county treasurer shall distribute amounts 80286
determined under division (A) of this section to the proper local 80287
taxing unit or public library as if they had been levied and 80288
collected as taxes, and the local taxing unit or public library 80289
shall apportion the amounts so received among its funds in the 80290
same proportions as if those amounts had been levied and collected 80291
as taxes. 80292

(D) For each of the fiscal years 2006 through 2018, if the 80293
total amount in the local government tangible property tax 80294
replacement fund is insufficient to make all payments under 80295
division (C) of this section at the times the payments are to be 80296
made, the director of budget and management shall transfer from 80297
the general revenue fund to the local government tangible property 80298
tax replacement fund the difference between the total amount to be 80299
paid and the amount in the local government tangible property tax 80300
replacement fund. For each fiscal year after 2018, at the time 80301
payments under division (A)(2) of this section are to be made, the 80302
director of budget and management shall transfer from the general 80303

revenue fund to the local government property tax replacement fund 80304
the amount necessary to make such payments. 80305

(E) On the fifteenth day of June of each year from 2006 80306
through 2018, the director of budget and management may transfer 80307
any balance in the local government tangible property tax 80308
replacement fund to the general revenue fund. 80309

(F) If all or a part of the territories of two or more local 80310
taxing units are merged, or unincorporated territory of a township 80311
is annexed by a municipal corporation, the tax commissioner shall 80312
adjust the payments made under this section to each of the local 80313
taxing units in proportion to the square mileage of the merged or 80314
annexed territory as a percentage of the total square mileage of 80315
the jurisdiction from which the territory originated, or as 80316
otherwise provided by a written agreement between the legislative 80317
authorities of the local taxing units certified to the 80318
commissioner not later than the first day of June of the calendar 80319
year in which the payment is to be made. 80320

Sec. 5751.50. (A) For tax periods beginning on or after 80321
January 1, 2008, a refundable credit granted by the tax credit 80322
authority under section 122.17 or former division (B)(2) or (3) of 80323
section 122.171 of the Revised Code, as those divisions existed 80324
before the effective date of the amendment of this section by H.B. 80325
64 of the 131st general assembly, may be claimed under this 80326
chapter in the order required under section 5751.98 of the Revised 80327
Code. For purposes of making tax payments under this chapter, 80328
taxes equal to the amount of the refundable credit shall be 80329
considered to be paid to this state on the first day of the tax 80330
period. A credit claimed in calendar year 2008 may not be applied 80331
against the tax otherwise due for a tax period beginning before 80332
July 1, 2008. The refundable credit shall not be claimed against 80333
the tax otherwise due for any tax period beginning after the date 80334

on which a relocation of employment positions occurs in violation 80335
of an agreement entered into under section 122.17 or 122.171 of 80336
the Revised Code. 80337

(B) For tax periods beginning on or after January 1, 2008, a 80338
nonrefundable credit granted by the tax credit authority under 80339
division (B)~~(1)~~ of section 122.171 of the Revised Code may be 80340
claimed under this chapter in the order required under section 80341
5751.98 of the Revised Code. A credit claimed in calendar year 80342
2008 may not be applied against the tax otherwise due under this 80343
chapter for a tax period beginning before July 1, 2008. The credit 80344
shall not be claimed against the tax otherwise due for any tax 80345
period beginning after the date on which a relocation of 80346
employment positions occurs in violation of an agreement entered 80347
into under section 122.17 or 122.171 of the Revised Code. No 80348
credit shall be allowed under this chapter if the credit was 80349
available against the tax imposed by section 5733.06 or 5747.02 of 80350
the Revised Code, except to the extent the credit was not applied 80351
against such tax. 80352

Sec. 5902.02. The duties of the director of veterans services 80353
shall include the following: 80354

(A) Furnishing the veterans service commissions of all 80355
counties of the state copies of the state laws, rules, and 80356
legislation relating to the operation of the commissions and their 80357
offices; 80358

(B) Upon application, assisting the general public in 80359
obtaining records of vital statistics pertaining to veterans or 80360
their dependents; 80361

(C) Adopting rules pursuant to Chapter 119. of the Revised 80362
Code pertaining to minimum qualifications for hiring, certifying, 80363
and accrediting county veterans service officers, pertaining to 80364

their required duties, and pertaining to revocation of the certification of county veterans service officers; 80365
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(D) Adopting rules pursuant to Chapter 119. of the Revised Code for the education, training, certification, and duties of veterans service commissioners and for the revocation of the certification of a veterans service commissioner; 80367
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(E) Developing and monitoring programs and agreements enhancing employment and training for veterans in single or multiple county areas; 80371
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(F) Developing and monitoring programs and agreements to enable county veterans service commissions to address homelessness, indigency, and other veteran-related issues individually or jointly; 80374
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(G) Developing and monitoring programs and agreements to enable state agencies, individually or jointly, that provide services to veterans, including the veterans' homes operated under Chapter 5907. of the Revised Code and the director of job and family services, to address homelessness, indigency, employment, and other veteran-related issues; 80378
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(H) Establishing and providing statistical reporting formats and procedures for county veterans service commissions; 80384
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(I) Publishing electronically a listing of county veterans service offices and county veterans service commissioners. The listing shall include the expiration dates of commission members' terms of office and the organizations they represent; the names, addresses, and telephone numbers of county veterans service offices; and the addresses and telephone numbers of the Ohio offices and headquarters of state and national veterans service organizations. 80386
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(J) Establishing a veterans advisory committee to advise and assist the department of veterans services in its duties. Members 80394
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shall include a member of the national guard association of the United States who is a resident of this state, a member of the military officers association of America who is a resident of this state, a state representative of congressionally chartered veterans organizations referred to in section 5901.02 of the Revised Code, a representative of any other congressionally chartered state veterans organization that has at least one veterans service commissioner in the state, three representatives of the Ohio state association of county veterans service commissioners, who shall have a combined vote of one, three representatives of the state association of county veterans service officers, who shall have a combined vote of one, one representative of the county commissioners association of Ohio, who shall be a county commissioner not from the same county as any of the other county representatives, a representative of the advisory committee on women veterans, a representative of a labor organization, and a representative of the office of the attorney general. The department of veterans services shall submit to the advisory committee proposed rules for the committee's operation. The committee may review and revise these proposed rules prior to submitting them to the joint committee on agency rule review.

(K) Adopting, with the advice and assistance of the veterans advisory committee, policy and procedural guidelines that the veterans service commissions shall adhere to in the development and implementation of rules, policies, procedures, and guidelines for the administration of Chapter 5901. of the Revised Code. The department of veterans services shall adopt no guidelines or rules regulating the purposes, scope, duration, or amounts of financial assistance provided to applicants pursuant to sections 5901.01 to 5901.15 of the Revised Code. The director of veterans services may obtain opinions from the office of the attorney general regarding rules, policies, procedures, and guidelines of the veterans service commissions and may enforce compliance with Chapter 5901.

of the Revised Code. 80429

(L) Receiving copies of form DD214 filed in accordance with 80430
the director's guidelines adopted under division (L) of this 80431
section from members of veterans service commissions appointed 80432
under section 5901.02 and from county veterans service officers 80433
employed under section 5901.07 of the Revised Code; 80434

(M) Developing and maintaining and improving a resource, such 80435
as a telephone answering point or a web site, by means of which 80436
veterans and their dependents, through a single portal, can access 80437
multiple sources of information and interaction with regard to the 80438
rights of, and the benefits available to, veterans and their 80439
dependents. The director of veterans services may enter into 80440
agreements with state and federal agencies, with agencies of 80441
political subdivisions, with state and local instrumentalities, 80442
and with private entities as necessary to make the resource as 80443
complete as is possible. 80444

(N) Planning, organizing, advertising, and conducting 80445
outreach efforts, such as conferences and fairs, at which veterans 80446
and their dependents may meet, learn about the organization and 80447
operation of the department of veterans services and of veterans 80448
service commissions, and obtain information about the rights of, 80449
and the benefits and services available to, veterans and their 80450
dependents; 80451

(O) Advertising, in print, on radio and television, and 80452
otherwise, the rights of, and the benefits and services available 80453
to, veterans and their dependents; 80454

(P) Developing and advocating improved benefits and services 80455
for, and improved delivery of benefits and services to, veterans 80456
and their dependents; 80457

(Q) Searching for, identifying, and reviewing statutory and 80458
administrative policies that relate to veterans and their 80459

dependents and reporting to the general assembly statutory and 80460
administrative policies that should be consolidated in whole or in 80461
part within the organization of the department of veterans 80462
services to unify funding, delivery, and accounting of statutory 80463
and administrative policy expressions that relate particularly to 80464
veterans and their dependents; 80465

(R) Encouraging veterans service commissions to innovate and 80466
otherwise to improve efficiency in delivering benefits and 80467
services to veterans and their dependents and to report successful 80468
innovations and efficiencies to the director of veterans services; 80469

(S) Publishing and encouraging adoption of successful 80470
innovations and efficiencies veterans service commissions have 80471
achieved in delivering benefits and services to veterans and their 80472
dependents; 80473

(T) Establishing advisory committees, in addition to the 80474
veterans advisory committee established under division (K) of this 80475
section, on veterans issues; 80476

(U) Developing and maintaining a relationship with the United 80477
States department of veterans affairs, seeking optimal federal 80478
benefits and services for Ohio veterans and their dependents, and 80479
encouraging veterans service commissions to maximize the federal 80480
benefits and services to which veterans and their dependents are 80481
entitled; 80482

(V) Developing and maintaining relationships with the several 80483
veterans organizations, encouraging the organizations in their 80484
efforts at assisting veterans and their dependents, and advocating 80485
for adequate state subsidization of the organizations; 80486

(W) Requiring the several veterans organizations that receive 80487
funding from the state annually, not later than the thirtieth day 80488
of July, to report to the director of veterans services and 80489
prescribing the form and content of the report; 80490

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|---|-------|
| (X) Reviewing the reports submitted to the director under | 80491 |
| division (W) of this section within thirty days of receipt and | 80492 |
| informing the veterans organization of any deficiencies that exist | 80493 |
| in the organization's report and that funding will not be released | 80494 |
| until the deficiencies have been corrected and a satisfactory | 80495 |
| report submitted; | 80496 |
| (Y) Advising the director of budget and management when a | 80497 |
| report submitted to the director under division (W) of this | 80498 |
| section has been reviewed and determined to be satisfactory; | 80499 |
| (Z) Furnishing copies of all reports that the director of | 80500 |
| veterans services has determined have been submitted | 80501 |
| satisfactorily under division (W) of this section to the | 80502 |
| chairperson of the finance committees of the general assembly; | 80503 |
| (AA) Investigating complaints against county veterans | 80504 |
| services commissioners and county veterans service officers if the | 80505 |
| director reasonably believes the investigation to be appropriate | 80506 |
| and necessary; | 80507 |
| (BB) Developing and maintaining a web site that is accessible | 80508 |
| by veterans and their dependents and provides a link to the web | 80509 |
| site of each state agency that issues a license, certificate, or | 80510 |
| other authorization permitting an individual to engage in an | 80511 |
| occupation or occupational activity; | 80512 |
| (CC) Encouraging state agencies to conduct outreach efforts | 80513 |
| through which veterans and their dependents can learn about | 80514 |
| available job and education benefits; | 80515 |
| (DD) Informing state agencies about changes in statutes and | 80516 |
| rules that affect veterans and their dependents; | 80517 |
| (EE) Assisting licensing agencies in adopting rules under | 80518 |
| section 5903.03 of the Revised Code; | 80519 |
| (FF) <u>Administering the provision of grants from the military</u> | 80520 |

injury relief fund under section 5902.05 of the Revised Code; 80521

(GG) Taking any other actions required by this chapter. 80522

Sec. ~~5101.98~~ 5902.05. (A) There is hereby created in the 80523
state treasury the military injury relief fund, which shall 80524
consist of money contributed to it under sections 4503.535 and 80525
5747.113 of the Revised Code, ~~of incentive grants authorized by~~ 80526
~~the "Jobs for Veterans Act," 116 Stat. 2033 (2002),~~ and of 80527
contributions made directly to it. Any person or entity may 80528
contribute directly to the fund in addition to or independently of 80529
the income tax refund contribution system established in section 80530
5747.113 of the Revised Code. 80531

(B) Upon application, the director of ~~job and family veterans~~ 80532
services shall grant money in the fund to individuals injured 80533
while in active service as a member of the armed forces of the 80534
United States while serving ~~under operation Iraqi freedom,~~ 80535
~~operation new dawn, or operation enduring freedom~~ after October 7, 80536
2001, and to individuals diagnosed with post-traumatic stress 80537
disorder while serving, or after having served, ~~in operation Iraqi~~ 80538
~~freedom, operation new dawn, or operation enduring freedom~~ after 80539
October 7, 2001. 80540

(C) An individual who receives a grant under this section is 80541
precluded from receiving additional grants under this section 80542
during the same state fiscal year but is not precluded from being 80543
considered for or receiving other assistance offered by the 80544
department of ~~job and family veterans~~ veterans services. 80545

(D) The director shall adopt rules under Chapter 119. of the 80546
Revised Code establishing: 80547

(1) Forms and procedures by which individuals may apply for a 80548
grant under this section; 80549

(2) Criteria for reviewing, evaluating, and approving or 80550

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|---|---|
| denying grant applications; | 80551 |
| (3) Criteria for determining the amount of grants awarded under this section; | 80552 80553 |
| (4) Definitions and standards applicable to determining whether an individual meets the requirements established in division (B) of this section; | 80554 80555 80556 |
| (5) The process for appealing eligibility determinations; and | 80557 |
| (6) Any other rules necessary to administer the grant program established in this section. | 80558 80559 |
| (E) An eligibility determination, a grant approval, or a grant denial made under this section may not be appealed under Chapter 119., section 5101.35 , or any other provision of the Revised Code. | 80560 80561 80562 80563 |
| Sec. 5903.12. (A) As used in this section: | 80564 |
| "Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.281 <u>4731.282</u> , 4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code. | 80565 80566 80567 80568 80569 80570 80571 |
| "Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law. | 80572 80573 80574 |
| (B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving | 80575 80576 80577 80578 80579 80580 |

the application and proper documentation, the licensing agency 80581
shall extend the current reporting period by an amount of time 80582
equal to the total number of months that the licensee spent on 80583
active duty during the current reporting period. For purposes of 80584
this division, any portion of a month served on active duty shall 80585
be considered one full month. 80586

Sec. 5910.08. There is hereby created in the state treasury 80587
the war orphans scholarship reserve fund. ~~Not later than the first~~ 80588
~~day of July~~ As soon as possible following the end of each fiscal 80589
year, the ~~chancellor of the Ohio board of regents~~ director of 80590
higher education shall certify to the director of budget and 80591
management the unencumbered balance of the general revenue fund 80592
appropriations made in the immediately preceding fiscal year for 80593
purposes of the war orphans scholarship program created in Chapter 80594
5910. of the Revised Code. Upon receipt of the certification, the 80595
director of budget and management may transfer an amount not 80596
exceeding the certified amount from the general revenue fund to 80597
the war orphans scholarship reserve fund. Moneys in the war 80598
orphans scholarship reserve fund shall be used to pay scholarship 80599
obligations in excess of the general revenue fund appropriations 80600
made for that purpose. 80601

The director of budget and management may transfer any 80602
unencumbered balance from the war orphans scholarship reserve fund 80603
to the general revenue fund. 80604

If it is determined that general revenue fund appropriations 80605
are insufficient to meet the obligations of the war orphans 80606
scholarship in a fiscal year, the director of budget and 80607
management may transfer funds from the war orphans scholarship 80608
reserve fund to the general revenue fund in order to meet those 80609
obligations. The amount transferred is hereby appropriated. If the 80610
funds transferred from the war orphans scholarship reserve fund 80611

are not needed, the director of budget and management may transfer 80612
the unexpended balance from the general revenue fund back to the 80613
war orphans scholarship reserve fund. 80614

Sec. 5919.341. There is hereby created in the state treasury 80615
the national guard scholarship reserve fund. ~~Not later than the~~ 80616
~~first day of July~~ As soon as possible following the end of each 80617
fiscal year, the ~~chancellor of the Ohio board of regents~~ director
of higher education shall certify to the director of budget and 80618
management the unencumbered balance of the general revenue fund 80619
appropriations made in the immediately preceding fiscal year for 80620
purposes of the Ohio national guard scholarship program created 80621
under division (B) of section 5919.34 of the Revised Code. Upon 80622
receipt of the certification, the director of budget and
management may transfer an amount not exceeding the certified 80623
amount from the general revenue fund to the national guard 80624
scholarship reserve fund. Moneys in the national guard scholarship 80625
reserve fund shall be used to pay scholarship obligations in 80626
excess of the general revenue fund appropriations made for that 80627
purpose. ~~Upon request of the chancellor, the director may seek~~ 80628
~~controlling board approval to establish appropriations as~~ 80629
~~necessary.~~ 80630
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The director of budget and management may transfer any 80633
unencumbered balance from the national guard scholarship reserve 80634
fund to the general revenue fund. 80635

If it is determined that general revenue fund appropriations 80636
are insufficient to meet the obligations of the national guard 80637
scholarship in a fiscal year, the director of budget and 80638
management may transfer funds from the national guard scholarship 80639
reserve fund to the general revenue fund in order to meet those 80640
obligations. The amount transferred is hereby appropriated. If the 80641
funds transferred from the national guard scholarship reserve fund 80642

are not needed, the director of budget and management may transfer 80643
the unexpended balance from the general revenue fund back to the 80644
national guard scholarship reserve fund. 80645

Sec. 6101.16. When it is determined to let the work relating 80646
to the improvements for which a conservancy district was 80647
established by contract, contracts in amounts to exceed 80648
~~twenty-five~~ fifty thousand dollars shall be advertised after 80649
notice calling for bids has been published once a week for two 80650
consecutive weeks or as provided in section 7.16 of the Revised 80651
Code, with the last publication to occur at least eight days prior 80652
to the date on which bids will be accepted, in a newspaper of 80653
general circulation within the conservancy district where the work 80654
is to be done. If the bids are for a contract for the 80655
construction, demolition, alteration, repair, or reconstruction of 80656
an improvement, the board of directors of the conservancy district 80657
may let the contract to the lowest responsive and most responsible 80658
bidder who meets the requirements of section 153.54 of the Revised 80659
Code. If the bids are for a contract for any other work relating 80660
to the improvements for which a conservancy district was 80661
established, the board of directors of the district may let the 80662
contract to the lowest responsive and most responsible bidder who 80663
gives a good and approved bond, with ample security, conditioned 80664
on the carrying out of the contract. The contract shall be in 80665
writing and shall be accompanied by or refer to plans and 80666
specifications for the work to be done prepared by the chief 80667
engineer. The plans and specifications shall at all times be made 80668
and considered a part of the contract. The contract shall be 80669
approved by the board and signed by the president of the board and 80670
by the contractor and shall be executed in duplicate. In case of 80671
sudden emergency when it is necessary in order to protect the 80672
district, the advertising of contracts may be waived upon the 80673
consent of the board, with the approval of the court or a judge of 80674

the court of common pleas of the county in which the office of the 80675
district is located. 80676

Sec. 6109.30. (A) There is hereby created in the state 80677
treasury the drinking water protection fund, which shall be 80678
administered by the director of environmental protection. The fund 80679
shall consist of moneys distributed to it and shall be used for 80680
all of the following purposes: 80681

(1) Administration of this chapter and rules adopted under 80682
it; 80683

(2) Administration in this state of the "Safe Drinking Water 80684
Act"; 80685

(3) Provision of technical assistance to public water systems 80686
in this state for the purposes of this chapter and rules adopted 80687
under it; 80688

(4) Special studies conducted by the director for the 80689
monitoring and testing of drinking water quality in this state; 80690

(5) Support of programs for the prevention of contamination 80691
of surface and ground water supplies in this state that are 80692
sources of drinking water. 80693

~~Moneys in the fund shall not be used to meet any state 80694
matching requirements that are necessary to obtain federal grants.~~ 80695

(B) The director may expend not more than two hundred 80696
thousand dollars from the fund in each fiscal year for the purpose 80697
of making loans to owners and operators of public water systems 80698
for emergency remediation of threats of contamination to public 80699
water supplies. The director shall not loan more than twenty-five 80700
thousand dollars to the owner or operator of any single public 80701
water system. The director shall adopt, and may amend and rescind, 80702
rules in accordance with Chapter 119. of the Revised Code 80703
establishing application procedures and requirements for those 80704

loans. The rules shall require that an owner or operator receiving 80705
a loan under this division repay the loan to the fund not later 80706
than twelve months after receiving it. 80707

Sec. 6111.01. As used in this chapter: 80708

(A) "Pollution" means the placing of any sewage, sludge, 80709
sludge materials, industrial waste, or other wastes in any waters 80710
of the state. 80711

(B) "Sewage" means any liquid waste containing sludge, sludge 80712
materials, or animal or vegetable matter in suspension or 80713
solution, and may include household wastes as commonly discharged 80714
from residences and from commercial, institutional, or similar 80715
facilities. 80716

(C) "Industrial waste" means any liquid, gaseous, or solid 80717
waste substance resulting from any process of industry, 80718
manufacture, trade, or business, or from the development, 80719
processing, or recovery of any natural resource, together with 80720
such sewage as is present. "Industrial waste" does not include 80721
either of the following: 80722

(1) Shale and clay products regardless of whether they are 80723
placed on the ground, placed below grade, or used in products that 80724
come into contact with the ground or are placed below grade; 80725

(2) Slag regardless of whether it is placed on the ground, 80726
placed below grade, or used in products that come into contact 80727
with the ground or are placed below grade. 80728

(D) "Other wastes" means garbage, refuse, decayed wood, 80729
sawdust, shavings, bark, and other wood debris, lime, sand, ashes, 80730
offal, night soil, oil, tar, coal dust, dredged or fill material, 80731
or silt, other substances that are not sewage, sludge, sludge 80732
materials, or industrial waste, and any other "pollutants" or 80733
"toxic pollutants" as defined in the Federal Water Pollution 80734

Control Act that are not sewage, sludge, sludge materials, or 80735
industrial waste. 80736

(E) "Sewerage system" means pipelines or conduits, pumping 80737
stations, and force mains, and all other constructions, devices, 80738
appurtenances, and facilities used for collecting or conducting 80739
water-borne sewage, industrial waste, or other wastes to a point 80740
of disposal or treatment, but does not include plumbing fixtures, 80741
building drains and subdrains, building sewers, and building storm 80742
sewers. 80743

(F) "Treatment works" means any plant, disposal field, 80744
lagoon, dam, pumping station, building sewer connected directly to 80745
treatment works, incinerator, or other works used for the purpose 80746
of treating, stabilizing, blending, composting, or holding sewage, 80747
sludge, sludge materials, industrial waste, or other wastes, 80748
except as otherwise defined. 80749

(G) "Disposal system" means a system for disposing of sewage, 80750
sludge, sludge materials, industrial waste, or other wastes and 80751
includes sewerage systems and treatment works. 80752

(H) "Waters of the state" means all streams, lakes, ponds, 80753
marshes, watercourses, waterways, wells, springs, irrigation 80754
systems, drainage systems, and other bodies or accumulations of 80755
water, surface and underground, natural or artificial, regardless 80756
of the depth of the strata in which underground water is located, 80757
that are situated wholly or partly within, or border upon, this 80758
state, or are within its jurisdiction, except those private waters 80759
that do not combine or effect a junction with natural surface or 80760
underground waters. 80761

(I) "Person" means the state, any municipal corporation, any 80762
other political subdivision of the state, any person as defined in 80763
section 1.59 of the Revised Code, any interstate body created by 80764
compact, or the federal government or any department, agency, or 80765

instrumentality thereof. 80766

(J) "Industrial water pollution control facility" means any 80767
disposal system or any treatment works, pretreatment works, 80768
appliance, equipment, machinery, pipeline or conduit, pumping 80769
station, force main, or installation constructed, used, or placed 80770
in operation primarily for the purpose of collecting or conducting 80771
industrial waste to a point of disposal or treatment; reducing, 80772
controlling, or eliminating water pollution caused by industrial 80773
waste; or reducing, controlling, or eliminating the discharge into 80774
a disposal system of industrial waste or what would be industrial 80775
waste if discharged into the waters of the state. 80776

(K) "Schedule of compliance" means a schedule of remedial 80777
measures including an enforceable sequence of actions or 80778
operations leading to compliance with standards and rules adopted 80779
under sections 6111.041 and 6111.042 of the Revised Code or 80780
compliance with terms and conditions of permits set under division 80781
(J) of section 6111.03 of the Revised Code. 80782

(L) "Federal Water Pollution Control Act" means the "Federal 80783
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 80784
U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 80785
Stat. 1566, 33 U.S.C.A. 1251, and all other amendments to that 80786
act. 80787

(M) "Historically channelized watercourse" means the portion 80788
of a watercourse on which an improvement, as defined in divisions 80789
(C)(2) to (4) of section 6131.01 of the Revised Code, was 80790
constructed pursuant to Chapter 1515., 6131., or 6133. of the 80791
Revised Code or a similar state law that preceded any of those 80792
chapters and authorized such an improvement. 80793

(N) "Sludge" means sewage sludge and a solid, semi-solid, or 80794
liquid residue that is generated from an industrial wastewater 80795
treatment process and that is applied to land for agronomic 80796

benefit. "Sludge" does not include ash generated during the firing 80797
of sludge in a sludge incinerator, grit and screening generated 80798
during preliminary treatment of sewage in a treatment works, 80799
animal manure, residue generated during treatment of animal 80800
manure, or domestic septage. 80801

(O) "Sludge materials" means solid, semi-solid, or liquid 80802
materials derived from sludge and includes products from a 80803
treatment works that result from the treatment, blending, or 80804
composting of sludge. 80805

(P) "Storage of sludge" means the placement of sludge on land 80806
on which the sludge remains for not longer than two years, but 80807
does not include the placement of sludge on land for treatment. 80808

(Q) "Sludge disposal program" means any program used by an 80809
entity that begins with the generation of sludge and includes 80810
treatment or disposal of the sludge, as "treatment" and "disposal" 80811
are defined in division (Y) of section 3745.11 of the Revised 80812
Code. 80813

(R) "Agronomic benefit" means any process that promotes or 80814
enhances plant growth and includes, but is not limited to, a 80815
process that increases soil fertility and moisture retention. 80816

(S) "Sludge management" means the use, storage, treatment, or 80817
disposal of, and management practices related to, sludge and 80818
sludge materials. 80819

(T) "Sludge management permit" means a permit for sludge 80820
management that is issued under division (J) of section 6111.03 of 80821
the Revised Code. 80822

(U) "Sewage sludge" has the same meaning as in division (Y) 80823
of section 3745.11 of the Revised Code. 80824

(V) "Shale and clay products" means nontoxic, nonhazardous, 80825
unwanted fired and unfired, glazed and unglazed, structural shale 80826

and clay products. 80827

(W) "Slag" means nonmetallic product resulting from melting 80828

or smelting operations for iron or steel. 80829

Sec. 6111.02. As used in this section and sections 6111.021 80830

to 6111.028 of the Revised Code: 80831

(A) "Category 1 wetland," "category 2 wetland," or "category 80832

3 wetland" means a category 1 wetland, category 2 wetland, or 80833

category 3 wetland, respectively, as described in rule 3745-1-54 80834

of the Administrative Code, as that rule existed on July 17, 2001, 80835

and as determined to be a category 1, category 2, or category 3 80836

wetland, respectively, through application of the "Ohio rapid 80837

assessment method for wetlands version 5.0," including the Ohio 80838

rapid assessment method for wetlands version 5.0 quantitative 80839

score calibration dated August 15, 2000, unless an application for 80840

a section 401 water quality certification was submitted prior to 80841

February 28, 2001, in which case the applicant for the permit may 80842

elect to proceed in accordance with Ohio rapid assessment method 80843

for wetlands version 4.1. 80844

(B) "Creation" means the establishment of a wetland where one 80845

did not formerly exist and that involves wetland construction on 80846

nonhydric soils. 80847

(C) "Enhancement" means activities conducted in an existing 80848

wetland to improve or repair existing or natural wetland functions 80849

and values of that wetland. 80850

(D) "Fill material" means any material that is used to fill 80851

an aquatic area, to replace an aquatic area with dry land, or to 80852

change the bottom elevation of a wetland for any purpose and that 80853

consists of suitable material that is free from toxic contaminants 80854

in other than trace quantities. "Fill material" does not include 80855

either of the following: 80856

(1) Material resulting from normal farming, silviculture, and 80857
ranching activities, such as plowing, cultivating, seeding, and 80858
harvesting, for the production of food, fiber, and forest 80859
products; 80860

(2) Material placed for the purpose of maintenance of 80861
existing structures, including emergency reconstruction of 80862
recently damaged parts of currently serviceable structures such as 80863
dikes, dams, levees, groins, riprap, breakwaters, causeways, and 80864
bridge abutments or approaches, and transportation structures. 80865

(E) "Filling" means the addition of fill material into a 80866
wetland for the purpose of creating upland, changing the bottom 80867
elevation of the wetland, or creating impoundments of water. 80868
"Filling" includes, without limitation, the placement of the 80869
following in wetlands: fill material that is necessary for the 80870
construction of any structure; structures or impoundments 80871
requiring rock, sand, dirt, or other material for its 80872
construction; site-development fills for recreational, industrial, 80873
commercial, residential, or other uses; causeways or road fills; 80874
dams and dikes; artificial islands, property protection, or 80875
reclamation devices such as riprap, groins, seawalls, breakwalls, 80876
and bulkheads and fills; beach nourishment; levees; sanitary 80877
landfills; fill material for structures such as sewage treatment 80878
facilities, intake and outfall pipes associated with power plants, 80879
and underwater utility lines; and artificial reefs. 80880

(F) "Isolated wetland" means a wetland that is not subject to 80881
regulation under the Federal Water Pollution Control Act. 80882

(G) "Mitigation" means the restoration, creation, 80883
enhancement, or, in exceptional circumstances, preservation of 80884
wetlands expressly for the purpose of compensating for wetland 80885
impacts. 80886

(H) "Mitigation bank service area" means the designated area 80887

where a mitigation bank can reasonably be expected to provide 80888
appropriate compensation for impacts to wetlands and other aquatic 80889
resources and that is designated as such in accordance with the 80890
process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98. 80891

(I) "Off-site mitigation" means wetland restoration, 80892
creation, enhancement, or preservation occurring farther than one 80893
mile from a project boundary, but within the same watershed. 80894

(J) "On-site mitigation" means wetland restoration, creation, 80895
enhancement, or preservation occurring within and not more than 80896
one mile from the project boundary and within the same watershed. 80897

(K) "Practicable" means available and capable of being 80898
executed with existing technology and without significant adverse 80899
effect on the economic feasibility of the project in light of the 80900
overall project purposes and in consideration of the relative 80901
environmental benefit. 80902

(L) "Preservation" means the long-term protection of 80903
ecologically important wetlands ~~in perpetuity~~ through the 80904
implementation of appropriate legal mechanisms to prevent harm to 80905
the wetlands. "Preservation" may include protection of adjacent 80906
upland areas as necessary to ensure protection of a wetland. 80907

(M) "Restoration" means the reestablishment of a previously 80908
existing wetland at a site where it has ceased to exist. 80909

(N) "State isolated wetland permit" means a permit issued in 80910
accordance with sections 6111.02 to 6111.027 of the Revised Code 80911
authorizing the filling of an isolated wetland. 80912

(O) "Watershed" means an eight-digit hydrologic unit. 80913

(P) "Wetlands" means those areas that are inundated or 80914
saturated by surface or ground water at a frequency and duration 80915
that are sufficient to support, and that under normal 80916
circumstances do support, a prevalence of vegetation typically 80917

adapted for life in saturated soil conditions. "Wetlands" includes 80918
swamps, marshes, bogs, and similar areas that are delineated in 80919
accordance with the 1987 United States army corps of engineers 80920
wetland delineation manual and any other procedures and 80921
requirements adopted by the United States army corps of engineers 80922
for delineating wetlands. 80923

(Q) "Wetland mitigation bank" means a site where wetlands 80924
have been restored, created, enhanced, or, in exceptional 80925
circumstances, preserved expressly for the purpose of providing 80926
mitigation for impacts to wetlands and that has been approved in 80927
accordance with the process established in 33 C.F.R. 332.8 and 40 80928
C.F.R. 230.98. 80929

(R) "Eight-digit hydrologic unit" means a common surface 80930
drainage area corresponding to one from the list of thirty-seven 80931
adapted from the forty-four cataloging units as depicted on the 80932
hydrologic unit map of Ohio, United States geological survey, 80933
1988, and as described in division (F)(2) of rule 3745-1-54 of the 80934
Administrative Code or as otherwise shown on map number 1 found in 80935
rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic 80936
unit" is limited to those parts of the cataloging units that 80937
geographically lie within the borders of this state. 80938

(S) "In-lieu fee mitigation" means a payment made by an 80939
applicant to satisfy a wetland mitigation requirement established 80940
in sections 6111.02 to 6111.027 of the Revised Code. 80941

Sec. 6111.027. (A) Mitigation for impacts to isolated 80942
wetlands under sections 6111.02 to 6111.027 shall be conducted in 80943
accordance with the following ratios: 80944

(1) For category 1 and category 2 isolated wetlands, other 80945
than forested category 2 isolated wetlands, mitigation located at 80946
an approved wetland mitigation bank shall be conducted, or 80947
mitigation shall be paid for under an in-lieu fee mitigation 80948

program, at a rate of two times the size of the area of isolated wetland that is being impacted. 80949
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(2) For forested category 2 isolated wetlands, mitigation located at an approved wetland mitigation bank shall be conducted, or mitigation shall be paid for under an in-lieu fee mitigation program, at a rate of two and one-half times the size of the area of isolated wetland that is being impacted. 80951
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(3) All other mitigation shall be subject to mitigation ratios established in division (F) of rule 3745-1-54 of the Administrative Code. 80956
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(B) Mitigation that involves the enhancement or preservation of isolated wetlands shall be calculated and performed in accordance with rule 3745-1-54 of the Administrative Code. 80959
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(C) An applicant for coverage under a general state isolated wetland permit or for an individual state isolated wetland permit under sections 6111.022 to 6111.024 of the Revised Code shall demonstrate that the mitigation site will be protected ~~in~~ perpetuity long term and that appropriate practicable management measures are, or will be, in place to restrict harmful activities that jeopardize the mitigation. 80962
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Sec. 6111.30. (A) Applications for a section 401 water quality certification required under division (P) of section 6111.03 of the Revised Code shall be submitted on forms provided by the director of environmental protection and shall include all information required on those forms as well as all of the following: 80969
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(1) A copy of a letter from the United States army corps of engineers documenting its jurisdiction over the wetlands, streams, or other waters of the state that are the subject of the section 401 water quality certification application; 80975
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| (2) If the project involves impacts to a wetland, a wetland characterization analysis consistent with the Ohio rapid assessment method; | 80979 80980 80981 |
| (3) If the project involves a stream for which a specific aquatic life use designation has not been made, a use attainability analysis <u>data sufficient to determine the existing aquatic life use</u> ; | 80982 80983 80984 80985 |
| (4) A specific and detailed mitigation proposal, including the location and proposed legal <u>real estate instrument or other available</u> mechanism for protecting the property in perpetuity <u>long term</u> ; | 80986 80987 80988 80989 |
| (5) Applicable fees; | 80990 |
| (6) Site photographs; | 80991 |
| (7) Adequate documentation confirming that the applicant has requested comments from the department of natural resources and the United States fish and wildlife service regarding threatened and endangered species, including the presence or absence of critical habitat; | 80992 80993 80994 80995 80996 |
| (8) Descriptions, schematics, and appropriate economic information concerning the applicant's preferred alternative, nondegradation alternatives, and minimum degradation alternatives for the design and operation of the project; | 80997 80998 80999 81000 |
| (9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project; | 81001 81002 81003 |
| (10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project. | 81004 81005 81006 |
| (B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the | 81007 81008 |

director shall review the application to determine if it is 81009
complete and shall notify the applicant in writing as to whether 81010
the application is complete. If the director fails to notify the 81011
applicant within fifteen business days regarding the completeness 81012
of the application, the application is considered complete. If the 81013
director determines that the application is not complete, the 81014
director shall include with the written notification an itemized 81015
list of the information or materials that are necessary to 81016
complete the application. If the applicant fails to provide the 81017
information or materials within sixty days after the director's 81018
receipt of the application, the director may return the incomplete 81019
application to the applicant and take no further action on the 81020
application. If the application is returned to the applicant 81021
because it is incomplete, the director shall return the review fee 81022
levied under division (A)(1), (2), or (3) of section 3745.114 of 81023
the Revised Code to the applicant, but shall retain the 81024
application fee levied under that section. 81025

(C) Not later than twenty-one days after a determination that 81026
an application is complete under division (B) of this section, the 81027
applicant shall publish public notice of the director's receipt of 81028
the complete application in a newspaper of general circulation in 81029
the county in which the project that is the subject of the 81030
application is located. The public notice shall be in a form 81031
acceptable to the director. The applicant shall promptly provide 81032
the director with proof of publication. The applicant may choose, 81033
subject to review by and approval of the director, to include in 81034
the public notice an advertisement for an antidegradation public 81035
hearing on the application pursuant to section 6111.12 of the 81036
Revised Code. There shall be a public comment period of thirty 81037
days following the publication of the public notice. 81038

(D) If the director determines that there is significant 81039
public interest in a public hearing as evidenced by the public 81040

comments received concerning the application and by other requests 81041
for a public hearing on the application, the director or the 81042
director's representative shall conduct a public hearing 81043
concerning the application. Notice of the public hearing shall be 81044
published by the applicant, subject to review and approval by the 81045
director, at least thirty days prior to the date of the hearing in 81046
a newspaper of general circulation in the county in which the 81047
project that is the subject of the application is to take place. 81048
If a public hearing is requested concerning an application, the 81049
director shall accept comments concerning the application until 81050
five business days after the public hearing. A public hearing 81051
conducted under this division shall take place not later than one 81052
hundred days after the application is determined to be complete. 81053

(E) The director shall forward all public comments concerning 81054
an application submitted under this section that are received 81055
through the public involvement process required by rules adopted 81056
under this chapter to the applicant not later than five business 81057
days after receipt of the comments by the director. 81058

(F) The applicant shall respond in writing to written 81059
comments or to deficiencies identified by the director during the 81060
course of reviewing the application not later than fifteen days 81061
after receiving or being notified of them. 81062

(G) The director shall issue or deny a section 401 water 81063
quality certification not later than one hundred eighty days after 81064
the complete application for the certification is received. The 81065
director shall provide an applicant for a section 401 water 81066
quality certification with an opportunity to review the 81067
certification prior to its issuance. 81068

(H) The director shall maintain an accessible database that 81069
includes environmentally beneficial water restoration and 81070
protection projects that may serve as potential mitigation 81071
projects for projects in the state for which a section 401 water 81072

quality certification is required. A project's inclusion in the 81073
database does not constitute an approval of the project. 81074

(I) Mitigation required by a section 401 water quality 81075
certification may be accomplished by any of the following: 81076

(1) Purchasing credits at a mitigation bank approved in 81077
accordance with 33 C.F.R. 332.8; 81078

(2) Participating in an in-lieu fee mitigation program 81079
approved in accordance with 33 C.F.R. 332.8; 81080

(3) Constructing individual mitigation projects. 81081

Notwithstanding the mitigation hierarchy specified in section 81082
3745-1-54 of the Administrative Code, mitigation projects shall be 81083
approved in accordance with the hierarchy specified in 33 C.F.R. 81084
332.3 unless the director determines that the size or quality of 81085
the impacted resource necessitates reasonably identifiable, 81086
available, and practicable mitigation conducted by the applicant. 81087
The director shall adopt rules in accordance with Chapter 119. of 81088
the Revised Code consistent with the mitigation hierarchy 81089
specified in 33 C.F.R. 332.3. 81090

(J) The director may establish a program and adopt rules in 81091
accordance with Chapter 119. of the Revised Code for the purpose 81092
of certifying water quality professionals to assess streams to 81093
determine existing aquatic life use and to categorize wetlands in 81094
support of applications for section 401 water quality 81095
certification under divisions (A)(2) and (3) of this section and 81096
isolated wetland permits under sections 6111.022 to 6111.024 of 81097
the Revised Code. The director shall use information submitted by 81098
certified water quality professionals in the review of those 81099
applications. 81100

Rules adopted under this division shall do all of the 81101
following: 81102

(1) Provide for the certification of water quality professionals to conduct activities in support of applications for section 401 water quality certification and isolated wetland permits, including work necessary to determine existing aquatic life use of streams and categorize wetlands. Rules adopted under division (J)(1) of this section shall do at least all of the following: 81103
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(a) Authorize the director to require an applicant for water quality professional certification to submit information considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations; 81110
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(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification; 81115
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81117

(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements; 81118
81119
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81121

(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials; 81122
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(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal. 81127
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(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing 81130
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applications for water quality professional certification and for 81134
issuing those certifications; 81135

(3) Authorize the director to suspend or revoke the 81136
certification of a water quality professional if the director 81137
finds that the professional's performance has resulted in 81138
submission of documentation that is inconsistent with standards 81139
established in rules adopted under division (J)(7) of this 81140
section; 81141

(4) Authorize the director to review documentation submitted 81142
by a certified water quality professional to ensure compliance 81143
with requirements established in rules adopted under division 81144
(J)(7) of this section; 81145

(5) Require a certified water quality professional to submit 81146
any documentation developed in support of an application for a 81147
section 401 water quality certification or an isolated wetland 81148
permit upon the request of the director; 81149

(6) Authorize random audits by the director of documentation 81150
developed or submitted by certified water quality professionals to 81151
ensure compliance with requirements established in rules adopted 81152
under division (J)(7) of this section; 81153

(7) Establish technical standards to be used by certified 81154
water quality professionals in conducting stream assessments and 81155
wetlands categorizations. 81156

(K) As used in this section and section 6111.31 of the 81157
Revised Code, "section 401 water quality certification" means 81158
certification pursuant to section 401 of the Federal Water 81159
Pollution Control Act and this chapter and rules adopted under it 81160
that any discharge, as set forth in section 401, will comply with 81161
sections 301, 302, 303, 306, and 307 of the Federal Water 81162
Pollution Control Act. 81163

Sec. 6111.99. (A) Whoever purposely violates section 6111.04, 81164
6111.042, 6111.05, or division (A) or (C) of section 6111.07 of 81165
the Revised Code is guilty of a felony and shall be fined not more 81166
than twenty-five thousand dollars or imprisoned not more than ~~one~~ 81167
year four years, or both. Each day of violation is a separate 81168
offense. 81169

(B) Whoever knowingly violates section 6111.04, 6111.042, 81170
6111.045 or, 6111.047, 6111.05, 6111.45, or division (A) or (C) of 81171
section 6111.07 of the Revised Code is guilty of a misdemeanor and 81172
shall be fined not more than ten thousand dollars or imprisoned 81173
not more than one year, or both. Each day of violation is a 81174
separate offense. 81175

(C) Whoever violates section ~~6111.45 or~~ 6111.46 of the 81176
Revised Code shall be fined not more than five hundred dollars. 81177

(D) ~~Whoever violates division (C) of section 6111.07 of the~~ 81178
~~Revised Code shall be fined not more than twenty five thousand~~ 81179
~~dollars.~~ 81180

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 81181
shall be fined not more than one hundred dollars for a first 81182
offense; for each subsequent offense, the person shall be fined 81183
not more than one hundred fifty dollars. 81184

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 81185
shall be fined not more than ~~one hundred~~ ten thousand dollars. 81186
Each day of violation is a separate offense. 81187

(F) If a person is convicted of or pleads guilty to a 81188
violation of any section of this chapter, in addition to the 81189
financial sanctions authorized by this chapter or section 2929.18 81190
or 2929.28 or any other section of the Revised Code, the court 81191
imposing the sentence on the person may order the person to 81192
reimburse the state agency or a political subdivision for any 81193

actual costs that it incurred in responding to the violation, 81194
including the cost of restoring affected aquatic resources or 81195
otherwise compensating for adverse impact to aquatic resources 81196
directly caused by the violation, but not including the costs of 81197
prosecution. 81198

Sec. 6301.16. (A) Beginning January 1, 2016, each participant 81199
in an adult training or education program funded under the 81200
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall 81201
create an account with OhioMeansJobs at the time of enrollment in 81202
the program. 81203

(B) Division (A) of this section does not apply to any 81204
individual who is legally prohibited from using a computer, has a 81205
physical or visual impairment that makes the individual unable to 81206
use a computer, or has a limited ability to read, write, speak, or 81207
understand a language in which OhioMeansJobs is available. 81208

Section 101.02. That existing sections 1.05, 9.06, 9.312, 81209
9.333, 9.83, 9.833, 9.90, 9.901, 103.412, 105.41, 109.57, 109.572, 81210
113.07, 117.11, 118.04, 119.12, 121.03, 121.22, 121.372, 121.40, 81211
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5751.22, 5751.50, 5902.02, 5903.12, 5910.08, 5919.341, 6101.16, 81316
6109.30, 6111.01, 6111.02, 6111.027, 6111.30, and 6111.99 of the 81317
Revised Code are hereby repealed. 81318

Section 105.01. That sections 103.132, 111.181, 121.36, 81319

122.26, 122.952, 125.021, 125.022, 125.023, 125.03, 125.051, 81320
125.06, 125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 81321
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5104.037, 5108.051, 5108.10, 5119.411, 5163.061, 5163.08, 5164.37, 81328
5165.25, 5165.26, 5168.12, 5739.212, and 5747.29 of the Revised 81329
Code are hereby repealed. 81330

Section 110.10. That the versions of sections 340.01, 340.03, 81331
340.15, and 5119.21 of the Revised Code that are scheduled to take 81332
effect September 15, 2016, be amended to read as follows: 81333

Sec. 340.01. (A) As used in this chapter: 81334

(1) "Addiction," "addiction services," "alcohol and drug 81335
addiction services," "alcoholism," "community addiction services 81336
provider," "community mental health services provider," "drug 81337
addiction," "gambling addiction services," "mental health 81338
services," and "mental illness" have the same meanings as in 81339
section 5119.01 of the Revised Code. 81340

(2) "Medication-assisted treatment" means alcohol and drug 81341
addiction services that are accompanied by medication approved by 81342
the United States food and drug administration for the treatment 81343
of drug addiction, prevention of relapse of drug addiction, or 81344
both. 81345

(3) "Recovery housing" means housing for individuals 81346
recovering from alcoholism or drug addiction that provides an 81347
alcohol and drug-free living environment, peer support, assistance 81348
with obtaining alcohol and drug addiction services, and other 81349

alcoholism and drug addiction recovery assistance. 81350

(B) An alcohol, drug addiction, and mental health service 81351
district shall be established in any county or combination of 81352
counties having a population of at least fifty thousand to provide 81353
addiction services and mental health services. With the approval 81354
of the director of mental health and addiction services, any 81355
county or combination of counties having a population of less than 81356
fifty thousand may establish such a district. Districts comprising 81357
more than one county shall be known as joint-county districts. 81358

The board of county commissioners of any county participating 81359
in a joint-county district may submit a resolution requesting 81360
withdrawal from the district together with a comprehensive plan or 81361
plans that are in compliance with rules adopted by the director of 81362
mental health and addiction services under section 5119.22 of the 81363
Revised Code, and that provide for the equitable adjustment and 81364
division of all services, assets, property, debts, and 81365
obligations, if any, of the joint-county district to the board of 81366
alcohol, drug addiction, and mental health services, to the boards 81367
of county commissioners of each county in the district, and to the 81368
director. No county participating in a joint-county service 81369
district may withdraw from the district without the consent of the 81370
director of mental health and addiction services nor earlier than 81371
one year after the submission of such resolution unless all of the 81372
participating counties agree to an earlier withdrawal. Any county 81373
withdrawing from a joint-county district shall continue to have 81374
levied against its tax list and duplicate any tax levied by the 81375
district during the period in which the county was a member of the 81376
district until such time as the levy expires or is renewed or 81377
replaced. 81378

Sec. 340.03. (A) Subject to rules issued by the director of 81379
mental health and addiction services after consultation with 81380

relevant constituencies as required by division (A)(10) of section 81381
5119.21 of the Revised Code, the board of alcohol, drug addiction, 81382
and mental health services shall: 81383

(1) Serve as the community addiction and mental health 81384
services planning agency for the county or counties under its 81385
jurisdiction, and in so doing it shall: 81386

(a) Evaluate the need for facilities and community addiction 81387
and mental health services; 81388

(b) In cooperation with other local and regional planning and 81389
funding bodies and with relevant ethnic organizations, assess the 81390
community addiction and mental health needs, evaluate strengths 81391
and challenges, and set priorities for community addiction and 81392
mental health services, including treatment and prevention. When 81393
the board sets priorities for the operation of addiction services, 81394
the board shall consult with the county commissioners of the 81395
counties in the board's service district regarding the services 81396
described in section 340.15 of the Revised Code and shall give 81397
priority to those services, except that those services shall not 81398
have a priority over services provided to pregnant women under 81399
programs developed in relation to the mandate established in 81400
section 5119.17 of the Revised Code; 81401

(c) In accordance with guidelines issued by the director of 81402
mental health and addiction services after consultation with board 81403
representatives, annually develop and submit to the department of 81404
mental health and addiction services a community addiction and 81405
mental health services plan listing community addiction and mental 81406
health services needs, including the needs of all residents of the 81407
district currently receiving inpatient services in state-operated 81408
hospitals, the needs of other populations as required by state or 81409
federal law or programs, and the needs of all children subject to 81410
a determination made pursuant to section 121.38 of the Revised 81411
Code, and priorities for facilities and community addiction and 81412

mental health services during the period for which the plan will 81413
be in effect. 81414

In alcohol, drug addiction, and mental health service 81415
districts that have separate alcohol and drug addiction services 81416
and community mental health boards, the alcohol and drug addiction 81417
services board shall submit a community addiction services plan 81418
and the community mental health board shall submit a community 81419
mental health services plan. Each board shall consult with its 81420
counterpart in developing its plan and address the interaction 81421
between the local addiction services and mental health services 81422
systems and populations with regard to needs and priorities in 81423
developing its plan. 81424

The department shall approve or disapprove the plan, in whole 81425
or in part, according to the criteria developed pursuant to 81426
section 5119.22 of the Revised Code. Eligibility for state and 81427
federal funding shall be contingent upon an approved plan or 81428
relevant part of a plan. 81429

If a board determines that it is necessary to amend a plan 81430
that has been approved under this division, the board shall submit 81431
a proposed amendment to the director. The director may approve or 81432
disapprove all or part of the amendment. The director shall inform 81433
the board of the reasons for disapproval of all or part of an 81434
amendment and of the criteria that must be met before the 81435
amendment may be approved. The director shall provide the board an 81436
opportunity to present its case on behalf of the amendment. The 81437
director shall give the board a reasonable time in which to meet 81438
the criteria, and shall offer the board technical assistance to 81439
help it meet the criteria. 81440

The board shall operate in accordance with the plan approved 81441
by the department. 81442

(d) Promote, arrange, and implement working agreements with 81443

social agencies, both public and private, and with judicial agencies. 81444
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(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community addiction or mental health services provider ~~certified under section 5119.36 of the Revised Code~~ or alleging abuse or neglect of a resident receiving addiction services or with mental illness or severe mental disability residing in a residential facility licensed under section 5119.34 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department. 81446
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(3) For the purpose of section 5119.36 of the Revised Code, cooperate with the director of mental health and addiction services in visiting and evaluating whether the addiction or mental health services of a community addiction or mental health services provider satisfy the certification standards established by rules adopted under that section; 81459
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(4) In accordance with criteria established under division (E) of section 5119.22 of the Revised Code, conduct program audits that review and evaluate the quality, effectiveness, and efficiency of addiction and mental health services provided through its community addiction and mental health ~~contracted~~ services providers and submit its findings and recommendations to the department of mental health and addiction services; 81465
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(5) In accordance with section 5119.34 of the Revised Code, review an application for a residential facility license and provide to the department of mental health and addiction services any information about the applicant or facility that the board 81472
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would like the department to consider in reviewing the 81476
application; 81477

(6) Audit, in accordance with rules adopted by the auditor of 81478
state pursuant to section 117.20 of the Revised Code, at least 81479
annually all programs and services provided under contract with 81480
the board. In so doing, the board may contract for or employ the 81481
services of private auditors. A copy of the fiscal audit report 81482
shall be provided to the director of mental health and addiction 81483
services, the auditor of state, and the county auditor of each 81484
county in the board's district. 81485

(7) Recruit and promote local financial support for addiction 81486
and mental health services from private and public sources; 81487

(8)(a) Enter into contracts with public and private 81488
facilities for the operation of facility services and enter into 81489
contracts with public and private community addiction and mental 81490
health ~~service~~ services providers for the provision of ~~community~~ 81491
addiction and mental health services. The board may not contract 81492
with a residential facility subject to section 5119.34 of the 81493
Revised Code unless the facility is licensed by the director of 81494
mental health and addiction services ~~and~~. The board may not 81495
contract with a community addiction or mental health services 81496
provider to provide ~~community~~ addiction or mental health services 81497
unless the services are certified by the director of mental health 81498
and addiction services under section 5119.36 of the Revised Code. 81499
Section 307.86 of the Revised Code does not apply to contracts 81500
entered into under this division. In contracting with a community 81501
addiction or mental health services provider, a board shall 81502
consider the cost effectiveness of addiction or mental health 81503
services provided by that provider and the quality and continuity 81504
of care, and may review cost elements, including salary costs, of 81505
the services to be provided. A utilization review process may be 81506
established as part of the contract for services entered into 81507

between a board and a community addiction or mental health 81508
services provider. The board may establish this process in a way 81509
that is most effective and efficient in meeting local needs. 81510

If either the board or a facility or community addiction or 81511
mental health services provider with which the board contracts 81512
under this division proposes not to renew the contract or proposes 81513
substantial changes in contract terms, the other party shall be 81514
given written notice at least one hundred twenty days before the 81515
expiration date of the contract. During the first sixty days of 81516
this one hundred twenty-day period, both parties shall attempt to 81517
resolve any dispute through good faith collaboration and 81518
negotiation in order to continue to provide services to persons in 81519
need. If the dispute has not been resolved sixty days before the 81520
expiration date of the contract, either party may notify the 81521
department of mental health and addiction services of the 81522
unresolved dispute. The director may require both parties to 81523
submit the dispute to a third party with the cost to be shared by 81524
the board and the facility or provider. The third party shall 81525
issue to the board, the facility or provider, and the department 81526
recommendations on how the dispute may be resolved twenty days 81527
prior to the expiration date of the contract, unless both parties 81528
agree to a time extension. The director shall adopt rules 81529
establishing the procedures of this dispute resolution process. 81530

(b) With the prior approval of the director of mental health 81531
and addiction services, a board may operate a facility or provide 81532
~~a community~~ an addiction or mental health service as follows, if 81533
there is no other qualified private or public facility or 81534
community addiction or mental health services provider that is 81535
immediately available and willing to operate such a facility or 81536
provide the service: 81537

(i) In an emergency situation, any board may operate a 81538
facility or provide ~~a community~~ an addiction or mental health 81539

service in order to provide essential services for the duration of 81540
the emergency~~+~~. 81541

(ii) In a service district with a population of at least one 81542
hundred thousand but less than five hundred thousand, a board may 81543
operate a facility or provide ~~a community~~ an addiction or mental 81544
health service for no longer than one year~~+~~. 81545

(iii) In a service district with a population of less than 81546
one hundred thousand, a board may operate a facility or provide a 81547
~~community~~ an addiction or mental health service for no longer than 81548
one year, except that such a board may operate a facility or 81549
provide ~~a community~~ an addiction or mental health service for more 81550
than one year with the prior approval of the director and the 81551
prior approval of the board of county commissioners, or of a 81552
majority of the boards of county commissioners if the district is 81553
a joint-county district. 81554

The director shall not give a board approval to operate a 81555
facility or provide ~~a community~~ an addiction or mental health 81556
service under division (A)(8)(b)(ii) or (iii) of this section 81557
unless the director determines that it is not feasible to have the 81558
department operate the facility or provide the service. 81559

The director shall not give a board approval to operate a 81560
facility or provide ~~a community~~ an addiction or mental health 81561
service under division (A)(8)(b)(iii) of this section unless the 81562
director determines that the board will provide greater 81563
administrative efficiency and more or better services than would 81564
be available if the board contracted with a private or public 81565
facility or community addiction or mental health services 81566
provider. 81567

The director shall not give a board approval to operate a 81568
facility previously operated by a person or other government 81569
entity unless the board has established to the director's 81570

satisfaction that the person or other government entity cannot 81571
effectively operate the facility or that the person or other 81572
government entity has requested the board to take over operation 81573
of the facility. The director shall not give a board approval to 81574
provide a ~~community~~ an addiction or mental health service 81575
previously provided by a community addiction or mental health 81576
services provider unless the board has established to the 81577
director's satisfaction that the provider cannot effectively 81578
provide the service or that the provider has requested the board 81579
take over providing the service. 81580

The director shall review and evaluate a board's operation of 81581
a facility and provision of ~~community~~ addiction or mental health 81582
~~service~~ services under division (A)(8)(b) of this section. 81583

Nothing in division (A)(8)(b) of this section authorizes a 81584
board to administer or direct the daily operation of any facility 81585
or community addiction or mental health services provider, but a 81586
facility or provider may contract with a board to receive 81587
administrative services or staff direction from the board under 81588
the direction of the governing body of the facility or provider. 81589

(9) Approve fee schedules and related charges or adopt a unit 81590
cost schedule or other methods of payment for contract services 81591
provided by community addiction or mental health services 81592
providers in accordance with guidelines issued by the department 81593
as necessary to comply with state and federal laws pertaining to 81594
financial assistance; 81595

(10) Submit to the director and the county commissioners of 81596
the county or counties served by the board, and make available to 81597
the public, an annual report of the services under the 81598
jurisdiction of the board, including a fiscal accounting; 81599

(11) Establish, to the extent resources are available, a 81600
continuum of care that provides for prevention, treatment, 81601

support, and rehabilitation services and opportunities. The 81602
essential elements of the continuum of care shall include the 81603
following components: 81604

(a) To locate persons in need of addiction or mental health 81605
services to inform them of available services and benefits; 81606

(b) Assistance for persons receiving addiction or mental 81607
health services to obtain services necessary to meet basic human 81608
needs for food, clothing, shelter, medical care, personal safety, 81609
and income; 81610

(c) Addiction and mental health services, including all of 81611
the following: 81612

(i) Outpatient; 81613

(ii) Residential; 81614

(iii) Partial hospitalization; 81615

(iv) Where appropriate, inpatient care; 81616

(v) Sub-acute detoxification; 81617

(vi) Intensive and other supports; 81618

(vii) Recovery support; 81619

(viii) Prevention and wellness management; 81620

(ix) In accordance with section 340.033 of the Revised Code, 81621
an array of treatment and support services for all levels of 81622
opioid and co-occurring drug addiction. 81623

(d) Emergency services and crisis intervention; 81624

(e) Assistance for persons receiving services to obtain 81625
vocational services and opportunities for jobs; 81626

(f) The provision of services designed to develop social, 81627
community, and personal living skills; 81628

(g) Access to a wide range of housing and the provision of 81629

residential treatment and support; 81630

(h) Support, assistance, consultation, and education for 81631
families, friends, persons receiving addiction or mental health 81632
services, and others; 81633

(i) Recognition and encouragement of families, friends, 81634
neighborhood networks, especially networks that include racial and 81635
ethnic minorities, churches, community organizations, and 81636
community employment as natural supports for persons receiving 81637
addiction or mental health services; 81638

(j) Grievance procedures and protection of the rights of 81639
persons receiving addiction or mental health services; 81640

(k) Community psychiatric supportive treatment services, 81641
which includes continual individualized assistance and advocacy to 81642
ensure that needed services are offered and procured; 81643

(l) Any additional component the department, pursuant to 81644
section 5119.21 of the Revised Code, determines is necessary to 81645
establish the continuum of care. 81646

(12) Establish a method for evaluating referrals for 81647
~~involuntary commitment~~ court-ordered treatment and affidavits 81648
filed pursuant to section 5122.11 of the Revised Code in order to 81649
assist the probate division of the court of common pleas in 81650
determining whether there is probable cause that a respondent is 81651
subject to ~~involuntary hospitalization~~ court-ordered treatment and 81652
~~what alternative treatment is~~ whether alternatives to 81653
hospitalization are available and appropriate, ~~if any~~; 81654

(13) Designate the treatment services, provider, facility, or 81655
other placement for each person involuntarily committed to the 81656
board pursuant to Chapter 5122. of the Revised Code. The board 81657
shall provide the least restrictive and most appropriate 81658
alternative that is available for any person involuntarily 81659
committed to it and shall assure that the listed services 81660

submitted and approved in accordance with division (B) of section 81661
340.08 of the Revised Code are available to severely mentally 81662
disabled persons residing within its service district. The board 81663
shall establish the procedure for authorizing payment for 81664
services, which may include prior authorization in appropriate 81665
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 81666
section, the board may provide for services directly to a severely 81667
mentally disabled person when life or safety is endangered and 81668
when no community mental health services provider is available to 81669
provide the service. 81670

(14) Ensure that ~~apartments or rooms~~ housing built, 81671
subsidized, renovated, rented, owned, or leased by the board or a 81672
community addiction or mental health services provider ~~have~~ has 81673
been approved as meeting minimum fire safety standards and that 81674
persons residing in the ~~rooms or apartments are receiving~~ housing 81675
have access to appropriate and necessary services, including 81676
culturally relevant services, from a community addiction or mental 81677
health services provider. This division does not apply to 81678
residential facilities licensed pursuant to section 5119.34 of the 81679
Revised Code. 81680

(15) Establish a mechanism for obtaining advice and 81681
involvement of persons receiving ~~publicly funded~~ addiction or 81682
mental health services on matters pertaining to addiction and 81683
mental health services in the alcohol, drug addiction, and mental 81684
health service district; 81685

(16) Perform the duties required by rules adopted under 81686
section 5119.22 of the Revised Code regarding referrals by the 81687
board or mental health services providers under contract with the 81688
board of individuals with mental illness or severe mental 81689
disability to residential facilities ~~as defined in division~~ 81690
~~(A)(9)(b)(iii) of~~ licensed under section 5119.34 of the Revised 81691
Code and effective arrangements for ongoing mental health services 81692

for the individuals. The board is accountable in the manner 81693
specified in the rules for ensuring that the ongoing mental health 81694
services are effectively arranged for the individuals. 81695

(B) The board shall establish such rules, operating 81696
procedures, standards, and bylaws, and perform such other duties 81697
as may be necessary or proper to carry out the purposes of this 81698
chapter. 81699

(C) A board of alcohol, drug addiction, and mental health 81700
services may receive by gift, grant, devise, or bequest any 81701
moneys, lands, or property for the benefit of the purposes for 81702
which the board is established, and may hold and apply it 81703
according to the terms of the gift, grant, or bequest. All money 81704
received, including accrued interest, by gift, grant, or bequest 81705
shall be deposited in the treasury of the county, the treasurer of 81706
which is custodian of the alcohol, drug addiction, and mental 81707
health services funds to the credit of the board and shall be 81708
available for use by the board for purposes stated by the donor or 81709
grantor. 81710

(D) No board member or employee of a board of alcohol, drug 81711
addiction, and mental health services shall be liable for injury 81712
or damages caused by any action or inaction taken within the scope 81713
of the board member's official duties or the employee's 81714
employment, whether or not such action or inaction is expressly 81715
authorized by this section or any other section of the Revised 81716
Code, unless such action or inaction constitutes willful or wanton 81717
misconduct. Chapter 2744. of the Revised Code applies to any 81718
action or inaction by a board member or employee of a board taken 81719
within the scope of the board member's official duties or 81720
employee's employment. For the purposes of this division, the 81721
conduct of a board member or employee shall not be considered 81722
willful or wanton misconduct if the board member or employee acted 81723
in good faith and in a manner that the board member or employee 81724

reasonably believed was in or was not opposed to the best 81725
interests of the board and, with respect to any criminal action or 81726
proceeding, had no reasonable cause to believe the conduct was 81727
unlawful. 81728

(E) The meetings held by any committee established by a board 81729
of alcohol, drug addiction, and mental health services shall be 81730
considered to be meetings of a public body subject to section 81731
121.22 of the Revised Code. 81732

Sec. 340.15. (A) A public children services agency that 81733
identifies a child by a risk assessment conducted pursuant to 81734
section 5153.16 of the Revised Code as being at imminent risk of 81735
being abused or neglected because of an addiction of a parent, 81736
guardian, or custodian of the child to a drug of abuse or alcohol 81737
shall refer the child's addicted parent, guardian, or custodian 81738
and, if the agency determines that the child needs alcohol or 81739
other drug addiction services, the child to a community addiction 81740
services provider ~~certified by the department of mental health and~~ 81741
~~addiction services under section 5119.36 of the Revised Code.~~ A 81742
public children services agency that is sent a court order issued 81743
pursuant to division (B) of section 2151.3514 of the Revised Code 81744
shall refer the addicted parent or other caregiver of the child 81745
identified in the court order to a community addiction services 81746
provider ~~certified by the department of mental health and~~ 81747
~~addiction services under section 5119.36 of the Revised Code.~~ On 81748
receipt of a referral under this division and to the extent 81749
funding identified under division (A)(2) of section 340.08 of the 81750
Revised Code is available, the provider shall provide the 81751
following services to the addicted parent, guardian, custodian, or 81752
caregiver and child in need of addiction services: 81753

(1) If it is determined pursuant to an initial screening to 81754
be needed, assessment and appropriate treatment; 81755

(2) Documentation of progress in accordance with a treatment plan developed for the addicted parent, guardian, custodian, caregiver, or child;

(3) If the referral is based on a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code and the order requires the specified parent or other caregiver of the child to submit to alcohol or other drug testing during, after, or both during and after, treatment, testing in accordance with the court order.

(B) The services described in division (A) of this section shall have a priority as provided in the addiction and mental health services plan and budget established pursuant to sections 340.03 and 340.08 of the Revised Code. Once a referral has been received pursuant to this section, the public children services agency and the addiction services provider shall, in accordance with 42 C.F.R. Part 2, share with each other any information concerning the persons and services described in that division that the agency and provider determine are necessary to share. If the referral is based on a court order issued pursuant to division (B) of section 2151.3514 of the Revised Code, the results and recommendations of the addiction services provider also shall be provided and used as described in division (D) of that section. Information obtained or maintained by the agency or provider pursuant to this section that could enable the identification of any person described in division (A) of this section is not a public record subject to inspection or copying under section 149.43 of the Revised Code.

Sec. 5119.21. (A) The department of mental health and addiction services shall:

(1) To the extent the department has available resources and in consultation with boards of alcohol, drug addiction, and mental

health services, support the continuum of care that the boards are 81787
required by division (A)(11) of section 340.03 of the Revised Code 81788
to establish. The department shall provide the support on a 81789
district or multi-district basis. The department shall assist in 81790
identifying resources, and may prioritize support, for one or more 81791
of the elements of the continuum of care. For the purpose of 81792
division (A)(11)~~(1)~~ of section 340.03 of the Revised Code and to 81793
the extent the department determines is necessary, the department 81794
shall define additional components to be included in the essential 81795
elements of the continuum of care. 81796

(2) Provide training, consultation, and technical assistance 81797
regarding ~~mental health and~~ addiction and mental health services 81798
and appropriate prevention, recovery, and mental health promotion 81799
activities, including those that are culturally competent, to 81800
employees of the department, community mental health and addiction 81801
services providers, boards of alcohol, drug addiction, and mental 81802
health services, and other agencies providing ~~mental health and~~ 81803
addiction and mental health services; 81804

(3) To the extent the department has available resources, 81805
promote and support a full range of ~~mental health and~~ addiction 81806
and mental health services that are available and accessible to 81807
all residents of this state, especially for severely ~~mentally~~ 81808
~~disabled~~ emotionally disturbed children, and adolescents, severely 81809
mentally disabled adults, pregnant women, parents, guardians or 81810
custodians of children at risk of abuse or neglect, and other 81811
special target populations, including racial and ethnic 81812
minorities, as determined by the department; 81813

(4) Develop standards and measures for evaluating the 81814
effectiveness of ~~mental health and~~ addiction and mental health 81815
services, including services that use methadone treatment, of 81816
gambling addiction services, and for increasing the accountability 81817
of community mental health and ~~alcohol and~~ addiction services 81818

providers ~~and of gambling addiction services providers~~; 81819

(5) Design and set criteria for the determination of priority 81820
populations; 81821

(6) Promote, direct, conduct, and coordinate scientific 81822
research, taking ethnic and racial differences into consideration, 81823
concerning the causes and prevention of mental illness and 81824
addiction, methods of providing effective services and treatment, 81825
and means of enhancing the mental health of and recovery from 81826
addiction of all residents of this state; 81827

(7) Foster the establishment and availability of vocational 81828
rehabilitation services and the creation of employment 81829
opportunities for ~~consumers of mental health and~~ individuals with 81830
~~addiction services~~ and mental health needs, including members of 81831
racial and ethnic minorities; 81832

(8) Establish a program to protect and promote the rights of 81833
persons receiving ~~mental health and~~ addiction and mental health 81834
services, including the issuance of guidelines on informed consent 81835
and other rights; 81836

(9) Promote the involvement of persons who are receiving or 81837
have received ~~mental health and~~ addiction and mental health 81838
services, including families and other persons having a close 81839
relationship to a person receiving those services, in the 81840
planning, evaluation, delivery, and operation of ~~mental health and~~ 81841
addiction and mental health services; 81842

(10) Notify and consult with the relevant constituencies that 81843
may be affected by rules, standards, and guidelines issued by the 81844
department of mental health and addiction services. These 81845
constituencies shall include consumers of ~~mental health and~~ 81846
addiction and mental health services and their families, and may 81847
include public and private providers, employee organizations, and 81848
others when appropriate. Whenever the department proposes the 81849

adoption, amendment, or rescission of rules under Chapter 119. of 81850
the Revised Code, the notification and consultation required by 81851
this division shall occur prior to the commencement of proceedings 81852
under Chapter 119. The department shall adopt rules under Chapter 81853
119. of the Revised Code that establish procedures for the 81854
notification and consultation required by this division. 81855

(11) Provide consultation to the department of rehabilitation 81856
and correction concerning the delivery of ~~mental health and~~ 81857
addiction and mental health services in state correctional 81858
institutions-; 81859

(12) Promote and coordinate efforts in the provision of 81860
alcohol and drug addiction services and of gambling addiction 81861
services by other state agencies, as defined in section 1.60 of 81862
the Revised Code; courts; hospitals; clinics; physicians in 81863
private practice; public health authorities; boards of alcohol, 81864
drug addiction, and mental health services; ~~alcohol and drug~~ 81865
community addiction services providers; law enforcement agencies; 81866
~~gambling addiction services providers;~~ and related groups; 81867

(13) Provide to each court of record, and biennially update, 81868
a list of the treatment and education programs within that court's 81869
jurisdiction that the court may require an offender, sentenced 81870
pursuant to section 4511.19 of the Revised Code, to attend; 81871

(14) Make the warning sign described in sections 3313.752, 81872
3345.41, and 3707.50 of the Revised Code available on the 81873
department's internet web site; 81874

(15) Provide a program of gambling addiction services on 81875
behalf of the state lottery commission, pursuant to an agreement 81876
entered into with the director of the commission under division 81877
(K) of section 3770.02 of the Revised Code, and provide a program 81878
of gambling addiction services on behalf of the Ohio casino 81879
control commission, under an agreement entered into with the 81880

executive director of the commission under section 3772.062 of the Revised Code. Under Section 6(C)(3) of Article XV, Ohio Constitution, the department may enter into agreements with boards of alcohol, drug addiction, and mental health services, including boards with districts in which a casino facility is not located, and nonprofit organizations to provide gambling addiction services and ~~substance abuse~~ alcohol and drug addiction services, and with state institutions of higher education or private nonprofit institutions that possess a certificate of authorization issued under Chapter 1713. of the Revised Code to perform related research.

(B) The department may accept and administer grants from public or private sources for carrying out any of the duties enumerated in this section.

~~(C) Pursuant to Chapter 119. of the Revised Code, the department shall adopt a rule defining the term "intervention" as it is used in this chapter in connection with alcohol and drug addiction services and in connection with gambling addiction services.~~ The department may adopt ~~other~~ rules in accordance with Chapter 119. of the Revised Code as necessary to implement the requirements of this chapter.

Section 110.11. That the existing versions of sections 340.01, 340.03, 340.15, and 5119.21 of the Revised Code that are scheduled to take effect September 15, 2016, are hereby repealed.

Section 110.12. Sections 110.10 and 110.11 of this act shall take effect September 15, 2016.

Section 201.10. Except as otherwise provided in this act, all appropriation items in this act are appropriated out of any moneys in the state treasury to the credit of the designated fund that are not otherwise appropriated. For all appropriations made in

this act, the amounts in the first column are for fiscal year 2016 81911
and the amounts in the second column are for fiscal year 2017. 81912

81913

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 81914

Dedicated Purpose Fund Group 81915

4J80 889601 CPA Education \$ 325,000 \$ 325,000 81916
Assistance

4K90 889609 Operating Expenses \$ 1,052,714 \$ 1,074,173 81917

TOTAL DPF Dedicated Purpose Fund 81918

Group \$ 1,377,714 \$ 1,399,173 81919

TOTAL ALL BUDGET FUND GROUPS \$ 1,377,714 \$ 1,399,173 81920

Section 205.10. ADJ ADJUTANT GENERAL 81922

General Revenue Fund 81923

GRF 745401 Ohio Military Reserve \$ 12,308 \$ 12,308 81924

GRF 745404 Air National Guard \$ 3,095,606 \$ 3,095,606 81925

GRF 745407 National Guard \$ 400,000 \$ 400,000 81926
Benefits

GRF 745409 Central \$ 2,682,098 \$ 2,682,098 81927
Administration

GRF 745499 Army National Guard \$ 3,689,871 \$ 3,689,871 81928

TOTAL GRF General Revenue Fund \$ 9,879,883 \$ 9,879,883 81929

Dedicated Purpose Fund Group 81930

5340 745612 Property Operations \$ 534,304 \$ 534,304 81931
Management

5360 745605 Marksmanship \$ 128,600 \$ 128,600 81932
Activities

5360 745620 Camp Perry and \$ 978,846 \$ 978,846 81933
Buckeye Inn

Operations

5370 745604 Ohio National Guard \$ 62,000 \$ 62,000 81934

| | | | | | | | |
|------------------|--------|------------------------|----|------------|----|------------|-------|
| | | Facilities | | | | | |
| | | Maintenance | | | | | |
| 5LY0 | 745626 | Military Medal of | \$ | 5,000 | \$ | 5,000 | 81935 |
| | | Distinction | | | | | |
| 5QP0 | 745629 | Patriot Inn Lodging | \$ | 200,000 | \$ | 200,000 | 81936 |
| | | Operations | | | | | |
| 5U80 | 745613 | Community Match | \$ | 350,000 | \$ | 350,000 | 81937 |
| | | Armories | | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 2,258,750 | \$ | 2,258,750 | 81938 |
| Group | | | | | | | |
| Federal Fund | | Group | | | | | 81939 |
| 3420 | 745616 | Army National Guard | \$ | 26,000,000 | \$ | 26,000,000 | 81940 |
| | | Service Agreement | | | | | |
| 3E80 | 745628 | Air National Guard | \$ | 15,642,000 | \$ | 15,642,000 | 81941 |
| | | Operations and | | | | | |
| | | Maintenance | | | | | |
| 3R80 | 745603 | Counter Drug | \$ | 15,000 | \$ | 15,000 | 81942 |
| | | Operations | | | | | |
| TOTAL FED | | Federal Fund Group | \$ | 41,657,000 | \$ | 41,657,000 | 81943 |
| TOTAL ALL BUDGET | | FUND GROUPS | \$ | 53,795,633 | | 53,795,633 | 81944 |

NATIONAL GUARD BENEFITS 81945

The foregoing appropriation item 745407, National Guard 81946
Benefits, shall be used for purposes of sections 5919.31 and 81947
5919.33 of the Revised Code, and for administrative costs of the 81948
associated programs. 81949

If necessary, in order to pay benefits in a timely manner 81950
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 81951
Adjutant General may request the Director of Budget and Management 81952
transfer appropriation from any appropriation item used by the 81953
Adjutant General to appropriation item 745407, National Guard 81954
Benefits. The Adjutant General may subsequently seek Controlling 81955
Board approval to restore the appropriation in the appropriation 81956

item from which such a transfer was made. 81957

For active duty members of the Ohio National Guard who died 81958
after October 7, 2001, while performing active duty, the death 81959
benefit, pursuant to section 5919.33 of the Revised Code, shall be 81960
paid to the beneficiary or beneficiaries designated on the 81961
member's Servicemembers' Group Life Insurance Policy. 81962

STATE ACTIVE DUTY COSTS 81963

Of the foregoing appropriation item 745409, Central 81964
Administration, \$50,000 in each fiscal year shall be used for the 81965
purpose of paying expenses related to state active duty of members 81966
of the Ohio organized militia, in accordance with a proclamation 81967
of the Governor. Expenses include, but are not limited to, the 81968
cost of equipment, supplies, and services, as determined by the 81969
Adjutant General's Department. 81970

Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 81971

General Revenue Fund 81972

| | | | | | | | |
|-----|--------|------------------------|----|------------|----|------------|-------|
| GRF | 100413 | Enterprise Data Center | \$ | 4,252,900 | \$ | 4,256,500 | 81973 |
| | | Solutions Lease Rental | | | | | |
| | | Payments | | | | | |
| GRF | 100414 | MARCS Lease Rental | \$ | 6,769,700 | \$ | 6,764,600 | 81974 |
| | | Payments | | | | | |
| GRF | 100415 | OAKS Lease Rental | \$ | 22,244,800 | \$ | 22,223,800 | 81975 |
| | | Payments | | | | | |
| GRF | 100416 | STARS Lease Rental | \$ | 5,393,700 | \$ | 7,437,400 | 81976 |
| | | Payments | | | | | |
| GRF | 100447 | Administrative | \$ | 99,641,900 | \$ | 96,716,600 | 81977 |
| | | Buildings Lease Rental | | | | | |
| | | Bond Payments | | | | | |
| GRF | 100452 | Lean Ohio | \$ | 1,059,624 | \$ | 1,059,624 | 81978 |
| GRF | 100456 | State IT Services | \$ | 1,772,416 | \$ | 1,772,416 | 81979 |

| | | | | | | | |
|--------------------------------------|---------------------------------|--|----|-------------|----|-------------|-------|
| GRF | 100457 | Equal Opportunity Services | \$ | 2,174,661 | \$ | 2,174,661 | 81980 |
| GRF | 100459 | Ohio Business Gateway | \$ | 4,049,094 | \$ | 4,049,094 | 81981 |
| GRF | 130321 | State Agency Support Services | \$ | 18,768,016 | \$ | 18,878,171 | 81982 |
| TOTAL GRF | General Revenue Fund | | \$ | 166,126,811 | \$ | 165,332,866 | 81983 |
| Dedicated Purpose Fund Group | | | | | | | 81984 |
| 5L70 | 100610 | Professional Development | \$ | 2,100,000 | \$ | 2,100,000 | 81985 |
| 5MV0 | 100662 | Theater Equipment Maintenance | \$ | 80,891 | \$ | 80,891 | 81986 |
| 5NM0 | 100663 | 911 Program | \$ | 290,000 | | 290,000 | 81987 |
| 5V60 | 100619 | Employee Educational Development | \$ | 800,000 | \$ | 800,000 | 81988 |
| TOTAL DPF | Dedicated Purpose Fund Group | | \$ | 3,270,891 | \$ | 3,270,891 | 81989 |
| Internal Service Activity Fund Group | | | | | | | 81990 |
| 1120 | 100616 | DAS Administration | \$ | 7,388,356 | \$ | 7,071,978 | 81991 |
| 1150 | 100632 | Central Service Agency | \$ | 1,096,906 | \$ | 1,111,099 | 81992 |
| 1170 | 100644 | General Services Division - Operating | \$ | 12,493,870 | \$ | 12,493,870 | 81993 |
| 1220 | 100637 | Fleet Management | \$ | 5,182,000 | \$ | 5,182,000 | 81994 |
| 1250 | 100622 | Human Resources Division - Operating | \$ | 17,249,839 | \$ | 17,249,839 | 81995 |
| 1250 | 100657 | Benefits Communication | \$ | 612,316 | \$ | 612,316 | 81996 |
| 1280 | 100620 | Office of Collective Bargaining | \$ | 3,479,507 | \$ | 3,379,507 | 81997 |
| 1300 | 100606 | Risk Management Reserve | \$ | 6,635,784 | \$ | 12,741,616 | 81998 |
| 1320 | 100631 | DAS Building Management | \$ | 51,157,818 | \$ | 51,157,818 | 81999 |
| 1330 | 100607 | IT Services Delivery | \$ | 121,336,868 | \$ | 121,336,868 | 82000 |

| | | | | | | | |
|------------------------------|--------|---|----|-------------|----|-------------|-------|
| 1880 | 100649 | Equal Opportunity | \$ | 991,613 | \$ | 953,613 | 82001 |
| | | Division - Operating | | | | | |
| 2100 | 100612 | State Printing | \$ | 21,568,075 | \$ | 21,688,106 | 82002 |
| 2290 | 100630 | IT Governance | \$ | 28,212,195 | \$ | 29,134,695 | 82003 |
| 2290 | 100640 | Consolidated IT | \$ | 6,565,639 | \$ | 6,565,639 | 82004 |
| | | Purchases | | | | | |
| 4270 | 100602 | Investment Recovery | \$ | 1,638,515 | \$ | 1,638,515 | 82005 |
| 4N60 | 100617 | Major IT Purchases | \$ | 56,888,635 | \$ | 56,888,635 | 82006 |
| 5C20 | 100605 | MARCS Administration | \$ | 14,940,712 | \$ | 14,953,307 | 82007 |
| 5C30 | 100608 | Minor Construction | \$ | 4,004,375 | \$ | 4,004,375 | 82008 |
| | | Project Management | | | | | |
| 5EB0 | 100635 | OAKS Support | \$ | 19,813,077 | \$ | 19,813,077 | 82009 |
| | | Organization | | | | | |
| 5EB0 | 100656 | OAKS Updates and | \$ | 10,400,000 | \$ | 6,300,000 | 82010 |
| | | Developments | | | | | |
| 5JQ0 | 100658 | Professionals | \$ | 990,000 | \$ | 990,000 | 82011 |
| | | Licensing System | | | | | |
| 5KZ0 | 100659 | Building Improvement | \$ | 6,148,000 | \$ | 1,289,000 | 82012 |
| 5LJ0 | 100661 | IT Development | \$ | 13,200,000 | \$ | 13,200,000 | 82013 |
| 5PC0 | 100665 | Ohio Benefits | \$ | 80,475,949 | \$ | 80,475,949 | 82014 |
| | | Operations | | | | | |
| TOTAL ISA | | Internal Service Activity | | | | | 82015 |
| Fund Group | | | \$ | 492,470,049 | \$ | 490,231,822 | 82016 |
| Federal Fund Group | | | | | | | 82017 |
| 3AJ0 | 100623 | Information Technology | \$ | 1,237,909 | \$ | 1,237,909 | 82018 |
| | | Grants | | | | | |
| TOTAL FED | | Federal Fund Group | \$ | 1,237,909 | \$ | 1,237,909 | 82019 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 663,105,660 | \$ | 660,073,488 | 82020 |
| | | Section 207.20. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE | | | | | 82022 |
| | | RENTAL PAYMENTS | | | | | 82023 |
| | | The foregoing appropriation item 100415, OAKS Lease Rental | | | | | 82024 |
| | | Payments, shall be used for payments during the period from July | | | | | 82025 |

1, 2015, through June 30, 2017, pursuant to leases and agreements 82026
entered into under Chapter 125. of the Revised Code, as 82027
supplemented by Section 281.10 of Am. Sub. H.B. 562 of the 127th 82028
General Assembly and other prior acts of the General Assembly, 82029
with respect to financing the costs associated with the 82030
acquisition, development, installation, and implementation of the 82031
Ohio Administrative Knowledge System. If it is determined that 82032
additional appropriations are necessary for this purpose, the 82033
amounts are hereby appropriated. 82034

Section 207.30. STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 82035
LEASE RENTAL PAYMENTS 82036

The foregoing appropriation item 100416, STARS Lease Rental 82037
Payments, shall be used for payments during the period from July 82038
1, 2015, through June 30, 2017, pursuant to leases and agreements 82039
entered into under Chapter 125. of the Revised Code, as 82040
supplemented by Section 701.40 of Am. Sub. H.B. 497 of the 130th 82041
General Assembly and other prior acts of the General Assembly, 82042
with respect to financing the cost for the acquisition, 82043
development, installation, and implementation of the State 82044
Taxation Accounting and Revenue System (STARS). If it is 82045
determined that additional appropriations are necessary for this 82046
purpose, the amounts are hereby appropriated. 82047

Section 207.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE 82048
RENTAL PAYMENTS 82049

The foregoing appropriation item 100414, MARCS Lease Rental 82050
Payments, shall be used for payments during the period from July 82051
1, 2015, through June 30, 2017, pursuant to leases and agreements 82052
entered into under Chapter 125. of the Revised Code, as 82053
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 82054
General Assembly, with respect to financing the cost for the 82055

acquisition, development, installation, and implementation of the 82056
Multi-Agency Radio Communications System (MARCS) upgrade. If it is 82057
determined that additional appropriations are necessary for this 82058
purpose, the amounts are hereby appropriated. 82059

Section 207.50. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL 82060
PAYMENTS 82061

The foregoing appropriation item 100413, EDCS Lease Rental 82062
Payments, shall be used for payments during the period from July 82063
1, 2015, through June 30, 2017, pursuant to leases and agreements 82064
entered into under Chapter 125. of the Revised Code, as 82065
supplemented by Section 701.30 of Am. Sub. H.B. 497 of the 130th 82066
General Assembly, with respect to financing the costs associated 82067
with the acquisition, development, installation, and 82068
implementation of the Enterprise Data Center Solutions initiative. 82069
If it is determined that additional appropriations are necessary 82070
for this purpose, the amounts are hereby appropriated. 82071

Section 207.60. ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND 82072
PAYMENTS 82073

The foregoing appropriation item 100447, Administrative 82074
Buildings Lease Rental Bond Payments, shall be used to meet all 82075
payments during the period from July 1, 2015, through June 30, 82076
2017, by the Department of Administrative Services pursuant to 82077
leases and agreements under Chapters 152. and 154. of the Revised 82078
Code. These appropriations are the source of funds pledged for 82079
bond service charges on related obligations issued under Chapters 82080
152. and 154. of the Revised Code. 82081

Section 207.70. DAS - BUILDING OPERATING PAYMENTS AND 82082
BUILDING MANAGEMENT FUND 82083

Following the Director of Budget and Management's approval of 82084

FY 2016 rental rates for buildings managed by the Department of Administrative Services, the Director of Budget and Management may adjust FY 2016 and FY 2017 General Revenue Fund appropriations of the Department of Administrative Services and other state agencies to reflect accurately the rental amounts agencies will pay for occupied, vacant, or other space that is supported by the General Revenue Fund. Total General Revenue Fund appropriations may decrease but may not increase as a result of the appropriation adjustments made under this section. The foregoing appropriation item 130321, State Agency Support Services, shall be used to pay the rent expenses of veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2016 and 2017.

The foregoing appropriation item, 130321, State Agency Support Services, also may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the foregoing appropriation item 130321, State Agency Support Services, also may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, or other costs associated with the Voinovich Center in Youngstown, Ohio. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments may be processed by the Department of Administrative Services through intrastate transfer vouchers and placed into the Building Management Fund (Fund 1320).

At least once per year, the portion of appropriation item 130321, State Agency Support Services, that is not used for the

regular expenses of the appropriation item shall be processed by 82117
the Department of Administrative Services through intrastate 82118
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 82119

Section 207.80. PROFESSIONAL DEVELOPMENT FUND 82120

The foregoing appropriation item 100610, Professional 82121
Development, shall be used to make payments from the Professional 82122
Development Fund (Fund 5L70) under section 124.182 of the Revised 82123
Code. If it is determined by the Director of Administrative 82124
Services that additional amounts are necessary, the Director of 82125
Administrative Services may request that the Director of Budget 82126
and Management approve additional amounts. Such approved 82127
additional amounts are hereby appropriated. 82128

Section 207.90. 911 PROGRAM 82129

The foregoing appropriation item 100663, 911 Program, shall 82130
be used by the Department of Administrative Services to pay the 82131
administrative costs of the Statewide Emergency Services Internet 82132
Protocol Network Steering Committee. 82133

Section 207.100. EMPLOYEE EDUCATIONAL DEVELOPMENT 82134

The foregoing appropriation item 100619, Employee Educational 82135
Development, shall be used to make payments from the Employee 82136
Educational Development Fund (Fund 5V60) under section 124.86 of 82137
the Revised Code. The fund shall be used to pay the costs of 82138
administering educational programs under existing collective 82139
bargaining agreements with District 1199, the Health Care and 82140
Social Service Union; State Council of Professional Educators; 82141
Ohio Education Association and National Education Association; the 82142
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 82143
State Troopers Association, Units 1 and 15. 82144

If it is determined by the Director of Administrative 82145

Services that additional amounts are necessary, the Director of 82146
Administrative Services may request that the Director of Budget 82147
and Management approve additional amounts. Such approved 82148
additional amounts are hereby appropriated. 82149

Section 207.110. CENTRAL SERVICE AGENCY FUND 82150

The foregoing appropriation item 100632, Central Service 82151
Agency, shall be used to purchase the equipment, products, and 82152
services that are needed to maintain existing automated 82153
applications for the professional licensing boards and the Casino 82154
Control Commission to support board licensing functions in fiscal 82155
years 2016 and 2017 until these functions are replaced by the Ohio 82156
Professionals Licensing System. The Department of Administrative 82157
Services shall establish charges for recovering the costs of 82158
carrying out these functions. The charges shall be billed to the 82159
professional licensing boards and the Casino Control Commission, 82160
and deposited via intrastate transfer vouchers to the credit of 82161
the Central Service Agency Fund (Fund 1150). 82162

Upon implementation of the replacement Ohio Professionals 82163
Licensing System and the decommissioning of the existing automated 82164
applications, the Director of Budget and Management may transfer 82165
any cash balances that remain in the Central Service Agency Fund 82166
(Fund 1150) and that are attributable to the operation of the 82167
existing automated applications to the Professions Licensing 82168
System Fund (Fund 5JQ0). 82169

Section 207.120. GENERAL SERVICE CHARGES 82170

The Department of Administrative Services, with the approval 82171
of the Director of Budget and Management, shall establish charges 82172
for recovering the costs of administering the programs funded by 82173
the General Services Fund (Fund 1170) and the State Printing Fund 82174
(Fund 2100). The charges may be used to recover the cost of paying 82175

a vendor to establish reduced pricing for contracted supplies or services. 82176
82177

If the Director of Administrative Services determines that 82178
additional amounts are necessary to pay for consulting and 82179
administrative costs related to securing lower pricing, the 82180
Director of Administrative Services may request that the Director 82181
of Budget and Management approve additional expenditures. Such 82182
approved additional amounts are appropriated to appropriation item 82183
100644, General Services Division-Operating. 82184

Section 207.130. COLLECTIVE BARGAINING ARBITRATION EXPENSES 82185

With approval of the Director of Budget and Management, the 82186
Department of Administrative Services may seek reimbursement from 82187
state agencies for the actual costs and expenses the Department 82188
incurs in the collective bargaining arbitration process. The 82189
reimbursements shall be processed through intrastate transfer 82190
vouchers and credited to the Collective Bargaining Fund (Fund 82191
1280). 82192

Section 207.140. EQUAL OPPORTUNITY PROGRAM 82193

The Department of Administrative Services, with the approval 82194
of the Director of Budget and Management, shall establish charges 82195
for recovering the costs of administering the activities supported 82196
by the State EEO Fund (Fund 1880). These charges shall be 82197
deposited to the credit of Fund 1880 upon payment made by state 82198
agencies, state-supported or state-assisted institutions of higher 82199
education, and tax-supported agencies, municipal corporations, and 82200
other political subdivisions of the state, for services rendered. 82201

Section 207.150. CONSOLIDATED IT PURCHASES 82202

The foregoing appropriation item 100640, Consolidated IT 82203
Purchases, shall be used by the Department of Administrative 82204

Services acting as the purchasing agent for one or more government 82205
entities under the authority of division (G) of section 125.18 of 82206
the Revised Code to make information technology purchases at a 82207
lower aggregate cost than each individual government entity could 82208
have obtained independently for that information technology 82209
purchase. If the Director of Administrative Services determines 82210
that additional amounts are necessary to pay for pass-through 82211
information technology purchases that will be billed to one or 82212
more state agencies, the Director shall seek Controlling Board 82213
approval for an increase in appropriation sufficient to pay for 82214
the requested purchase. 82215

Section 207.160. INVESTMENT RECOVERY FUND 82216

Notwithstanding division (B) of section 125.14 of the Revised 82217
Code, cash balances in the Investment Recovery Fund (Fund 4270) 82218
may be used to support the operating expenses of the Federal 82219
Surplus Operating Program created in sections 125.84 to 125.90 of 82220
the Revised Code. 82221

The Director of Administrative Services shall use the 82222
foregoing appropriation item 100602, Investment Recovery, to pay 82223
the operating expenses of the State Surplus Property Program and 82224
the Surplus Federal Property Program, under Chapter 125. of the 82225
Revised Code and this section. If additional appropriations are 82226
necessary for the operations of these programs, the Director of 82227
Administrative Services shall seek increased appropriations from 82228
the Controlling Board under section 131.35 of the Revised Code. 82229

The Director of Administrative Services shall transfer 82230
proceeds from the sale of surplus property from the Investment 82231
Recovery Fund to non-General Revenue Funds under division (A)(2) 82232
of section 125.14 of the Revised Code. 82233

Section 207.170. MAJOR IT PURCHASES CHARGES 82234

The Department of Administrative Services may bill agencies 82235
for actual expenditures made for major IT purchases if those 82236
expenditures are not recovered as part of the information 82237
technology services rates the Department charges and deposits into 82238
the Information Technology Fund (Fund 1330) created in section 82239
125.15 of the Revised Code. These charges shall be deposited to 82240
the credit of the Major IT Purchases Fund (Fund 4N60). 82241

Section 207.180. CASH TRANSFER FROM THE MARCS ADMINISTRATION 82242
FUND TO GRF 82243

Upon the request of the Director of Administrative Services, 82244
the Director of Budget and Management may transfer unobligated 82245
cash in the MARCS Administration Fund (Fund 5C20) to the General 82246
Revenue Fund to reimburse the General Revenue Fund for lease 82247
rental payments made on behalf of the MARCS upgrade. 82248

Section 207.190. PROFESSIONS LICENSING SYSTEM 82249

The foregoing appropriation item, 100658, Ohio Professionals 82250
Licensing System, shall be used to purchase the equipment, 82251
products, and services necessary to develop and maintain a 82252
replacement automated licensing system for the professional 82253
licensing boards. 82254

Effective with the implementation of the replacement 82255
licensing system, the Department of Administrative Services shall 82256
establish charges for recovering the costs of ongoing maintenance 82257
of the system. The charges shall be billed to the professional 82258
licensing boards and the Casino Control Commission, and deposited 82259
via intrastate transfer vouchers to the credit of the Professions 82260
Licensing System Fund (Fund 5JQ0), which is hereby created in the 82261
state treasury. 82262

Section 207.200. BUILDING IMPROVEMENT FUND 82263

The foregoing appropriation item 100659, Building Improvement, shall be used to make payments from the Building Improvement Fund (Fund 5KZ0) for major maintenance or improvements required in facilities maintained by the Department of Administrative Services. The Department of Administrative Services shall conduct or contract for regular assessments of these buildings and shall maintain a cash balance in Fund 5KZ0 equal to the cost of the repairs and improvements that are recommended to occur within the next five years, with the following exception described below.

Upon request of the Director of Administrative Services, the Director of Budget and Management may permit a cash transfer from Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs of operating and maintaining facilities managed by the Department of Administrative Services that are not charged to tenants during the same fiscal year.

Should the cash balance in Fund 1320 be determined to be sufficient, the Director of Administrative Services may request that the Director of Budget and Management transfer cash from Fund 1320 to 5KZ0 in an amount equal to the initial cash transfer made under this section plus applicable interest.

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$1,000,000 cash from the General Revenue Fund to Fund 5KZ0. The cash transferred is hereby appropriated for use under appropriation item 100659, Building Improvement.

Section 207.210. INFORMATION TECHNOLOGY DEVELOPMENT

The foregoing appropriation item 100661, IT Development, shall be used by the Department of Administrative Services to pay the costs of modernizing the state's information technology management and investment practices away from a limited,

agency-specific focus in favor of a statewide methodology 82295
supporting development of enterprise solutions. 82296

The Department of Administrative Services, with the approval 82297
of the Director of Budget and Management, may charge state 82298
agencies an information technology development assessment based on 82299
state agencies' information technology expenditures or other 82300
methodology. The revenue from this assessment shall be deposited 82301
in the Information Technology Development Fund (Fund 5LJ0), which 82302
is hereby created. 82303

Section 207.220. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 82304
SERVICE PAYMENTS 82305

The Director of Administrative Services, in consultation with 82306
the Multi-Agency Radio Communication System (MARCS) Steering 82307
Committee and the Director of Budget and Management, shall 82308
determine the share of debt service payments attributable to 82309
spending for MARCS components that are not specific to any one 82310
agency and that shall be charged to agencies supported by the 82311
motor fuel tax. Such share of debt service payments shall be 82312
calculated for MARCS capital disbursements made beginning July 1, 82313
1997. Within thirty days of any payment made from appropriation 82314
item 100447, Administrative Buildings Lease Rental Bond Payments, 82315
the Director of Administrative Services shall certify to the 82316
Director of Budget and Management the amount of this share. The 82317
Director of Budget and Management shall transfer such amounts to 82318
the General Revenue Fund from the State Highway Safety Fund (Fund 82319
7036) established in section 4501.06 of the Revised Code. 82320

The Director of Administrative Services shall consider 82321
renting or leasing existing tower sites at reasonable or current 82322
market rates, so long as these existing sites are equipped with 82323
the technical capabilities to support the MARCS project. 82324

Section 207.230. ENTERPRISE IT STRATEGY IMPLEMENTATION 82325

The Director of Administrative Services shall determine and 82326
 implement strategies that benefit the enterprise by improving 82327
 efficiency, reducing costs or enhancing capacity of information 82328
 technology (IT) services. Such improvements and efficiencies may 82329
 result in the consolidation and transfer of such services. As 82330
 determined to be necessary for successful implementation of this 82331
 section and notwithstanding any provision of law to the contrary, 82332
 the Director of Administrative Services may request the Director 82333
 of Budget and Management to consolidate or transfer IT-specific 82334
 budget authority between agencies or within an agency as necessary 82335
 to implement enterprise IT cost containment strategies and related 82336
 efficiencies. Once the Director of Budget and Management is 82337
 satisfied that the proposed initiative is cost advantageous to the 82338
 enterprise, the Director of Budget and Management may transfer 82339
 appropriations, funds and cash as needed to implement the proposed 82340
 initiative. The establishment of any new fund or additional 82341
 appropriation as a result of this section will be subject to 82342
 Controlling Board approval. 82343

The Director of Budget and Management and the Director of 82344
 Administrative Services may transfer any employees, assets, and 82345
 liabilities, including, but not limited to, records, contracts, 82346
 and agreements in order to facilitate the improvements determined 82347
 in accordance with this section. 82348

Section 209.10. AGE DEPARTMENT OF AGING 82349

| | | | | |
|----------------------|--------|--------------------|---------------------------|-------|
| General Revenue Fund | | | | 82350 |
| GRF | 490321 | Operating Expenses | \$ 1,487,418 \$ 1,487,418 | 82351 |
| GRF | 490410 | Long-Term Care | \$ 477,448 \$ 477,448 | 82352 |
| Ombudsman | | | | |
| GRF | 490411 | Senior Community | \$ 7,060,844 \$ 7,060,844 | 82353 |

| | | | | | | |
|------------|--------|------------------------------|----|------------|----|------------------|
| | | Services | | | | |
| GRF | 490414 | Alzheimer's Respite | \$ | 1,995,245 | \$ | 1,995,245 82354 |
| GRF | 490506 | National Senior | \$ | 241,413 | \$ | 241,413 82355 |
| | | Service Corps | | | | |
| GRF | 656423 | Long-Term Care | \$ | 3,385,057 | \$ | 3,385,057 82356 |
| | | Program Support - | | | | |
| | | State | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 14,647,425 | \$ | 14,647,425 82357 |
| | | Dedicated Purpose Fund Group | | | | 82358 |
| 4800 | 490606 | Senior Community | \$ | 372,523 | \$ | 372,523 82359 |
| | | Outreach and | | | | |
| | | Education | | | | |
| 4C40 | 490609 | Regional Long-Term | \$ | 935,000 | \$ | 935,000 82360 |
| | | Care Ombudsman | | | | |
| | | Program | | | | |
| 5BA0 | 490620 | Ombudsman Support | \$ | 1,250,000 | \$ | 1,250,000 82361 |
| 5K90 | 490613 | Long-Term Care | \$ | 1,059,400 | \$ | 1,059,400 82362 |
| | | Consumers Guide | | | | |
| 5MT0 | 490627 | Board of Executives | \$ | 800,000 | \$ | 800,000 82363 |
| | | of LTSS | | | | |
| 5W10 | 490616 | Resident Services | \$ | 344,700 | \$ | 344,700 82364 |
| | | Coordinator Program | | | | |
| TOTAL DPF | | Dedicated Purpose | | | | 82365 |
| Fund Group | | | \$ | 4,761,623 | \$ | 4,761,623 82366 |
| | | Federal Fund Group | | | | 82367 |
| 3220 | 490618 | Federal Aging Grants | \$ | 8,700,000 | \$ | 8,700,000 82368 |
| 3C40 | 656623 | Long-Term Care | \$ | 3,385,057 | \$ | 3,385,057 82369 |
| | | Program Support - | | | | |
| | | Federal | | | | |
| 3M40 | 490612 | Federal Independence | \$ | 58,655,080 | \$ | 58,655,080 82370 |
| | | Services | | | | |
| TOTAL FED | | Federal Fund Group | \$ | 70,740,137 | \$ | 70,740,137 82371 |

| | | | | | |
|--|----|------------|----|------------|-------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 90,149,185 | \$ | 90,149,185 | 82372 |
| | | | | | |
| Section 209.20. LONG-TERM CARE | | | | | 82374 |
| Pursuant to an interagency agreement, the Department of | | | | | 82375 |
| Medicaid may designate the Department of Aging to perform | | | | | 82376 |
| assessments under section 5165.04 of the Revised Code. The | | | | | 82377 |
| Department of Aging shall provide long-term care consultations | | | | | 82378 |
| under section 173.42 of the Revised Code to assist individuals in | | | | | 82379 |
| planning for their long-term health care needs. | | | | | 82380 |
| | | | | | |
| The Department of Aging shall administer the Medicaid | | | | | 82381 |
| waiver-funded PASSPORT Home Care Program, the Assisted Living | | | | | 82382 |
| Program, and PACE as delegated by the Department of Medicaid in an | | | | | 82383 |
| interagency agreement. The foregoing appropriation items 656423, | | | | | 82384 |
| Long-Term Care Program Support - State, and 656623, Long-Term Care | | | | | 82385 |
| Program Support - Federal, may be used to support the Department | | | | | 82386 |
| of Aging's administrative costs associated with operating the | | | | | 82387 |
| PASSPORT, Assisted Living, and PACE programs. | | | | | 82388 |
| | | | | | |
| PERFORMANCE-BASED REIMBURSEMENT | | | | | 82389 |
| | | | | | |
| The Department of Aging may design and utilize a payment | | | | | 82390 |
| method for PASSPORT administrative agency operations that includes | | | | | 82391 |
| a pay-for-performance incentive component that is earned by a | | | | | 82392 |
| PASSPORT administrative agency when defined consumer and policy | | | | | 82393 |
| outcomes are achieved. | | | | | 82394 |
| | | | | | |
| Section 209.30. LONG-TERM CARE OMBUDSMAN | | | | | 82395 |
| | | | | | |
| The State Ombudsman may explore the design of a payment | | | | | 82396 |
| method for the Ombudsman Program that includes a | | | | | 82397 |
| pay-for-performance incentive component that is earned by | | | | | 82398 |
| designated regional long-term care ombudsman programs. | | | | | 82399 |
| | | | | | |
| MYCARE OHIO | | | | | 82400 |
| | | | | | |
| The foregoing appropriation items 490410, Long-Term Care | | | | | 82401 |

Ombudsman, 490618, Federal Aging Grants, 490612, Federal 82402
Independence Services, 490609, Regional Long-Term Care Ombudsman 82403
Program, and 490620, Ombudsman Support, may be used by the Office 82404
of the State Long-Term Care Ombudsman to provide ombudsman program 82405
activities as described in sections 173.14 to 173.27 and section 82406
173.99 of the Revised Code to consumers participating in MyCare 82407
Ohio. 82408

SENIOR COMMUNITY SERVICES 82409

The foregoing appropriation item 490411, Senior Community 82410
Services, shall be used for services designated by the Department 82411
of Aging, including, but not limited to, home-delivered and 82412
congregate meals, transportation services, personal care services, 82413
respite services, adult day services, home repair, care 82414
coordination, prevention and disease self-management, and decision 82415
support systems. Service priority shall be given to low income, 82416
frail, and cognitively impaired persons 60 years of age and over. 82417
The department shall promote cost sharing by service recipients 82418
for those services funded with senior community services funds, 82419
including, when possible, sliding-fee scale payment systems based 82420
on the income of service recipients 82421

NATIONAL SENIOR SERVICE CORPS 82422

The foregoing appropriation item 490506, National Senior 82423
Service Corps, shall be used by the Department of Aging to fund 82424
grants for three Corporation for National and Community 82425
Service/Senior Corps programs: the Foster Grandparents Program, 82426
the Senior Companion Program, and the Retired Senior Volunteer 82427
Program. A recipient of these grant funds shall use the funds to 82428
support priorities established by the Department and the Ohio 82429
State Office of the Corporation for National and Community 82430
Service. The expenditure of these funds by any grant recipient 82431
shall be in accordance with Senior Corps policies and procedures, 82432
as stated in the Domestic Volunteer Service Act of 1973, as 82433

amended. Neither the Department nor any area agencies on aging 82434
that are involved in the distribution of these funds to 82435
lower-tiered grant recipients may use any portion of these funds 82436
to cover administrative costs. 82437

TRANSFER OF RESIDENT PROTECTION FUNDS 82438

In each fiscal year, the Director of Budget and Management 82439
may transfer up to \$1,250,000 cash from the Resident Protection 82440
Fund (Fund 4E30), which is used by the Department of Medicaid, to 82441
the Ombudsman Support Fund (Fund 5BA0), which is used by the 82442
Department of Aging. 82443

The Director of Aging and the Office of the State Long-Term 82444
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 82445
5BA0) to implement a nursing home quality initiative as specified 82446
in section 173.60 of the Revised Code. 82447

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 82448
AND FEDERAL AGING GRANTS 82449

At the request of the Director of Aging, the Director of 82450
Budget and Management may transfer appropriation between 82451
appropriation items 490612, Federal Independence Services, and 82452
490618, Federal Aging Grants. The amounts transferred shall not 82453
exceed 30 per cent of the appropriation from which the transfer is 82454
made. Any transfers shall be reported by the Department of Aging 82455
to the Controlling Board at the next scheduled meeting of the 82456
board. 82457

Section 209.40. UPDATING AUTHORIZING STATUTE CITATIONS 82458

As used in this section, "authorizing statute" means a 82459
Revised Code section or provision of a Revised Code section that 82460
is cited in the Ohio Administrative Code as the statute that 82461
authorizes the adoption of a rule. 82462

The Director of Aging is not required to amend any rule for 82463

the sole purpose of updating the citation in the Ohio
Administrative Code to the rule's authorizing statute to reflect
that this act renumbers the authorizing statute or relocates it to
another Revised Code section. Such citations shall be updated as
the Director amends the rules for other purposes.

**Section 209.50. BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND
SUPPORTS**

The Board of Executives of Long-Term Services and Supports
may develop and conduct, or contract with a government or private
entity to develop and conduct, opportunities for education,
training, and credentialing of nursing home administrators,
including persons interested in becoming licensed as nursing home
administrators, and others in leadership positions who practice in
long-term services and supports settings or who direct the
practices of others in those settings.

All fees paid to the Board of Executives of Long-Term
Services and Support by an applicant for education or training
shall be used solely for the administration of the training
program in division (A)(10) of section 4751.04 of the Revised
Code. The fees may be used to support the education and training
programs by paying for items including, but not limited to,
instructor fees, venues where the education or training is
conducted, books, materials and printing.

Training or education programs may be conducted in person or
through electronic media. If the Board contracts with a government
or private entity to administer the education or training
programs, the contract may authorize the entity to pay any or all
costs associated with the education or training programs and to
collect and keep, as all or part of the entity's compensation
under the contract, any fee an applicant for education or training
pays to take the education or training program.

| | | | | |
|--|--|--------------|--------------|-------|
| Section 211.10. AGR DEPARTMENT OF AGRICULTURE | | | | 82495 |
| General Revenue Fund | | | | 82496 |
| GRF 700401 | Animal Health Programs | \$ 3,686,687 | \$ 3,686,687 | 82497 |
| GRF 700403 | Dairy Division | \$ 1,088,115 | \$ 1,088,115 | 82498 |
| GRF 700404 | Ohio Proud | \$ 50,000 | \$ 50,000 | 82499 |
| GRF 700406 | Consumer Protection Lab | \$ 1,287,556 | \$ 1,287,556 | 82500 |
| GRF 700407 | Food Safety | \$ 1,000,000 | \$ 1,000,000 | 82501 |
| GRF 700409 | Farmland Preservation | \$ 72,750 | \$ 72,750 | 82502 |
| GRF 700410 | Plant Industry | \$ 150,000 | \$ 150,000 | 82503 |
| GRF 700412 | Weights and Measures | \$ 600,000 | \$ 600,000 | 82504 |
| GRF 700415 | Poultry Inspection | \$ 592,978 | \$ 592,978 | 82505 |
| GRF 700418 | Livestock Regulation Program | \$ 1,108,071 | \$ 1,108,071 | 82506 |
| GRF 700424 | Livestock Testing and Inspections | \$ 92,493 | \$ 92,493 | 82507 |
| GRF 700426 | Dangerous and Restricted Animals | \$ 800,000 | \$ 800,000 | 82508 |
| GRF 700427 | High Volume Breeder Kennel Control | \$ 350,000 | \$ 350,000 | 82509 |
| GRF 700499 | Meat Inspection Program - State Share | \$ 4,425,097 | \$ 4,425,097 | 82510 |
| GRF 700501 | County Agricultural Societies | \$ 391,415 | \$ 391,415 | 82511 |
| GRF 700505 | Agricultural Society Facilities Grant | \$ 0 | \$ 4,700,000 | 82512 |
| TOTAL GRF General Revenue Fund | | | | 82513 |
| Dedicated Purpose Fund Group | | | | 82514 |
| 4900 700651 | License Plates - Sustainable Agriculture | \$ 7,000 | \$ 7,000 | 82515 |

| | | | | | | | |
|------|--------|--|----|-----------|----|-----------|-------|
| 4940 | 700612 | Agricultural Commodity Marketing Program | \$ | 213,000 | \$ | 213,000 | 82516 |
| 4960 | 700626 | Ohio Grape Industries | \$ | 970,000 | \$ | 970,000 | 82517 |
| 4970 | 700627 | Grain Warehouse Program | \$ | 332,672 | \$ | 332,672 | 82518 |
| 4C90 | 700605 | Commercial Feed and Seed | \$ | 1,760,000 | \$ | 1,760,000 | 82519 |
| 4D20 | 700609 | Auction Education | \$ | 35,000 | \$ | 35,000 | 82520 |
| 4E40 | 700606 | Utility Radiological Safety | \$ | 125,000 | \$ | 125,000 | 82521 |
| 4P70 | 700610 | Food Safety Inspection | \$ | 957,328 | \$ | 957,328 | 82522 |
| 4R00 | 700636 | Ohio Proud Marketing | \$ | 35,500 | \$ | 35,500 | 82523 |
| 4R20 | 700637 | Dairy Industry Inspection | \$ | 1,658,247 | \$ | 1,658,247 | 82524 |
| 4T60 | 700611 | Poultry and Meat Inspection | \$ | 120,000 | \$ | 120,000 | 82525 |
| 5780 | 700620 | Ride Inspection | \$ | 1,215,142 | \$ | 1,215,142 | 82526 |
| 5880 | 700633 | Brand Registration | \$ | 5,000 | \$ | 5,000 | 82527 |
| 5B80 | 700629 | Auctioneers | \$ | 340,000 | \$ | 340,000 | 82528 |
| 5CP0 | 700652 | License Plate Scholarships | \$ | 10,000 | \$ | 10,000 | 82529 |
| 5FC0 | 700648 | Plant Pest Program | \$ | 1,190,000 | \$ | 1,190,000 | 82530 |
| 5H20 | 700608 | Metrology Lab and Scale Certification | \$ | 552,000 | \$ | 552,000 | 82531 |
| 5L80 | 700604 | Livestock Management Program | \$ | 135,000 | \$ | 135,000 | 82532 |
| 5MA0 | 700657 | Dangerous and Restricted Animals | \$ | 50,000 | \$ | 50,000 | 82533 |
| 5MR0 | 700658 | High Volume Breeders and Kennels | \$ | 174,000 | \$ | 174,000 | 82534 |
| 6520 | 700634 | Animal, Consumer, and | \$ | 4,966,383 | \$ | 4,966,383 | 82535 |

| | | | | | | | |
|--------------------------------------|--------|-----------------------|----|------------|----|------------|-------|
| | | ATL Labs | | | | | |
| 6690 | 700635 | Pesticide, | \$ | 4,418,041 | \$ | 4,418,041 | 82536 |
| | | Fertilizer, and Lime | | | | | |
| | | Inspection Program | | | | | |
| TOTAL DPF Dedicated Purpose | | | | | | | 82537 |
| Fund Group | | | \$ | 19,269,313 | \$ | 19,269,313 | 82538 |
| Internal Service Activity Fund Group | | | | | | | 82539 |
| 5DA0 | 700644 | Laboratory | \$ | 1,164,000 | \$ | 1,164,000 | 82540 |
| | | Administration | | | | | |
| | | Support | | | | | |
| 5GH0 | 700655 | Administrative | \$ | 4,404,073 | \$ | 4,404,073 | 82541 |
| | | Support | | | | | |
| TOTAL ISA Internal Service Activity | | | | | | | 82542 |
| Fund Group | | | \$ | 5,568,073 | | 5,568,073 | 82543 |
| Capital Projects Fund Group | | | | | | | 82544 |
| 7057 | 700632 | Clean Ohio | \$ | 310,000 | \$ | 310,000 | 82545 |
| | | Agricultural Easement | | | | | |
| | | Operating | | | | | |
| TOTAL CPF Capital Projects Fund | | | \$ | 310,000 | \$ | 310,000 | 82546 |
| Group | | | | | | | |
| Federal Fund Group | | | | | | | 82547 |
| 3260 | 700618 | Meat Inspection | \$ | 4,450,000 | \$ | 4,450,000 | 82548 |
| | | Program - Federal | | | | | |
| | | Share | | | | | |
| 3360 | 700617 | Ohio Farm Loan - | \$ | 101,000 | \$ | 101,000 | 82549 |
| | | Revolving | | | | | |
| 3820 | 700601 | Federal Cooperative | \$ | 4,500,000 | \$ | 4,500,000 | 82550 |
| | | Contracts | | | | | |
| 3AB0 | 700641 | Agricultural Easement | \$ | 150,000 | \$ | 150,000 | 82551 |
| 3J40 | 700607 | Federal | \$ | 1,100,000 | \$ | 1,100,000 | 82552 |
| | | Administrative | | | | | |
| | | Programs | | | | | |

| | | | | | | |
|------------------------------|---|----|------------|----|------------|-------|
| 3R20 700614 | Federal Plant | \$ | 6,000,000 | \$ | 6,000,000 | 82553 |
| | Industry | | | | | |
| TOTAL FED | Federal Fund Group | \$ | 16,301,000 | \$ | 16,301,000 | 82554 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 57,143,548 | \$ | 61,843,548 | 82555 |
| | DANGEROUS AND RESTRICTED WILD ANIMALS | | | | | 82556 |
| | The foregoing appropriation item 700426, Dangerous and | | | | | 82557 |
| | Restricted Animals, shall be used to administer the Dangerous and | | | | | 82558 |
| | Restricted Wild Animal Permitting Program. | | | | | 82559 |
| | COUNTY AGRICULTURAL SOCIETIES | | | | | 82560 |
| | The foregoing appropriation item 700501, County Agricultural | | | | | 82561 |
| | Societies, shall be used to reimburse county and independent | | | | | 82562 |
| | agricultural societies for expenses related to Junior Fair | | | | | 82563 |
| | activities. | | | | | 82564 |
| | AGRICULTURAL SOCIETY FACILITIES GRANT | | | | | 82565 |
| | The foregoing appropriation item 700505, Agricultural Society | | | | | 82566 |
| | Facilities Grant, shall be used by the Director of Agriculture to | | | | | 82567 |
| | administer the Agricultural Society Facilities Grant Program in | | | | | 82568 |
| | accordance with Section 717.10 of this act. | | | | | 82569 |
| | CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES | | | | | 82570 |
| | The foregoing appropriation item 700632, Clean Ohio | | | | | 82571 |
| | Agricultural Easement Operating, shall be used by the Department | | | | | 82572 |
| | of Agriculture in administering Ohio Agricultural Easement Fund | | | | | 82573 |
| | (Fund 7057) projects pursuant to sections 901.21, 901.22, and | | | | | 82574 |
| | 5301.67 to 5301.70 of the Revised Code. | | | | | 82575 |
| | Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY | | | | | 82576 |
| | Dedicated Purpose Fund Group | | | | | 82577 |
| 4Z90 898602 | Small Business | \$ | 288,232 | \$ | 288,232 | 82578 |
| | Ombudsman | | | | | |
| 5700 898601 | Operating Expenses | \$ | 186,568 | \$ | 189,590 | 82579 |

| | | | | | | |
|--|-----------------------------|----|-----------|----|-----------|-------|
| 5A00 898603 | Small Business Assistance | \$ | 450,000 | \$ | 450,000 | 82580 |
| 5EG0 898608 | Energy Strategy Development | \$ | 193,184 | \$ | 176,394 | 82581 |
| TOTAL DPF Dedicated Purpose Fund Group | | \$ | 1,117,984 | \$ | 1,104,216 | 82582 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 1,117,984 | \$ | 1,104,216 | 82583 |

Section 213.20. ENERGY STRATEGY DEVELOPMENT 82585

(A) There is hereby created in the state treasury the Energy Strategy Development Fund (Fund 5EG0). The fund shall consist of money credited to it and money obtained for advanced energy projects from federal or private grants, loans, or other sources. Money in the fund shall be used to carry out the purposes of the Energy Strategy Development Program. Interest earned on the money in the fund shall be credited to the General Revenue Fund. 82586
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(B) The Energy Strategy Development Program shall develop energy initiatives, projects, and policy that align with the energy policy for the state. Issues addressed by such initiatives, projects, and policy shall not be limited to those governed by Chapter 3706. of the Revised Code. The program also pays for costs associated with the administration of the outstanding loans and working with the outside parties associated with the loans. The Ohio Air Quality Development Authority shall be responsible for the monitoring of the program. 82593
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82600
82601

(C) On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Energy Strategy Development Fund. Fund 5EG0 may accept contributions and transfers made to the fund. On July 1, 2017, or as soon as possible thereafter, the Director shall transfer to the General Revenue Fund all cash credited to Fund 82602
82603
82604
82605
82606
82607
82608

5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 82609

| <u>Fund</u> | <u>Fund Name</u> | <u>User</u> | <u>FY 2016</u> | <u>FY 2017</u> | |
|-------------|-------------------|-------------------|----------------|----------------|-------|
| 1310 | State Agency | Ohio Facilities | \$27,405 | \$27,439 | 82611 |
| | Construction | Construction | | | |
| | Project Service | Commission | | | |
| 5GH0 | Central Support | Department of | \$27,405 | \$27,439 | 82612 |
| | Indirect Cost | Agriculture | | | |
| 1350 | Supportive | Development | \$27,405 | \$27,439 | 82613 |
| | Services | Services Agency | | | |
| 2190 | Central Support | Environmental | \$27,405 | \$27,439 | 82614 |
| | Indirect Cost | Protection Agency | | | |
| 1570 | Central Support | Department of | \$27,405 | \$27,439 | 82615 |
| | Indirect | Natural Resources | | | |
| | Chargeback | | | | |
| 7002 | Highway Operating | Department of | \$39,150 | \$39,199 | 82616 |
| | | Transportation | | | |

Section 213.30. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 82617

AUTHORITY TRUST ACCOUNT 82618

Notwithstanding any other provision of law to the contrary, 82619
the Air Quality Development Authority may reimburse the Air 82620
Quality Development Authority trust account established under 82621
section 3706.10 of the Revised Code from all operating funds of 82622
the agency for expenses pertaining to the administration and 82623
shared costs incurred by the Air Quality Development Authority in 82624
the execution of responsibilities as prescribed in Chapter 3706. 82625
of the Revised Code. The reimbursement shall be made by voucher 82626
and completed in accordance with the administrative indirect costs 82627
allocation plan approved by the Office of Budget and Management. 82628

Section 215.10. ARC ARCHITECTS BOARDS 82629

Dedicated Purpose Fund Group 82630

| | | | | | | |
|----------------------------------|-----------|----|---------|----|---------|-------|
| 4K90 891609 | Operating | \$ | 507,614 | \$ | 517,912 | 82631 |
| TOTAL DPF Dedicated Purpose Fund | | | | | | 82632 |
| Group | | \$ | 507,614 | \$ | 517,912 | 82633 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | 82634 |

Section 217.10. ART OHIO ARTS COUNCIL 82636

| | | | | | | |
|----------------------------------|---------------------|----|------------|----|------------|-------|
| General Revenue Fund | | | | | | 82637 |
| GRF 370321 | Operating Expenses | \$ | 1,772,050 | \$ | 1,772,050 | 82638 |
| GRF 370502 | State Program | \$ | 11,450,000 | \$ | 11,950,000 | 82639 |
| Subsidies | | | | | | |
| TOTAL GRF General Revenue Fund | | | | | | 82640 |
| Dedicated Purpose Fund Group | | | | | | 82641 |
| 4600 370602 | Management Expenses | \$ | 300,000 | \$ | 300,000 | 82642 |
| and Donations | | | | | | |
| 4B70 370603 | Percent for Art | \$ | 225,000 | \$ | 225,000 | 82643 |
| Acquisitions | | | | | | |
| TOTAL DPF Dedicated Purpose Fund | | | | | | 82644 |
| Group | | | | | | |
| Federal Fund Group | | | | | | 82645 |
| 3140 370601 | Federal Support | \$ | 1,000,000 | \$ | 1,000,000 | 82646 |
| TOTAL FED Federal Fund Group | | | | | | 82647 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | 82648 |

FEDERAL SUPPORT 82649

Notwithstanding any provision of law to the contrary, the 82650
foregoing appropriation item 370601, Federal Support, shall be 82651
used by the Ohio Arts Council for subsidies only, and not for its 82652
administrative costs, unless the Council is required to use a 82653
portion of the funds for administrative costs under conditions of 82654
the federal grant. 82655

Section 219.10. ATH ATHLETIC COMMISSION 82656

Dedicated Purpose Fund Group 82657

| | | | | | | |
|------------------------------|------------------------|----|---------|----|---------|-------|
| 4K90 175609 | Operating Expenses | \$ | 320,000 | \$ | 320,000 | 82658 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 320,000 | \$ | 320,000 | 82659 |
| Group | | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 320,000 | \$ | 320,000 | 82660 |

Section 221.10. AGO ATTORNEY GENERAL 82662

General Revenue Fund 82663

| | | | | | | |
|----------------|-----------------------|----|------------|----|------------|-------|
| GRF 055321 | Operating Expenses | \$ | 43,114,169 | \$ | 43,114,169 | 82664 |
| GRF 055405 | Law-Related Education | \$ | 100,000 | \$ | 100,000 | 82665 |
| GRF 055411 | County Sheriffs' Pay | \$ | 757,921 | \$ | 757,921 | 82666 |
| Supplement | | | | | | |
| GRF 055415 | County Prosecutors' | \$ | 831,499 | \$ | 831,499 | 82667 |
| Pay Supplement | | | | | | |
| GRF 055501 | Rape Crisis Centers | \$ | 1,500,000 | \$ | 1,500,000 | 82668 |
| TOTAL GRF | General Revenue Fund | \$ | 46,303,589 | \$ | 46,303,589 | 82669 |

Dedicated Purpose Fund Group 82670

| | | | | | | |
|----------------------|-----------------------|----|------------|----|------------|-------|
| 1060 055612 | Attorney General | \$ | 64,008,182 | \$ | 64,818,182 | 82671 |
| Operating | | | | | | |
| 4020 055616 | Victims of Crime | \$ | 20,301,769 | \$ | 20,301,769 | 82672 |
| 4180 055615 | Charitable | \$ | 8,286,000 | \$ | 8,286,000 | 82673 |
| Foundations | | | | | | |
| 4190 055623 | Claims Section | \$ | 58,437,133 | \$ | 59,439,892 | 82674 |
| 4200 055603 | Attorney General | \$ | 2,392,074 | \$ | 2,392,074 | 82675 |
| Antitrust | | | | | | |
| 4210 055617 | Police Officers' | \$ | 1,701,545 | \$ | 1,701,545 | 82676 |
| Training Academy Fee | | | | | | |
| 4L60 055606 | DARE Programs | \$ | 3,811,209 | \$ | 3,811,209 | 82677 |
| 4Y70 055608 | Title Defect Recision | \$ | 600,000 | \$ | 600,000 | 82678 |
| 4Z20 055609 | BCI Asset Forfeiture | \$ | 1,000,000 | \$ | 1,000,000 | 82679 |
| and Cost | | | | | | |
| Reimbursement | | | | | | |
| 5900 055633 | Peace Officer Private | \$ | 95,325 | \$ | 95,325 | 82680 |

| | | | | | | | |
|------------|--------|--------------------------------------|----|-------------|----|-------------|-------|
| | | Security Training | | | | | |
| 5A90 | 055618 | Telemarketing Fraud | \$ | 10,000 | \$ | 10,000 | 82681 |
| | | Enforcement | | | | | |
| 5L50 | 055619 | Law Enforcement | \$ | 2,800,000 | \$ | 2,800,000 | 82682 |
| | | Assistance Program | | | | | |
| 5LR0 | 055655 | Peace Officer | \$ | 4,629,409 | \$ | 4,629,409 | 82683 |
| | | Training - Casino | | | | | |
| 5MP0 | 055657 | Peace Officer | \$ | 250,000 | \$ | 325,000 | 82684 |
| | | Training Commission | | | | | |
| 6310 | 055637 | Consumer Protection | \$ | 8,834,000 | \$ | 8,976,000 | 82685 |
| | | Enforcement | | | | | |
| 6590 | 055641 | Solid and Hazardous | \$ | 310,730 | \$ | 310,730 | 82686 |
| | | Waste Background | | | | | |
| | | Investigations | | | | | |
| U087 | 055402 | Tobacco Settlement | \$ | 2,550,000 | \$ | 2,650,000 | 82687 |
| | | Oversight, | | | | | |
| | | Administration, and | | | | | |
| | | Enforcement | | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | | | | | 82688 |
| Group | | | \$ | 180,017,376 | \$ | 182,147,135 | 82689 |
| | | Internal Service Activity Fund Group | | | | | 82690 |
| 1950 | 055660 | Workers' Compensation | \$ | 8,415,504 | \$ | 8,415,504 | 82691 |
| | | Section | | | | | |
| TOTAL ISA | | Internal Service Activity | \$ | 8,415,504 | \$ | 8,415,504 | 82692 |
| Fund Group | | | | | | | |
| | | Holding Account Fund Group | | | | | 82693 |
| R004 | 055631 | General Holding | \$ | 1,000,000 | \$ | 1,000,000 | 82694 |
| | | Account | | | | | |
| R005 | 055632 | Antitrust Settlements | \$ | 1,000 | \$ | 1,000 | 82695 |
| R018 | 055630 | Consumer Frauds | \$ | 750,000 | \$ | 750,000 | 82696 |
| R042 | 055601 | Organized Crime | \$ | 25,025 | \$ | 25,025 | 82697 |
| | | Commission | | | | | |

| | | | | | | |
|------|--------|--|----|-------------|----|-------------------|
| | | Distributions | | | | |
| R054 | 055650 | Collection Payment | \$ | 4,500,000 | \$ | 4,500,000 82698 |
| | | Redistribution | | | | |
| | | TOTAL HLD Holding Account | | | | 82699 |
| | | Fund Group | \$ | 6,276,025 | \$ | 6,276,025 82700 |
| | | Federal Fund Group | | | | 82701 |
| 3060 | 055620 | Medicaid Fraud | \$ | 8,461,419 | \$ | 8,961,419 82702 |
| | | Control | | | | |
| 3830 | 055634 | Crime Victims | \$ | 16,500,000 | \$ | 16,500,000 82703 |
| | | Assistance | | | | |
| 3E50 | 055638 | Attorney General | \$ | 2,320,999 | \$ | 2,320,999 82704 |
| | | Pass-Through Funds | | | | |
| 3FV0 | 055656 | Crime Victim | \$ | 3,155,000 | \$ | 3,155,000 82705 |
| | | Compensation | | | | |
| 3R60 | 055613 | Attorney General | \$ | 2,799,999 | \$ | 2,799,999 82706 |
| | | Federal Funds | | | | |
| | | TOTAL FED Federal Fund Group | \$ | 33,237,417 | \$ | 33,737,417 82707 |
| | | TOTAL ALL BUDGET FUND GROUPS | \$ | 274,249,911 | \$ | 276,879,670 82708 |
| | | OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE | | | | 82709 |
| | | Of the foregoing appropriation item 055321, Operating | | | | 82710 |
| | | Expenses, \$600,000 in each fiscal year shall be used for the Ohio | | | | 82711 |
| | | Center for the Future of Forensic Science at Bowling Green State | | | | 82712 |
| | | University. The purpose of the Center shall be to foster forensic | | | | 82713 |
| | | science research techniques (BCI Eminent Scholar) and to create | | | | 82714 |
| | | professional training opportunities to students (BCI Scholars) in | | | | 82715 |
| | | the forensic science fields. | | | | 82716 |
| | | COUNTY SHERIFFS' PAY SUPPLEMENT | | | | 82717 |
| | | The foregoing appropriation item 055411, County Sheriffs' Pay | | | | 82718 |
| | | Supplement, shall be used for the purpose of supplementing the | | | | 82719 |
| | | annual compensation of county sheriffs as required by section | | | | 82720 |
| | | 325.06 of the Revised Code. | | | | 82721 |

At the request of the Attorney General, the Director of 82722
Budget and Management may transfer appropriation from 82723
appropriation item 055321, Operating Expenses, to appropriation 82724
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 82725
transferred shall be used to supplement the annual compensation of 82726
county sheriffs as required by section 325.06 of the Revised Code. 82727

COUNTY PROSECUTORS' PAY SUPPLEMENT 82728

The foregoing appropriation item 055415, County Prosecutors' 82729
Pay Supplement, shall be used for the purpose of supplementing the 82730
annual compensation of certain county prosecutors as required by 82731
section 325.111 of the Revised Code. 82732

At the request of the Attorney General, the Director of 82733
Budget and Management may transfer appropriation from 82734
appropriation item 055321, Operating Expenses, to appropriation 82735
item 055415, County Prosecutors' Pay Supplement. Any appropriation 82736
so transferred shall be used to supplement the annual compensation 82737
of county prosecutors as required by section 325.111 of the 82738
Revised Code. 82739

WORKERS' COMPENSATION SECTION 82740

The Workers' Compensation Fund (Fund 1950) is entitled to 82741
receive payments from the Bureau of Workers' Compensation and the 82742
Ohio Industrial Commission at the beginning of each quarter of 82743
each fiscal year to fund legal services to be provided to the 82744
Bureau of Workers' Compensation and the Ohio Industrial Commission 82745
during the ensuing quarter. The advance payment shall be subject 82746
to adjustment. 82747

In addition, the Bureau of Workers' Compensation shall 82748
transfer payments at the beginning of each quarter for the support 82749
of the Workers' Compensation Fraud Unit. 82750

All amounts shall be mutually agreed upon by the Attorney 82751
General, the Bureau of Workers' Compensation, and the Ohio 82752

| | |
|--|-------|
| Industrial Commission. | 82753 |
| GENERAL HOLDING ACCOUNT | 82754 |
| The foregoing appropriation item 055631, General Holding | 82755 |
| Account, shall be used to distribute moneys under the terms of | 82756 |
| relevant court orders or other settlements received in a variety | 82757 |
| of cases involving the Office of the Attorney General. If it is | 82758 |
| determined that additional amounts are necessary for this purpose, | 82759 |
| the amounts are hereby appropriated. | 82760 |
| ANTITRUST SETTLEMENTS | 82761 |
| The foregoing appropriation item 055632, Antitrust | 82762 |
| Settlements, shall be used to distribute moneys under the terms of | 82763 |
| relevant court orders or other out of court settlements in | 82764 |
| antitrust cases or antitrust matters involving the Office of the | 82765 |
| Attorney General. If it is determined that additional amounts are | 82766 |
| necessary for this purpose, the amounts are hereby appropriated. | 82767 |
| CONSUMER FRAUDS | 82768 |
| The foregoing appropriation item 055630, Consumer Frauds, | 82769 |
| shall be used for distribution of moneys from court-ordered | 82770 |
| judgments against sellers in actions brought by the Office of the | 82771 |
| Attorney General under sections 1334.08 and 4549.48 and division | 82772 |
| (B) of section 1345.07 of the Revised Code. These moneys shall be | 82773 |
| used to provide restitution to consumers victimized by the fraud | 82774 |
| that generated the court-ordered judgments. If it is determined | 82775 |
| that additional amounts are necessary for this purpose, the | 82776 |
| amounts are hereby appropriated. | 82777 |
| ORGANIZED CRIME COMMISSION DISTRIBUTIONS | 82778 |
| The foregoing appropriation item 055601, Organized Crime | 82779 |
| Commission Distributions, shall be used by the Organized Crime | 82780 |
| Investigations Commission, as provided by section 177.011 of the | 82781 |
| Revised Code, to reimburse political subdivisions for the expenses | 82782 |

the political subdivisions incur when their law enforcement 82783
officers participate in an organized crime task force. If it is 82784
determined that additional amounts are necessary for this purpose, 82785
the amounts are hereby appropriated. 82786

COLLECTION PAYMENT REDISTRIBUTION 82787

The foregoing appropriation item 055650, Collection Payment 82788
Redistribution, shall be used for the purpose of allocating the 82789
revenue where debtors mistakenly paid the client agencies instead 82790
of the Attorney General's Collections Enforcement Section. If it 82791
is determined that additional amounts are necessary for this 82792
purpose, the amounts are hereby appropriated. 82793

ATTORNEY GENERAL PASS-THROUGH FUNDS 82794

The foregoing appropriation item 055638, Attorney General 82795
Pass-Through Funds, shall be used to receive federal grant funds 82796
provided to the Attorney General by other state agencies, 82797
including, but not limited to, the Department of Youth Services 82798
and the Department of Public Safety. 82799

Section 223.10. AUD AUDITOR OF STATE 82800

General Revenue Fund 82801

| | | | | | | | |
|-----|--------|--------------------|----|------------|----|------------|-------|
| GRF | 070321 | Operating Expenses | \$ | 27,679,072 | \$ | 27,679,072 | 82802 |
|-----|--------|--------------------|----|------------|----|------------|-------|

| | | | | | | | |
|-----|--------|--------|----|---------|----|---------|-------|
| GRF | 070403 | Fiscal | \$ | 800,000 | \$ | 800,000 | 82803 |
|-----|--------|--------|----|---------|----|---------|-------|

 Watch/Emergency

 Technical Assistance

| | | | | | | |
|-----------|----------------------|----|------------|----|------------|-------|
| TOTAL GRF | General Revenue Fund | \$ | 28,479,072 | \$ | 28,479,072 | 82804 |
|-----------|----------------------|----|------------|----|------------|-------|

Dedicated Purpose Fund Group 82805

| | | | | | | | |
|------|--------|----------------------|----|-----------|----|-----------|-------|
| 1090 | 070601 | Public Audit Expense | \$ | 9,396,081 | \$ | 9,396,081 | 82806 |
|------|--------|----------------------|----|-----------|----|-----------|-------|

 - Intra-State

| | | | | | | | |
|------|--------|----------------------|----|------------|----|------------|-------|
| 4220 | 070602 | Public Audit Expense | \$ | 32,937,044 | \$ | 33,143,044 | 82807 |
|------|--------|----------------------|----|------------|----|------------|-------|

 - Local Government

| | | | | | | | |
|------|--------|------------------|----|---------|----|---------|-------|
| 5840 | 070603 | Training Program | \$ | 403,750 | \$ | 403,750 | 82808 |
|------|--------|------------------|----|---------|----|---------|-------|

| | | | | | | |
|--|----------------------|----|------------|----|------------|-------|
| 5JZ0 070606 | LEAP Revolving Loans | \$ | 400,000 | \$ | 400,000 | 82809 |
| 6750 070605 | Uniform Accounting | \$ | 3,160,637 | \$ | 3,160,637 | 82810 |
| | Network | | | | | |
| TOTAL DPF Dedicated Purpose Fund | | | | | | 82811 |
| Group | | \$ | 46,297,512 | \$ | 46,503,512 | 82812 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | 82813 |
| | | | | | | |
| Section 225.10. BRB BOARD OF BARBER EXAMINERS | | | | | | 82815 |
| Dedicated Purpose Fund Group | | | | | | 82816 |
| 4K90 877609 | Operating Expenses | \$ | 674,272 | \$ | 688,272 | 82817 |
| TOTAL DPF Dedicated Purpose Fund | | | | | | 82818 |
| Group | | \$ | 674,272 | \$ | 688,272 | 82819 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | 82820 |
| | | | | | | |
| Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT | | | | | | 82822 |
| General Revenue Fund | | | | | | 82823 |
| GRF 042321 | Budget Development | \$ | 2,981,898 | \$ | 2,933,175 | 82824 |
| | and Implementation | | | | | |
| GRF 042416 | Office of Health | \$ | 430,000 | \$ | 438,723 | 82825 |
| | Transformation | | | | | |
| GRF 042425 | Shared Services | \$ | 1,385,000 | \$ | 1,425,000 | 82826 |
| | Development | | | | | |
| TOTAL GRF General Revenue Fund | | | | | | 82827 |
| Internal Service Activity Fund Group | | | | | | 82828 |
| 1050 042603 | Financial Management | \$ | 14,676,746 | \$ | 14,593,851 | 82829 |
| 1050 042620 | Shared Services | \$ | 8,699,170 | \$ | 8,782,065 | 82830 |
| | Operating | | | | | |
| TOTAL ISA Internal Service Activity | | | | | | 82831 |
| Fund Group | | \$ | 23,375,916 | \$ | 23,375,916 | 82832 |
| Fiduciary Fund Group | | | | | | 82833 |
| 5EH0 042604 | Forgery Recovery | \$ | 40,000 | \$ | 40,000 | 82834 |
| TOTAL FID Fiduciary Fund Group | | | | | | 82835 |

| | | | | |
|--|----|------------|---------------|-------|
| Federal Fund Group | | | | 82836 |
| 3CM0 042606 Office of Health | \$ | 430,000 | \$ 438,723 | 82837 |
| Transformation - | | | | |
| Federal | | | | |
| TOTAL FED Federal Fund Group | \$ | 430,000 | \$ 438,723 | 82838 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 28,642,814 | \$ 28,651,537 | 82839 |
| AUDIT COSTS AND DUES | | | | 82840 |
| All centralized audit costs associated with either Single | | | | 82841 |
| Audit Schedules or financial statements prepared in conformance | | | | 82842 |
| with generally accepted accounting principles for the state shall | | | | 82843 |
| be paid from the foregoing appropriation item 042603, Financial | | | | 82844 |
| Management. | | | | 82845 |
| Costs associated with the audit of the Auditor of State and | | | | 82846 |
| national association dues shall be paid from the foregoing | | | | 82847 |
| appropriation item 042321, Budget Development and Implementation. | | | | 82848 |
| SHARED SERVICES CENTER | | | | 82849 |
| The foregoing appropriation items 042425, Shared Services | | | | 82850 |
| Development, and 042620, Shared Services Operating, shall be used | | | | 82851 |
| by the Director of Budget and Management to support a Shared | | | | 82852 |
| Services Center within the Office of Budget and Management for the | | | | 82853 |
| purpose of consolidating statewide business functions and common | | | | 82854 |
| transactional processes. | | | | 82855 |
| The Director of Budget and Management shall include the | | | | 82856 |
| recovery of costs to operate the Shared Services Center in the | | | | 82857 |
| accounting and budgeting services payroll rate and through direct | | | | 82858 |
| charges using intrastate transfer vouchers to agencies for | | | | 82859 |
| services rendered. The Director of Budget and Management shall | | | | 82860 |
| determine the cost recovery methodology. Such cost recovery | | | | 82861 |
| revenues shall be deposited to the credit of the Accounting and | | | | 82862 |
| Budgeting Fund (Fund 1050). | | | | 82863 |
| INTERNAL AUDIT | | | | 82864 |

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies reviewed by the program. The Director of Budget and Management, with advice from the Internal Audit Advisory Council, shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of Fund 1050.

FORGERY RECOVERY

The foregoing appropriation item 042604, Forgery Recovery, shall be used to reissue warrants that have been certified as forgeries by the rightful recipient as determined by the Bureau of Criminal Identification and Investigation and the Treasurer of State. Upon receipt of funds to cover the reissuance of the warrant, the Director of Budget and Management shall reissue a state warrant of the same amount. Any additional amounts needed to reissue warrants backed by the receipt of funds are hereby appropriated.

Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD

| | | | | |
|--------------------------------|--------|--|---------------------------|-------|
| General Revenue Fund | | | | 82884 |
| GRF | 874100 | Personal Services | \$ 2,417,467 \$ 2,417,467 | 82885 |
| GRF | 874320 | Maintenance and Equipment | \$ 1,161,098 \$ 1,161,098 | 82886 |
| TOTAL GRF General Revenue Fund | | | | 82887 |
| Dedicated Purpose Fund Group | | | | 82888 |
| 2080 | 874601 | Underground Parking | \$ 3,496,740 \$ 3,496,740 | 82889 |
| Garage Operations | | | | |
| 4G50 | 874603 | Capitol Square Education Center and Arts | \$ 6,000 \$ 6,000 | 82890 |

| | | | | |
|---|----|-----------|--------------|-------|
| TOTAL DPF Dedicated Purpose | | | | 82891 |
| Fund Group | \$ | 3,502,740 | \$ 3,502,740 | 82892 |
| Internal Service Activity Fund Group | | | | 82893 |
| 4S70 874602 Statehouse Gift | \$ | 700,000 | \$ 700,000 | 82894 |
| Shop/Events | | | | |
| TOTAL ISA Internal Service Activity | | | | 82895 |
| Fund Group | \$ | 700,000 | \$ 700,000 | 82896 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 7,781,305 | \$ 7,781,305 | 82897 |
| WAREHOUSE PAYMENTS | | | | 82898 |
| Of the foregoing appropriation item 874601, Underground | | | | 82899 |
| Parking Garage Operations, \$48,000 in each fiscal year shall be | | | | 82900 |
| used to meet all payments at the times they are required to be | | | | 82901 |
| made during the period from July 1, 2015, through June 30, 2017, | | | | 82902 |
| to the Department of Administrative Services for bond service | | | | 82903 |
| charges relating to the purchase and improvement of a warehouse | | | | 82904 |
| acquired pursuant to section 105.41 of the Revised Code, in which | | | | 82905 |
| to store items of the Capitol Collection Trust and, whenever | | | | 82906 |
| necessary, equipment or other property of the Board. | | | | 82907 |
| UNDERGROUND PARKING GARAGE FUND | | | | 82908 |
| Notwithstanding division (G) of section 105.41 of the Revised | | | | 82909 |
| Code and any other provision to the contrary, moneys in the | | | | 82910 |
| Underground Parking Garage Fund (Fund 2080) may be used for | | | | 82911 |
| personnel and operating costs related to the operations of the | | | | 82912 |
| Statehouse and the Statehouse Underground Parking Garage. | | | | 82913 |
| HOUSE AND SENATE PARKING REIMBURSEMENT | | | | 82914 |
| On July 1 of each fiscal year, or as soon as possible | | | | 82915 |
| thereafter, the Director of Budget and Management shall transfer | | | | 82916 |
| \$500,000 cash from the General Revenue Fund to the Underground | | | | 82917 |
| Parking Garage Fund (Fund 2080). The amounts transferred under | | | | 82918 |
| this section shall be used to reimburse the Capitol Square Review | | | | 82919 |
| and Advisory Board for legislative parking costs. | | | | 82920 |

| | | | | | |
|------------------------------|--|----|---------|----|---------|
| Section 231.10. | SCR STATE BOARD OF CAREER COLLEGES AND | | | | 82921 |
| | SCHOOLS | | | | 82922 |
| | Dedicated Purpose Fund Group | | | | 82923 |
| 4K90 233601 | Operating Expenses | \$ | 579,328 | \$ | 579,328 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 579,328 | \$ | 579,328 |
| | Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 579,328 | \$ | 579,328 |

| | | | | | |
|------------------------------|-------------------------------|----|------------|----|------------|
| Section 233.10. | CAC CASINO CONTROL COMMISSION | | | | 82928 |
| | Dedicated Purpose Fund Group | | | | 82929 |
| 5HS0 955321 | Operating Expenses | \$ | 12,415,000 | \$ | 12,415,000 |
| 5NU0 955601 | Casino Commission | \$ | 50,000 | \$ | 50,000 |
| | Enforcement | | | | |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 12,465,000 | \$ | 12,465,000 |
| | Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 12,465,000 | \$ | 12,465,000 |

| | | | | | |
|------------------------------|---|----|---------|----|---------|
| Section 235.10. | CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD | | | | 82935 |
| | Dedicated Purpose Fund Group | | | | 82936 |
| 4K90 930609 | Operating Expenses | \$ | 490,644 | \$ | 489,666 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 490,644 | \$ | 489,666 |
| | Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 490,644 | \$ | 489,666 |

| | | | | | |
|------------------------------|------------------------------|----|---------|----|---------|
| Section 237.10. | CHR STATE CHIROPRACTIC BOARD | | | | 82941 |
| | Dedicated Purpose Fund Group | | | | 82942 |
| 4K90 878609 | Operating Expenses | \$ | 648,734 | \$ | 663,521 |
| TOTAL DPF | Dedicated Purpose Fund | \$ | 648,734 | \$ | 663,521 |
| | Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 648,734 | \$ | 663,521 |

| | | | | |
|---|------------------------|---------------|---------------|-------|
| Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION | | | | 82947 |
| General Revenue Fund | | | | 82948 |
| GRF 876321 | Operating Expenses | \$ 5,406,444 | \$ 5,406,444 | 82949 |
| TOTAL GRF General Revenue Fund | | | | 82950 |
| Internal Service Activity Fund Group | | | | 82951 |
| 2170 876604 | Operations Support | \$ 4,000 | \$ 4,000 | 82952 |
| TOTAL ISA Internal Service Activity | | | | 82953 |
| Fund Group | | | | 82954 |
| Federal Fund Group | | | | 82955 |
| 3340 876601 | Federal Programs | \$ 2,802,760 | \$ 2,947,982 | 82956 |
| TOTAL FED Federal Special Revenue | | | | 82957 |
| Fund Group | | | | 82958 |
| TOTAL ALL BUDGET FUND GROUPS | | | | 82959 |
| Section 241.10. COM DEPARTMENT OF COMMERCE | | | | 82961 |
| Dedicated Purpose Fund Group | | | | 82962 |
| 4B20 800631 | Real Estate Appraisal | \$ 35,000 | \$ 35,000 | 82963 |
| Recovery | | | | |
| 4H90 800608 | Cemeteries | \$ 274,080 | \$ 278,352 | 82964 |
| 4X20 800619 | Financial Institutions | \$ 1,854,298 | \$ 1,854,298 | 82965 |
| 5430 800602 | Unclaimed | \$ 7,764,160 | \$ 7,779,076 | 82966 |
| Funds-Operating | | | | |
| 5430 800625 | Unclaimed Funds-Claims | \$ 64,000,000 | \$ 64,000,000 | 82967 |
| 5440 800612 | Banks | \$ 6,867,039 | \$ 6,885,074 | 82968 |
| 5450 800613 | Savings Institutions | \$ 2,464,495 | \$ 2,533,005 | 82969 |
| 5460 800610 | Fire Marshal | \$ 17,153,766 | \$ 16,746,648 | 82970 |
| 5460 800639 | Fire Department Grants | \$ 5,200,000 | \$ 5,200,000 | 82971 |
| 5470 800603 | Real Estate | \$ 69,655 | \$ 69,655 | 82972 |
| Education/Research | | | | |
| 5480 800611 | Real Estate Recovery | \$ 50,000 | \$ 50,000 | 82973 |
| 5490 800614 | Real Estate | \$ 3,374,714 | \$ 3,409,090 | 82974 |

| | | | | | | | |
|------------------------------|--------------------|--------------------------------------|----|-------------|----|-------------|-------|
| 3480 | 800622 | Underground Storage Tanks | \$ | 1,129,518 | \$ | 1,129,518 | 82998 |
| 3480 | 800624 | Leaking Underground Storage Tanks | \$ | 1,795,481 | \$ | 1,795,481 | 82999 |
| TOTAL FED | Federal Fund Group | | \$ | 2,924,999 | \$ | 2,924,999 | 83000 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 189,617,737 | \$ | 191,047,692 | 83001 |

UNCLAIMED FUNDS PAYMENTS 83002

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated. 83003
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DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 83010

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated. 83011
83012
83013
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The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated. 83019
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FIRE DEPARTMENT GRANTS 83027

Of the foregoing appropriation item 800639, Fire Department 83028
Grants, up to \$5,200,000 in fiscal year 2016 and \$5,200,000 in 83029
fiscal year 2017 shall be used to make annual grants to the 83030
following eligible recipients: volunteer fire departments, fire 83031
departments that serve one or more small municipalities or small 83032
townships, joint fire districts comprised of fire departments that 83033
primarily serve small municipalities or small townships, local 83034
units of government responsible for such fire departments, and 83035
local units of government responsible for the provision of fire 83036
protection services for small municipalities or small townships. 83037
For the purposes of these grants, a private fire company, as that 83038
phrase is defined in section 9.60 of the Revised Code, that is 83039
providing fire protection services under a contract to a political 83040
subdivision of the state, is an additional eligible recipient for 83041
a training grant. 83042

Eligible recipients that consist of small municipalities or 83043
small townships that all intend to contract with the same fire 83044
department or private fire company for fire protection services 83045
may jointly apply and be considered for a grant. If a joint 83046
applicant is awarded a grant, the State Fire Marshal shall, if 83047
feasible, proportionately award the grant and any equipment 83048
purchased with grant funds to each of the joint applicants based 83049
upon each applicant's contribution to and demonstrated need for 83050
fire protection services. 83051

If the grant awarded to joint applicants is an equipment 83052
grant and the equipment to be purchased cannot be readily 83053
distributed or possessed by multiple recipients, each of the joint 83054
applicants shall be awarded by the State Fire Marshal an ownership 83055
interest in the equipment so purchased in proportion to each 83056
applicant's contribution to and demonstrated need for fire 83057
protection services. The joint applicants shall then mutually 83058

agree on how the equipment is to be maintained, operated, stored, 83059
or disposed of. If, for any reason, the joint applicants cannot 83060
agree as to how jointly owned equipment is to be maintained, 83061
operated, stored, or disposed of or any of the joint applicants no 83062
longer maintain a contract with the same fire protection service 83063
provider as the other applicants, then the joint applicants shall, 83064
with the assistance of the State Fire Marshal, mutually agree as 83065
to how the jointly owned equipment is to be maintained, operated, 83066
stored, disposed of, or owned. If the joint applicants cannot 83067
agree how the grant equipment is to be maintained, operated, 83068
stored, disposed of, or owned, the State Fire Marshal may, in its 83069
discretion, require all of the equipment acquired by the joint 83070
applicants with grant funds to be returned to the State Fire 83071
Marshal. The State Fire Marshal may then award the returned 83072
equipment to any eligible recipients. For this paragraph only, an 83073
"equipment grant" also includes a MARCS Grant. 83074

Except as otherwise provided in this section, the grants 83075
shall be used by recipients to purchase firefighting or rescue 83076
equipment or gear or similar items, to provide full or partial 83077
reimbursement for the documented costs of firefighter training, 83078
or, at the discretion of the State Fire Marshal, to cover fire 83079
department costs for providing fire protection services in that 83080
grant recipient's jurisdiction. 83081

Of the foregoing appropriation item 800639, Fire Department 83082
Grants, up to \$500,000 per fiscal year may be used to pay for the 83083
State Fire Marshal's costs of providing firefighter I 83084
certification classes or other firefighter classes approved by the 83085
Department of Public Safety in accordance with section 4765.55 of 83086
the Revised Code at no cost to selected students attending the 83087
Ohio Fire Academy or other class providers approved by the State 83088
Fire Marshal. The State Fire Marshal may establish the 83089
qualifications and selection processes for students to attend such 83090

classes by written policy, and such students shall be considered 83091
eligible recipients of fire department grants for the purposes of 83092
this portion of the grant program. 83093

For purposes of this section, a MARCS Grant is a grant for 83094
systems, equipment, or services that are a part of, integrated 83095
into, or otherwise interoperable with the Multi-Agency Radio 83096
Communication System (MARCS) operated by the state. 83097

Of the foregoing appropriation item 800639, Fire Department 83098
Grants, up to \$3,000,000 in each fiscal year may be used for MARCS 83099
Grants. MARCS Grants may be used for the payment of user access 83100
fees by the eligible recipient to access MARCS. 83101

MARCS Grant awards may be up to \$50,000 in each fiscal year 83102
per eligible recipient. Each eligible recipient may only apply, as 83103
a separate entity or as a part of a joint application, for one 83104
MARCS Grant per fiscal year. The State Fire Marshal may give a 83105
preference in the awarding of MARCS Grants to grants that will 83106
enhance the overall interoperability and effectiveness of 83107
emergency communication networks in the geographic region that 83108
includes and that is adjacent to the applicant. Eligible 83109
recipients that are or were awarded fire department grants that 83110
are not MARCS Grants may also apply for and receive MARCS Grants 83111
in accordance with criteria for the awarding of grant funds 83112
established by the State Fire Marshal. 83113

Grant awards for firefighting or rescue equipment or gear or 83114
for fire department costs of providing fire protection services 83115
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 83116
fiscal year if an eligible entity serves a jurisdiction in which 83117
the Governor declared a natural disaster during the preceding or 83118
current fiscal year in which the grant was awarded. In addition to 83119
any grant funds awarded for rescue equipment or gear, or for fire 83120
department costs associated with the provision of fire protection 83121
services, an eligible entity may receive a grant for up to \$15,000 83122

per fiscal year for full or partial reimbursement of the 83123
documented costs of firefighter training. For each fiscal year, 83124
the State Fire Marshal shall determine the total amounts to be 83125
allocated for each eligible purpose. 83126

The grant program shall be administered by the State Fire 83127
Marshal in accordance with rules the State Fire Marshal adopts as 83128
part of the state fire code adopted pursuant to section 3737.82 of 83129
the Revised Code that are necessary for the administration and 83130
operation of the grant program. The rules may further define the 83131
entities eligible to receive grants and establish criteria for the 83132
awarding and expenditure of grant funds, including methods the 83133
State Fire Marshal may use to verify the proper use of grant funds 83134
or to obtain reimbursement for or the return of equipment for 83135
improperly used grant funds. To the extent consistent with this 83136
section and until such time as the rules are updated, the existing 83137
rules in the state fire code adopted pursuant to section 3737.82 83138
of the Revised Code for fire department grants under this section 83139
apply to MARCS Grants. Any amounts in appropriation item 800639, 83140
Fire Department Grants, in excess of the amount allocated for 83141
these grants may be used for the administration of the grant 83142
program. 83143

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND 83144

Upon the written request of the Director of Commerce, the 83145
Director of Budget and Management may transfer up to \$500,000 in 83146
cash from the Real Estate Recovery Fund (Fund 5480) and up to 83147
\$250,000 in cash from the Real Estate Appraiser Recovery Fund 83148
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund 83149
5490) during the biennium ending June 30, 2017. 83150

CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 83151
REVOLVING LOAN FUND 83152

Upon the written request of the Director of Commerce, the 83153

Director of Budget and Management may transfer up to \$300,000 in 83154
cash from the State Fire Marshal Fund (Fund 5460) to the Small 83155
Government Fire Department Services Revolving Loan Fund (Fund 83156
5F10) during the biennium ending June 30, 2017. 83157

ADMINISTRATIVE ASSESSMENTS 83158

Notwithstanding any other provision of law to the contrary, 83159
the Division of Administration Fund (Fund 1630) is entitled to 83160
receive assessments from all operating funds of the Department in 83161
accordance with procedures prescribed by the Director of Commerce 83162
and approved by the Director of Budget and Management. 83163

Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL 83164

Dedicated Purpose Fund Group 83165

5F50 053601 Operating Expenses \$ 5,641,093 \$ 5,641,093 83166

TOTAL DPF Dedicated Purpose Fund \$ 5,641,093 \$ 5,641,093 83167

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,641,093 \$ 5,641,093 83168

Section 245.10. CEB CONTROLLING BOARD 83170

General Revenue Fund 83171

GRF 911441 Ballot Advertising \$ 475,000 \$ 475,000 83172

Costs

TOTAL GRF General Revenue Fund \$ 475,000 \$ 475,000 83173

Internal Service Activity Fund Group 83174

5KM0 911614 CB Emergency Purposes \$ 10,000,000 \$ 10,000,000 83175

TOTAL ISA Internal Service Activity 83176

Fund Group \$ 10,000,000 \$ 10,000,000 83177

TOTAL ALL BUDGET FUND GROUPS \$ 10,475,000 \$ 10,475,000 83178

FEDERAL SHARE 83179

In transferring appropriations to or from appropriation items 83180

that have federal shares identified in this act, the Controlling 83181

Board shall add or subtract corresponding amounts of federal 83182
matching funds at the percentages indicated by the state and 83183
federal division of the appropriations in this act. Such changes 83184
are hereby appropriated. 83185

BALLOT ADVERTISING COSTS 83186

Pursuant to section 3501.17 of the Revised Code, and upon 83187
requests submitted by the Secretary of State, the Controlling 83188
Board shall approve transfers from the foregoing appropriation 83189
item 911441, Ballot Advertising Costs, to appropriation item 83190
050621, Statewide Ballot Advertising, in order to pay for the cost 83191
of public notices associated with statewide ballot initiatives. 83192

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 83193
ELIGIBILITY 83194

A state agency director shall request that the Controlling 83195
Board increase the amount of the agency's capital appropriations 83196
if the director determines such an increase is necessary for the 83197
agency to receive and use funds under the federal American 83198
Recovery and Reinvestment Act of 2009. The Controlling Board may 83199
increase the capital appropriations pursuant to the request up to 83200
the exact amount necessary under the federal act if the Board 83201
determines it is necessary for the agency to receive and use those 83202
federal funds. 83203

DISASTER SERVICES 83204

Pursuant to requests submitted by the Department of Public 83205
Safety, the Controlling Board may approve transfers from the 83206
Disaster Services Fund (Fund 5E20) to a fund and appropriation 83207
item used by the Department of Public Safety to provide for 83208
assistance to political subdivisions made necessary by natural 83209
disasters or emergencies. These transfers may be requested and 83210
approved prior to the occurrence of any specific natural disasters 83211
or emergencies in order to facilitate the provision of timely 83212

assistance. The Emergency Management Agency of the Department of 83213
Public Safety shall use the funding to fund the State Disaster 83214
Relief Program for disasters that have a written Governor's 83215
authorization, and the State Individual Assistance Program for 83216
disasters that have a written Governor's authorization and is 83217
declared by the federal Small Business Administration. The Ohio 83218
Emergency Management Agency shall publish and make available 83219
application packets outlining procedures for the State Disaster 83220
Relief Program and the State Individual Assistance Program. 83221

Fund 5E20 shall be used by the Controlling Board, pursuant to 83222
requests submitted by state agencies, to transfer cash and 83223
appropriations to any fund and appropriation item for the payment 83224
of state agency disaster relief program expenses for disasters 83225
that have a written Governor's authorization, if the Director of 83226
Budget and Management determines that sufficient funds exist. 83227

Section 247.10. COS STATE BOARD OF COSMETOLOGY 83228

Dedicated Purpose Fund Group 83229
4K90 879609 Operating Expenses \$ 3,758,000 \$ 3,818,530 83230
TOTAL DPF Dedicated Purpose Fund 83231
Group \$ 3,758,000 \$ 3,818,530 83232
TOTAL ALL BUDGET FUND GROUPS \$ 3,758,000 \$ 3,818,530 83233

Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 83235

AND FAMILY THERAPIST BOARD 83236
Dedicated Purpose Fund Group 83237
4K90 899609 Operating Expenses \$ 1,287,029 \$ 1,301,462 83238
TOTAL DPF Dedicated Purpose Fund \$ 1,287,029 \$ 1,301,462 83239
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,287,029 \$ 1,301,462 83240

Section 251.10. CLA COURT OF CLAIMS 83242

| | | | | |
|----------------------------------|----|-----------|--------------|-------|
| General Revenue Fund | | | | 83243 |
| GRF 015321 Operating Expenses | \$ | 2,501,052 | \$ 2,501,052 | 83244 |
| TOTAL GRF General Revenue Fund | \$ | 2,501,052 | \$ 2,501,052 | 83245 |
| Dedicated Purpose Fund Group | | | | 83246 |
| 5K20 015603 CLA Victims of Crime | \$ | 427,184 | \$ 434,019 | 83247 |
| TOTAL DPF Dedicated Purpose | | | | 83248 |
| Fund Group | \$ | 427,184 | \$ 434,019 | 83249 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,928,236 | \$ 2,935,071 | 83250 |

Section 253.10. DEN STATE DENTAL BOARD 83252

| | | | | |
|--------------------------------|----|-----------|--------------|-------|
| Dedicated Purpose Fund Group | | | | 83253 |
| 4K90 880609 Operating Expenses | \$ | 1,591,884 | \$ 1,591,884 | 83254 |
| TOTAL DPF Dedicated Purpose | | | | 83255 |
| Fund Group | \$ | 1,591,884 | \$ 1,591,884 | 83256 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,591,884 | \$ 1,591,884 | 83257 |

Section 255.10. BDP BOARD OF DEPOSIT 83259

| | | | | |
|----------------------------------|----|-----------|--------------|-------|
| Dedicated Purpose Fund Group | | | | 83260 |
| 4M20 974601 Board of Deposit | \$ | 1,876,000 | \$ 1,876,000 | 83261 |
| TOTAL DPF Dedicated Purpose Fund | | | | 83262 |
| Group | \$ | 1,876,000 | \$ 1,876,000 | 83263 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,876,000 | \$ 1,876,000 | 83264 |

BOARD OF DEPOSIT EXPENSE FUND 83265

Upon receiving certification of expenses from the Treasurer 83266
of State, the Director of Budget and Management shall transfer 83267
cash from the Investment Earnings Redistribution Fund (Fund 6080) 83268
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 83269
shall be used pursuant to section 135.02 of the Revised Code to 83270
pay for any and all necessary expenses of the Board of Deposit or 83271
for banking charges and fees required for the operation of the 83272
State of Ohio Regular Account. 83273

| | | | | | | |
|-----|------------------------|---|----|------------|---------------|-------|
| | Section 257.10. | DEV DEVELOPMENT SERVICES AGENCY | | | | 83274 |
| | General Revenue Fund | | | | | 83275 |
| GRF | 195402 | Coal Research and Development Program | \$ | 234,400 | \$ 234,400 | 83276 |
| GRF | 195405 | Minority Business Development | \$ | 1,722,191 | \$ 1,722,191 | 83277 |
| GRF | 195407 | Travel and Tourism | \$ | 500,000 | \$ 500,000 | 83278 |
| GRF | 195415 | Business Development Services | \$ | 2,413,387 | \$ 2,413,387 | 83279 |
| GRF | 195426 | Redevelopment Assistance | \$ | 525,000 | \$ 525,000 | 83280 |
| GRF | 195453 | Technology Programs and Grants | \$ | 15,577,641 | \$ 15,577,641 | 83281 |
| GRF | 195454 | Business Assistance | \$ | 4,256,474 | \$ 4,256,474 | 83282 |
| GRF | 195455 | Appalachia Assistance | \$ | 5,298,749 | \$ 5,298,749 | 83283 |
| GRF | 195497 | CDBG Operating Match | \$ | 1,053,200 | \$ 1,053,200 | 83284 |
| GRF | 195501 | Appalachian Local Development Districts | \$ | 590,000 | \$ 590,000 | 83285 |
| GRF | 195537 | Ohio-Israel Agricultural Initiative | \$ | 200,000 | \$ 200,000 | 83286 |
| GRF | 195540 | Port Authority Assistance | \$ | 2,500,000 | \$ 0 | 83287 |
| GRF | 195541 | Federal Research Network | \$ | 10,000,000 | \$ 15,000,000 | 83288 |
| GRF | 195901 | Coal Research & Development General Obligation Bond Debt Service | \$ | 5,991,400 | \$ 5,038,700 | 83289 |
| GRF | 195905 | Third Frontier Research & Development General | \$ | 76,591,400 | \$ 96,212,000 | 83290 |

| | | | | | | |
|-----------|--------|--|----|-------------|----|-------------------|
| | | Obligation Bond Debt Service | | | | |
| GRF | 195912 | Job Ready Site | \$ | 18,634,000 | \$ | 15,235,900 83291 |
| | | Development General Obligation Bond Debt Service | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 146,087,842 | \$ | 163,857,642 83292 |
| | | Dedicated Purpose Fund Group | | | | 83293 |
| 4500 | 195624 | Minority Business | \$ | 74,905 | \$ | 74,905 83294 |
| | | Bonding Program Administration | | | | |
| 4510 | 195649 | Business Assistance | \$ | 5,000,000 | \$ | 5,000,000 83295 |
| | | Programs | | | | |
| 4F20 | 195639 | State Special Projects | \$ | 102,104 | \$ | 102,104 83296 |
| 4F20 | 195699 | Utility Community | \$ | 500,000 | \$ | 500,000 83297 |
| | | Assistance | | | | |
| 4W10 | 195646 | Minority Business | \$ | 4,000,000 | \$ | 4,000,000 83298 |
| | | Enterprise Loan | | | | |
| 5CG0 | 195679 | Alternative Fuel | \$ | 3,000,000 | \$ | 3,000,000 83299 |
| | | Transportation | | | | |
| 5HR0 | 195622 | Defense Development | \$ | 3,500,000 | \$ | 3,500,000 83300 |
| | | Assistance | | | | |
| 5HR0 | 195662 | Incumbent Workforce | \$ | 7,500,00 | \$ | 7,500,000 83301 |
| | | Training Vouchers | | | | |
| 5JR0 | 195635 | Redevelopment Program | \$ | 100,000 | \$ | 100,000 83302 |
| | | Support | | | | |
| 5KN0 | 195640 | Local Government | \$ | 11,922,500 | \$ | 11,922,500 83303 |
| | | Innovation | | | | |
| 5KP0 | 195645 | Historic Rehab | \$ | 900,000 | \$ | 1,000,000 83304 |
| | | Operating | | | | |
| 5M40 | 195659 | Low Income Energy | \$ | 390,000,000 | \$ | 390,000,000 83305 |
| | | Assistance (USF) | | | | |
| 5M50 | 195660 | Advanced Energy Loan | \$ | 12,000,000 | \$ | 12,000,000 83306 |

| | | | | | | | |
|--------------------------------------|--------|---------------------------|----|-------------|----|-------------|-------|
| | | Programs | | | | | |
| 5MH0 | 195644 | SiteOhio | \$ | 100,000 | \$ | 100,000 | 83307 |
| | | Administration | | | | | |
| 5MJ0 | 195683 | TourismOhio | \$ | 8,000,000 | \$ | 8,000,000 | 83308 |
| | | Administration | | | | | |
| 5W50 | 195690 | Travel and Tourism | \$ | 150,000 | \$ | 150,000 | 83309 |
| | | Cooperative Projects | | | | | |
| 5W60 | 195691 | International Trade | \$ | 18,000 | \$ | 18,000 | 83310 |
| | | Cooperative Projects | | | | | |
| 6170 | 195654 | Volume Cap | \$ | 32,562 | \$ | 32,562 | 83311 |
| | | Administration | | | | | |
| 6460 | 195638 | Low- and Moderate- | \$ | 53,000,000 | \$ | 53,000,000 | 83312 |
| | | Income Housing | | | | | |
| | | Programs | | | | | |
| M087 | 195435 | Biomedical Research | \$ | 500,000 | \$ | 500,000 | 83313 |
| | | and Technology | | | | | |
| | | Transfer | | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 500,400,071 | \$ | 500,500,071 | 83314 |
| Group | | | | | | | |
| Internal Service Activity Fund Group | | | | | | | 83315 |
| 1350 | 195684 | Development Services | \$ | 11,300,000 | \$ | 11,300,000 | 83316 |
| | | Operations | | | | | |
| 6850 | 195636 | Development Services | \$ | 700,000 | \$ | 700,000 | 83317 |
| | | Reimbursable | | | | | |
| | | Expenditures | | | | | |
| TOTAL ISA | | Internal Service Activity | | | | | 83318 |
| Fund Group | | | \$ | 12,000,000 | \$ | 12,000,000 | 83319 |
| Facilities Establishment Fund Group | | | | | | | 83320 |
| 5S90 | 195628 | Capital Access Loan | \$ | 3,000,000 | \$ | 3,000,000 | 83321 |
| | | Program | | | | | |
| 7009 | 195664 | Innovation Ohio | \$ | 10,000,000 | \$ | 10,000,000 | 83322 |
| 7010 | 195665 | Research and | \$ | 10,000,000 | \$ | 10,000,000 | 83323 |

| | | | | | | |
|------|--------|--|----|-------------|----|-------------------|
| | | Development | | | | |
| 7037 | 195615 | Facilities | \$ | 35,000,000 | \$ | 35,000,000 83324 |
| | | Establishment | | | | |
| | | TOTAL FCE Facilities | | | | 83325 |
| | | Establishment Fund Group | \$ | 58,000,000 | \$ | 58,000,000 83326 |
| | | Bond Research & Development Fund Group | | | | 83327 |
| 7011 | 195686 | Third Frontier Tax | \$ | 1,140,000 | \$ | 1,140,000 83328 |
| | | Exempt - Operating | | | | |
| 7011 | 195687 | Third Frontier | \$ | 78,904,946 | \$ | 78,904,946 83329 |
| | | Research & | | | | |
| | | Development Projects | | | | |
| 7014 | 195620 | Third Frontier | \$ | 1,710,000 | \$ | 1,710,000 83330 |
| | | Taxable - Operating | | | | |
| 7014 | 195692 | Research & | \$ | 90,850,250 | \$ | 90,850,250 83331 |
| | | Development Taxable | | | | |
| | | Bond Projects | | | | |
| | | TOTAL BRD Bond Research & | \$ | 172,605,196 | \$ | 172,605,196 83332 |
| | | Development Fund Group | | | | |
| | | Capital Projects Fund Group | | | | 83333 |
| 7003 | 195663 | Clean Ohio | \$ | 600,000 | \$ | 600,000 83334 |
| | | Revitalization | | | | |
| | | Operating | | | | |
| 7012 | 195688 | Job Ready Site | \$ | 300,000 | \$ | 300,000 83335 |
| | | Development Operating | | | | |
| | | TOTAL CPF Capital Projects Fund | \$ | 900,000 | \$ | 900,000 83336 |
| | | Group | | | | |
| | | Federal Fund Group | | | | 83337 |
| 3080 | 195603 | Housing Assistance | \$ | 10,000,000 | \$ | 10,000,000 83338 |
| | | Programs | | | | |
| 3080 | 195609 | Small Business | \$ | 5,271,381 | \$ | 5,271,381 83339 |
| | | Administration Grants | | | | |
| 3080 | 195618 | Energy Grants | \$ | 4,100,000 | \$ | 4,100,000 83340 |

| | | | | | | | |
|------------------------------|--------------------|---|----|---------------|----|---------------|-------|
| 3080 | 195670 | Home Weatherization Program | \$ | 20,000,000 | \$ | 20,000,000 | 83341 |
| 3080 | 195671 | Brownfield Redevelopment | \$ | 3,000,000 | \$ | 3,000,000 | 83342 |
| 3080 | 195672 | Manufacturing Extension Partnership | \$ | 5,359,305 | \$ | 5,359,305 | 83343 |
| 3080 | 195675 | Procurement Technical Assistance | \$ | 1,250,000 | \$ | 750,000 | 83344 |
| 3080 | 195681 | SBDC Disability Consulting | \$ | 1,300,000 | \$ | 1,300,000 | 83345 |
| 3080 | 195696 | State Trade and Export Promotion | \$ | 486,000 | \$ | 486,000 | 83346 |
| 3350 | 195610 | Energy Programs | \$ | 200,000 | \$ | 200,000 | 83347 |
| 3AE0 | 195643 | Workforce Development Initiatives | \$ | 1,500,000 | \$ | 1,500,000 | 83348 |
| 3FJ0 | 195626 | Small Business Capital Access and Collateral Enhancement Program | \$ | 5,644,445 | \$ | 5,644,445 | 83349 |
| 3FJ0 | 195661 | Technology Targeted Investment Program | \$ | 2,260,953 | \$ | 2,260,953 | 83350 |
| 3K80 | 195613 | Community Development Block Grant | \$ | 65,000,000 | \$ | 65,000,000 | 83351 |
| 3K90 | 195611 | Home Energy Assistance Block Grant | \$ | 175,000,000 | \$ | 175,000,000 | 83352 |
| 3K90 | 195614 | HEAP Weatherization | \$ | 25,000,000 | \$ | 25,000,000 | 83353 |
| 3L00 | 195612 | Community Services Block Grant | \$ | 28,000,000 | \$ | 28,000,000 | 83354 |
| 3V10 | 195601 | HOME Program | \$ | 25,000,000 | \$ | 25,000,000 | 83355 |
| TOTAL FED | Federal Fund Group | | \$ | 378,372,084 | \$ | 377,872,084 | 83356 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 1,268,365,193 | \$ | 1,285,734,993 | 83357 |

| | |
|---|---|
| Section 257.20. COAL RESEARCH AND DEVELOPMENT PROGRAM | 83359 |
| The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office. | 83360 83361 83362 83363 |
| TRAVEL AND TOURISM | 83364 |
| The foregoing appropriation item 195407, Travel and Tourism, shall be used to promote tourism at Buckeye Lake. | 83365 83366 |
| BUSINESS DEVELOPMENT SERVICES | 83367 |
| The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices and for grants for cooperative economic development ventures. | 83368 83369 83370 83371 |
| REDEVELOPMENT ASSISTANCE | 83372 |
| The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other urban revitalization programs that may be implemented by the Development Services Agency. | 83373 83374 83375 83376 |
| TECHNOLOGY PROGRAMS AND GRANTS | 83377 |
| Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; up to \$13,000,000 in each fiscal year shall be used for the Thomas Edison Program pursuant to sections 122.28 to 122.38 of the Revised Code, of which not more than ten per cent shall be used for operating expenses incurred in administering the program; and up to \$2,000,000 in each fiscal year shall be used for the Thomas Edison Program to support small- and mid-sized manufacturers, specifically as follows: up to \$450,000 in each | 83378 83379 83380 83381 83382 83383 83384 83385 83386 83387 83388 |

fiscal year to assist in accelerating the development and adoption 83389
of technology for small- and mid-sized manufacturers; up to 83390
\$450,000 in each fiscal year to assist small- and mid-sized 83391
manufacturers in adopting emerging digital technologies; up to 83392
\$425,000 in each fiscal year to develop and manage an accessible 83393
online inventory of technological resources to support small- and 83394
mid-sized manufacturers; and up to \$675,000 in each fiscal year to 83395
administer the Applied Research Grant Program, which is hereby 83396
created, to award direct cash grant assistance. A grant awarded 83397
under the Applied Research Grant Program shall not exceed the 83398
amount matched by the recipient. The Director of Development 83399
Services shall determine other eligibility criteria and the 83400
allocation of awards in implementing and administering the Applied 83401
Research Grant Program. 83402

BUSINESS ASSISTANCE 83403

The foregoing appropriation item 195454, Business Assistance, 83404
may be used to provide a range of business assistance, including 83405
grants to local organizations to support economic development 83406
activities that promote minority business development, small 83407
business development, entrepreneurship, and exports of Ohio's 83408
goods and services. This appropriation item shall also be used as 83409
matching funds for grants from the United States Small Business 83410
Administration and other federal agencies, pursuant to Public Law 83411
No. 96-302 as amended by Public Law No. 98-395, and regulations 83412
and policy guidelines for the programs pursuant thereto. 83413

APPALACHIA ASSISTANCE 83414

The foregoing appropriation item 195455, Appalachia 83415
Assistance, may be used for the administrative costs of planning 83416
and liaison activities for the Governor's Office of Appalachia, to 83417
provide financial assistance to projects in Ohio's Appalachian 83418
counties, and to pay dues for the Appalachian Regional Commission. 83419
These funds may be used to match federal funds from the 83420

Appalachian Regional Commission. Programs funded through the 83421
foregoing appropriation item shall be identified and recommended 83422
by the local development districts and approved by the Governor's 83423
Office of Appalachia. The Development Services Agency shall 83424
conduct compliance and regulatory review of the programs 83425
recommended by the local development districts. Moneys allocated 83426
under the foregoing appropriation item may be used to fund 83427
projects including, but not limited to, those designated by the 83428
local development districts as community investment and rapid 83429
response projects. 83430

CDBG OPERATING MATCH 83431

The foregoing appropriation item 195497, CDBG Operating 83432
Match, shall be used as matching funds for grants from the United 83433
States Department of Housing and Urban Development pursuant to the 83434
Housing and Community Development Act of 1974 and regulations and 83435
policy guidelines for the programs pursuant thereto. 83436

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 83437

The foregoing appropriation item 195501, Appalachian Local 83438
Development Districts, shall be used to support four local 83439
development districts. Of the foregoing appropriation amount in 83440
each fiscal year, \$173,287 shall be allocated to the Ohio Valley 83441
Regional Development Commission, \$173,287 shall be allocated to 83442
the Ohio Mid-Eastern Government Association, \$173,287 shall be 83443
allocated to the Buckeye Hills-Hocking Valley Regional Development 83444
District, and \$70,139 shall be allocated to the Eastgate Regional 83445
Council of Governments. Local development districts receiving 83446
funding under this section shall use the funds for the 83447
implementation and administration of programs and duties under 83448
section 107.21 of the Revised Code. 83449

OHIO-ISRAEL AGRICULTURAL INITIATIVE 83450

The foregoing appropriation item 195537, Ohio-Israel 83451

Agricultural Initiative, shall be used for the Ohio-Israel 83452
Agricultural Initiative. 83453

PORT AUTHORITY ASSISTANCE 83454

The foregoing appropriation item 195540, Port Authority 83455
Assistance, shall be used to distribute a grant to the Montgomery 83456
County Port Authority for the Midtown Redevelopment Initiative. 83457

FEDERAL RESEARCH NETWORK 83458

The foregoing appropriation item 195541, Federal Research 83459
Network, shall be allocated to Applied Research Corporation to 83460
collaborate with Wright Patterson Air Force Base, NASA Glenn 83461
Research Center, Ohio's research universities, and the private 83462
sector to align the state's research assets with emerging missions 83463
and job growth opportunities emanating from the two federal 83464
installations, strengthen related workforce development and 83465
technology commercialization programs, and better position the 83466
state's university system to directly impact new job creation in 83467
Ohio. A portion of the foregoing appropriation item shall be used 83468
to support the growth of small business federal contractors in the 83469
state and expand the participation of Ohio businesses in the 83470
federal Small Business Innovation Research Program and related 83471
federal programs. 83472

COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT 83473
SERVICE 83474

The foregoing appropriation line item 195901, Coal Research 83475
and Development General Obligation Bond Debt Service, shall be 83476
used to pay all debt service and related financing costs during 83477
the period July 1, 2015, through June 30, 2017, on obligations 83478
issued under sections 151.01 and 151.07 of the Revised Code. 83479

THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND 83480
DEBT SERVICE 83481

The foregoing appropriation item 195905, Third Frontier
Research & Development General Obligation Bond Debt Service, shall
be used to pay all debt service and related financing costs during
the period from July 1, 2015, through June 30, 2017, on
obligations issued under sections 151.01 and 151.10 of the Revised
Code.

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT
SERVICE

The foregoing appropriation item 195912, Job Ready Site
Development General Obligation Bond Debt Service, shall be used to
pay all debt service and related financing costs during the period
from July 1, 2015, through June 30, 2017, on obligations issued
under sections 151.01 and 151.11 of the Revised Code.

Section 257.30. BUSINESS ASSISTANCE PROGRAMS

The foregoing appropriation item 195649, Business Assistance
Programs, shall be used for administrative expenses associated
with the operation of tax credit programs, loan servicing, the
Ohio Film Office, workforce initiatives, and the Office of
Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for
the deposit of private-sector funds from utility companies and for
the deposit of other miscellaneous state funds. State moneys so
deposited may also be used to match federal housing grants for the
homeless.

MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee
Program shall be deposited in the State Treasury to the credit of
the Minority Business Enterprise Loan Fund (Fund 4W10).

MINORITY BUSINESS BONDING FUND 83512

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2016-fiscal year 2017 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development Services, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

DEFENSE DEVELOPMENT ASSISTANCE 83534

The Director of Budget and Management shall transfer \$3,500,000 in cash in each fiscal year from the Economic Development Programs Fund (Fund 5JC0) used by the Department of Higher Education to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used by the Development Services Agency. The transferred funds shall be used for appropriation item 195622, Defense Development Assistance, to be allocated to Development Projects, Inc., for economic development programs and the creation of new jobs to leverage and support mission gains at Department of

Defense and related facilities in Ohio by working with future base 83544
realignment and closure activities and ongoing Department of 83545
Defense efficiency and partnership initiatives, assisting efforts 83546
to secure Department of Defense support contracts for Ohio 83547
companies, assessing and supporting regional job training and 83548
workforce development needs generated by the Department of Defense 83549
and the Ohio aerospace industry, promoting technology transfer to 83550
Ohio businesses, and for expanding job training and economic 83551
development programs in human performance and cyber security 83552
related initiatives. 83553

On July 1, 2016, or as soon as possible thereafter, the 83554
Director of Development Services may request that the Director of 83555
Budget and Management reappropriate any unexpended, unencumbered 83556
balance of the prior fiscal year's appropriation to the foregoing 83557
appropriation item 195622, Defense Development Assistance, for 83558
fiscal year 2017. The Director of Budget and Management may 83559
request additional information necessary for evaluating the 83560
request, and the Director of Development Services shall provide 83561
the requested information to the Director of Budget and 83562
Management. Based on the information provided by the Director of 83563
Development Services, the Director of Budget and Management shall 83564
determine the amount to be reappropriated, and those amounts are 83565
hereby reappropriated for fiscal year 2017. 83566

INCUMBENT WORKFORCE TRAINING VOUCHERS 83567

(A) The Director of Budget and Management may transfer up to 83568
\$7,500,000 cash in each fiscal year from the Economic Development 83569
Programs Fund (Fund 5JC0) used by the Department of Higher 83570
Education to the Ohio Incumbent Workforce Job Training Fund (Fund 83571
5HR0) used by the Development Services Agency. 83572

(B) The foregoing appropriation item 195662, Incumbent 83573
Workforce Training Vouchers, shall be used to support the Ohio 83574
Incumbent Workforce Training Voucher Program. 83575

(C) The Ohio Incumbent Workforce Training Voucher Program 83576
shall conform to guidelines for the operation of the program, 83577
including, but not limited to, the following: 83578

(1) A requirement that a training voucher under the program 83579
shall not exceed \$6,000 per worker per year; 83580

(2) A provision for an employer of an eligible employee to 83581
apply for a voucher on behalf of the eligible employee; 83582

(3) A provision for an eligible employee to apply directly 83583
for a training voucher with the pre-approval of the employee's 83584
employer; and 83585

(4) A requirement that an employee participating in the 83586
program, or the employee's employer, shall pay for not less than 83587
thirty-three per cent of the training costs under the program. 83588

On July 1, 2016, or as soon as possible thereafter, the 83589
Director of Development Services may request that the Director of 83590
Budget and Management reappropriate any unexpended, unencumbered 83591
balance of the prior fiscal year's appropriation to the foregoing 83592
appropriation item 195662, Incumbent Workforce Training Vouchers, 83593
for fiscal year 2017. The Director of Budget and Management may 83594
request additional information necessary for evaluating the 83595
request, and the Director of Development Services shall provide 83596
the requested information to the Director of Budget and 83597
Management. Based on the information provided by the Director of 83598
Development Services, the Director of Budget and Management shall 83599
determine the amount to be reappropriated, and those amounts are 83600
hereby reappropriated for fiscal year 2017. 83601

LOCAL GOVERNMENT INNOVATION FUND 83602

The foregoing appropriation item 195640, Local Government 83603
Innovation, shall be used for the purposes of making loans and 83604
grants to political subdivisions under the Local Government 83605
Innovation Program in accordance with sections 189.01 to 189.10 of 83606

the Revised Code, and for the purposes of making loans and grants 83607
to political subdivisions and grants to the Department of 83608
Administrative Services under the Local Government Efficiency 83609
Program. Of the foregoing appropriation item 195640, Local 83610
Government Innovation, up to \$200,000 in each fiscal year shall be 83611
used for administrative costs incurred by the Development Services 83612
Agency, of which up to \$25,000 in each fiscal year may be used for 83613
the costs of preparing a report involving the local government 83614
information exchange. Of the foregoing appropriation item 195640, 83615
Local Government Innovation, up to \$75,000 in each fiscal year may 83616
be used to administer and provide technical assistance in 83617
providing the grants or loans involving the local government 83618
information exchange. In administering and providing this 83619
technical assistance, the Director of Development Services may 83620
enter into agreements with the Director of Administrative Services 83621
or other entities. 83622

ADVANCED ENERGY LOAN PROGRAMS 83623

The foregoing appropriation item 195660, Advanced Energy Loan 83624
Programs, shall be used to provide financial assistance to 83625
customers for eligible advanced energy projects for residential, 83626
commercial, and industrial business, local government, educational 83627
institution, nonprofit, and agriculture customers, and to pay for 83628
the program's administrative costs as provided in sections 4928.61 83629
to 4928.63 of the Revised Code and rules adopted by the Director 83630
of Development Services. 83631

TRAVEL AND TOURISM COOPERATIVE PROJECTS 83632

The foregoing appropriation item 195690, Travel and Tourism 83633
Cooperative Projects, shall be used for the marketing and 83634
promotion of travel and tourism in Ohio. The Travel and Tourism 83635
Cooperative Projects Fund (Fund 5W50) shall consist solely of 83636
leveraged private sector paid advertising dollars received in 83637
tourism marketing assistance and co-op programs. 83638

| | |
|---|--|
| VOLUME CAP ADMINISTRATION | 83639 |
| The foregoing appropriation item 195654, Volume Cap Administration, shall be used for expenses related to the administration of the Volume Cap Program. Revenues received by the Volume Cap Administration Fund (Fund 6170) shall consist of application fees, forfeited deposits, and interest earned from the custodial account held by the Treasurer of State. | 83640 83641 83642 83643 83644 83645 |
| Section 257.40. DEVELOPMENT SERVICES OPERATIONS | 83646 |
| The Director of Development Services may assess offices of the agency for the cost of central service operations. An assessment shall contain the characteristics of administrative ease and uniform application. A division's payments shall be credited to the Supportive Services Fund (Fund 1350) using an intrastate transfer voucher. | 83647 83648 83649 83650 83651 83652 |
| DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES | 83653 |
| The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the agency. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs. | 83654 83655 83656 83657 83658 |
| Section 257.50. CAPITAL ACCESS LOAN PROGRAM | 83659 |
| The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Funds of the Capital Access Loan Program shall be used to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing. | 83660 83661 83662 83663 83664 83665 |
| INNOVATION OHIO LOAN FUND | 83666 |
| The foregoing appropriation item 195664, Innovation Ohio, | 83667 |

shall be used to provide for Innovation Ohio purposes, including 83668
loan guarantees and loans under Chapter 166. and particularly 83669
sections 166.12 to 166.16 of the Revised Code. 83670

RESEARCH AND DEVELOPMENT 83671

The foregoing appropriation item 195665, Research and 83672
Development, shall be used to provide for research and development 83673
purposes, including loans, under Chapter 166. and particularly 83674
sections 166.17 to 166.21 of the Revised Code. 83675

FACILITIES ESTABLISHMENT 83676

The foregoing appropriation item 195615, Facilities 83677
Establishment, shall be used for the purposes of the Facilities 83678
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 83679
Code. 83680

Notwithstanding Chapter 166. of the Revised Code, an amount 83681
not to exceed \$3,500,000 in cash in each fiscal year may be 83682
transferred from the Facilities Establishment Fund (Fund 7037) to 83683
the Business Assistance Fund (Fund 4510). The transfer is subject 83684
to Controlling Board approval under division (B) of section 166.03 83685
of the Revised Code. 83686

Notwithstanding Chapter 166. of the Revised Code, the 83687
Director of Budget and Management may transfer an amount not to 83688
exceed \$2,000,000 in cash in each fiscal year from the Facilities 83689
Establishment Fund (Fund 7037) to the Minority Business Enterprise 83690
Loan Fund (Fund 4W10). 83691

Notwithstanding Chapter 166. of the Revised Code, the 83692
Director of Budget and Management may transfer an amount not to 83693
exceed \$2,000,000 in cash in each fiscal year from the Facilities 83694
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 83695
(Fund 5S90). 83696

Section 257.60. THIRD FRONTIER OPERATING COSTS 83697

The foregoing appropriation items 195686, Third Frontier Tax Exempt - Operating, and 195620, Third Frontier Taxable - Operating, shall be used for operating expenses incurred by the Development Services Agency in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from appropriation item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011) and operating expenses paid from appropriation item 195620 shall be limited to the administration of projects funded from the Third Frontier Research & Development Taxable Bond Project Fund (Fund 7014).

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT PROJECTS

The foregoing appropriation items 195687, Third Frontier Research & Development Projects, 195692, Research & Development Taxable Bond Projects, and 195620, Third Frontier Taxable - Operating, shall be used by the Development Services Agency to fund selected projects. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research & Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.

In fiscal year 2017, the Director of Development Services may request that the Director of Budget and Management reappropriate

any unexpended, unencumbered balances of the prior fiscal year's 83729
appropriation to the foregoing appropriation items 195687, Third 83730
Frontier Research & Development Projects, and 195692, Research & 83731
Development Taxable Bond Projects, for fiscal year 2017. The 83732
Director of Budget and Management may request additional 83733
information necessary for evaluating these requests, and the 83734
Director of Development Services shall provide the requested 83735
information to the Director of Budget and Management. Based on the 83736
information provided by the Director of Development Services, the 83737
Director of Budget and Management shall determine the amounts to 83738
be reappropriated, and those amounts are hereby reappropriated for 83739
fiscal year 2017. 83740

Section 257.70. CLEAN OHIO REVITALIZATION OPERATING 83741

The foregoing appropriation item 195663, Clean Ohio 83742
Revitalization Operating, shall be used by the Development 83743
Services Agency in administering Clean Ohio Revitalization Fund 83744
(Fund 7003) projects pursuant to sections 122.65 to 122.658 of the 83745
Revised Code. 83746

JOB READY SITE DEVELOPMENT OPERATING 83747

The foregoing appropriation item 195688, Job Ready Site 83748
Development Operating, shall be used for operating expenses 83749
incurred by the Development Services Agency in administering Job 83750
Ready Site Development Fund (Fund 7012) projects pursuant to 83751
sections 122.085 to 122.0820 of the Revised Code. Operating 83752
expenses include, but are not limited to, certain qualified 83753
expenses of the District Public Works Integrating Committees, as 83754
applicable, engineering review of submitted applications by the 83755
State Architect or a third-party engineering firm, audit and 83756
accountability activities, and costs associated with formal 83757
certifications verifying that site infrastructure is in place and 83758
is functional. 83759

Section 257.80. HEAP WEATHERIZATION 83760

Up to twenty-five per cent of the federal funds deposited to 83761
the credit of the Home Energy Assistance Block Grant Fund (Fund 83762
3K90) may be expended from appropriation item 195614, HEAP 83763
Weatherization, to provide home weatherization services in the 83764
state as determined by the Director of Development Services. Any 83765
transfers or increases in appropriation for the foregoing 83766
appropriation items 195614, HEAP Weatherization, or 195611, Home 83767
Energy Assistance Block Grant, shall be subject to approval by the 83768
Controlling Board. 83769

Section 257.90. REPORT ON ENTREPRENEURIAL BUSINESS INCUBATORS 83770

83771

(A) For the purposes of this section, "entrepreneurial 83772
business incubator" is defined as an entity supporting startup 83773
companies, offering a collaborative environment, and providing 83774
access to support services, technical expertise, and business 83775
assistance resources to help innovators grow their business ideas 83776
into independent job-creating companies. 83777

(B) By December 31, 2015, the Development Services Agency 83778
shall produce a report and make it publicly available on the 83779
agency's web site. The report shall map and review entrepreneurial 83780
business incubators in the state of Ohio, and specifically: 83781

(1) Identify locations and available support services, unmet 83782
service areas, and duplication of service at entrepreneurial 83783
business incubators; 83784

(2) Classify the industry of member entrepreneurs receiving 83785
services by the following categories: advanced manufacturing, 83786
aerospace and aviation, agribusiness, food processing, automotive 83787
supply chain, biohealth, energy, information technology, polymers, 83788
chemicals, and additional industry sectors, as determined by the 83789

| | | | | | |
|---|----|-------------|----|-------------|-------|
| Development Services Agency | | | | | 83790 |
| (3) Gather data on member entrepreneurs based on jobs, | | | | | 83791 |
| capital investment, and sales; and | | | | | 83792 |
| (4) Describe characteristics of incubators that successfully | | | | | 83793 |
| graduate companies to be independent job creators for Ohio. | | | | | 83794 |
| Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES | | | | | 83795 |
| General Revenue Fund | | | | | 83796 |
| GRF 320321 Central | \$ | 150,000 | \$ | 150,000 | 83797 |
| Administration | | | | | |
| GRF 320412 Protective Services | \$ | 2,418,196 | \$ | 2,418,196 | 83798 |
| GRF 320415 Developmental | \$ | 20,817,900 | \$ | 19,902,200 | 83799 |
| Disabilities | | | | | |
| Facilities Lease | | | | | |
| Rental Bond Payments | | | | | |
| GRF 322420 Screening and Early | \$ | 800,000 | \$ | 800,000 | 83800 |
| Intervention | | | | | |
| GRF 322451 Family Support | \$ | 5,932,758 | \$ | 5,932,758 | 83801 |
| Services | | | | | |
| GRF 322501 County Boards | \$ | 44,149,280 | \$ | 44,149,280 | 83802 |
| Subsidies | | | | | |
| GRF 322503 Tax Equity | \$ | 14,000,000 | \$ | 14,000,000 | 83803 |
| GRF 322507 County Board Case | \$ | 2,500,000 | \$ | 2,500,000 | 83804 |
| Management | | | | | |
| GRF 322508 Employment First | \$ | 5,800,000 | \$ | 5,800,000 | 83805 |
| Initiative | | | | | |
| GRF 322509 Community Supports & | \$ | 750,000 | \$ | 750,000 | 83806 |
| Rental Assistance | | | | | |
| GRF 653321 Medicaid Program | \$ | 6,186,694 | \$ | 6,186,694 | 83807 |
| Support - State | | | | | |
| GRF 653407 Medicaid Services | \$ | 475,385,900 | \$ | 527,734,630 | 83808 |
| TOTAL GRF General Revenue Fund | \$ | 578,890,728 | \$ | 630,323,758 | 83809 |

| | | | | |
|---|--------|--------------------------------------|-------------------|-------------------------------------|
| Dedicated Purpose Fund Group | | | | 83810 |
| 5GE0 | 320606 | Operating and Services | \$ 10,107,297 \$ | 10,107,297 83811 |
| 5QM0 | 320607 | System Transformation Supports | \$ 4,500,000 \$ | 4,500,000 83812 |
| 2210 | 322620 | Supplement Service Trust | \$ 150,000 \$ | 150,000 83813 |
| 5DJ0 | 322625 | Targeted Case Management Match | \$ 38,000,000 \$ | 43,000,000 83814 |
| 5DK0 | 322629 | Capital Replacement Facilities | \$ 750,000 \$ | 750,000 83815 |
| 5H00 | 322619 | Medicaid Repayment | \$ 160,000 \$ | 160,000 83816 |
| 5JX0 | 322651 | Interagency Workgroup - Autism | \$ 25,000 | 25,000 83817 |
| 4890 | 653632 | DC Direct Care Services | \$ 10,050,000 \$ | 10,050,000 83818 |
| 5CT0 | 653607 | Intensive Behavioral Needs | \$ 1,000,000 \$ | 1,000,000 83819 |
| 5DJ0 | 653626 | Targeted Case Management Services | \$ 101,000,000 \$ | 113,000,000 83820 |
| 5EV0 | 653627 | Medicaid Program Support | \$ 1,500,000 \$ | 1,500,000 83821 |
| 5GE0 | 653606 | ICF/IID and Waiver Match | \$ 37,682,901 \$ | 37,575,865 83822 |
| 5S20 | 653622 | Medicaid Admin and Oversight | \$ 19,032,154 \$ | 19,032,154 83823 |
| 5Z10 | 653624 | County Board Waiver Match | \$ 382,814,610 \$ | 426,207,065 83824 |
| TOTAL DPF Dedicated Purpose Fund Group | | | | \$ 606,771,962 \$ 667,057,381 83825 |
| Internal Service Activity Fund Group | | | | 83826 |
| 1520 | 653609 | DC and Residential | \$ 11,000,000 \$ | 11,000,000 83827 |

| Operating Services | | | | |
|-------------------------------------|----|---------------|------------------|-------|
| TOTAL ISA Internal Service Activity | | | | 83828 |
| Fund Group | \$ | 11,000,000 | \$ 11,000,000 | 83829 |
| Federal Fund Group | | | | 83830 |
| 3A50 320613 DD Council | \$ | 3,324,187 | \$ 3,324,187 | 83831 |
| 3250 322612 Community Social | \$ | 10,604,896 | \$ 10,604,896 | 83832 |
| Service Programs | | | | |
| 3A40 653604 DC & ICF/IID Program | \$ | 8,013,611 | \$ 8,013,611 | 83833 |
| Support | | | | |
| 3A40 653605 DC and Residential | \$ | 92,423,968 | \$ 84,604,417 | 83834 |
| Services and Support | | | | |
| 3A40 653653 ICF/IID | \$ | 356,362,616 | \$ 364,283,407 | 83835 |
| 3G60 653639 Medicaid Waiver | \$ | 1,033,041,325 | \$ 1,169,772,548 | 83836 |
| Services | | | | |
| 3G60 653640 Medicaid Waiver | \$ | 46,525,638 | \$ 47,225,486 | 83837 |
| Program Support | | | | |
| 3M70 653650 CAFS Medicaid | \$ | 3,000,000 | \$ 3,000,000 | 83838 |
| TOTAL FED Federal Fund Group | \$ | 1,553,296,241 | \$ 1,690,828,552 | 83839 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,749,958,931 | \$ 2,999,209,691 | 83840 |

Section 259.20. DEVELOPMENTAL DISABILITIES FACILITIES 83842

LEASE-RENTAL BOND PAYMENTS 83843

The foregoing appropriation item 320415, Developmental 83844
 Disabilities Facilities Lease Rental Bond Payments, shall be used 83845
 to meet all payments during the period from July 1, 2015, through 83846
 June 30, 2017, by the Department of Developmental Disabilities 83847
 under leases and agreements made under section 154.20 of the 83848
 Revised Code. These appropriations are the source of funds pledged 83849
 for bond service charges on related obligations issued under 83850
 Chapter 154. of the Revised Code. 83851

Section 259.30. SCREENING AND EARLY INTERVENTION 83852

At the discretion of the Director of Developmental 83853
Disabilities, the foregoing appropriation item 322420, Screening 83854
and Early Intervention, shall be used for professional and program 83855
development related to early identification/screening and 83856
intervention for children with autism and other complex 83857
developmental disabilities and their families. 83858

Of the foregoing appropriation item 322420, Screening and 83859
Early Intervention, \$500,000 in each fiscal year shall be provided 83860
to the Childhood League Center to pilot and spread in Franklin 83861
County the Play and Language for Autistic Youngsters Project 83862
curriculum for autism training services and to increase capacity 83863
for developmentally delayed children in Franklin County. 83864

Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY 83865

The foregoing appropriation item 322451, Family Support 83866
Services, may be used as follows in fiscal year 2016 and fiscal 83867
year 2017: 83868

(A) The appropriation item may be used to provide a subsidy 83869
to county boards of developmental disabilities for family support 83870
services provided under section 5126.11 of the Revised Code. The 83871
subsidy shall be paid in quarterly installments and allocated to 83872
county boards according to a formula the Director of Developmental 83873
Disabilities shall develop in consultation with representatives of 83874
county boards. A county board shall use not more than seven per 83875
cent of its subsidy for administrative costs. 83876

(B) The appropriation item may be used to distribute funds to 83877
county boards for the purpose of addressing economic hardships and 83878
to promote efficiency of operations. In consultation with 83879
representatives of county boards, the Director shall determine the 83880
amount of funds to distribute for these purposes and the criteria 83881
for distributing the funds. 83882

Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS 83883

(A) Except as provided in the section of this act titled 83884
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 83885
appropriation item 322501, County Boards Subsidies, shall be used 83886
for the following purposes: 83887

(1) To provide a subsidy to county boards of developmental 83888
disabilities in quarterly installments and allocated according to 83889
a formula developed by the Director of Developmental Disabilities 83890
in consultation with representatives of county boards. Except as 83891
provided in section 5126.0511 of the Revised Code or in division 83892
(B) of this section, county boards shall use the subsidy for early 83893
childhood services and adult services provided under section 83894
5126.05 of the Revised Code, service and support administration 83895
provided under section 5126.15 of the Revised Code, or supported 83896
living as defined in section 5126.01 of the Revised Code. 83897

(2) To provide funding, as determined necessary by the 83898
Director, for residential services, including room and board, and 83899
support service programs that enable individuals with 83900
developmental disabilities to live in the community. 83901

(3) To distribute funds to county boards of developmental 83902
disabilities to address economic hardships and promote efficiency 83903
of operations. The Director shall determine, in consultation with 83904
representatives of county boards, the amount of funds to 83905
distribute for these purposes and the criteria for distributing 83906
the funds. 83907

(B) In collaboration with the county's family and children 83908
first council, a county board of developmental disabilities may 83909
transfer portions of funds received under this section, to a 83910
flexible funding pool in accordance with the section of this act 83911
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 83912

Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES 83913

As used in this section, "home and community-based services" 83914
has the same meaning as in section 5123.01 of the Revised Code. 83915

The Director of Developmental Disabilities shall establish a 83916
methodology to be used in fiscal year 2016 and fiscal year 2017 to 83917
estimate the quarterly amount each county board of developmental 83918
disabilities is to pay of the nonfederal share of home and 83919
community-based services that section 5126.0510 of the Revised 83920
Code requires county boards to pay. Each quarter, the Director 83921
shall submit to a county board written notice of the amount the 83922
county board is to pay for that quarter. The notice shall specify 83923
when the payment is due. 83924

Section 259.70. TAX EQUITY 83925

Notwithstanding section 5126.18 of the Revised Code, the 83926
foregoing appropriation item 322503, Tax Equity, may be used to 83927
distribute funds to county boards of developmental disabilities to 83928
address economic hardships and promote efficiency of operations. 83929
The Director of Developmental Disabilities shall determine, in 83930
consultation with representatives of county boards, the amount of 83931
funds to distribute for these purposes and the criteria for 83932
distributing the funds. 83933

Section 259.80. MEDICAID SERVICES 83934

(A) As used in this section "home and community-based 83935
services" has the same meaning as in section 5123.01 of the 83936
Revised Code and "ICF/IID services" has the same meaning as in 83937
section 5124.01 of the Revised Code. 83938

(B) Except as provided in section 5123.0416 of the Revised 83939
Code, the purposes for which the foregoing appropriation item 83940
653407, Medicaid Services, shall be used include the following: 83941

| | |
|--|--|
| (1) Home and community-based services; | 83942 |
| (2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division; | 83943 83944 83945 83946 |
| (3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division; | 83947 83948 83949 83950 |
| (4) ICF/IID services; | 83951 |
| (5) Other programs as identified by the Director of Developmental Disabilities; and | 83952 83953 |
| (6) \$8,000,000 in fiscal year 2016 and \$12,000,000 in fiscal year 2017 shall be distributed to county boards of developmental disabilities to be used to maintain current Medicaid waiver levels. | 83954 83955 83956 83957 |
| Section 259.90. EMPLOYMENT FIRST INITIATIVE | 83958 |
| The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code. | 83959 83960 83961 83962 83963 |
| Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. | 83964 83965 83966 83967 83968 83969 83970 83971 |

The Opportunities for Ohioans with Disabilities Agency shall use 83972
the funds transferred as state matching funds to obtain available 83973
federal grant dollars for vocational rehabilitation services. Any 83974
federal match dollars received by the Opportunities for Ohioans 83975
with Disabilities Agency shall be used for the initiative. The 83976
Director of Developmental Disabilities and the Executive Director 83977
of the Opportunities for Ohioans with Disabilities Agency shall 83978
enter into an interagency agreement in accordance with section 83979
3304.181 of the Revised Code that will specify the 83980
responsibilities of each agency under the initiative. Under the 83981
interagency agreement, the Opportunities for Ohioans with 83982
Disabilities Agency shall retain responsibility for eligibility 83983
determination, order of selection, plan approval, plan amendment, 83984
and release of vendor payments. 83985

The remainder of appropriation item 322508, Employment First 83986
Initiative, shall be used to develop a long term, sustainable 83987
system that places individuals with developmental disabilities in 83988
community employment, as defined in section 5123.022 of the 83989
Revised Code. 83990

Section 259.100. OPERATING AND SERVICES 83991

Of the foregoing appropriation item 320606, Operating and 83992
Services, \$100,000 in each fiscal year shall be provided to the 83993
Ohio Center for Autism and Low Incidence to establish a lifespan 83994
autism hub to support families and professionals. 83995

Section 259.110. TARGETED CASE MANAGEMENT SERVICES 83996

County boards of developmental disabilities shall pay the 83997
nonfederal portion of targeted case management costs to the 83998
Department of Developmental Disabilities. 83999

The Director of Developmental Disabilities and the Medicaid 84000
Director may enter into an interagency agreement under which the 84001

Department of Developmental Disabilities shall transfer cash from 84002
the Targeted Case Management Fund (Fund 5DJ0) to the Health 84003
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 84004
Department of Medicaid in an amount equal to the nonfederal 84005
portion of the cost of targeted case management services paid by 84006
county boards. Under the agreement, the Department of Medicaid 84007
shall pay the total cost of targeted case management claims. The 84008
transfer shall be made using an intrastate transfer voucher. 84009

Section 259.120. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 84010

If a county board of developmental disabilities does not 84011
fully pay any amount owed to the Department of Developmental 84012
Disabilities by the due date established by the Department, the 84013
Director of Developmental Disabilities may withhold the amount the 84014
county board did not pay from any amounts due to the county board. 84015
The Director may use any appropriation item or fund used by the 84016
Department to transfer cash to any other fund used by the 84017
Department in an amount equal to the amount owed the Department 84018
that the county board did not pay. Transfers under this section 84019
shall be made using an intrastate transfer voucher. 84020

Section 259.130. DEVELOPMENTAL CENTER BILLING FOR SERVICES 84021

Developmental centers of the Department of Developmental 84022
Disabilities may provide services to persons with mental 84023
retardation or developmental disabilities living in the community 84024
or to providers of services to these persons. The Department may 84025
develop a method for recovery of all costs associated with the 84026
provision of these services. 84027

Section 259.140. NONFEDERAL MATCH FOR ACTIVE TREATMENT 84028
SERVICES 84029

Any county funds received by the Department of Developmental 84030

Disabilities from county boards of developmental disabilities for 84031
active treatment shall be deposited in the Developmental 84032
Disabilities Operating Fund (Fund 4890). 84033

Section 259.150. ODODD INNOVATIVE PILOT PROJECTS 84034

(A) In fiscal year 2016 and fiscal year 2017, the Director of 84035
Developmental Disabilities may authorize the continuation or 84036
implementation of one or more innovative pilot projects that, in 84037
the judgment of the Director, are likely to assist in promoting 84038
the objectives of Chapter 5123. or 5126. of the Revised Code. 84039
Subject to division (B) of this section and notwithstanding any 84040
provision of Chapters 5123. and 5126. of the Revised Code and any 84041
rule adopted under either chapter, a pilot project authorized by 84042
the Director may be continued or implemented in a manner 84043
inconsistent with one or more provisions of either chapter or one 84044
or more rules adopted under either chapter. Before authorizing a 84045
pilot program, the Director shall consult with entities interested 84046
in the issue of developmental disabilities, including the Ohio 84047
Provider Resource Association, Ohio Association of County Boards 84048
of Developmental Disabilities, Ohio Health Care Association/Ohio 84049
Centers for Intellectual Disabilities, the Values and Faith 84050
Alliance, and ARC of Ohio. 84051

(B) The Director may not authorize a pilot project to be 84052
implemented in a manner that would cause the state to be out of 84053
compliance with any requirements for a program funded in whole or 84054
in part with federal funds. 84055

Section 259.160. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 84056
ICFs/IID IN PEER GROUPS 1 AND 2 84057

(A) As used in this section: 84058

(1) "Change of operator," "entering operator," "exiting 84059
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 84060

group 1," "peer group 2," "peer group 3," "provider," and 84061
"provider agreement" have the same meanings as in section 5124.01 84062
of the Revised Code. 84063

(2) "Franchise permit fee" means the fee imposed by sections 84064
5168.60 to 5168.71 of the Revised Code. 84065

(B)(1) This section applies to each ICF/IID that is in peer 84066
group 1 or peer group 2 and to which any of the following applies: 84067

(a) The provider of the ICF/IID has a valid Medicaid provider 84068
agreement for the ICF/IID on June 30, 2015, and a valid Medicaid 84069
provider agreement for the ICF/IID during fiscal year 2016. 84070

(b) The ICF/IID undergoes a change of operator that takes 84071
effect during fiscal year 2016, the exiting operator has a valid 84072
Medicaid provider agreement for the ICF/IID on the day immediately 84073
preceding the effective date of the change of operator, and the 84074
entering operator has a valid Medicaid provider agreement for the 84075
ICF/IID during fiscal year 2016. 84076

(c) The ICF/IID is a new ICF/IID for which the provider 84077
obtains an initial provider agreement during fiscal year 2016. 84078

(2) This section does not apply to an ICF/IID in peer group 84079
3. 84080

(3) The Department of Developmental Disabilities shall follow 84081
this section in determining the rate to be paid for ICF/IID 84082
services provided during fiscal year 2016 by ICFs/IID subject to 84083
this section notwithstanding anything to the contrary in Chapter 84084
5124. of the Revised Code. 84085

(C)(1) Except as otherwise provided in this section, the 84086
provider of an ICF/IID to which this section applies shall be 84087
paid, for ICF/IID services the ICF/IID provides during fiscal year 84088
2016, the total per Medicaid day rate determined for the ICF/IID 84089
under division (C)(2) or (3) of this section. 84090

(2) Except in the case of a new ICF/IID, the fiscal year 2016 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code for fiscal year 2016 with the following modifications:

(a) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.17 of the Revised Code, shall be reduced by 50 per cent.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be an amount the Department shall determine in accordance with division (E) of this section.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$3.69;

(ii) In the case of an ICF/IID in peer group 2, \$3.19.

(e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$68.98;

(ii) In the case of an ICF/IID in peer group 2, \$59.60.

(f) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.

(g) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from calendar year 2014 shall be multiplied by 1.014.

(3) The fiscal year 2016 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for fiscal year 2016 with the following modifications:

(a) In place of the amount determined under division (B)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows:

(i) Determine the median of the costs per case-mix units of each peer group;

(ii) Multiply the median determined under division (C)(3)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2014;

(iii) Multiply the product determined under division (C)(3)(a)(ii) of this section by 1.014.

(b) In place of the amount determined under division (B)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following:

(i) If the new ICF/IID is in peer group 1, \$68.98; 84151

(ii) If the new ICF/IID is in peer group 2, \$59.60. 84152

(c) In place of the amount determined under division (B)(4) 84153
of section 5124.151 of the Revised Code, the new ICF/IID's initial 84154
per Medicaid day rate for other protected costs shall be 115 per 84155
cent of the median rate for ICFs/IID determined under section 84156
5124.23 of the Revised Code with the modification made under 84157
division (C)(2)(g) of this section. 84158

(D) The total per Medicaid day rate for ICF/IID services an 84159
ICF/IID in peer group 1 provides in fiscal year 2016 to a Medicaid 84160
recipient who is admitted as a resident to the ICF/IID on or after 84161
July 1, 2015, and is placed in the chronic behaviors and typical 84162
adaptive needs classification or the typical adaptive needs and 84163
non-significant behaviors classification established for the 84164
group methodology prescribed in rules authorized by section 84165
5124.192 of the Revised Code shall be the lesser of the following: 84166

(1) The rate determined for the ICF/IID under division (C)(2) 84167
or (3) of this section; 84168

(2) The following rate: 84169

(a) \$206.90 for ICF/IID services the ICF/IID provides to a 84170
Medicaid recipient in the chronic behaviors and typical adaptive 84171
needs classification; 84172

(b) \$174.88 for ICF/IID services the ICF/IID provides to a 84173
Medicaid recipient in the typical adaptive needs and 84174
non-significant behaviors classification. 84175

(E) In determining, for the purpose of division (C)(2)(b) of 84176
this section, the maximum costs per case-mix unit for ICFs/IID, 84177
the Department shall, strive to the greatest extent possible, do 84178
both of the following: 84179

(1) Avoid rate reductions under division (G) of this section; 84180

(2) Have the amount so determined result in payment of all 84181
desk-reviewed, actual, allowable direct care costs for the same 84182
percentage of Medicaid days for ICFs/IID in peer group 1 as for 84183
ICFs/IID in peer group 2 as of July 1, 2015, based on May 2015 84184
Medicaid days. 84185

(F) A new ICF/IID's initial total modified per Medicaid day 84186
rate for fiscal year 2016 as determined under division (C)(3) of 84187
this section shall be adjusted at the applicable time specified in 84188
division (D) of section 5124.151 of the Revised Code. If the 84189
adjustment affects the ICF/IID's rate for ICF/IID services 84190
provided during fiscal year 2016, the modifications specified in 84191
divisions (C)(2) and (D) of this section apply to the adjustment. 84192

(G) If the mean total per Medicaid day rate for all ICFs/IID 84193
to which this section applies, weighted by May 2015 Medicaid days 84194
and determined under divisions (C) and (D) of this section as of 84195
July 1, 2015, is other than \$288.99, the Department shall adjust, 84196
for fiscal year 2016, the total per Medicaid day rate for each 84197
ICF/IID to which this section applies by a percentage that is 84198
equal to the percentage by which the mean total per Medicaid day 84199
rate is greater or less than \$288.99. 84200

(H) If the United States Centers for Medicare and Medicaid 84201
Services requires that the franchise permit fee be reduced or 84202
eliminated, the Department shall reduce the amount it pays ICF/IID 84203
providers under this section as necessary to reflect the loss to 84204
the state of the revenue and federal financial participation 84205
generated from the franchise permit fee. 84206

(I) Of the foregoing appropriation items 653407, Medicaid 84207
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 84208
portions shall be used to pay the Medicaid payment rates 84209
determined in accordance with this section for ICF/IID services 84210
provided during fiscal year 2016. 84211

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|---|-------|
| Section 259.170. FISCAL YEAR 2017 MEDICAID PAYMENT RATES FOR | 84212 |
| ICFs/IID IN PEER GROUPS 1 AND 2 | 84213 |
| (A) As used in this section: | 84214 |
| (1) "Change of operator," "entering operator," "exiting | 84215 |
| operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer | 84216 |
| group 1," "peer group 2," "peer group 3," "provider," and | 84217 |
| "provider agreement" have the same meanings as in section 5124.01 | 84218 |
| of the Revised Code. | 84219 |
| (2) "Franchise permit fee" means the fee imposed by sections | 84220 |
| 5168.60 to 5168.71 of the Revised Code. | 84221 |
| (B)(1) This section applies to each ICF/IID that is in peer | 84222 |
| group 1 or peer group 2 and to which any of the following applies: | 84223 |
| (a) The provider of the ICF/IID has a valid Medicaid provider | 84224 |
| agreement for the ICF/IID on June 30, 2016, and a valid Medicaid | 84225 |
| provider agreement for the ICF/IID during fiscal year 2017. | 84226 |
| (b) The ICF/IID undergoes a change of operator that takes | 84227 |
| effect during fiscal year 2017, the exiting operator has a valid | 84228 |
| Medicaid provider agreement for the ICF/IID on the day immediately | 84229 |
| preceding the effective date of the change of operator, and the | 84230 |
| entering operator has a valid Medicaid provider agreement for the | 84231 |
| ICF/IID during fiscal year 2017. | 84232 |
| (c) The ICF/IID is a new ICF/IID for which the provider | 84233 |
| obtains an initial provider agreement during fiscal year 2017. | 84234 |
| (2) This section does not apply to an ICF/IID in peer group | 84235 |
| 3. | 84236 |
| (3) The Department of Developmental Disabilities shall follow | 84237 |
| this section in determining the rate to be paid for ICF/IID | 84238 |
| services provided during fiscal year 2017 by ICFs/IID subject to | 84239 |
| this section notwithstanding anything to the contrary in Chapter | 84240 |
| 5124. of the Revised Code. | 84241 |

(C)(1) Except as otherwise provided in this section, the provider of an ICF/IID to which this section applies shall be paid, for ICF/IID services the ICF/IID provides during fiscal year 2017, the total per Medicaid day rate determined for the ICF/IID under division (C)(2) or (3) of this section.

(2) Except in the case of a new ICF/IID, the fiscal year 2017 total per Medicaid day rate for an ICF/IID to which this section applies shall be the ICF/IID's total per Medicaid day rate determined for the ICF/IID in accordance with Chapter 5124. of the Revised Code for fiscal year 2017 with the following modifications:

(a) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.17 of the Revised Code, shall be reduced by 50 per cent.

(b) In place of the maximum cost per case-mix unit established for the ICF/IID's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/IID's maximum costs per case-mix unit shall be the amount the Department determined for the ICF/IID's peer group for fiscal year 2016 in accordance with division (E) of Section 259.160 of this act.

(c) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.014 shall be used.

(d) In place of the efficiency incentive otherwise calculated under division (B)(2) of section 5124.21 of the Revised Code, the ICF/IID's efficiency incentive for indirect care costs shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$3.69;

(ii) In the case of an ICF/IID in peer group 2, \$3.19.

(e) In place of the maximum rate for indirect care costs established for the ICF/IID's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/IID's peer group shall be the following:

(i) In the case of an ICF/IID in peer group 1, \$68.98;

(ii) In the case of an ICF/IID in peer group 2, \$59.60.

(f) In place of the inflation adjustment otherwise calculated under division (D)(1) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.014 shall be used.

(g) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from calendar year 2015 shall be multiplied by 1.014.

(h) After all of the modifications specified in divisions (C)(2)(a) to (g) of this section have been made, the ICF/IID's total per Medicaid day rate shall be increased by the direct support personnel payment determined in accordance with division (D) of this section.

(3) The fiscal year 2017 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for fiscal year 2017 with the following modifications:

(a) In place of the amount determined under division (B)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows:

(i) Determine the median of the costs per case-mix units of each peer group; 84302
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(ii) Multiply the median determined under division (C)(3)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2015; 84304
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(iii) Multiply the product determined under division (C)(3)(a)(ii) of this section by 1.014. 84307
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(b) In place of the amount determined under division (B)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following: 84309
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(i) If the new ICF/IID is in peer group 1, \$68.98; 84313

(ii) If the new ICF/IID is in peer group 2, \$59.60. 84314

(c) In place of the amount determined under division (B)(4) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for other protected costs shall be 115 per cent of the median rate for ICFs/IID determined under section 5124.23 of the Revised Code with the modification made under division (C)(2)(g) of this section. 84315
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(d) After all of the modifications specified in divisions (C)(3)(a) to (c) of this section have been made, the new ICF/IID's initial total per Medicaid day rate shall be increased by the median direct support personnel payment determined under division (D) of this section for all ICFs/IID to which this section applies. 84321
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(D) An ICF/IID's direct support personnel payment for the purpose of division (C)(2)(h) of this section shall be a percentage, as determined by the Department, of the ICF/IID's per diem, desk-reviewed, actual, allowable direct care costs. In determining the percentage, the Department shall, to the greatest 84327
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extent possible, do both of the following: 84332

(1) Avoid rate reductions under division (F) of this section; 84333

(2) Use the same percentage for all ICFs/IID to which this 84334
section applies. 84335

(E) A new ICF/IID's initial total modified per Medicaid day 84336
rate for fiscal year 2017 as determined under division (C)(3) of 84337
this section shall be adjusted at the applicable time specified in 84338
division (D) of section 5124.151 of the Revised Code. If the 84339
adjustment affects the ICF/IID's rate for ICF/IID services 84340
provided during fiscal year 2017, the modifications specified in 84341
division (C)(2) of this section apply to the adjustment. 84342

(F)(1) If the mean total per Medicaid day rate for all 84343
ICFs/IID to which this section applies, weighted by May 2016 84344
Medicaid days and determined under division (C) of this section as 84345
of July 1, 2016, is other than the amount determined under 84346
division (F)(2) of this section, the Department shall adjust, for 84347
fiscal year 2017, the total per Medicaid day rate for each ICF/IID 84348
to which this section applies by a percentage that is equal to the 84349
percentage by which the mean total per Medicaid day rate is 84350
greater or less than the amount determined under division (F)(2) 84351
of this section. 84352

(2) The amount to be used for the purpose of division (F)(1) 84353
of this section shall be not less than \$288.27. The department, in 84354
its sole discretion, may use a larger amount for the purpose of 84355
that division. In determining whether to use a larger amount, the 84356
department may consider any of the following: 84357

(a) The reduction in the total Medicaid-certified capacity of 84358
all ICFs/IID that occurs in fiscal year 2016, and the reduction 84359
that is projected to occur in fiscal year 2017, as a result of 84360
either of the following: 84361

(i) A downsizing pursuant to a plan approved by the 84362

| | |
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| Department under section 5123.042 of the Revised Code; | 84363 |
| (ii) A conversion of beds to providing home and community-based services under the Individual Options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code. | 84364 84365 84366 |
| (b) The increase in Medicaid payments made for ICF/IID services provided during fiscal year 2016, and the increase that is projected to occur in fiscal year 2017, as a result of the modifications to the payment rates made under section 5124.101 of the Revised Code; | 84367 84368 84369 84370 84371 |
| (c) The total reduction in the number of ICF/IID beds that occurs pursuant to section 5124.67 of the Revised Code; | 84372 84373 |
| (d) Other factors the Department determines to be relevant. | 84374 |
| (G) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee. | 84375 84376 84377 84378 84379 84380 |
| (H) Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal year 2017. | 84381 84382 84383 84384 84385 |
| Section 259.180. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR ICFs/IID IN PEER GROUP 3 | 84386 84387 |
| (A) As used in this section: | 84388 |
| (1) "ICF/IID," "ICF/IID services," "peer group 3," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code. | 84389 84390 84391 |

(2) "Franchise permit fee" means the fee imposed by sections 84392
5168.60 to 5168.71 of the Revised Code. 84393

(B)(1) This section applies to each ICF/IID that is in peer 84394
group 3 and for which the provider obtained an initial provider 84395
agreement during fiscal year 2015. 84396

(2) The Department of Developmental Disabilities shall follow 84397
this section in determining the rate to be paid for ICF/IID 84398
services provided during fiscal year 2016 by ICFs/IID subject to 84399
this section notwithstanding anything to the contrary in Chapter 84400
5124. of the Revised Code. 84401

(C) Except as otherwise provided in this section, the 84402
provider of an ICF/IID to which this section applies shall 84403
continue to be paid, for ICF/IID services the ICF/IID provides 84404
during fiscal year 2016, the ICF/IID's total per Medicaid day rate 84405
in effect on June 30, 2015. 84406

(D) If the United States Centers for Medicare and Medicaid 84407
Services requires that the franchise permit fee be reduced or 84408
eliminated, the Department shall reduce the amount it pays ICF/IID 84409
providers under this section as necessary to reflect the loss to 84410
the state of the revenue and federal financial participation 84411
generated from the franchise permit fee. 84412

Section 259.190. TRANSFER OF FUNDS FOR OUTLIER SERVICES 84413
PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS 84414

As used in this section, "ICF/IID" and "ICF/IID services" 84415
have the same meanings as in section 5124.01 of the Revised Code. 84416

Each quarter during fiscal year 2016 and fiscal year 2017, 84417
the Director of Developmental Disabilities shall certify to the 84418
Director of Budget and Management the amount needed to pay the 84419
nonfederal share of the costs of the Medicaid rate add-on paid to 84420
ICFs/IID pursuant to section 5124.25 of the Revised Code for 84421

providing outlier ICF/IID services to residents who qualify for 84422
the services and are transferred to ICFs/IID from hospitals at 84423
which they receive ventilator services at the time of their 84424
transfer to the ICFs/IID. 84425

On receipt of a certification, the Director of Budget and 84426
Management shall transfer appropriations equaling the certified 84427
amount from appropriation item 651525, Medicaid/Health Care 84428
Services, to appropriation item 653407, Medicaid Services, and, in 84429
addition, shall reduce the appropriation in 651525, 84430
Medicaid/Health Care Services, by the corresponding federal share. 84431

If receipts credited to the Developmental Center and 84432
Residential Facility Services and Support Fund (Fund 3A40), used 84433
by the Department of Developmental Disabilities, exceed the 84434
amounts appropriated in appropriation item 653653, ICF/IID, the 84435
Director of Developmental Disabilities may request the Director of 84436
Budget and Management to authorize expenditures from the fund in 84437
excess of the amounts appropriated. Upon approval of the Director 84438
of Budget and Management, the additional amounts are hereby 84439
appropriated. 84440

Section 259.200. ICF/IID MEDICAID RATE WORKGROUP 84441

As used in this section, "ICF/IID," "ICF/IID services," and 84442
"Medicaid-certified capacity" have the same meanings as in section 84443
5124.01 of the Revised Code. 84444

For the purpose of assisting the Department of Developmental 84445
Disabilities during fiscal year 2016 and fiscal year 2017 with an 84446
evaluation of revisions to the formula used to determine Medicaid 84447
payment rates for ICF/IID services, the Department shall retain 84448
the workgroup that was created to assist with the study required 84449
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 84450
Assembly and continued by Section 259.230 of Am. Sub. H.B. 59 of 84451
the 130th General Assembly. In conducting the evaluation, the 84452

Department and workgroup shall do both of the following: 84453

(A) Focus primarily on the service needs of individuals with 84454
complex challenges that ICFs/IID are able to meet; 84455

(B) Pursue the goal of reducing the Medicaid-certified 84456
capacity of individual ICFs/IID and the total number of ICF/IID 84457
beds in the state for the purpose of increasing the service 84458
choices and community integration of individuals eligible for 84459
ICF/IID services. 84460

Section 259.210. NONFEDERAL SHARE OF ICF/IID SERVICES 84461

(A) As used in this section, "ICF/IID," "ICF/IID services," 84462
and "Medicaid-certified capacity" have the same meanings as in 84463
section 5124.01 of the Revised Code. 84464

(B) The Director of Developmental Disabilities shall pay the 84465
nonfederal share of a claim for ICF/IID services using funds 84466
specified in division (C) of this section if all of the following 84467
apply: 84468

(1) Medicaid covers the ICF/IID services. 84469

(2) The ICF/IID services are provided to a Medicaid recipient 84470
to whom both of the following apply: 84471

(a) The Medicaid recipient is eligible for the ICF/IID 84472
services; 84473

(b) The Medicaid recipient does not occupy a bed in the 84474
ICF/IID that used to be included in the Medicaid-certified 84475
capacity of another ICF/IID certified by the Director of Health 84476
before June 1, 2003. 84477

(3) The ICF/IID services are provided by an ICF/IID whose 84478
Medicaid certification by the Director of Health was initiated or 84479
supported by a county board of developmental disabilities. 84480

(4) The provider of the ICF/IID services has a valid Medicaid 84481

provider agreement for the services for the time that the services are provided. 84482
84483

(C) When required by division (B) of this section to pay the nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim: 84484
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84486

(1) Funds available from appropriation item 322501, County Boards Subsidies, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made; 84487
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(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 322501, County Boards Subsidies. 84492
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Section 259.220. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 84497
84498

(A) As used in this section: 84499

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code. 84500
84501
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84503

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code. 84504
84505

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options. 84506
84507
84508

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 84509
84510

(5) "Public hospital" has the same meaning as in section 84511
5122.01 of the Revised Code. 84512

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 84513
whom all of the following apply: 84514

(a) The enrollee resided in a developmental center, converted 84515
facility, or public hospital immediately before enrolling in the 84516
IO Wavier. 84517

(b) The enrollee did not receive before July 1, 2011, routine 84518
homemaker/personal care services from the Medicaid provider that 84519
is to be paid the Medicaid rate authorized by this section for 84520
providing such services to the enrollee during the period 84521
specified in division (C) of this section. 84522

(c) The Director of Developmental Disabilities has determined 84523
that the enrollee's special circumstances (including the 84524
enrollee's diagnosis, service needs, or length of stay at the 84525
developmental center, converted facility, or public hospital) 84526
warrants paying the Medicaid rate authorized by this section. 84527

(B) The total Medicaid payment rate for each fifteen minutes 84528
of routine homemaker/personal care services that a Medicaid 84529
provider provides to a qualifying IO enrollee during the period 84530
specified in division (C) of this section shall be fifty-two cents 84531
higher than the Medicaid payment rate in effect on the day the 84532
services are provided for each fifteen minutes of routine 84533
homemaker/personal care services that a Medicaid provider provides 84534
to an IO enrollee who is not a qualifying IO enrollee. 84535

(C) Division (B) of this section applies to the first twelve 84536
months, consecutive or otherwise, that a Medicaid provider, during 84537
the period beginning July 1, 2015, and ending June 30, 2017, 84538
provides routine homemaker/personal care services to a qualifying 84539
IO enrollee. 84540

(D) Of the foregoing appropriation items 653407, Medicaid 84541

Services, and 653639, Medicaid Waiver Services, portions shall be 84542
used to pay the Medicaid payment rate determined in accordance 84543
with this section for routine homemaker/personal care services 84544
provided to qualifying IO enrollees. 84545

Section 259.230. UPDATING AUTHORIZING STATUTE CITATIONS 84546

As used in this section, "authorizing statute" means a 84547
Revised Code section or provision of a Revised Code section that 84548
is cited in the Ohio Administrative Code as the statute that 84549
authorizes the adoption of a rule. 84550

The Director of Developmental Disabilities is not required to 84551
amend any rule for the sole purpose of updating the citation in 84552
the Ohio Administrative Code to the rule's authorizing statute to 84553
reflect that this act renumbers the authorizing statute or 84554
relocates it to another Revised Code section. Such citations shall 84555
be updated as the Director amends the rules for other purposes. 84556

Section 259.240. REASON FOR THE REPEAL OF R.C. 5111.236 84557

This act repeals section 5111.236 of the Revised Code to 84558
carry out the intent of the Governor as indicated in the veto 84559
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 84560
transmitted to the Clerk of the House of Representatives on July 84561
17, 2009. The actual veto removed the section from the title and 84562
enacting clause of H.B. 1 and an earmark related to the section. 84563
However, the actual veto inadvertently showed only division (C) of 84564
the section, rather than the entire section, as being vetoed. 84565

Section 259.250. SYSTEM TRANSFORMATION SUPPORTS 84566

The foregoing appropriation item 320607 (Fund 5QM0), System 84567
Transformation Supports, may be used by the Director of 84568
Developmental Disabilities as follows: 84569

(A) To purchase one or more residential facility beds for the 84570

purpose of reducing the number of beds that are certified for 84571
participation in Medicaid as ICF/IID beds in Ohio. The director 84572
shall establish priorities for the purchase of beds which may 84573
include beds located in a building in which a nursing facility is 84574
also located and beds which are in a residential facility of 84575
sixteen beds or greater. The purchase price of a bed shall be the 84576
price the director determines is reasonable based on the 84577
established priorities. Division (B) of section 127.16 of the 84578
Revised Code shall not apply to a purchase made under this 84579
section. 84580

(B) To fund other system transformation initiatives 84581
identified by the director. 84582

Section 259.260. ICF/IID PAYMENT METHODOLOGY TRANSFORMATION 84583

As used in this section, "ICF/IID services" has the same 84584
meaning as in section 5124.01 of the Revised Code. 84585

Not later than July 31, 2015, the Department of Developmental 84586
Disabilities shall issue a request for proposals for an entity, 84587
pursuant to a contract with the Department, to develop a plan to 84588
transform the formula used to determine Medicaid payment rates for 84589
ICF/IID services. Any such contract the Department enters into 84590
shall require all of the following: 84591

(A) That the plan do all of the following: 84592

(1) Include quality incentive measures; 84593

(2) Have payments be based on health outcomes; 84594

(3) Promote ICF/IID services that are provided in the most 84595
integrated setting appropriate to the needs of each Medicaid 84596
recipient receiving the services; 84597

(4) Recommend specific changes to the resident assessment 84598
instrument specified in rules authorized by section 5124.191 of 84599
the Revised Code and the grouper methodology prescribed in rules 84600

authorized by section 5124.192 of the Revised Code. 84601

(B) That the entity developing the plan consider the 84602
recommendations of both of the following: 84603

(1) The ICF/IID Medicaid Rate Workgroup that was created to 84604
assist with the study required by Section 309.30.80 of Am. Sub. 84605
H.B. 153 of the 129th General Assembly and retained pursuant to 84606
Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly; 84607

(2) The ICF/IID Quality Incentive Workgroup created pursuant 84608
to the section of this act titled "ICF/IID QUALITY INCENTIVE 84609
WORKGROUP." 84610

(C) That the plan be developed with the goal of beginning 84611
implementation of the transformation on July 1, 2017. 84612

Section 259.270. ICF/IID QUALITY INCENTIVE WORKGROUP 84613

(A) As used in this section, "ICF/IID" and "ICF/IID services" 84614
have the same meanings as in section 5124.01 of the Revised Code. 84615

(B) The Director of Developmental Disabilities shall create 84616
the ICF/IID Quality Incentive Workgroup to study the issue of 84617
establishing, as part of the Medicaid payment formula for ICF/IID 84618
services, accountability measures that act as quality incentives 84619
for ICFs/IID. The Director or the Director's designee shall be the 84620
Workgroup's chairperson. The Director may appoint one or more 84621
staff members of the Department of Developmental Disabilities to 84622
also serve on the Workgroup. The Director shall appoint the 84623
following to serve on the Workgroup: 84624

(1) Representatives of all of the following: 84625

(a) The Ohio Centers for Intellectual Disabilities formed by 84626
the Ohio Health Care Association; 84627

(b) The Values and Faith Alliance; 84628

(c) The Ohio Association of County Boards Serving People with 84629

| | |
|---|--|
| Developmental Disabilities; | 84630 |
| (d) The Ohio SIBS; | 84631 |
| (e) The Arc of Ohio; | 84632 |
| (f) The Ohio Provider Resource Association. | 84633 |
| (2) One or more persons with developmental disabilities who advocate for such persons. | 84634 84635 |
| (C) Members of the Workgroup shall serve without compensation or reimbursement, except to the extent that serving on the Workgroup is considered part of their usual job duties. | 84636 84637 84638 |
| (D) The Workgroup shall complete its study, and complete a report with recommendations regarding accountability measures for ICFs/IID, not later than November 4, 2015. The Workgroup shall submit copies of the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. | 84639 84640 84641 84642 84643 |
| Section 259.280. COMMUNITY SUPPORT AND RENTAL ASSISTANCE | 84644 |
| The foregoing appropriation item 322509, Community Support and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and to former residents of a developmental center. The director shall establish the methodology for determining the amount and distribution of such funding. | 84645 84646 84647 84648 84649 84650 84651 84652 84653 84654 |
| Section 261.10. OBD OHIO BOARD OF DIETETICS | 84655 |
| Dedicated Purpose Fund Group | 84656 |
| 4K90 860609 Operating Expenses \$ 362,872 \$ 371,779 | 84657 |

| | | | | |
|---|----|------------|---------------|-------|
| TOTAL DPF Dedicated Purpose Fund | | | | 84658 |
| Group | \$ | 362,872 | \$ 371,779 | 84659 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 362,872 | \$ 371,779 | 84660 |
| Section 263.10. EDU DEPARTMENT OF EDUCATION | | | | 84662 |
| General Revenue Fund | | | | 84663 |
| GRF 200321 Operating Expenses | \$ | 14,217,708 | \$ 14,517,708 | 84664 |
| GRF 200408 Early Childhood Education | \$ | 60,268,341 | \$ 70,268,341 | 84665 |
| GRF 200420 Information Technology Development and Support | \$ | 4,241,296 | \$ 4,241,296 | 84666 |
| GRF 200421 Alternative Education Programs | \$ | 7,753,998 | \$ 7,753,998 | 84667 |
| GRF 200422 School Management Assistance | \$ | 3,000,000 | \$ 3,000,000 | 84668 |
| GRF 200424 Policy Analysis | \$ | 528,558 | \$ 528,558 | 84669 |
| GRF 200425 Tech Prep Consortia Support | \$ | 260,542 | \$ 260,542 | 84670 |
| GRF 200426 Ohio Educational Computer Network | \$ | 16,200,000 | \$ 16,200,000 | 84671 |
| GRF 200427 Academic Standards | \$ | 3,800,000 | \$ 3,800,000 | 84672 |
| GRF 200437 Student Assessment | \$ | 40,241,438 | \$ 39,830,050 | 84673 |
| GRF 200439 Accountability/Report Cards | \$ | 4,897,310 | \$ 4,897,310 | 84674 |
| GRF 200442 Child Care Licensing | \$ | 1,822,500 | \$ 1,822,500 | 84675 |
| GRF 200446 Education Management Information System | \$ | 6,833,070 | \$ 6,833,070 | 84676 |
| GRF 200447 GED Testing | \$ | 474,000 | \$ 474,000 | 84677 |
| GRF 200448 Educator Preparation | \$ | 1,564,237 | \$ 1,564,237 | 84678 |
| GRF 200455 Community Schools and Choice Programs | \$ | 3,651,395 | \$ 3,731,395 | 84679 |
| GRF 200457 STEM Initiatives | \$ | 150,000 | \$ 0 | 84680 |

| | | | | |
|-------------|---|------------------|------------------|-------|
| GRF 200465 | Education Technology Resources | \$ 3,170,976 | \$ 3,170,976 | 84681 |
| GRF 200502 | Pupil Transportation | \$ 527,823,920 | \$ 528,286,409 | 84682 |
| GRF 200505 | School Lunch Match | \$ 9,100,000 | \$ 9,100,000 | 84683 |
| GRF 200511 | Auxiliary Services | \$ 146,092,593 | \$ 153,105,038 | 84684 |
| GRF 200532 | Nonpublic Administrative Cost Reimbursement | \$ 65,995,784 | \$ 69,163,582 | 84685 |
| GRF 200540 | Special Education Enhancements | \$ 162,871,292 | \$ 162,871,292 | 84686 |
| GRF 200545 | Career-Technical Education Enhancements | \$ 12,672,418 | \$ 12,697,418 | 84687 |
| GRF 200550 | Foundation Funding | \$ 6,459,193,751 | \$ 6,861,268,169 | 84688 |
| GRF 200566 | Literacy Improvement | \$ 2,250,000 | \$ 2,250,000 | 84689 |
| GRF 200572 | Adult Diploma | \$ 7,500,000 | \$ 10,000,000 | 84690 |
| GRF 200573 | EdChoice Expansion | \$ 23,500,000 | \$ 31,500,000 | 84691 |
| GRF 200574 | Half-Mill Maintenance Equalization | \$ 18,750,000 | \$ 19,250,000 | 84692 |
| GRF 200588 | Competency Based Education Pilot | \$ 2,500,000 | \$ 2,500,000 | 84693 |
| GRF 200597 | Education Program Support | \$ 2,500,000 | \$ 500,000 | 84694 |
| TOTAL GRF | General Revenue Fund | \$ 7,613,825,127 | \$ 8,045,385,889 | 84695 |
| | Dedicated Purpose Fund Group | | | 84696 |
| 4520 200638 | Fees and Refunds | \$ 1,000,000 | \$ 1,000,000 | 84697 |
| 4540 200610 | GED Testing | \$ 250,000 | \$ 250,000 | 84698 |
| 4550 200608 | Commodity Foods | \$ 24,000,000 | \$ 24,000,000 | 84699 |
| 4L20 200681 | Teacher Certification and Licensure | \$ 16,400,000 | \$ 16,900,000 | 84700 |
| 5980 200659 | Auxiliary Services Reimbursement | \$ 1,328,910 | \$ 1,328,910 | 84701 |
| 5H30 200687 | School District Solvency Assistance | \$ 10,000,000 | \$ 10,000,000 | 84702 |

| | | | | | | | |
|--------------------------------------|--------|---|----|------------------|------------------|-------------|----------------|
| 5KT0 | 200673 | Early Childhood Education | \$ | 20,000,000 | \$ | 20,000,000 | 84703 |
| 5KX0 | 200691 | Ohio School Sponsorship Program | \$ | 487,419 | \$ | 528,600 | 84704 |
| 5MM0 | 200677 | Child Nutrition Refunds | \$ | 550,000 | \$ | 550,000 | 84705 |
| 5RB0 | 200644 | Straight A Fund | \$ | 50,000,000 | \$ | 50,000,000 | 84706 |
| 5U20 | 200685 | National Education Statistics | \$ | 300,000 | \$ | 300,000 | 84707 |
| 6200 | 200615 | Educational Improvement Grants | \$ | 175,000 | \$ | 175,000 | 84708 |
| TOTAL DPF Group | | Dedicated Purpose Fund | \$ | 124,491,329 | \$ | 125,032,510 | 84709 |
| Internal Service Activity Fund Group | | | | | | | 84710 |
| 1380 | 200606 | Information Technology Development and Support | \$ | 6,850,090 | \$ | 6,850,090 | 84711 |
| 4R70 | 200695 | Indirect Operational Support | \$ | 7,600,000 | \$ | 7,600,000 | 84712 |
| 4V70 | 200633 | Interagency Program Support | \$ | 500,000 | \$ | 500,000 | 84713 |
| TOTAL ISA Fund Group | | Internal Service Activity | \$ | 14,950,090 | \$ | 14,950,090 | 84714 84715 |
| State Lottery Fund Group | | | | | | | 84716 |
| 7017 | 200612 | Foundation Funding | \$ | 977,700,000 | \$ | 977,700,000 | 84717 |
| 7017 | 200629 | Community Connectors | \$ | 15,000,000 | \$ | 15,000,000 | 84718 |
| 7017 | 200684 | Community School Facilities | \$ | 19,350,000 | \$ | 20,700,000 | 84719 |
| TOTAL SLF Fund Group | | State Lottery | | | | | 84720 84721 |
| Federal Fund Group | | | | \$ 1,012,050,000 | \$ 1,013,400,000 | | 84722 |

| | | | | | | | |
|------|--------|--|----|------------|----|------------|-------|
| 3090 | 200601 | Neglected and Delinquent Education | \$ | 1,600,000 | \$ | 1,600,000 | 84723 |
| 3670 | 200607 | School Food Services | \$ | 9,240,111 | \$ | 9,794,517 | 84724 |
| 3700 | 200624 | Education of Exceptional Children | \$ | 1,702,040 | \$ | 1,274,040 | 84725 |
| 3AF0 | 200603 | Schools Medicaid Administrative Claims | \$ | 750,000 | \$ | 750,000 | 84726 |
| 3AN0 | 200671 | School Improvement Grants | \$ | 32,400,000 | \$ | 32,400,000 | 84727 |
| 3C50 | 200661 | Early Childhood Education | \$ | 14,554,749 | \$ | 14,554,749 | 84728 |
| 3CG0 | 200646 | Teacher Incentive | \$ | 12,500,000 | \$ | 200,000 | 84729 |
| 3D10 | 200664 | Drug Free Schools | \$ | 521,000 | \$ | 282,000 | 84730 |
| 3D20 | 200667 | Math Science Partnerships | \$ | 7,500,000 | \$ | 7,500,000 | 84731 |
| 3EH0 | 200620 | Migrant Education | \$ | 2,900,000 | \$ | 2,900,000 | 84732 |
| 3EJ0 | 200622 | Homeless Children Education | \$ | 2,600,000 | \$ | 2,600,000 | 84733 |
| 3EK0 | 200637 | Advanced Placement | \$ | 432,444 | \$ | 498,484 | 84734 |
| 3FD0 | 200665 | Race to the Top | \$ | 12,000,000 | \$ | 0 | 84735 |
| 3FN0 | 200672 | Early Learning Challenge - Race to the Top | \$ | 8,000,000 | \$ | 3,400,000 | 84736 |
| 3GE0 | 200674 | Summer Food Service Program | \$ | 14,423,915 | \$ | 14,856,635 | 84737 |
| 3GF0 | 200675 | Miscellaneous Nutrition Grants | \$ | 3,000,000 | \$ | 3,000,000 | 84738 |
| 3GG0 | 200676 | Fresh Fruit and Vegetable Program | \$ | 5,026,545 | \$ | 5,177,340 | 84739 |
| 3GP0 | 200600 | School Climate Transformation | \$ | 252,420 | \$ | 252,420 | 84740 |
| 3GQ0 | 200679 | Project Aware | \$ | 1,907,423 | \$ | 1,907,423 | 84741 |
| 3H90 | 200605 | Head Start | \$ | 225,000 | \$ | 225,000 | 84742 |

| | | | | | | |
|------------------|--------|-----------------------|----|----------------|----|----------------------|
| | | Collaboration Project | | | | |
| 3L60 | 200617 | Federal School Lunch | \$ | 371,960,060 | \$ | 383,118,860 84743 |
| 3L70 | 200618 | Federal School | \$ | 117,332,605 | \$ | 122,025,909 84744 |
| | | Breakfast | | | | |
| 3L80 | 200619 | Child/Adult Food | \$ | 113,508,500 | \$ | 116,913,755 84745 |
| | | Programs | | | | |
| 3L90 | 200621 | Career-Technical | \$ | 44,663,900 | \$ | 44,663,900 84746 |
| | | Education Basic Grant | | | | |
| 3M00 | 200623 | ESEA Title 1A | \$ | 590,000,000 | \$ | 600,000,000 84747 |
| 3M20 | 200680 | Individuals with | \$ | 444,000,000 | \$ | 445,000,000 84748 |
| | | Disabilities | | | | |
| | | Education Act | | | | |
| 3Y20 | 200688 | 21st Century | \$ | 50,000,000 | \$ | 50,000,000 84749 |
| | | Community Learning | | | | |
| | | Centers | | | | |
| 3Y60 | 200635 | Improving Teacher | \$ | 90,000,000 | \$ | 90,000,000 84750 |
| | | Quality | | | | |
| 3Y70 | 200689 | English Language | \$ | 10,101,411 | \$ | 10,101,411 84751 |
| | | Acquisition | | | | |
| 3Y80 | 200639 | Rural and Low Income | \$ | 3,300,000 | \$ | 3,300,000 84752 |
| | | Technical Assistance | | | | |
| 3Z20 | 200690 | State Assessments | \$ | 10,263,000 | \$ | 10,263,000 84753 |
| 3Z30 | 200645 | Consolidated Federal | \$ | 10,000,000 | \$ | 10,000,000 84754 |
| | | Grant Administration | | | | |
| TOTAL FED | | Federal Fund Group | \$ | 1,986,665,123 | \$ | 1,988,559,443 84755 |
| TOTAL ALL BUDGET | | FUND GROUPS | \$ | 10,751,981,669 | \$ | 11,187,327,932 84756 |

Section 263.20. OPERATING EXPENSES 84758

A portion of the foregoing appropriation item 200321, 84759
 Operating Expenses, shall be used by the Department of Education 84760
 to provide matching funds under 20 U.S.C. 2321. 84761

Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 84762

SUPPORT 84763

The foregoing appropriation item 200420, Information 84764
Technology Development and Support, shall be used to support the 84765
development and implementation of information technology solutions 84766
designed to improve the performance and services of the Department 84767
of Education. Funds may be used for personnel, maintenance, and 84768
equipment costs related to the development and implementation of 84769
these technical system projects. Implementation of these systems 84770
shall allow the Department to provide greater levels of assistance 84771
to school districts and to provide more timely information to the 84772
public, including school districts, administrators, and 84773
legislators. Funds may also be used to support data-driven 84774
decision-making and differentiated instruction, as well as to 84775
communicate academic content standards and curriculum models to 84776
schools through web-based applications. 84777

Section 263.40. ALTERNATIVE EDUCATION PROGRAMS 84778

Of the foregoing appropriation item 200421, Alternative 84779
Education Programs, up to \$350,000 in each fiscal year may be used 84780
to support the clearinghouse for the identification of and 84781
intervention for at-risk students required under section 3301.28 84782
of the Revised Code. 84783

The remainder of appropriation item 200421, Alternative 84784
Education Programs, shall be used for the renewal of successful 84785
implementation grants and for competitive matching grants to 84786
school districts for alternative educational programs for existing 84787
and new at-risk and delinquent youth. Programs shall be focused on 84788
youth in one or more of the following categories: those who have 84789
been expelled or suspended, those who have dropped out of school 84790
or who are at risk of dropping out of school, those who are 84791
habitually truant or disruptive, or those on probation or on 84792

parole from a Department of Youth Services facility. Grants shall 84793
be awarded only to programs in which the grant will not serve as 84794
the program's primary source of funding. These grants shall be 84795
administered by the Department of Education. 84796

The Department of Education may waive compliance with any 84797
minimum education standard established under section 3301.07 of 84798
the Revised Code for any alternative school that receives a grant 84799
under this section on the grounds that the waiver will enable the 84800
program to more effectively educate students enrolled in the 84801
alternative school. 84802

Of the foregoing appropriation item 200421, Alternative 84803
Education Programs, a portion may be used for program 84804
administration, monitoring, technical assistance, support, 84805
research, and evaluation. 84806

Section 263.50. SCHOOL MANAGEMENT ASSISTANCE 84807

Of the foregoing appropriation item 200422, School Management 84808
Assistance, \$1,000,000 in each fiscal year shall be used by the 84809
Auditor of State in consultation with the Department of Education 84810
for expenses incurred in the Auditor of State's role relating to 84811
fiscal caution, fiscal watch, and fiscal emergency activities as 84812
defined in Chapter 3316. of the Revised Code, unless an amount 84813
less than \$1,000,000 is needed and mutually agreed to by the 84814
Department and the Auditor of State. This set-aside may also be 84815
used by the Auditor of State to conduct performance audits of 84816
other school districts with priority given to districts in fiscal 84817
distress. Districts in fiscal distress shall be determined by the 84818
Auditor of State and shall include districts that the Auditor of 84819
State, in consultation with the Department of Education, 84820
determines are employing fiscal practices or experiencing 84821
budgetary conditions that could produce a state of fiscal watch or 84822
fiscal emergency. 84823

The remainder of appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

Section 263.60. POLICY ANALYSIS

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. A portion of these funds shall be used to maintain a longitudinal database to support the assessment of the impact of policies and programs on Ohio's education and workforce development systems. The research efforts supported by this appropriation item shall be used to supply information and analysis of data to and in consultation with the General Assembly and other state policymakers, including the Office of Budget and Management, the Governor's Office of 21st Century Education, and the Legislative Service Commission.

The Department of Education may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education

information to inform education policymakers. 84855

TECH PREP CONSORTIA SUPPORT 84856

The foregoing appropriation item 200425, Tech Prep Consortia 84857
Support, shall be used by the Department of Education to support 84858
state-level activities designed to support, promote, and expand 84859
tech prep programs. Use of these funds shall include, but not be 84860
limited to, administration of grants, program evaluation, 84861
professional development, curriculum development, assessment 84862
development, program promotion, communications, and statewide 84863
coordination of tech prep consortia. 84864

Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK 84865

The foregoing appropriation item 200426, Ohio Educational 84866
Computer Network, shall be used by the Department of Education to 84867
maintain a system of information technology throughout Ohio and to 84868
provide technical assistance for such a system in support of the 84869
P-16 State Education Technology Plan developed under section 84870
3353.09 of the Revised Code. 84871

Of the foregoing appropriation item 200426, Ohio Educational 84872
Computer Network, up to \$10,000,000 in each fiscal year shall be 84873
used by the Department of Education to support connection of all 84874
public school buildings and participating chartered nonpublic 84875
schools to the state's education network, to each other, and to 84876
the Internet. In each fiscal year the Department of Education 84877
shall use these funds to assist information technology centers or 84878
school districts with the operational costs associated with this 84879
connectivity. The Department of Education shall develop a formula 84880
and guidelines for the distribution of these funds to information 84881
technology centers or individual school districts. As used in this 84882
section, "public school building" means a school building of any 84883
city, local, exempted village, or joint vocational school 84884
district, any community school established under Chapter 3314. of 84885

the Revised Code, any college preparatory boarding school 84886
established under Chapter 3328. of the Revised Code, any STEM 84887
school established under Chapter 3326. of the Revised Code, any 84888
educational service center building used for instructional 84889
purposes, the Ohio School for the Deaf and the Ohio School for the 84890
Blind, high schools chartered by the Ohio Department of Youth 84891
Services, or high schools operated by Ohio Department of 84892
Rehabilitation and Corrections' Ohio Central School System. 84893

Of the foregoing appropriation item 200426, Ohio Educational 84894
Computer Network, up to \$5,000,000 in each fiscal year shall be 84895
used, through a formula and guidelines devised by the Department, 84896
to subsidize the activities of designated information technology 84897
centers, as defined by State Board of Education rules, to provide 84898
school districts and chartered nonpublic schools with 84899
computer-based student and teacher instructional and 84900
administrative information services, including approved 84901
computerized financial accounting, and to ensure the effective 84902
operation of local automated administrative and instructional 84903
systems. 84904

The remainder of appropriation item 200426, Ohio Educational 84905
Computer Network, shall be used to support the work of the 84906
development, maintenance, and operation of a network of uniform 84907
and compatible computer-based information and instructional 84908
systems as well as the teacher student linkage/roster verification 84909
process and the eTranscript/student records exchange initiative. 84910
This technical assistance shall include, but not be restricted to, 84911
development and maintenance of adequate computer software systems 84912
to support network activities. In order to improve the efficiency 84913
of network activities, the Department and information technology 84914
centers may jointly purchase equipment, materials, and services 84915
from funds provided under this appropriation for use by the 84916
network and, when considered practical by the Department, may 84917

utilize the services of appropriate state purchasing agencies. 84918

Section 263.80. ACADEMIC STANDARDS 84919

The foregoing appropriation item 200427, Academic Standards, 84920
shall be used by the Department of Education to develop and 84921
communicate to school districts academic content standards and 84922
curriculum models and to develop professional development programs 84923
and other tools on the new content standards and model curriculum. 84924

Section 263.90. STUDENT ASSESSMENT 84925

Of the foregoing appropriation item 200437, Student 84926
Assessment, up to \$1,206,000 in fiscal year 2016 and up to 84927
\$2,760,000 in fiscal year 2017 may be used to support the 84928
assessments required under section 3301.0715 of the Revised Code. 84929

The remainder of appropriation item 200437, Student 84930
Assessment, shall be used to develop, field test, print, 84931
distribute, score, report results, and support other associated 84932
costs for the tests required under sections 3301.0710, 3301.0711, 84933
and 3301.0712 of the Revised Code and for similar purposes as 84934
required by section 3301.27 of the Revised Code. The funds may 84935
also be used to update and develop diagnostic assessments required 84936
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 84937
Code. 84938

Section 263.100. ACCOUNTABILITY/REPORT CARDS 84939

Of the foregoing appropriation item 200439, 84940
Accountability/Report Cards, a portion in each fiscal year may be 84941
used to train district and regional specialists and district 84942
educators in the use of the value-added progress dimension and in 84943
the use of data as it relates to improving student achievement. 84944
This training may include teacher and administrator professional 84945
development in the use of data to improve instruction and student 84946

learning, and teacher and administrator training in understanding 84947
teacher value-added reports and how they can be used as a 84948
component in measuring teacher and administrator effectiveness. A 84949
portion of this funding may be provided to a credible nonprofit 84950
organization with expertise in value-added progress dimensions. 84951

The remainder of appropriation item 200439, 84952
Accountability/Report Cards, shall be used by the Department to 84953
incorporate a statewide value-added progress dimension into 84954
performance ratings for school districts and for the development 84955
of an accountability system that includes the preparation and 84956
distribution of school report cards, funding and expenditure 84957
accountability reports under sections 3302.03 and 3302.031 of the 84958
Revised Code, the development and maintenance of teacher 84959
value-added reports, the teacher student linkage/roster 84960
verification process, and the performance management section of 84961
the Department's web site required by section 3302.26 of the 84962
Revised Code. 84963

CHILD CARE LICENSING 84964

The foregoing appropriation item 200442, Child Care 84965
Licensing, shall be used by the Department of Education to license 84966
and to inspect preschool and school-age child care programs under 84967
sections 3301.52 to 3301.59 of the Revised Code. 84968

Section 263.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 84969

The foregoing appropriation item 200446, Education Management 84970
Information System, shall be used by the Department of Education 84971
to improve the Education Management Information System (EMIS). 84972

Of the foregoing appropriation item 200446, Education 84973
Management Information System, up to \$725,000 in each fiscal year 84974
shall be distributed to designated information technology centers 84975
for costs relating to processing, storing, and transferring data 84976

for the effective operation of the EMIS. These costs may include, 84977
but are not limited to, personnel, hardware, software development, 84978
communications connectivity, professional development, and support 84979
services, and to provide services to participate in the State 84980
Education Technology Plan developed under section 3353.09 of the 84981
Revised Code. 84982

The remainder of appropriation item 200446, Education 84983
Management Information System, shall be used to develop and 84984
support the data definitions and standards adopted by the 84985
Education Management Information System Advisory Board, including 84986
the ongoing development and maintenance of the data dictionary and 84987
data warehouse. In addition, such funds shall be used to support 84988
the development and implementation of data standards; the design, 84989
development, and implementation of a new data exchange system; and 84990
responsibilities related to the school report cards prescribed by 84991
section 3302.03 of the Revised Code and value-added progress 84992
dimension calculations. 84993

Any provider of software meeting the standards approved by 84994
the Education Management Information System Advisory Board shall 84995
be designated as an approved vendor and may enter into contracts 84996
with local school districts, community schools, STEMS schools, 84997
information technology centers, or other educational entities for 84998
the purpose of collecting and managing data required under Ohio's 84999
education management information system (EMIS) laws. On an annual 85000
basis, the Department of Education shall convene an advisory group 85001
of school districts, community schools, and other 85002
education-related entities to review the Education Management 85003
Information System data definitions and data format standards. The 85004
advisory group shall recommend changes and enhancements based upon 85005
surveys of its members, education agencies in other states, and 85006
current industry practices, to reflect best practices, align with 85007
federal initiatives, and meet the needs of school districts. 85008

School districts, STEM schools, and community schools not 85009
implementing a uniform set of data definitions and data format 85010
standards for Education Management Information System purposes 85011
shall have all EMIS funding withheld until they are in compliance. 85012

Section 263.120. GED TESTING 85013

The foregoing appropriation item 200447, GED Testing, shall 85014
be used to provide General Educational Development (GED) testing 85015
under rules adopted by the State Board of Education and provide 85016
support to GED testing sites. 85017

Section 263.130. EDUCATOR PREPARATION 85018

Of the foregoing appropriation item 200448, Educator 85019
Preparation, up to \$500,000 in each fiscal year may be used by the 85020
Department of Education to monitor and support Ohio's State System 85021
of Support in accordance with the "No Child Left Behind Act of 85022
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 85023
and Secondary Education Act flexibility waivers approved for Ohio 85024
by the United States Department of Education. 85025

Of the foregoing appropriation item 200448, Educator 85026
Preparation, up to \$100,000 in each fiscal year may be used by the 85027
Department to support the Educator Standards Board under section 85028
3319.61 of the Revised Code and reforms under sections 3302.042, 85029
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 85030
3319.58 of the Revised Code. 85031

The remainder of the foregoing appropriation item 200448, 85032
Educator Preparation, may be used for implementation of teacher 85033
and principal evaluation systems, including incorporation of 85034
student growth as a metric in those systems, and teacher 85035
value-added reports. 85036

Section 263.140. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 85037

The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education for operation of the school choice programs.

Of the foregoing appropriation item 200455, Community Schools and Choice Programs, a portion in each fiscal year may be used by the Department of Education for developing and conducting training sessions for community schools and sponsors and prospective sponsors of community schools as prescribed in division (A)(1) of section 3314.015 of the Revised Code, and other schools participating in school choice programs.

STEM INITIATIVES

The foregoing appropriation item 200457, STEM Initiatives, shall be distributed to the Lake County Educational Service Center for a pilot project that supports innovative STEM initiatives for middle school students in Geauga and Lake counties affiliated with the Alliance for Working Together. These initiatives shall provide middle school students with early access to programming, engineering design, and problem-solving skills, the goal of which is to build a strong regional pipeline of future manufacturing workers who can fill high-paying, sustainable positions in the automated manufacturing industry. Not later than July 31, 2016, the Lake County Educational Service Center shall submit a report that describes the progress of the pilot project, including the number of students participating, to the standing committees of the House of Representatives and the Senate that are primarily responsible for considering economic development issues.

Section 263.150. EDUCATION TECHNOLOGY RESOURCES

Of the foregoing appropriation item 200465, Education Technology Resources, up to \$1,443,572 in each fiscal year shall be used for the Union Catalog and InfoOhio Network and to support the provision of electronic resources with priority given to

resources that support the teaching of state academic content 85069
standards in all public schools. Consideration shall be given by 85070
the Department of Education to coordinating the allocation of 85071
these moneys with the efforts of Libraries Connect Ohio, whose 85072
members include OhioLINK, the Ohio Public Information Network, and 85073
the State Library of Ohio. 85074

Of the foregoing appropriation item 200465, Education 85075
Technology Resources, up to \$1,027,176 in each fiscal year shall 85076
be used by the Department of Education to provide grants to 85077
educational television stations working with partner education 85078
technology centers to provide Ohio public schools with 85079
instructional resources and services, with priority given to 85080
resources and services aligned with state academic content 85081
standards. Such resources and services shall be based upon the 85082
advice and approval of the Department, based on a formula 85083
developed in consultation with Ohio's educational television 85084
stations and educational technology centers. 85085

The remainder of the foregoing appropriation item 200465, 85086
Education Technology Resources, may be used to support the 85087
training, technical support, and guidance to school districts and 85088
public libraries in applying for federal E-Rate funds; for 85089
oversight and guidance of school district technology plans; and 85090
for support to district technology personnel. Funds may also be 85091
used to support the eTranscript/student records exchange 85092
initiative between the Department of Education and the Department 85093
of Higher Education and the internet safety training for students, 85094
teachers, and administrators required under the "Protecting 85095
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 85096
4096 (2008). 85097

Section 263.160. PUPIL TRANSPORTATION 85098

Of the foregoing appropriation item 200502, Pupil 85099

Transportation, up to \$838,930 in each fiscal year may be used by 85100
the Department of Education for training prospective and 85101
experienced school bus drivers in accordance with training 85102
programs prescribed by the Department. Up to \$60,469,220 in each 85103
fiscal year may be used by the Department of Education for special 85104
education transportation reimbursements to school districts and 85105
county DD boards for transportation operating costs as provided in 85106
divisions (C) and (F) of section 3317.024 of the Revised Code. Up 85107
to \$2,500,000 in each fiscal year may be used by the Department of 85108
Education to reimburse school districts that make payments to 85109
parents in lieu of transportation under section 3327.02 of the 85110
Revised Code and whose transportation is not funded under division 85111
(C) of section 3317.024 of the Revised Code. If the parent, 85112
guardian, or other person in charge of a pupil accepts the offer 85113
of payment in lieu of providing transportation, the school 85114
district shall pay that parent, guardian, or other person an 85115
amount that shall be not less than \$250 and not more than the 85116
amount determined by the Department as the average cost of pupil 85117
transportation for the previous school year. Payment may be 85118
prorated if the time period involved is only a part of the school 85119
year. 85120

The remainder of the foregoing appropriation item 200502, 85121
Pupil Transportation, shall be used to distribute the amounts 85122
calculated for transportation aid under divisions (E) and (F) of 85123
section 3317.0212 of the Revised Code, as amended by this act. 85124

Section 263.170. SCHOOL LUNCH MATCH 85125

The foregoing appropriation item 200505, School Lunch Match, 85126
shall be used to provide matching funds to obtain federal funds 85127
for the school lunch program. 85128

Any remaining appropriation after providing matching funds 85129
for the school lunch program may be used to partially reimburse 85130

school buildings within school districts that are required to have 85131
a school breakfast program under section 3313.813 of the Revised 85132
Code, at a rate decided by the Department. 85133

Section 263.180. AUXILIARY SERVICES 85134

The foregoing appropriation item 200511, Auxiliary Services, 85135
shall be used by the Department of Education for the purpose of 85136
implementing section 3317.06 of the Revised Code. Of the 85137
appropriation, up to \$2,600,000 in each fiscal year may be used 85138
for payment of the College Credit Plus Program for nonpublic 85139
secondary school participants. The Department shall distribute 85140
funding according to rule 3333-1-65.8 of the Administrative Code, 85141
adopted by the Department of Higher Education pursuant to division 85142
(A) of section 3365.071 of the Revised Code. 85143

Section 263.190. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 85144

The foregoing appropriation item 200532, Nonpublic 85145
Administrative Cost Reimbursement, shall be used by the Department 85146
of Education for the purpose of implementing section 3317.063 of 85147
the Revised Code. 85148

Section 263.200. SPECIAL EDUCATION ENHANCEMENTS 85149

Of the foregoing appropriation item 200540, Special Education 85150
Enhancements, up to \$50,000,000 in each fiscal year shall be used 85151
to fund special education and related services at county boards of 85152
developmental disabilities for eligible students under section 85153
3317.20 of the Revised Code and at institutions for eligible 85154
students under section 3317.201 of the Revised Code. If necessary, 85155
the Department shall proportionately reduce the amount calculated 85156
for each county board of developmental disabilities and 85157
institution so as not to exceed the amount appropriated in each 85158
fiscal year. 85159

Of the foregoing appropriation item 200540, Special Education 85160
Enhancements, up to \$1,333,468 in each fiscal year shall be used 85161
for parent mentoring programs. 85162

Of the foregoing appropriation item 200540, Special Education 85163
Enhancements, up to \$2,537,824 in each fiscal year may be used for 85164
school psychology interns. 85165

Of the foregoing appropriation item 200540, Special Education 85166
Enhancements, the Department of Education shall transfer 85167
\$2,500,000 in each fiscal year to the Opportunities for Ohioans 85168
with Disabilities Agency. The transfer shall be made via an 85169
intrastate transfer voucher. The transferred funds shall be used 85170
by the Opportunities for Ohioans with Disabilities Agency as state 85171
matching funds to draw down available federal funding for 85172
vocational rehabilitation services. Total project funding shall be 85173
used to hire dedicated vocational rehabilitation counselors who 85174
shall work directly with school districts to provide transition 85175
services for students with disabilities. Services shall include 85176
vocational rehabilitation services such as person-centered career 85177
planning, summer work experiences, job placement, and retention 85178
services for mutually eligible students with disabilities. 85179

The Superintendent of Public Instruction and the Executive 85180
Director of the Opportunities for Ohioans with Disabilities Agency 85181
shall enter into an interagency agreement that shall specify the 85182
responsibilities of each agency under the program. Under the 85183
interagency agreement, the Opportunities for Ohioans with 85184
Disabilities Agency shall retain responsibility for all 85185
nondelegable functions, including eligibility and order of 85186
selection determination, individualized plan for employment (IPE) 85187
approval, IPE amendments, case closure, and release of vendor 85188
payments. 85189

Of the foregoing appropriation item 200540, Special Education 85190
Enhancements, up to \$2,500,000 in each fiscal year shall be used 85191

by the Department of Education to build capacity to deliver a 85192
regional system of training, support, coordination, and direct 85193
service for secondary transition services for students with 85194
disabilities beginning at fourteen years of age. These special 85195
education enhancements shall support all students with 85196
disabilities, regardless of partner agency eligibility 85197
requirements, to provide stand-alone direct secondary transition 85198
services by school districts. Secondary transition services shall 85199
include, but not be limited to, job exploration counseling, 85200
work-based learning experiences, counseling on opportunities for 85201
enrollment in comprehensive transition or post-secondary 85202
educational programs at institutions of higher education, 85203
workplace readiness training to develop occupational skills, 85204
social skills and independent living skills, and instruction in 85205
self-advocacy. Regional training shall support the expansion of 85206
transition to work endorsement opportunities for middle school and 85207
secondary level special education intervention specialists in 85208
order to develop the necessary skills and competencies to meet the 85209
secondary transition needs of students with disabilities beginning 85210
at fourteen years of age. 85211

The remainder of appropriation item 200540, Special Education 85212
Enhancements, shall be distributed by the Department of Education 85213
to school districts and institutions, as defined in section 85214
3323.091 of the Revised Code, for preschool special education 85215
funding under section 3317.0213 of the Revised Code. 85216

The Department may reimburse school districts and 85217
institutions for services provided by instructional assistants, 85218
related services as defined in rule 3301-51-11 of the 85219
Administrative Code, physical therapy services provided by a 85220
licensed physical therapist or physical therapist assistant under 85221
the supervision of a licensed physical therapist as required under 85222
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 85223

Administrative Code and occupational therapy services provided by 85224
a licensed occupational therapist or occupational therapy 85225
assistant under the supervision of a licensed occupational 85226
therapist as required under Chapter 4755. of the Revised Code and 85227
Chapter 4755-7 of the Administrative Code. Nothing in this section 85228
authorizes occupational therapy assistants or physical therapist 85229
assistants to generate or manage their own caseloads. 85230

The Department of Education shall require school districts, 85231
educational service centers, county DD boards, and institutions 85232
serving preschool children with disabilities to adhere to Ohio's 85233
early learning program standards, participate in the tiered 85234
quality rating and improvement system developed under section 85235
5104.30 of the Revised Code, and document child progress using 85236
research-based indicators prescribed by the Department and report 85237
results annually. The reporting dates and method shall be 85238
determined by the Department. Effective July 1, 2018, all programs 85239
shall be rated through the tiered quality rating and improvement 85240
system. 85241

Section 263.210. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 85242

Of the foregoing appropriation item 200545, Career-Technical 85243
Education Enhancements, up to \$1,008,000 in each fiscal year shall 85244
be used to fund the Ohio Career Counseling Pilot Program. The 85245
program shall utilize Career-Technical Planning Districts to 85246
deliver comprehensive career counseling services to students in 85247
grades seven through twelve. 85248

(A) Participating institutions shall provide the following 85249
services: 85250

(1) Connect students in grades seven through twelve to career 85251
mentors from local civic and business organizations for the 85252
purpose of exploring career options and workforce skills necessary 85253
for success; 85254

| | |
|---|---|
| (2) Provide students in grades nine through twelve with opportunities for experiential learning through community-based businesses and civic partnerships; | 85255 85256 85257 |
| (3) Provide students in grades seven through twelve with career pathways that feature academic coursework integrated into career-technical training, including introduction to these pathways for students in grades seven and eight; | 85258 85259 85260 85261 |
| (4) Offer career-focused counseling for students that include all of the following components: | 85262 85263 |
| (a) Earning college credit through the College Credit Plus Program; | 85264 85265 |
| (b) Planning for a post-secondary education; | 85266 |
| (c) Earning an industry-recognized credential or state-issued license; | 85267 85268 |
| (d) Participating in experiential learning; | 85269 |
| (e) Using the OhioMeansJobs web site; and | 85270 |
| (f) Participating in the Career Connections initiative developed by the Department of Education. | 85271 85272 |
| (B) Participating institutions shall establish participation and outcome goals for each of the activities as defined in division (A)(4) of this section. Each participating institution shall report results for each goal and provide recommendations to improve services to the Department of Education not later than sixty days after the end of the fiscal year. The Department shall compile all results and recommendations and provide a report to the Governor and General Assembly not later than October 31 following the end of each fiscal year. | 85273 85274 85275 85276 85277 85278 85279 85280 85281 |
| (C) Participating institutions shall receive the following funding in each fiscal year for the Ohio Career Counseling Pilot Program: Butler Tech Joint Vocational School District, \$393,000; | 85282 85283 85284 |

Four County Joint Vocational School District, \$164,000; Pioneer 85285
Career and Technology Center, \$141,000; South-Western City School 85286
District, \$110,000; Gallia-Jackson-Vinton Joint Vocational School 85287
District, \$85,000; Four Cities Educational Compact, \$65,000; and 85288
Madison Local School District in Richland County, \$50,000. 85289

(D) The Department of Education shall distribute funds to 85290
participating institutions not later than August fifteenth of each 85291
fiscal year. 85292

(E) Professional development and outreach for school 85293
counselors under this section shall include how to effectively use 85294
training and informational resources on the OhioMeansJobs K-12 web 85295
site and shall be done in consultation with the Director of Higher 85296
Education to ensure alignment with efforts to improve the 85297
preparation of school counselors on effective career counseling 85298
methods. 85299

Of the foregoing appropriation item 200545, Career-Technical 85300
Education Enhancements, up to \$2,563,568 in each fiscal year shall 85301
be used to fund secondary career-technical education at 85302
institutions, the Ohio School for the Deaf, and the Ohio State 85303
School for the Blind using a grant-based methodology, 85304
notwithstanding section 3317.05 of the Revised Code. 85305

Of the foregoing appropriation item 200545, Career-Technical 85306
Education Enhancements, up to \$3,587,800 in each fiscal year shall 85307
be used by the Department of Education to fund competitive grants 85308
to tech prep consortia that expand the number of students enrolled 85309
in tech prep programs. These grant funds shall be used to directly 85310
support expanded tech prep programs provided to students enrolled 85311
in school districts, including joint vocational school districts, 85312
and affiliated higher education institutions. This support may 85313
include the purchase of equipment. 85314

Of the foregoing appropriation item 200545, Career-Technical 85315

Education Enhancements, up to \$3,100,850 in each fiscal year shall 85316
be used by the Department of Education to support existing High 85317
Schools That Work (HSTW) sites, develop and support new sites, 85318
fund technical assistance, and support regional centers and middle 85319
school programs. The purpose of HSTW is to combine challenging 85320
academic courses and modern career-technical studies to raise the 85321
academic achievement of students. HSTW provides intensive 85322
technical assistance, focused staff development, targeted 85323
assessment services, and ongoing communications and networking 85324
opportunities. 85325

Of the foregoing appropriation item 200545, Career-Technical 85326
Education Enhancements, up to \$600,000 in each fiscal year shall 85327
be used by the Department of Education to enable students in 85328
agricultural programs to enroll in a fifth quarter of instruction 85329
based on the agricultural education model of delivering work-based 85330
learning through supervised agricultural experience. The 85331
Department of Education shall determine eligibility criteria and 85332
the reporting process for the Agriculture 5th Quarter Project and 85333
shall fund as many programs as possible given the set aside. The 85334
eligibility criteria developed by the Department shall allow these 85335
funds to support supervised agricultural experience that occurs 85336
anytime outside of the regular school day. 85337

Of the foregoing appropriation item 200545, Career-Technical 85338
Education Enhancements, up to \$162,200 in each fiscal year shall 85339
be distributed to the Cleveland Municipal School District and the 85340
Cincinnati City School District to be used for a VoAg Program in 85341
one at-risk nonvocational school in each district. The amount 85342
distributed to the Cleveland Municipal School District shall be 85343
equal to \$78,600 minus the funding allocated to the district under 85344
division (A)(8) of section 3317.022 of the Revised Code for the 85345
students participating in the program. The amount distributed to 85346
the Cincinnati City School District shall be equal to \$83,600 85347

minus the funding allocated to the district under division (A)(8) 85348
of section 3317.022 of the Revised Code for the students 85349
participating in the program. 85350

Of the foregoing appropriation item 200545, Career-Technical 85351
Education Enhancements, up to \$525,000 in fiscal year 2016 and up 85352
to \$550,000 in fiscal year 2017 may be used to support career 85353
planning and reporting through the Ohio Means Jobs web site. 85354

Of the foregoing appropriation item 200545, Career-Technical 85355
Education Enhancements, up to \$1,000,000 in each fiscal year shall 85356
be used to support payments to city, local, and exempted village 85357
school districts, community schools, STEM schools, and joint 85358
vocational school districts whose students earn an 85359
industry-recognized credential or receive a journeyman 85360
certification recognized by the United States Department of Labor. 85361
The educating entity shall be required to inform students enrolled 85362
in career-technical education courses that lead to an 85363
industry-recognized credential about the opportunity to earn these 85364
credentials. The Ohio Department of Education shall work with the 85365
Department of Higher Education and the Governor's Office of 85366
Workforce Transformation to develop a schedule for reimbursement 85367
based on the Department of Education's list of industry-recognized 85368
credentials, the time it takes to earn the credential, and the 85369
cost to obtain the credential. The educating entity shall pay for 85370
the cost of the credential for an economically disadvantaged 85371
student and may claim and receive reimbursement. The educating 85372
entity may claim reimbursement based on the Department's 85373
reimbursement schedule up to six months after the student has 85374
graduated from high school. If the amount appropriated is not 85375
sufficient, the Department shall prorate the amounts so that the 85376
aggregate amount appropriated is not exceeded. 85377

Of the foregoing appropriation item 200545, Career-Technical 85378
Education Enhancements, \$125,000 in each fiscal year shall be used 85379

to prepare students for careers in culinary arts and restaurant 85380
management under the Ohio ProStart school restaurant program. 85381

Section 263.220. FOUNDATION FUNDING 85382

Of the foregoing appropriation item 200550, Foundation 85383
Funding, up to \$40,000,000 in each fiscal year shall be used to 85384
provide additional state aid to school districts, joint vocational 85385
school districts, community schools, and STEM schools for special 85386
education students under division (C)(3) of section 3314.08, 85387
section 3317.0214, division (B) of section 3317.16, and section 85388
3326.34 of the Revised Code, except that the Controlling Board may 85389
increase these amounts if presented with such a request from the 85390
Department of Education at the final meeting of the fiscal year. 85391

Of the foregoing appropriation item 200550, Foundation 85392
Funding, up to \$3,800,000 in each fiscal year shall be used to 85393
fund gifted education at educational service centers. The 85394
Department shall distribute the funding through the unit-based 85395
funding methodology in place under division (L) of section 85396
3317.024, division (E) of section 3317.05, and divisions (A), (B), 85397
and (C) of section 3317.053 of the Revised Code as they existed 85398
prior to fiscal year 2010. 85399

Of the foregoing appropriation item 200550, Foundation 85400
Funding, up to \$37,700,000 in fiscal year 2016 and up to 85401
\$40,000,000 in fiscal year 2017 shall be reserved to fund the 85402
state reimbursement of educational service centers under the 85403
section of this act entitled "EDUCATIONAL SERVICE CENTERS 85404
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 85405
distributed to educational service centers for School Improvement 85406
Initiatives and for the provision of technical assistance as 85407
required by the Elementary and Secondary Education Act Flexibility 85408
waivers approved for Ohio by the United States Department of 85409
Education. Educational service centers shall be required to 85410

support districts in the development and implementation of their 85411
continuous improvement plans as required in section 3302.04 of the 85412
Revised Code and to provide technical assistance and support in 85413
accordance with Title I of the "No Child Left Behind Act of 2001," 85414
115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 85415
Elementary and Secondary Education Act Flexibility waivers 85416
approved for Ohio by the United States Department of Education. 85417

Of the foregoing appropriation item 200550, Foundation 85418
Funding, up to \$20,000,000 in each fiscal year shall be reserved 85419
for payments under sections 3317.026, 3317.027, and 3317.028 of 85420
the Revised Code. If this amount is not sufficient, the Department 85421
of Education shall prorate the payment amounts so that the 85422
aggregate amount allocated in this paragraph is not exceeded. 85423

Of the foregoing appropriation item 200550, Foundation 85424
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 85425
career-technical planning districts for the amounts reimbursed to 85426
students, as prescribed in this paragraph. Each career-technical 85427
planning district shall reimburse individuals taking the online 85428
General Educational Development (GED) test for the first time for 85429
application/test fees in excess of \$40. Each career-technical 85430
planning district shall designate a site or sites where 85431
individuals may register and take the exam. For each individual 85432
that registers for the exam, the career-technical planning 85433
district shall make available and offer career counseling 85434
services, including information on adult education programs that 85435
are available. Any remaining funds in each fiscal year shall be 85436
reimbursed to the Department of Youth Services and the Department 85437
of Rehabilitation and Correction for individuals in these 85438
facilities who have taken the GED for the first time. The amounts 85439
reimbursed shall not exceed the per-individual amounts reimbursed 85440
to other individuals under this section for each section of the 85441
GED. 85442

Of the foregoing appropriation item 200550, Foundation 85443
Funding, up to \$29,900,000 in fiscal year 2016 and up to 85444
\$38,000,000 in fiscal year 2017 shall be used to support school 85445
choice programs. 85446

Of the portion of the funds distributed to the Cleveland 85447
Municipal School District under this section, up to \$11,901,887 in 85448
each fiscal year shall be used to operate the school choice 85449
program in the Cleveland Municipal School District under sections 85450
3313.974 to 3313.979 of the Revised Code. Notwithstanding 85451
divisions (B) and (C) of section 3313.978 and division (C) of 85452
section 3313.979 of the Revised Code, up to \$1,000,000 in each 85453
fiscal year of this amount shall be used by the Cleveland 85454
Municipal School District to provide tutorial assistance as 85455
provided in division (H) of section 3313.974 of the Revised Code. 85456
The Cleveland Municipal School District shall report the use of 85457
these funds in the district's three-year continuous improvement 85458
plan as described in section 3302.04 of the Revised Code in a 85459
manner approved by the Department of Education. 85460

Of the foregoing appropriation item 200550, Foundation 85461
Funding, up to \$250,000 in each fiscal year may be used for 85462
payment of the College Credit Plus Program for students instructed 85463
at home pursuant to section 3321.04 of the Revised Code. 85464

Of the foregoing appropriation item 200550, Foundation 85465
Funding, an amount shall be available in each fiscal year to be 85466
paid to joint vocational school districts in accordance with 85467
division (A) of section 3317.16 of the Revised Code and the 85468
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 85469
VOCATIONAL SCHOOL DISTRICTS." 85470

Of the foregoing appropriation item 200550, Foundation 85471
Funding, up to \$700,000 in each fiscal year shall be used by the 85472
Department of Education for a program to pay for educational 85473
services for youth who have been assigned by a juvenile court or 85474

other authorized agency to any of the facilities described in 85475
division (A) of the section of this act entitled "PRIVATE 85476
TREATMENT FACILITY PROJECT." 85477

Of the foregoing appropriation item 200550, Foundation 85478
Funding, up to \$4,928,831 in fiscal year 2016 and up to \$5,012,370 85479
in fiscal year 2017 shall be distributed to city, local, and 85480
exempted village school districts for payments in accordance with 85481
the section of this act entitled "SUPPLEMENTAL COLLEGE CREDIT PLUS 85482
PAYMENTS." 85483

Of the foregoing appropriation item 200550, Foundation 85484
Funding, a portion may be used to pay college-preparatory boarding 85485
schools the per pupil boarding amount pursuant to section 3328.34 85486
of the Revised Code. 85487

Of the foregoing appropriation item 200550, Foundation 85488
Funding, up to \$2,000,000 in each fiscal year shall be used for 85489
the Bright New Leaders for Ohio Schools Program created and 85490
implemented by the nonprofit corporation incorporated pursuant to 85491
Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, 85492
to provide an alternative path for individuals to receive training 85493
and development in the administration of primary and secondary 85494
education and leadership, enable those individuals to earn degrees 85495
and obtain licenses in public school administration, and promote 85496
the placement of those individuals in public schools that have a 85497
poverty percentage greater than fifty per cent. 85498

The remainder of appropriation item 200550, Foundation 85499
Funding, shall be used to distribute the amounts calculated for 85500
formula aid under section 3317.022 of the Revised Code and the 85501
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 85502
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 85503

Appropriation items 200502, Pupil Transportation, 200540, 85504
Special Education Enhancements, and 200550, Foundation Funding, 85505

other than specific set-asides, are collectively used in each 85506
fiscal year to pay state formula aid obligations for school 85507
districts, community schools, STEM schools, college preparatory 85508
boarding schools, and joint vocational school districts under this 85509
act. The first priority of these appropriation items, with the 85510
exception of specific set-asides, is to fund state formula aid 85511
obligations. It may be necessary to reallocate funds among these 85512
appropriation items or use excess funds from other general revenue 85513
fund appropriation items in the Department of Education's budget 85514
in each fiscal year in order to meet state formula aid 85515
obligations. If it is determined that it is necessary to transfer 85516
funds among these appropriation items or to transfer funds from 85517
other General Revenue Fund appropriations in the Department of 85518
Education's budget to meet state formula aid obligations, the 85519
Superintendent of Public Instruction shall seek approval from the 85520
Director of Budget and Management to transfer funds as needed. 85521

The Superintendent of Public Instruction shall make payments, 85522
transfers, and deductions, as authorized by Title XXXIII of the 85523
Revised Code in amounts substantially equal to those made in the 85524
prior year, or otherwise, at the discretion of the Superintendent, 85525
until at least the effective date of the amendments and enactments 85526
made to Title XXXIII by this act. Any funds paid to districts or 85527
schools under this section shall be credited toward the annual 85528
funds calculated for the district or school after the changes made 85529
to Title XXXIII in this act are effective. Upon the effective date 85530
of changes made to Title XXXIII in this act, funds shall be 85531
calculated as an annual amount. 85532

Section 263.230. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 85533
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 85534

The Department of Education shall distribute funds within 85535
appropriation item 200550, Foundation Funding, for temporary 85536

transitional aid in each fiscal year to each qualifying city, 85537
local, and exempted village school district. 85538

(A) For fiscal years 2016 and 2017, the Department shall pay 85539
temporary transitional aid to each city, local, or exempted 85540
village school district that experiences any decrease in its state 85541
foundation funding for the current fiscal year from its 85542
transitional aid guarantee base. The amount of the temporary 85543
transitional aid payment shall equal the difference between its 85544
foundation funding for the current fiscal year and its 85545
transitional aid guarantee base. If the computation made under 85546
this division results in a negative number, the district's funding 85547
under this division shall be zero. 85548

(1) As used in this section, foundation funding for each 85549
city, local, and exempted village school district for a given 85550
fiscal year equals the sum of the amount calculated for the 85551
district under section 3317.022 of the Revised Code, as amended by 85552
this act, and the amounts calculated for the district under 85553
divisions (E) and (F) of section 3317.0212 of the Revised Code, as 85554
amended by this act, for that fiscal year. 85555

(2) The transitional aid guarantee base for each city, local, 85556
and exempted village school district equals the sum of the amounts 85557
computed for the district for fiscal year 2015, under section 85558
3317.022 of the Revised Code and under divisions (G)(1) and (2) of 85559
section 3317.0212 of the Revised Code, as those sections existed 85560
at that time, plus any amount calculated for temporary 85561
transitional aid for fiscal year 2015 under division (A) of 85562
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly, 85563
and after any reductions made for fiscal year 2015 under division 85564
(B)(2) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General 85565
Assembly. The Department of Education shall adjust, as necessary, 85566
the transitional aid guarantee base of any local school district 85567
that participates in the establishment of a joint vocational 85568

school district that begins receiving payments under section 85569
3317.16 of the Revised Code, as amended by this act, for fiscal 85570
year 2016 or fiscal year 2017, but does not receive payments for 85571
fiscal year 2015. The Department shall adjust any such local 85572
school district's guarantee base according to the amounts received 85573
by the district in fiscal year 2015 for career-technical education 85574
students who attend the newly established joint vocational school 85575
district in fiscal year 2016 or fiscal year 2017. 85576

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 85577
as amended by this act, in fiscal year 2016, no city, local, or 85578
exempted village school district shall be allocated foundation 85579
funding that is greater than 1.075 times the district's fiscal 85580
year 2015 base, which is the sum of the amounts calculated for the 85581
district for fiscal year 2015 under section 3317.022 of the 85582
Revised Code, and under divisions (G)(1) and (2) of section 85583
3317.0212 of the Revised Code, as those sections existed at that 85584
time, plus any amount calculated for temporary transitional aid 85585
for fiscal year 2015 under division (A) of Section 263.240 of Am. 85586
Sub. H.B. 59 of the 130th General Assembly and after any 85587
reductions made for fiscal year 2015 under division (B)(2) of 85588
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly. 85589

(2) Notwithstanding section 3317.022 of the Revised Code, as 85590
amended by this act, in fiscal year 2017, no city, local, or 85591
exempted village school district shall be allocated foundation 85592
funding that is greater than 1.075 times the district's fiscal 85593
year 2016 base, which is the amount computed for foundation 85594
funding for the district for fiscal year 2016 plus any amount 85595
calculated for temporary transitional aid for fiscal year 2016 85596
under division (A) of this section and after any reductions made 85597
for fiscal year 2016 under division (B)(1) of this section. 85598

(3) The Department of Education shall adjust, as necessary, 85599
the base of any local school district that participates in the 85600

establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code, as amended by this act, but does not receive such payments for the prior fiscal year. The Department shall adjust any such local school district's base according to the amounts received by the district in the prior fiscal year for career-technical education students who attend the newly established joint vocational school district.

(4) The Department shall reduce a district's payments under divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 of the Revised Code, as amended by this act, proportionately as necessary in order to comply with this division. If those amounts are insufficient, the Department shall proportionately reduce a district's payments under divisions (A)(3), (8), and (9) of section 3317.022 of the Revised Code, as amended by this act, and divisions (E) and (F) of section 3317.0212 of the Revised Code, as amended by this act.

Section 263.240. TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS

The Department of Education shall distribute funds within appropriation item 200550, Foundation Funding, for temporary transitional aid in each fiscal year to each qualifying joint vocational school district.

(A) For fiscal years 2016 and 2017, the Department shall pay temporary transitional aid to each joint vocational school district that experiences any decrease in its state core foundation funding under division (A) of section 3317.16 of the Revised Code, as amended by this act, for the current fiscal year from its transitional aid guarantee base. The amount of the temporary transitional aid payment shall equal the difference between the district's funding under division (A) of section

3317.16 of the Revised Code for the current fiscal year and its 85632
transitional aid guarantee base. If the computation made under 85633
this division results in a negative number, the district's funding 85634
under this division shall be zero. 85635

The transitional aid guarantee base for each joint vocational 85636
school district equals the amount computed for the district for 85637
fiscal year 2015 under section 3317.16 of the Revised Code, as 85638
that section existed at that time, plus any amount calculated for 85639
temporary transitional aid for fiscal year 2015 under division (A) 85640
of Section 263.250 of Am. Sub. H.B. 59 of the 130th General 85641
Assembly, and after any reductions made for fiscal year 2015 under 85642
division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 85643
130th General Assembly. The Department of Education shall 85644
establish, as necessary, the transitional aid guarantee base of 85645
any joint vocational school district that begins receiving 85646
payments under section 3317.16 of the Revised Code, as amended by 85647
this act, for fiscal year 2016 or fiscal year 2017 but does not 85648
receive such payments for fiscal year 2015. The Department shall 85649
establish any such joint vocational school district's guarantee 85650
base as an amount equal to the absolute value of the sum of the 85651
associated adjustments of any local school districts' guarantee 85652
bases under division (A)(2) of the section of this act entitled 85653
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 85654
SCHOOL DISTRICTS." 85655

(B)(1) Notwithstanding division (A) of section 3317.16 of the 85656
Revised Code, as amended by this act, in fiscal year 2016, no 85657
joint vocational school district shall be allocated state core 85658
foundation funding, as computed under division (A) of section 85659
3317.16 of the Revised Code, as amended by this act, that is 85660
greater than 1.075 times the district's fiscal year 2015 base, 85661
which is the amount computed for state core foundation funding for 85662
the district for fiscal year 2015 under division (A) of section 85663

3317.16 of the Revised Code, as that section existed at that time, 85664
plus any amount calculated for temporary transitional aid for 85665
fiscal year 2015 under division (A) of Section 263.250 of Am. Sub. 85666
H.B. 59 of the 130th General Assembly and after any reductions 85667
made for fiscal year 2015 under division (B)(2) of Section 263.250 85668
of Am. Sub. H.B. 59 of the 130th General Assembly. 85669

(2) Notwithstanding division (A) of section 3317.16 of the 85670
Revised Code, as amended by this act, in fiscal year 2017, no 85671
joint vocational school district shall be allocated state core 85672
foundation funding, under division (A) of section 3317.16 of the 85673
Revised Code, as amended by this act, that is greater than 1.075 85674
times the district's fiscal year 2016 base, which is the amount 85675
computed for state core foundation funding for the district for 85676
fiscal year 2016 under section 3317.16 of the Revised Code, as 85677
amended by this act, plus any amount calculated for temporary 85678
transitional aid for fiscal year 2016 under division (A) of this 85679
section and after any reductions made for fiscal year 2016 under 85680
division (B)(1) of this section. The Department shall establish, 85681
as necessary, the base of any joint vocational school district 85682
that begins receiving payments under section 3317.16 of the 85683
Revised Code, but does not receive such payments in the prior 85684
fiscal year. The Department shall establish any such joint 85685
vocational school district's base as an amount equal to the 85686
absolute value of the sum of the associated adjustments of any 85687
local school district's base under division (B)(3) of the section 85688
of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 85689
AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 85690

(3) The Department shall reduce a district's payments under 85691
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 85692
Code, as amended by this act, proportionately as necessary in 85693
order to comply with this division. If those amounts are 85694
insufficient, the Department shall proportionately reduce a 85695

district's payments under divisions (A)(2), (5), and (6) of 85696
section 3317.16 of the Revised Code, as amended by this act. 85697

Section 263.243. SUPPLEMENTAL COLLEGE CREDIT PLUS PAYMENTS 85698

(A) For each of fiscal years 2016 and 2017, the Department of 85699
Education shall compute and pay supplemental College Credit Plus 85700
funding to each school district as follows: 85701

(1) Subtract the number of the district's students that have 85702
earned at least three college credits while in high school as 85703
reported by the Department of Education on the report cards for 85704
the 2013-2014 school year pursuant to division (B)(2)(b) of 85705
section 3302.03 of the Revised Code from, for fiscal year 2016, 85706
the number of the district's students that have earned at least 85707
three college credits while in high school as reported by the 85708
Department of Education on the report cards for the 2015-2016 85709
school year pursuant to division (C)(2)(c) of section 3302.03 of 85710
the Revised Code, or, for fiscal year 2017, the number of the 85711
district's students that have earned at least three college 85712
credits while in high school as reported by the Department of 85713
Education on the report cards for the 2016-2017 school year 85714
pursuant to division (C)(2)(c) of section 3302.03 of the Revised 85715
Code. The amount calculated under division (A)(1) of this section 85716
shall not exceed the number of the district's students that have 85717
earned at least three college credits while in high school as 85718
reported by the Department of Education on the report cards for 85719
the 2013-2014 school year pursuant to division (B)(2)(b) of 85720
section 3302.03 of the Revised Code. 85721

(2) Calculate the amount to be paid to each school district 85722
in accordance with the following formula: 85723

The amount computed in division (A)(1) of this section X the per 85724
credit hour rate used in determining the default floor amount X 15 85725

(3) If the computation made under division (A)(1) of this 85726

section results in a negative number, the district's funding under 85727
this division shall be zero. 85728

(B) In any fiscal year, a school district receiving funds 85729
under this section shall spend those funds only for purposes 85730
related to the College Credit Plus Program under Chapter 3365. of 85731
the Revised Code. 85732

(C) As used in this section, "default floor amount" has the 85733
same meaning as in section 3365.01 of the Revised Code. 85734

Section 263.250. LITERACY IMPROVEMENT 85735

The foregoing appropriation item 200566, Literacy 85736
Improvement, shall be used by the Department of Education to 85737
contract with an educational service center or a consortium of 85738
educational service centers for the purpose of administering 85739
grants for summer literacy camps and establishing regional 85740
literacy professional development teams. The Department shall have 85741
any necessary agreements in place to administer the program not 85742
later than December 31, 2015. 85743

Of the foregoing appropriation item 200566, Literacy 85744
Improvement, up to \$1,750,000 in each fiscal year shall be used to 85745
award grants for summer literacy camps. 85746

The remainder of appropriation item 200566, Literacy 85747
Improvement, shall be used to establish regional professional 85748
development teams in literacy. 85749

Section 263.260. ADULT DIPLOMA 85750

Of the foregoing appropriation item 200572, Adult Diploma, up 85751
to \$5,000,000 in fiscal year 2016 and \$10,000,000 in fiscal year 85752
2017 shall be used to make payments to institutions participating 85753
in the Adult Diploma Pilot Program under section 3313.902 of the 85754
Revised Code as enacted by this act. The Superintendent of Public 85755

Instruction may use a portion of the earmark to provide technical 85756
assistance and to administer the program. 85757

Of the foregoing appropriation item 200572, Adult Diploma, up 85758
to \$2,500,000 in fiscal year 2016 shall be used by the 85759
Superintendent of Public Instruction to award and administer 85760
planning grants for the Adult Diploma Pilot Program established in 85761
section 3313.902 of the Revised Code. The Superintendent may award 85762
grants of up to \$500,000 to not more than five institutions 85763
eligible to participate in the program. The grants shall be used 85764
by the institutions to build capacity to implement the program 85765
beginning in fiscal year 2017. The Superintendent of Public 85766
Instruction and the Director of Higher Education shall develop an 85767
application process to award these grants to eligible institutions 85768
geographically dispersed throughout the state. The Superintendent 85769
may use any remaining appropriation after awarding these grants to 85770
provide technical assistance to institutions receiving the grant. 85771

Section 263.270. EDCHOICE EXPANSION 85772

The foregoing appropriation item 200573, EdChoice Expansion, 85773
shall be used to provide for the scholarships awarded under the 85774
expansion of the educational choice program established under 85775
section 3310.032 of the Revised Code. The number of scholarships 85776
awarded under the expansion of the educational choice program 85777
shall not exceed the number that can be funded with the 85778
appropriations made by the General Assembly for this purpose. 85779

HALF-MILL MAINTENANCE EQUALIZATION 85780

The foregoing appropriation item 200574, Half-Mill 85781
Maintenance Equalization, shall be used to make payments pursuant 85782
to section 3318.18 of the Revised Code. 85783

Section 263.280. COMPETENCY-BASED EDUCATION PILOT 85784

The foregoing appropriation item 200588, Competency-Based 85785

Education Pilot, shall be used by the Department of Education to 85786
fund competency-based education pilot programs in up to ten 85787
districts, schools, or consortia of districts and schools led by 85788
educational service centers. The Department shall award each 85789
district, school, or consortium of districts and schools led by 85790
educational service centers that is selected to participate in the 85791
program a grant of up to \$250,000 for each fiscal year. The grant 85792
shall be used during the 2015-2016 and 2016-2017 school years to 85793
plan for implementing competency-based education in the district, 85794
school, or consortium of districts and schools led by educational 85795
service centers during the 2016-2017, 2017-2018, and 2018-2019 85796
school years. Pilot programs shall adhere to program guidelines as 85797
outlined in Section 733.30 of this act. 85798

Of the foregoing appropriation item 200588, Competency-Based 85799
Education Pilot, a portion may be used by the Superintendent of 85800
Public Instruction to provide technical assistance and to 85801
administer the program. 85802

EDUCATION PROGRAM SUPPORT 85803

Of the foregoing appropriation item 200597, Education Program 85804
Support, \$2,000,000 in fiscal year 2016 shall be distributed to 85805
the Ohio-West Virginia Youth Leadership Association for the 85806
development of the Cave Lake Center for Community Leadership. 85807

Of the foregoing appropriation item 200597, Education Program 85808
Support, \$500,000 in each fiscal year shall be used to support the 85809
Supporting Partnerships to Assure Ready Kids (SPARK) program in 85810
Ohio. 85811

Section 263.283. The foregoing appropriation item 200665, 85812
Race to the Top, shall not be used for any purpose related to the 85813
state achievement assessments prescribed under sections 3301.0710 85814
and 3301.0712 of the Revised Code. 85815

Section 263.290. TEACHER CERTIFICATION AND LICENSURE 85816

The foregoing appropriation item 200681, Teacher 85817
Certification and Licensure, shall be used by the Department of 85818
Education in each year of the biennium to administer and support 85819
teacher certification and licensure activities. 85820

Section 263.300. AUXILIARY SERVICES REIMBURSEMENT 85821

Notwithstanding section 3317.064 of the Revised Code, if the 85822
unexpended, unencumbered cash balance is sufficient, the Treasurer 85823
of State shall transfer \$1,500,000 in fiscal year 2016 within 85824
thirty days after the effective date of this section, and 85825
\$1,500,000 in fiscal year 2017 by August 1, 2016, from the 85826
Auxiliary Services Personnel Unemployment Compensation Fund to the 85827
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 85828
Department of Education. 85829

Section 263.310. SCHOOL DISTRICT SOLVENCY ASSISTANCE 85830

(A) Of the foregoing appropriation item 200687, School 85831
District Solvency Assistance, \$5,000,000 in each fiscal year shall 85832
be allocated to the School District Shared Resource Account and 85833
\$5,000,000 in each fiscal year shall be allocated to the 85834
Catastrophic Expenditures Account. These funds shall be used to 85835
provide assistance and grants to school districts to enable them 85836
to remain solvent under section 3316.20 of the Revised Code. 85837
Assistance and grants shall be subject to approval by the 85838
Controlling Board. Except as provided under division (C) of this 85839
section, any required reimbursements from school districts for 85840
solvency assistance shall be made to the appropriate account in 85841
the School District Solvency Assistance Fund (Fund 5H30). 85842

(B) Notwithstanding any provision of law to the contrary, 85843
upon the request of the Superintendent of Public Instruction, the 85844

Director of Budget and Management may make transfers to the School 85845
District Solvency Assistance Fund (Fund 5H30) from any fund used 85846
by the Department of Education or the General Revenue Fund to 85847
maintain sufficient cash balances in Fund 5H30 in fiscal years 85848
2016 and 2017. Any cash transferred is hereby appropriated. The 85849
transferred cash may be used by the Department of Education to 85850
provide assistance and grants to school districts to enable them 85851
to remain solvent and to pay unforeseeable expenses of a temporary 85852
or emergency nature that the school district is unable to pay from 85853
existing resources. The Director of Budget and Management shall 85854
notify the members of the Controlling Board of any such transfers. 85855

(C) If the cash balance of the School District Solvency 85856
Assistance Fund (Fund 5H30) is insufficient to pay solvency 85857
assistance in fiscal years 2016 and 2017, at the request of the 85858
Superintendent of Public Instruction, and with the approval of the 85859
Controlling Board, the Director of Budget and Management may 85860
transfer cash from the Lottery Profits Education Reserve Fund 85861
(Fund 7018) to Fund 5H30 to provide assistance and grants to 85862
school districts to enable them to remain solvent and to pay 85863
unforeseeable expenses of a temporary nature that they are unable 85864
to pay from existing resources under section 3316.20 of the 85865
Revised Code. Such transfers are hereby appropriated to 85866
appropriation item 200670, School District Solvency Assistance - 85867
Lottery. Any required reimbursements from school districts for 85868
solvency assistance granted from appropriation item 200670, School 85869
District Solvency Assistance - Lottery, shall be made to Fund 85870
7018. 85871

Section 263.320. EARLY CHILDHOOD EDUCATION 85872

Of the foregoing appropriation item 200673, Early Childhood 85873
Education, up to \$20,000,000 in each fiscal year shall be used 85874
pursuant to guidelines established by the Department of Education, 85875

in consultation with the Governor's Early Childhood Education and 85876
Development Officer and the Department of Job and Family Services, 85877
to advance programs and systems that support or provide high 85878
quality early childhood opportunities for children from 85879
economically disadvantaged families. The guidelines shall include 85880
benchmark performance criteria that identify the highest quality 85881
early childhood opportunities, design and implementation of an 85882
evaluation using the benchmark performance criteria, and steps for 85883
the future advancement of Ohio's Early Childhood System based on 85884
identified benchmarks and the evaluation results. The guidelines 85885
shall be completed by January 1, 2016. 85886

Section 263.323. STRAIGHT A FUND 85887

Of the foregoing appropriation item 200644, Straight A Fund, 85888
up to \$10,000,000 in fiscal year 2016 and up to \$3,500,000 in 85889
fiscal year 2017 shall be used by the Department of Education, in 85890
consultation with the Department of Higher Education, to support 85891
graduate coursework for high school teachers to receive 85892
credentialing to teach college credit plus courses in a high 85893
school setting. The Department of Education, in consultation with 85894
the Department of Higher Education, shall develop criteria and 85895
issue a Request for Proposals. Priority shall be given to 85896
educational consortia that include economically disadvantaged high 85897
schools and economically disadvantaged high schools in which there 85898
are limited or no teachers currently credentialed to teach college 85899
credit plus courses, both as determined by the Department of 85900
Education. Consortia including public or private universities in 85901
Ohio shall be eligible to submit proposals. Awards made by the 85902
Department of Education may support graduate coursework for high 85903
school teachers at a regionally accredited college or university 85904
in Ohio leading to credentialing to teach college courses, as well 85905
as employment of teachers credentialed to teach college courses as 85906
a bridging strategy until a sufficient number of teachers at the 85907

high school hold the required credentials. 85908

Of the foregoing appropriation item 200644, Straight A Fund, 85909
up to \$2,500,000 in fiscal year 2017 shall be used by the 85910
Department of Education to administer and make award payments to 85911
school districts for outstanding successful completion rates for 85912
the Advanced Placement program. Not later than December 1, 2017, 85913
the Department of Education shall make the following awards to 85914
school districts, based on data from the 2016-2017 school year: 85915

(1) \$375,000 to the school district, regardless of typology, 85916
that has the highest successful completion rate; 85917

(2) \$325,000 to the school district, regardless of typology, 85918
that has the second highest successful completion rate; 85919

(3) \$300,000 to the school district, regardless of typology, 85920
that has the third highest successful completion rate; 85921

(4) \$250,000 to each school district that has the highest 85922
successful completion rate within each typology category of urban, 85923
suburban, small town, and rural, as identified by the Department 85924
of Education; 85925

(5) \$125,000 to each school district that has the second 85926
highest successful completion rate within each typology category 85927
of urban, suburban, small town, and rural, as identified by the 85928
Department of Education. 85929

For the purposes of identifying school districts to receive 85930
awards based on typology category, the Department of Education 85931
shall include the school district with the third, fourth, or fifth 85932
highest successful completion rates as needed if a school district 85933
from that typology category receives awards under paragraphs (1), 85934
(2), and (3) of this section. 85935

Awards may only be granted to school districts with a 85936
successful completion rate of at least five per cent. For the 85937

purposes of this section, "successful completion rate" means the 85938
per cent of the school district's students in grades eleven and 85939
twelve who received a score of three or better on an Advanced 85940
Placement examination. 85941

ADVANCED PLACEMENT TEACHER AND STUDENT INITIATIVE 85942

The Advanced Placement Teacher and Student Initiative is 85943
hereby created for fiscal years 2016 and 2017 to provide grants to 85944
districts with successful completion rates from zero to ten per 85945
cent on Advanced Placement examinations in order to prepare 85946
teachers and students for the rigors of these courses so as to 85947
engender success on such examinations. For the purposes of this 85948
section, "successful completion rate" means the per cent of the 85949
district's students in grades eleven and twelve who received a 85950
score of three or better on an Advanced Placement examination. 85951

Of the foregoing appropriation item 200644, Straight A Fund, 85952
\$1,250,000 in each fiscal year shall be used by the Department of 85953
Education to provide grants to districts and to administer the 85954
initiative. Of this earmark, the Department of Education shall 85955
award \$625,000 in each fiscal year to districts in each of the 85956
following groups of eligible recipients: 85957

(1) Districts with a successful completion rate equal to zero 85958
per cent; 85959

(2) Districts with a successful completion rate of greater 85960
than zero per cent but less than ten per cent. 85961

The remainder of appropriation item 200644, Straight A Fund, 85962
shall be used to make competitive grants in accordance with 85963
Section 263.350 of this act. 85964

Section 263.330. LOTTERY PROFITS EDUCATION FUND 85965

Appropriation item 200612, Foundation Funding (Fund 7017), 85966
shall be used in conjunction with appropriation item 200550, 85967

Foundation Funding (GRF), to provide state foundation payments to 85968
school districts. 85969

The Department of Education, with the approval of the 85970
Director of Budget and Management, shall determine the monthly 85971
distribution schedules of appropriation item 200550, Foundation 85972
Funding (GRF), and appropriation item 200612, Foundation Funding 85973
(Fund 7017). If adjustments to the monthly distribution schedule 85974
are necessary, the Department of Education shall make such 85975
adjustments with the approval of the Director of Budget and 85976
Management. 85977

COMMUNITY CONNECTORS PROGRAM 85978

The foregoing appropriation item 200629, Community 85979
Connectors, shall be used by the State Superintendent of Public 85980
Instruction to create the Community Connectors Grant Program. The 85981
Superintendent shall develop guidelines for the grants. The 85982
program shall award competitive matching grants to provide funding 85983
for local networks of volunteers and organizations to sponsor 85984
career advising and mentoring for students in eligible school 85985
districts. Each grant award shall match up to three times the 85986
funds allocated to the project by the local network. Eligible 85987
school districts are those with a high percentage of students in 85988
poverty, a high number of students not graduating on time, and 85989
other criteria as determined by the State Superintendent. 85990
Educational service centers that serve those school districts are 85991
also eligible. Eligible school districts or educational service 85992
centers shall partner with members of the business community, 85993
civic organizations, or the faith-based community to provide 85994
sustainable career advising and mentoring services. Upon the 85995
request of the Superintendent of Public Instruction and the 85996
approval of the Director of Budget and Management, an amount equal 85997
to the unexpended, unencumbered portion of the foregoing 85998
appropriation item 200629, Community Connectors, at the end of 85999

fiscal year 2016 is hereby reappropriated to the Department of 86000
Education for the same purpose for fiscal year 2017. 86001

Notwithstanding any provision of law to the contrary, grants 86002
awarded under this section may be used by grant recipients for 86003
grant-related expenses for a period not to exceed three years from 86004
the date of the award according to guidelines established by the 86005
Superintendent. 86006

COMMUNITY SCHOOL FACILITIES 86007

Of the foregoing appropriation item 200684, Community School 86008
Facilities, up to \$550,000 in fiscal year 2016 and up to 86009
\$1,100,000 in fiscal year 2017 may be used as matching funds to 86010
support Ohio's State Charter School Facilities Incentive Grant 86011
application. If these funds are not required, they may be 86012
distributed with the remaining funds in appropriation item 200684, 86013
Community School Facilities. 86014

The remainder of the foregoing appropriation item 200684, 86015
Community School Facilities, shall be used to pay each community 86016
school established under Chapter 3314. of the Revised Code and 86017
each STEM school established under Chapter 3326. of the Revised 86018
Code an amount equal to \$25 for each full-time equivalent pupil in 86019
an internet- or computer-based community school and \$200 for each 86020
full-time equivalent pupil in all other community or STEM schools 86021
for assistance with the cost associated with facilities. If the 86022
amount appropriated is not sufficient, the Department of Education 86023
shall prorate the amounts so that the aggregate amount 86024
appropriated is not exceeded. 86025

Section 263.350. STRAIGHT A PROGRAM 86026

(A) The Straight A Program is hereby created for fiscal years 86027
2016 and 2017 to provide grants to city, local, exempted village, 86028
and joint vocational school districts, educational service 86029

centers, community schools established under Chapter 3314., STEM 86030
schools established under Chapter 3326., college-preparatory 86031
boarding schools established under Chapter 3328. of the Revised 86032
Code, individual school buildings, education consortia (which may 86033
represent a partnership among school districts, school buildings, 86034
community schools, STEM schools or educational service centers or 86035
county boards of developmental disabilities that provide special 86036
education and related services to children with disabilities), 86037
institutions of higher education, and private or governmental 86038
entities partnering with one or more of the educational entities 86039
identified in this division for projects that aim to achieve 86040
significant advancement in one or more of the following goals: 86041

(1) Increased student achievement or, in the case of an 86042
educational service center, increased student achievement in the 86043
educational service center's client school districts or other 86044
schools or school districts that are members of the consortium; 86045

(2) Spending reduction in the five-year fiscal forecast 86046
required under section 5705.391 of the Revised Code or positive 86047
performance on other fiscal measures established by the governing 86048
board created under division (B)(1) of this section; 86049

(3) Utilization of a greater share of resources in the 86050
classrooms operated by the educational entity or by an educational 86051
service center's client school districts or other schools or 86052
school districts that are members of the consortium; 86053

(4) Use of a shared services delivery model that demonstrates 86054
increased efficiency and effectiveness, long-term sustainability, 86055
and scalability. 86056

(B)(1) Grants shall be awarded by a nine-member governing 86057
board consisting of the Superintendent of Public Instruction, or 86058
the Superintendent's designee, four members appointed by the 86059
Governor, two members appointed by the Speaker of the House of 86060

Representatives, and two members appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.

(2) The board shall select grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(5) With the approval of the board, the Department shall establish a system for evaluating and scoring the grant applications received under this section.

(6) When determining whether to award grants from among two or more applicants of similar score, as determined by the board, the board shall award grants to applicants that demonstrate cost savings, as reflected in the goal described in division (A)(2) of this section, over applicants that do not demonstrate cost savings.

(C) Each grant applicant shall submit a proposal that includes all of the following:

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact;

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions.

(3) A description of quantifiable results of the project that can be benchmarked.

If an education consortium described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, STEM school, or educational service center that is a member of the consortium and shall so indicate on the grant application. In order for an educational service center to be the lead applicant on a grant application, at least one of the educational service center's client school districts shall also be included on the grant application as a member of the consortium.

(D)(1) The board shall issue a timely decision of "yes," "no," "hold," or "edit" for each application. In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant awarded under this section to a school district, educational service center, community school, STEM school, college-preparatory boarding school, individual school building, institution of higher education, or private entity partnering with one or more of the educational entities identified in division (A) of this section shall not exceed \$1,000,000 in each fiscal year. A grant awarded to an education consortium shall not exceed \$15,000,000 in each fiscal year. The Superintendent of Public Instruction may make recommendations to the Controlling Board that these maximum amounts be exceeded. Upon Controlling Board approval, grants may be awarded in excess of these amounts.

(2) If the board issues a "hold" or "edit" decision for an

application, it shall, upon returning the application to the applicant, specify the process for reconsideration of the application. An applicant may work with the grant advisors and staff to modify or improve a grant application.

(E) Upon deciding to award a grant to an applicant, the board shall enter into a grant agreement with the applicant that includes all of the following:

(1) The content of the applicant's proposal as outlined under division (C) of this section;

(2) The project's deliverables and a timetable for their completion;

(3) Conditions for receiving grant funding;

(4) Conditions for receiving funding in future years if the contract is a multi-year contract;

(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement.

(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.

(F) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.

(G) As used in this section, "client school district" has the same meaning as in section 3311.0510 of the Revised Code.

(H) At the discretion of the board, a portion of appropriation item 200644, Straight A Fund, may be used by the Department of Education to administer the Straight A Program.

(I) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines

established by the Straight A Fund governing board. 86154

Section 263.360. LOTTERY PROFITS EDUCATION RESERVE FUND 86155

(A) There is hereby created the Lottery Profits Education 86156
Reserve Fund (Fund 7018) in the State Treasury. Investment 86157
earnings of the Lottery Profits Education Reserve Fund shall be 86158
credited to the fund. 86159

(B) Notwithstanding any other provision of law to the 86160
contrary, the Director of Budget and Management may transfer cash 86161
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 86162
in fiscal year 2016 and fiscal year 2017. 86163

(C) On July 15, 2015, or as soon as possible thereafter, the 86164
Director of the Ohio Lottery Commission shall certify to the 86165
Director of Budget and Management the amount by which lottery 86166
profit transfers received by Fund 7017 exceeded \$974,500,000 in 86167
fiscal year 2015. 86168

(D) On July 15, 2016, or as soon as possible thereafter, the 86169
Director of the Ohio Lottery Commission shall certify to the 86170
Director of Budget and Management the amount by which lottery 86171
profit transfers received by Fund 7017 exceeded \$984,000,000 in 86172
fiscal year 2016. 86173

(E) Notwithstanding any provision of law to the contrary, in 86174
fiscal year 2016 and fiscal year 2017, the Director of Budget and 86175
Management may transfer cash in excess of the amounts necessary to 86176
support appropriations in Fund 7017 from that fund to Fund 7018. 86177

Section 263.370. DISTRIBUTION FORMULAS 86178

The Department of Education shall report the following to the 86179
Director of Budget and Management and the Legislative Service 86180
Commission: 86181

(A) Changes in formulas for distributing state 86182

| | |
|--|-------|
| appropriations, including administratively defined formula | 86183 |
| factors; | 86184 |
| (B) Discretionary changes in formulas for distributing | 86185 |
| federal appropriations; | 86186 |
| (C) Federally mandated changes in formulas for distributing | 86187 |
| federal appropriations. | 86188 |
| Any such changes shall be reported two weeks prior to the | 86189 |
| effective date of the change. | 86190 |
| | |
| Section 263.380. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS | 86191 |
| Upon the request of the Superintendent of Public Instruction, | 86192 |
| the Director of Budget and Management may transfer up to \$750,000 | 86193 |
| cash in each fiscal year from the General Revenue Fund to the | 86194 |
| Schools Medicaid Administrative Claims Fund (Fund 3AF0). The | 86195 |
| transferred cash is to be used by the Department of Education to | 86196 |
| pay the expenses the Department incurs in administering the | 86197 |
| Medicaid School Component of the Medicaid program established | 86198 |
| under sections 5162.36 to 5162.364 of the Revised Code. On June 1 | 86199 |
| of each fiscal year, or as soon as possible thereafter, the | 86200 |
| Director of Budget and Management shall transfer cash from Fund | 86201 |
| 3AF0 back to the General Revenue Fund in an amount equal to the | 86202 |
| total amount transferred to Fund 3AF0 in that fiscal year. | 86203 |
| The money deposited into Fund 3AF0 under division (B) of | 86204 |
| section 5162.64 of the Revised Code is hereby appropriated for | 86205 |
| fiscal years 2016 and 2017 and shall be used in accordance with | 86206 |
| division (C) of section 5162.64 of the Revised Code. | 86207 |
| | |
| Section 263.390. EDUCATIONAL SERVICE CENTERS FUNDING | 86208 |
| As used in this section, "high-performing primary educational | 86209 |
| service center" means an educational service center that reduces | 86210 |
| client school district expenditures in fiscal year 2016 through | 86211 |

efficiencies attained by coordinating and consolidating services. 86212

As used in this section, "student count" means the count 86213
calculated under division (G)(1) of section 3313.843 of the 86214
Revised Code. 86215

In fiscal year 2016, the Department of Education shall pay 86216
the governing board of each primary educational service center 86217
state funds equal to twenty-five dollars times its student count. 86218

In fiscal year 2017, the Department of Education shall pay 86219
the governing board of each high-performing primary educational 86220
service center state funds equal to thirty-five dollars times its 86221
student count and to the governing board of each other center, 86222
state funds equal to twenty dollars times its student count. The 86223
State Board of Education shall adopt rules by October 31, 2015, 86224
governing the distribution of state funds under this section for 86225
fiscal year 2017. The rules shall do all of the following: (1) 86226
establish an application process whereby educational service 86227
centers may provide evidence of reductions in client school 86228
district expenditures in fiscal year 2016; (2) require 86229
applications to be submitted between July 1 and July 31, 2016; (3) 86230
provide that determinations of which centers qualify for the 86231
higher per student funding amount be made not later than September 86232
1, 2016. 86233

If the amount earmarked for the state reimbursement of 86234
educational service centers in appropriation item 200550, 86235
Foundation Funding, is not sufficient, the Department of Education 86236
shall prorate the payment amounts so that the appropriation is not 86237
exceeded. 86238

Notwithstanding any provision of law to the contrary, the 86239
Department of Education shall modify the payments under this 86240
section as follows: 86241

(A) If an educational service center ceases operation, the 86242

Department shall redistribute that center's funding, as calculated 86243
under this section, to the remaining centers in proportion to each 86244
center's service center ADM as defined in former section 3317.11 86245
of the Revised Code, as that section existed prior to the date of 86246
its repeal. 86247

(B) If two or more educational service centers merge 86248
operations to create a single service center, the Department shall 86249
distribute the sum of the original service centers' funding, as 86250
calculated under this section, to the new service center. 86251

Section 263.400. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 86252
ASSESSMENT OF EDUCATION PROGRESS 86253

The General Assembly intends for the Superintendent of Public 86254
Instruction to provide for school district participation in the 86255
administration of the National Assessment of Education Progress in 86256
accordance with section 3301.27 of the Revised Code. Each school 86257
and school district selected for participation by the 86258
Superintendent of Public Instruction shall participate. 86259

Section 263.410. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH 86260
STUDENTS 86261

(A) As used in this section: 86262

(1) "IEP" has the same meaning as in section 3323.01 of the 86263
Revised Code. 86264

(2) "SBH student" means a student receiving special education 86265
and related services for severe behavior disabilities pursuant to 86266
an IEP. 86267

(B) This section applies only to a community school 86268
established under Chapter 3314. of the Revised Code that in each 86269
of fiscal years 2016 and 2017 enrolls a number of SBH students 86270
equal to at least fifty per cent of the total number of students 86271

enrolled in the school in the applicable fiscal year. 86272

(C) In addition to any state foundation payments made, in 86273
each of fiscal years 2016 and 2017, the Department of Education 86274
shall pay to a community school to which this section applies a 86275
subsidy equal to the difference between the aggregate amount 86276
calculated and paid in that fiscal year to the community school 86277
for special education and related services additional weighted 86278
costs for the SBH students enrolled in the school and the 86279
aggregate amount that would have been calculated for the school 86280
for special education and related services additional weighted 86281
costs for those same students in fiscal year 2001. If the 86282
difference is a negative number, the amount of the subsidy shall 86283
be zero. 86284

(D) The amount of any subsidy paid to a community school 86285
under this section shall not be deducted from the school district 86286
in which any of the students enrolled in the community school are 86287
entitled to attend school under section 3313.64 or 3313.65 of the 86288
Revised Code. The amount of any subsidy paid to a community school 86289
under this section shall be paid from funds appropriated to the 86290
Department of Education in appropriation item 200550, Foundation 86291
Funding. 86292

Section 263.420. EARMARK ACCOUNTABILITY 86293

At the request of the Superintendent of Public Instruction, 86294
any entity that receives a budget earmark under the Department of 86295
Education shall submit annually to the chairpersons of the 86296
committees of the House of Representatives and the Senate 86297
primarily concerned with education and education funding and to 86298
the Department of Education a report that includes a description 86299
of the services supported by the funds, a description of the 86300
results achieved by those services, an analysis of the 86301
effectiveness of the program, and an opinion as to the program's 86302

applicability to other school districts. For an earmarked entity 86303
that received state funds from an earmark in the prior fiscal 86304
year, no funds shall be provided by the Department of Education to 86305
an earmarked entity for a fiscal year until its report for the 86306
prior fiscal year has been submitted. 86307

Section 263.430. COMMUNITY SCHOOL OPERATING FROM HOME 86308

A community school established under Chapter 3314. of the 86309
Revised Code that was open for operation as a community school as 86310
of May 1, 2005, may operate from or in any home, as defined in 86311
section 3313.64 of the Revised Code, located in the state, 86312
regardless of when the community school's operations from or in a 86313
particular home began. 86314

Section 263.440. USE OF VOLUNTEERS 86315

The Department of Education may utilize the services of 86316
volunteers to accomplish any of the purposes of the Department. 86317
The Superintendent of Public Instruction shall approve for what 86318
purposes volunteers may be used and for these purposes may 86319
recruit, train, and oversee the services of volunteers. The 86320
Superintendent may reimburse volunteers for necessary and 86321
appropriate expenses in accordance with state guidelines and may 86322
designate volunteers as state employees for the purpose of motor 86323
vehicle accident liability insurance under section 9.83 of the 86324
Revised Code, for immunity under section 9.86 of the Revised Code, 86325
and for indemnification from liability incurred in the performance 86326
of their duties under section 9.87 of the Revised Code. 86327

Section 263.450. RESTRICTION OF LIABILITY FOR CERTAIN 86328
REIMBURSEMENTS 86329

(A) Except as expressly required under a court judgment not 86330
subject to further appeals, or a settlement agreement with a 86331

school district executed on or before June 1, 2009, in the case of 86332
a school district for which the formula ADM for fiscal year 2005, 86333
as reported for that fiscal year under division (A) of section 86334
3317.03 of the Revised Code, was reduced based on enrollment 86335
reports for community schools, made under section 3314.08 of the 86336
Revised Code, regarding students entitled to attend school in the 86337
district, which reduction of formula ADM resulted in a reduction 86338
of foundation funding or transitional aid funding for fiscal year 86339
2005, 2006, or 2007, no school district, except a district named 86340
in the court's judgment or the settlement agreement, shall have a 86341
legal claim for reimbursement of the amount of such reduction in 86342
foundation funding or transitional aid funding, and the state 86343
shall not have liability for reimbursement of the amount of such 86344
reduction in foundation funding or transitional aid funding. 86345

(B) As used in this section: 86346

(1) "Community school" means a community school established 86347
under Chapter 3314. of the Revised Code. 86348

(2) "Entitled to attend school" means entitled to attend 86349
school in a school district under section 3313.64 or 3313.65 of 86350
the Revised Code. 86351

(3) "Foundation funding" means payments calculated for the 86352
respective fiscal year under Chapter 3317. of the Revised Code. 86353

(4) "Transitional aid funding" means payments calculated for 86354
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 86355
of the 125th General Assembly, as subsequently amended; Section 86356
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 86357
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 86358
of the 127th General Assembly. 86359

Section 263.460. UNAUDITABLE COMMUNITY SCHOOL 86360

(A) If the Auditor of State or a public accountant, pursuant 86361

to section 117.41 of the Revised Code, declares a community school 86362
established under Chapter 3314. of the Revised Code to be 86363
unauditable, the Auditor of State shall provide written 86364
notification of that declaration to the school, the school's 86365
sponsor, and the Department of Education. The Auditor of State 86366
also shall post the notification on the Auditor of State's web 86367
site. 86368

(B) Notwithstanding any provision to the contrary in Chapter 86369
3314. of the Revised Code or any other provision of law, a sponsor 86370
of a community school that is notified by the Auditor of State 86371
under division (A) of this section that a community school it 86372
sponsors is unauditabile shall not enter into contracts with any 86373
additional community schools under section 3314.03 of the Revised 86374
Code until the Auditor of State or a public accountant has 86375
completed a financial audit of that school. 86376

(C) Not later than forty-five days after receiving 86377
notification by the Auditor of State under division (A) of this 86378
section that a community school is unauditabile, the sponsor of the 86379
school shall provide a written response to the Auditor of State. 86380
The response shall include the following: 86381

(1) An overview of the process the sponsor will use to review 86382
and understand the circumstances that led to the community school 86383
becoming unauditabile; 86384

(2) A plan for providing the Auditor of State with the 86385
documentation necessary to complete an audit of the community 86386
school and for ensuring that all financial documents are available 86387
in the future; 86388

(3) The actions the sponsor will take to ensure that the plan 86389
described in division (C)(2) of this section is implemented. 86390

(D) If a community school fails to make reasonable efforts 86391
and continuing progress to bring its accounts, records, files, or 86392

reports into an auditable condition within ninety days after being 86393
declared unauditale, the Auditor of State, in addition to 86394
requesting legal action under sections 117.41 and 117.42 of the 86395
Revised Code, shall notify the Department of the school's failure. 86396
If the Auditor of State or a public accountant subsequently is 86397
able to complete a financial audit of the school, the Auditor of 86398
State shall notify the Department that the audit has been 86399
completed. 86400

(E) Notwithstanding any provision to the contrary in Chapter 86401
3314. of the Revised Code or any other provision of law, upon 86402
notification by the Auditor of State under division (D) of this 86403
section that a community school has failed to make reasonable 86404
efforts and continuing progress to bring its accounts, records, 86405
files, or reports into an auditable condition following a 86406
declaration that the school is unauditale, the Department shall 86407
immediately cease all payments to the school under Chapter 3314. 86408
of the Revised Code and any other provision of law. Upon 86409
subsequent notification from the Auditor of State under that 86410
division that the Auditor of State or a public accountant was able 86411
to complete a financial audit of the community school, the 86412
Department shall release all funds withheld from the school under 86413
this section. 86414

Section 263.470. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 86415

In collaboration with the County Family and Children First 86416
Council, a city, local, or exempted village school district, 86417
community school, STEM school, joint vocational school district, 86418
educational service center, or county board of developmental 86419
disabilities that receives allocations from the Department of 86420
Education from appropriation item 200550, Foundation Funding, or 86421
appropriation item 200540, Special Education Enhancements, may 86422
transfer portions of those allocations to a flexible funding pool 86423

authorized by the Section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

Section 263.480. PRIVATE TREATMENT FACILITY PROJECT

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2016 or fiscal year 2017 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.

(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.

(5) "Residential child" means a child who resides in a

participating residential treatment center and who is receiving an educational program under division (B) of this section.

(B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be reached and the residential facility does not choose to provide the educational program, the educational service center in the county in which the facility is located shall provide the educational program at the treatment center to children under twenty-two years of age residing in the treatment center.

(C) Any school district responsible for tuition for a residential child shall, notwithstanding any conflicting provision of the Revised Code regarding tuition payment, pay tuition for the child for fiscal year 2016 and fiscal year 2017 to the education program provider and in the amount specified in this division. If there is no school district responsible for tuition for a residential child and if the participating residential treatment center to which the child is assigned is located in the city, exempted village, or local school district that, if the child were not a resident of that treatment center, would be the school district where the child is entitled to attend school under sections 3313.64 and 3313.65 of the Revised Code, that school district, notwithstanding any conflicting provision of the Revised

Code, shall pay tuition for the child for fiscal year 2016 and 86485
fiscal year 2017 under this division unless that school district 86486
is providing the educational program to the child under division 86487
(B) of this section. 86488

A tuition payment under this division shall be made to the 86489
school district, educational service center, or residential 86490
treatment facility providing the educational program to the child. 86491

The amount of tuition paid shall be: 86492

(1) The amount of tuition determined for the district under 86493
division (A) of section 3317.08 of the Revised Code; 86494

(2) In addition, for any student receiving special education 86495
pursuant to an individualized education program as defined in 86496
section 3323.01 of the Revised Code, a payment for excess costs. 86497
This payment shall equal the actual cost to the school district, 86498
educational service center, or residential treatment facility of 86499
providing special education and related services to the student 86500
pursuant to the student's individualized education program, minus 86501
the tuition paid for the child under division (C)(1) of this 86502
section. 86503

A school district paying tuition under this division shall 86504
not include the child for whom tuition is paid in the district's 86505
average daily membership certified under division (A) of section 86506
3317.03 of the Revised Code. 86507

(D) In each of fiscal years 2016 and 2017, the Department of 86508
Education shall reimburse, from appropriations made for the 86509
purpose, a school district, educational service center, or 86510
residential treatment facility, whichever is providing the 86511
service, that has demonstrated that it is in compliance with the 86512
funding criteria for each served child for whom a school district 86513
must pay tuition under division (C) of this section. The amount of 86514
the reimbursement shall be the amount appropriated for this 86515

purpose divided by the full-time equivalent number of children for whom reimbursement is to be made. 86516
86517

(E) Funds provided to a school district, educational service center, or residential treatment facility under this section shall be used to supplement, not supplant, funds from other public sources for which the school district, service center, or residential treatment facility is entitled or eligible. 86518
86519
86520
86521
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(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability. 86523
86524
86525
86526
86527
86528
86529

Section 263.490. Notwithstanding section 3302.21 of the Revised Code, for the 2014-2015 school year only, the Department of Education shall not rank school districts, community schools, and STEM schools according to the performance measures prescribed in divisions (A)(1), (2), and (5) of that section. However, the Department shall rank districts and schools according to the measures prescribed in divisions (A)(3) and (4) of that section for the 2014-2015 school year not later than January 31, 2016. 86530
86531
86532
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86535
86536
86537

Section 263.510. Notwithstanding section 3302.03 of the Revised Code, the Department of Education shall issue grades as described in division (E) of section 3302.03 of the Revised Code for each of the performance measures prescribed in division (C)(1) of that section for the 2014-2015 school year not later than January 15, 2016. 86538
86539
86540
86541
86542
86543

Section 263.520. Notwithstanding anything to the contrary in section 3302.035 of the Revised Code, the Department of Education 86544
86545

shall issue the reports required under that section on the 86546
performance measures for a school district's or school's students 86547
with disabilities subgroup, using data from the 2014-2015 school 86548
year, not later than January 31, 2016. 86549

For each school year thereafter, the Department shall issue 86550
those reports on the first day of October as required under that 86551
section. 86552

Section 263.530. (A) The Superintendent of Public Instruction 86553
may form partnerships with Ohio's business community, including 86554
the Ohio Business Roundtable, to create and implement initiatives 86555
that connect students with the business community in an effort to 86556
increase student engagement and job readiness through internships, 86557
work study, and site-based learning experiences. 86558

(B) If the Superintendent forms a partnership pursuant to 86559
division (A) of this section, the initiatives created and 86560
implemented through that partnership shall do all of the 86561
following: 86562

(1) Support the career connection learning strategies 86563
described in division (B)(2) of section 3301.079 of the Revised 86564
Code; 86565

(2) Provide an opportunity for students to earn high school 86566
credit toward graduation or to meet curriculum requirements in 86567
accordance with divisions (J)(1) and (2) of section 3313.603 of 86568
the Revised Code; 86569

(3) Inform the development of student success plans pursuant 86570
to division (C) of section 3313.6020 of the Revised Code. 86571

Section 263.540. The Department of Education shall provide 86572
assistance to the State Board of Education for the purposes of 86573
updating the statewide plan on subject area competency, including 86574

credit by examination, pursuant to division (J)(2) of section 86575
3313.603 of the Revised Code, to reduce barriers to student 86576
participation in credit flexibility options. 86577

Upon completion, the Department shall inform students, 86578
parents, and schools of the updated plan. 86579

Section 263.550. For the 2015-2016 school year, the board of 86580
education of each city, local, exempted village, and joint 86581
vocational school district, the governing authority of each 86582
community school established under Chapter 3314., and the 86583
governing body of each STEM school established under Chapter 3326. 86584
of the Revised Code, shall assess the reading skills of each 86585
student, except those students with significant cognitive 86586
disabilities or other disabilities as authorized by the Department 86587
of Education on a case-by-case basis, enrolled in kindergarten to 86588
third grade and shall identify students who are reading below 86589
their grade level. The reading skills assessments shall be 86590
completed by September 30, 2015. 86591

Section 263.560. There is hereby created the School 86592
Transportation Joint Task Force to study the transportation of 86593
school children. The Task Force shall consist of members appointed 86594
equally by the Speaker of the House and by the President of the 86595
Senate. The members appointed shall choose a chair and vice-chair 86596
who shall be members of the General Assembly. The Task Force shall 86597
study and make recommendations to the General Assembly not later 86598
than February 1, 2016, on the following: 86599

(1) The appropriate funding formula to assist local school 86600
districts with the transportation of students to public and 86601
nonpublic schools; 86602

(2) The appropriate relationship, duties, and 86603
responsibilities between local school districts, community 86604

schools, and nonpublic schools with regard to student transportation. 86605
86606

All state agencies shall provide such assistance to the Task Force as is requested by the Task Force. 86607
86608

Section 263.570. The assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code shall be nationally normed, standardized assessments. 86609
86610
86611

Section 263.580. Not later than July 1, 2016, the Department of Education shall submit and present to the standing committees of the House of Representatives and the Senate that consider education legislation both of the following: 86612
86613
86614
86615

(A) A plan that proposes the expansion of the Department's authority to directly authorize community schools under section 3314.029 of the Revised Code; 86616
86617
86618

(B) Recommendations for a ratings rubric for the evaluation of sponsors under section 3314.016 of the Revised Code. The recommendations shall include research-based evidence that demonstrates the rubric will result in improved academic results. 86619
86620
86621
86622

Section 265.10. ELC OHIO ELECTIONS COMMISSION 86623

General Revenue Fund 86624

| | | | | | | |
|------------|--------------------|----|---------|----|---------|-------|
| GRF 051321 | Operating Expenses | \$ | 333,117 | \$ | 333,117 | 86625 |
|------------|--------------------|----|---------|----|---------|-------|

| | | | | | | |
|-----------|----------------------|----|---------|----|---------|-------|
| TOTAL GRF | General Revenue Fund | \$ | 333,117 | \$ | 333,117 | 86626 |
|-----------|----------------------|----|---------|----|---------|-------|

Dedicated Purpose Fund Group 86627

| | | | | | | |
|-------------|-------------------|----|---------|----|---------|-------|
| 4P20 051601 | Operating Support | \$ | 194,500 | \$ | 194,500 | 86628 |
|-------------|-------------------|----|---------|----|---------|-------|

| | | | | | | |
|-----------|------------------------|----|---------|----|---------|-------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 194,500 | \$ | 194,500 | 86629 |
|-----------|------------------------|----|---------|----|---------|-------|

Group

| | | | | | | |
|------------------------------|--|----|---------|----|---------|-------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 527,617 | \$ | 527,617 | 86630 |
|------------------------------|--|----|---------|----|---------|-------|

Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 86632

| | | | | |
|--------------------------------|----|---------|------------|-------|
| DIRECTORS | | | | 86633 |
| Dedicated Purpose Fund Group | | | | 86634 |
| 4K90 881609 Operating Expenses | \$ | 741,000 | \$ 771,000 | 86635 |
| TOTAL DPF Dedicated Purpose | | | | 86636 |
| Fund Group | \$ | 741,000 | \$ 771,000 | 86637 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 741,000 | \$ 771,000 | 86638 |

Section 269.10. PAY EMPLOYEE BENEFITS FUNDS 86640

| | | | | |
|-----------------------------------|----|---------------|------------------|-------|
| Fiduciary Fund Group | | | | 86641 |
| 1240 995673 Payroll Deductions | \$ | 786,081,277 | \$ 801,802,903 | 86642 |
| 8060 995666 Accrued Leave Fund | \$ | 70,520,230 | \$ 71,930,634 | 86643 |
| 8070 995667 Disability Fund | \$ | 22,271,135 | \$ 22,716,558 | 86644 |
| 8080 995668 State Employee Health | \$ | 711,136,583 | \$ 767,740,540 | 86645 |
| Benefit Fund | | | | |
| 8090 995669 Dependent Care | \$ | 3,323,438 | \$ 3,487,159 | 86646 |
| Spending Account | | | | |
| 8100 995670 Life Insurance | \$ | 1,779,885 | \$ 1,815,482 | 86647 |
| Investment Fund | | | | |
| 8110 995671 Parental Leave | \$ | 3,510,481 | \$ 3,580,691 | 86648 |
| Benefit Fund | | | | |
| 8130 995672 Health Care Spending | \$ | 10,089,249 | \$ 10,895,989 | 86649 |
| Account | | | | |
| TOTAL FID Fiduciary Fund Group | \$ | 1,608,712,278 | \$ 1,683,969,956 | 86650 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,608,712,278 | \$ 1,683,969,956 | 86651 |

PAYROLL DEDUCTION FUND 86652

The foregoing appropriation item 995673, Payroll Deductions, 86653
shall be used to make payments from the Payroll Deduction Fund 86654
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 86655
is determined by the Director of Budget and Management that 86656
additional amounts are necessary, the amounts are hereby 86657
appropriated. 86658

ACCRUED LEAVE LIABILITY FUND 86659

The foregoing appropriation item 995666, Accrued Leave Fund, 86660
shall be used to make payments from the Accrued Leave Liability 86661
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 86662
If it is determined by the Director of Budget and Management that 86663
additional amounts are necessary, the amounts are hereby 86664
appropriated. 86665

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 86666

The foregoing appropriation item 995667, Disability Fund, 86667
shall be used to make payments from the State Employee Disability 86668
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 86669
Revised Code. If it is determined by the Director of Budget and 86670
Management that additional amounts are necessary, the amounts are 86671
hereby appropriated. 86672

STATE EMPLOYEE HEALTH BENEFIT FUND 86673

The foregoing appropriation item 995668, State Employee 86674
Health Benefit Fund, shall be used to make payments from the State 86675
Employee Health Benefit Fund (Fund 8080) pursuant to section 86676
124.87 of the Revised Code. If it is determined by the Director of 86677
Budget and Management that additional amounts are necessary, the 86678
amounts are hereby appropriated. 86679

DEPENDENT CARE SPENDING FUND 86680

The foregoing appropriation item 995669, Dependent Care 86681
Spending Account, shall be used to make payments from the 86682
Dependent Care Spending Fund (Fund 8090) to employees eligible for 86683
dependent care expenses pursuant to section 124.822 of the Revised 86684
Code. If it is determined by the Director of Budget and Management 86685
that additional amounts are necessary, the amounts are hereby 86686
appropriated. 86687

LIFE INSURANCE INVESTMENT FUND 86688

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD

| | | | | |
|--------------------------------|----|-----------|--------------|-------|
| General Revenue Fund | | | | 86716 |
| GRF 125321 Operating Expenses | \$ | 3,761,457 | \$ 3,761,457 | 86717 |
| TOTAL GRF General Revenue Fund | \$ | 3,761,457 | \$ 3,761,457 | 86718 |

| | | | | |
|---|----|------------|---------------|-------|
| Dedicated Purpose Fund Group | | | | 86719 |
| 5720 125603 Training and | \$ | 75,000 | \$ 75,000 | 86720 |
| Publications | | | | |
| TOTAL DPF Dedicated Purpose | | | | 86721 |
| Fund Group | \$ | 75,000 | \$ 75,000 | 86722 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 3,836,457 | \$ 3,836,457 | 86723 |
| Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS | | | | 86725 |
| Dedicated Purpose Fund Group | | | | 86726 |
| 4K90 892609 Operating Expenses | \$ | 993,889 | \$ 993,889 | 86727 |
| TOTAL DPF Dedicated Purpose | | | | 86728 |
| Fund Group | \$ | 993,889 | \$ 993,889 | 86729 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 993,889 | \$ 993,889 | 86730 |
| Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY | | | | 86732 |
| General Revenue Fund | | | | 86733 |
| GRF 715502 Auto Emissions | \$ | 10,923,093 | \$ 10,923,093 | 86734 |
| e-Check Program | | | | |
| TOTAL GRF General Revenue Fund | \$ | 10,923,093 | \$ 10,923,093 | 86735 |
| Dedicated Purpose Fund Group | | | | 86736 |
| 4D50 715618 Recycled State | \$ | 50,000 | \$ 50,000 | 86737 |
| Materials | | | | |
| 4J00 715638 Underground Injection | \$ | 393,917 | \$ 399,125 | 86738 |
| Control | | | | |
| 4K20 715648 Clean Air - Non Title | \$ | 3,309,301 | \$ 3,726,893 | 86739 |
| V | | | | |
| 4K30 715649 Solid Waste | \$ | 13,118,573 | \$ 13,202,293 | 86740 |
| 4K40 715650 Surface Water | \$ | 9,265,000 | \$ 8,050,000 | 86741 |
| Protection | | | | |
| 4K40 715686 Environmental | \$ | 2,096,007 | \$ 2,096,007 | 86742 |
| Laboratory Services | | | | |
| 4K50 715651 Drinking Water | \$ | 6,637,044 | \$ 6,825,955 | 86743 |

| | | | | | | |
|------|--------|-----------------------|----|------------|----|------------------|
| | | Protection | | | | |
| 4P50 | 715654 | Cozart Landfill | \$ | 10,000 | \$ | 10,000 86744 |
| 4R50 | 715656 | Scrap Tire Management | \$ | 1,040,161 | \$ | 1,060,965 86745 |
| 4R90 | 715658 | Voluntary Action | \$ | 825,759 | \$ | 842,275 86746 |
| | | Program | | | | |
| 4T30 | 715659 | Clean Air - Title V | \$ | 13,507,000 | \$ | 13,639,150 86747 |
| | | Permit Program | | | | |
| 5000 | 715608 | Immediate Removal | \$ | 718,793 | \$ | 731,293 86748 |
| | | Special Account | | | | |
| 5030 | 715621 | Hazardous Waste | \$ | 5,765,075 | \$ | 6,082,805 86749 |
| | | Facility Management | | | | |
| 5050 | 715623 | Hazardous Waste | \$ | 14,388,348 | \$ | 14,701,826 86750 |
| | | Cleanup | | | | |
| 5320 | 715646 | Recycling and Litter | \$ | 4,691,000 | \$ | 4,698,000 86751 |
| | | Control | | | | |
| 5410 | 715670 | Site Specific Cleanup | \$ | 2,048,101 | \$ | 2,048,101 86752 |
| 5420 | 715671 | Risk Management | \$ | 214,826 | \$ | 214,826 86753 |
| | | Reporting | | | | |
| 5860 | 715637 | Scrap Tire Market | \$ | 1,150,000 | \$ | 1,170,000 86754 |
| | | Development | | | | |
| 5BC0 | 715622 | Local Air Pollution | \$ | 1,999,172 | \$ | 1,999,172 86755 |
| | | Control | | | | |
| 5BC0 | 715624 | Surface Water | \$ | 8,665,974 | \$ | 8,665,974 86756 |
| 5BC0 | 715672 | Air Pollution Control | \$ | 4,945,566 | \$ | 4,945,566 86757 |
| 5BC0 | 715673 | Drinking and Ground | \$ | 3,324,521 | \$ | 3,324,520 86758 |
| | | Water | | | | |
| 5BC0 | 715676 | Assistance and | \$ | 1,583,098 | \$ | 1,591,682 86759 |
| | | Prevention | | | | |
| 5BC0 | 715677 | Laboratory | \$ | 1,253,586 | \$ | 1,253,586 86760 |
| 5BC0 | 715678 | Corrective Actions | \$ | 1,316,878 | \$ | 1,316,878 86761 |
| 5BC0 | 715687 | Areawide Planning | \$ | 450,000 | \$ | 450,000 86762 |
| | | Agencies | | | | |
| 5BC0 | 715692 | Administration | \$ | 12,885,000 | \$ | 13,505,000 86763 |

| | | | | | | | |
|-----------|--------|---|----|-------------|----|-------------|-------|
| 5BC0 | 715694 | Environmental Resource Coordination | \$ | 100,000 | \$ | 100,000 | 86764 |
| 5BT0 | 715679 | C&DD Groundwater Monitoring | \$ | 645,000 | \$ | 919,000 | 86765 |
| 5CD0 | 715682 | Clean Diesel School Buses | \$ | 150,000 | \$ | 150,000 | 86766 |
| 5H40 | 715664 | Groundwater Support | \$ | 350,499 | \$ | 356,727 | 86767 |
| 5PZ0 | 715696 | Drinking Water Loan Fee | \$ | 220,200 | \$ | 126,200 | 86768 |
| 5Y30 | 715685 | Surface Water Improvement | \$ | 1,800,000 | \$ | 1,800,000 | 86769 |
| 6440 | 715631 | Emergency Response Radiological Safety | \$ | 298,304 | \$ | 303,174 | 86770 |
| 6760 | 715642 | Water Pollution Control Loan Administration | \$ | 1,933,621 | \$ | 1,990,262 | 86771 |
| 6780 | 715635 | Air Toxic Release | \$ | 133,636 | \$ | 133,636 | 86772 |
| 6790 | 715636 | Emergency Planning | \$ | 2,623,252 | \$ | 2,623,252 | 86773 |
| 6960 | 715643 | Air Pollution Control Administration | \$ | 1,125,000 | \$ | 1,125,000 | 86774 |
| 6990 | 715644 | Water Pollution Control Administration | \$ | 800,000 | \$ | 800,000 | 86775 |
| 6A10 | 715645 | Environmental Education | \$ | 1,500,000 | \$ | 1,500,000 | 86776 |
| TOTAL DPF | | Dedicated Purpose Fund Group | \$ | 127,332,212 | \$ | 128,529,143 | 86777 |
| | | Internal Service Activity Fund Group | | | | | 86778 |
| 1990 | 715602 | Laboratory Services | \$ | 427,234 | \$ | 594,566 | 86779 |
| 2190 | 715604 | Central Support Indirect | \$ | 6,900,000 | \$ | 6,600,000 | 86780 |
| 4A10 | 715640 | Operating Expenses | \$ | 2,050,000 | \$ | 2,050,000 | 86781 |
| TOTAL ISA | | Internal Service Activity | \$ | 9,377,234 | \$ | 9,244,566 | 86782 |

| | | | | | | | |
|--|--------|-----------------------|----|-------------|----|-------------|-------|
| Fund Group | | | | | | | |
| Capital Projects Fund Group | | | | | | | 86783 |
| 5S10 | 715607 | Clean Ohio | \$ | 284,124 | \$ | 284,124 | 86784 |
| | | Revitalization | | | | | |
| | | Operating | | | | | |
| TOTAL CPF | | Capital Projects Fund | \$ | 284,124 | \$ | 284,124 | 86785 |
| Group | | | | | | | |
| Federal Fund Group | | | | | | | 86786 |
| 3530 | 715612 | Public Water Supply | \$ | 2,058,127 | \$ | 2,113,020 | 86787 |
| 3540 | 715614 | Hazardous Waste | \$ | 3,038,383 | \$ | 3,038,383 | 86788 |
| | | Management - Federal | | | | | |
| 3570 | 715619 | Air Pollution Control | \$ | 6,310,203 | \$ | 6,310,203 | 86789 |
| | | - Federal | | | | | |
| 3620 | 715605 | Underground Injection | \$ | 98,629 | \$ | 102,859 | 86790 |
| | | Control - Federal | | | | | |
| 3BU0 | 715684 | Water Quality | \$ | 13,211,815 | \$ | 14,537,389 | 86791 |
| | | Protection | | | | | |
| 3CS0 | 715688 | Federal NRD | \$ | 200,000 | \$ | 200,000 | 86792 |
| | | Settlements | | | | | |
| 3F20 | 715630 | Revolving Loan Fund - | \$ | 2,800,000 | \$ | 2,900,000 | 86793 |
| | | Operating | | | | | |
| 3F30 | 715632 | Federally Supported | \$ | 4,168,991 | \$ | 4,291,191 | 86794 |
| | | Cleanup and Response | | | | | |
| 3T30 | 715669 | Drinking Water State | \$ | 2,824,076 | \$ | 2,824,076 | 86795 |
| | | Revolving Fund | | | | | |
| 3V70 | 715606 | Agencywide Grants | \$ | 600,000 | \$ | 600,000 | 86796 |
| TOTAL FED | | Federal Fund Group | \$ | 35,310,223 | \$ | 36,917,121 | 86797 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 183,226,886 | \$ | 185,898,047 | 86798 |
| AREAWIDE PLANNING AGENCIES | | | | | | | 86799 |
| The Director of Environmental Protection Agency may award | | | | | | | 86800 |
| grants from appropriation item 715687, Areawide Planning Agencies, | | | | | | | 86801 |
| to areawide planning agencies engaged in areawide water quality | | | | | | | 86802 |

management and planning activities in accordance with Section 208 86803
of the "Federal Clean Water Act," 33 U.S.C. 1288. 86804

WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) 86805
EXPENDITURES LIMITATION 86806

Notwithstanding division (B) of section 6111.09 of the 86807
Revised Code, the Director of Environmental Protection may expend 86808
not more than \$800,000 of the moneys credited to the Water 86809
Pollution Control Administration Fund (Fund 6990) under that 86810
division in either of fiscal years 2016 or 2017 for the purposes 86811
specified in that division. 86812

Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 86813

General Revenue Fund 86814
GRF 172321 Operating Expenses \$ 545,530 \$ 545,530 86815
TOTAL GRF General Revenue Fund \$ 545,530 \$ 545,530 86816
TOTAL ALL BUDGET FUND GROUPS \$ 545,530 \$ 545,530 86817

Section 279.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 86819

General Revenue Fund 86820
GRF 935401 Statehouse News \$ 324,533 \$ 324,533 86821
Bureau
GRF 935402 Ohio Government \$ 1,452,089 \$ 1,452,089 86822
Telecommunications
Services
GRF 935408 General Operations \$ 745,000 \$ 745,000 86823
GRF 935409 Technology Operations \$ 3,171,962 \$ 3,171,962 86824
GRF 935410 Content Development, \$ 3,957,094 \$ 3,957,094 86825
Acquisition, and
Distribution
GRF 935412 Information \$ 683,716 \$ 683,716 86826
Technology
TOTAL GRF General Revenue Fund \$ 10,334,394 \$ 10,334,394 86827

| | | | | |
|--|----|------------|---------------|-------|
| Dedicated Purpose Fund Group | | | | 86828 |
| 5FK0 935608 Media Services | \$ | 95,000 | \$ 95,000 | 86829 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 95,000 | \$ 95,000 | 86830 |
| Internal Service Activity Fund Group | | | | 86831 |
| 4F30 935603 Affiliate Services | \$ | 4,000 | \$ 4,000 | 86832 |
| 4T20 935605 Government | \$ | 7,000 | \$ 7,000 | 86833 |
| Television/Telecommunications Operating | | | | |
| TOTAL ISA Internal Service Activity Fund Group | \$ | 11,000 | \$ 11,000 | 86835 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 10,440,394 | \$ 10,440,394 | 86836 |

Section 279.20. STATEHOUSE NEWS BUREAU 86838

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 86839
86840
86841

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 86842

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 86843
86844
86845
86846
86847
86848
86849

TECHNOLOGY OPERATIONS 86850

The foregoing appropriation item 935409, Technology Operations, shall be used by the Broadcast Educational Media Commission to pay expenses of the network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each 86851
86852
86853
86854
86855

other and to the Internet, and provide access to voice, video, 86856
other communication services, and data educational resources for 86857
students and teachers. 86858

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 86859

The foregoing appropriation item 935410, Content Development, 86860
Acquisition, and Distribution, shall be used for the development, 86861
acquisition, and distribution of information resources by public 86862
media and radio reading services and for educational use in the 86863
classroom and online. 86864

Of the foregoing appropriation item 935410, Content 86865
Development, Acquisition, and Distribution, up to \$658,099 in each 86866
fiscal year shall be allocated equally among the Ohio educational 86867
television stations. Funds shall be used for the production of 86868
interactive instructional programming series with priority given 86869
to resources aligned with state academic content standards. The 86870
programming shall be targeted to the needs of the one-third lowest 86871
capacity school districts as determined by the district's state 86872
share percentage calculated by the Department of Education. 86873

Of the foregoing appropriation item 935410, Content 86874
Development, Acquisition, and Distribution, up to \$1,749,283 in 86875
each fiscal year shall be distributed by the Broadcast Educational 86876
Media Commission to Ohio's qualified public educational television 86877
stations and educational radio stations to support their 86878
operations. The funds shall be distributed pursuant to an 86879
allocation formula used by the Ohio Educational Telecommunications 86880
Network Commission unless a substitute formula is developed by the 86881
Broadcast Educational Media Commission in consultation with Ohio's 86882
qualified public educational television stations and educational 86883
radio stations. 86884

Of the foregoing appropriation item 935410, Content 86885
Development, Acquisition, and Distribution, up to \$199,712 in each 86886

fiscal year shall be distributed by the Broadcast Educational 86887
 Media Commission to Ohio's qualified radio reading services to 86888
 support their operations. The funds shall be distributed pursuant 86889
 to an allocation formula used by the Ohio Educational 86890
 Telecommunications Network Commission unless a substitute formula 86891
 is developed by the Broadcast Educational Media Commission in 86892
 consultation with Ohio's qualified radio reading services. 86893

Section 281.10. ETH OHIO ETHICS COMMISSION 86894

General Revenue Fund 86895
 GRF 146321 Operating Expenses \$ 1,381,556 \$ 1,381,556 86896
 TOTAL GRF General Revenue Fund \$ 1,381,556 \$ 1,381,556 86897
 Dedicated Purpose Fund Group 86898
 4M60 146601 Operating Support \$ 641,000 \$ 641,000 86899
 TOTAL DPF Dedicated Purpose Fund \$ 641,000 \$ 641,000 86900
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 2,022,556 \$ 2,022,556 86901

Section 283.10. EXP OHIO EXPOSITIONS COMMISSION 86903

General Revenue Fund 86904
 GRF 723403 Junior Fair Subsidy \$ 500,000 \$ 500,000 86905
 TOTAL GRF General Revenue Fund \$ 500,000 \$ 500,000 86906
 Dedicated Purpose Fund Group 86907
 4N20 723602 Ohio State Fair \$ 235,000 \$ 235,000 86908
 Harness Racing
 5060 723601 Operating Expenses \$ 13,345,000 \$ 13,585,000 86909
 5060 723604 Grounds Maintenance \$ 300,000 \$ 300,000 86910
 and Repairs
 TOTAL DPF Dedicated Purpose Fund \$ 13,880,000 \$ 14,120,000 86911
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 14,380,000 \$ 14,620,000 86912

STATE FAIR RESERVE 86913

The General Manager of the Expositions Commission, in 86914
consultation with the Director of Budget and Management, may 86915
submit a request to the Controlling Board to use available amounts 86916
in the State Fair Reserve Fund (Fund 6400) if revenues from either 86917
the 2015 or the 2016 Ohio State Fair are unexpectedly low. 86918

GROUNDS MAINTENANCE AND REPAIRS 86919

The foregoing appropriation item 723604, Grounds Maintenance 86920
and Repairs, shall be used for maintenance and repairs on the 86921
grounds of the Ohio Expo Center. 86922

Section 285.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 86923

General Revenue Fund 86924

GRF 230321 Operating Expenses \$ 6,500,000 \$ 6,500,000 86925

GRF 230401 Cultural Facilities \$ 29,728,000 \$ 25,737,900 86926

Lease Rental Bond

Payments

GRF 230458 State Construction \$ 2,200,000 \$ 2,000,000 86927

Management Services

GRF 230459 Aronoff Center \$ 540,000 \$ 540,000 86928

Building Maintenance

GRF 230908 Common Schools \$ 366,000,000 \$ 377,000,000 86929

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 404,968,000 \$ 411,777,900 86930

Internal Service Activity Fund Group 86931

1310 230639 State Construction \$ 8,500,000 \$ 8,500,000 86932

Management Operations

TOTAL ISA Internal Service Activity \$ 8,500,000 \$ 8,500,000 86933

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 413,468,000 \$ 420,277,900 86934

Section 285.20. CULTURAL FACILITIES LEASE RENTAL BOND 86936

PAYMENTS 86937

The foregoing appropriation item 230401, Cultural Facilities 86938
Lease Rental Bond Payments shall be used to meet all payments 86939
during the period from July 1, 2015, through June 30, 2017, by the 86940
Ohio Facilities Construction Commission under the primary leases 86941
and agreements for cultural and sports facilities made under 86942
Chapters 152. and 154. of the Revised Code. These appropriations 86943
are the source of funds pledged for bond service charges on 86944
related obligations issued under Chapters 152. and 154. of the 86945
Revised Code. 86946

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 86947

The foregoing appropriation item 230908, Common Schools 86948
General Obligation Bond Debt Service, shall be used to pay all 86949
debt service and related financing costs during the period from 86950
July 1, 2015, through June 30, 2017, on obligations issued under 86951
sections 151.01 and 151.03 of the Revised Code. 86952

Section 285.30. COMMUNITY PROJECT ADMINISTRATION 86953

The foregoing appropriation item 230458, State Construction 86954
Management Services, shall be used by the Ohio Facilities 86955
Construction Commission in administering Cultural and Sports 86956
Facilities Building Fund (Fund 7030) projects pursuant to section 86957
123.201 of the Revised Code. 86958

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 86959

At the request of the Executive Director of the Ohio School 86960
Facilities Commission, the Director of Budget and Management may 86961
cancel encumbrances for school district projects from a previous 86962
biennium if the district has not raised its local share of project 86963
costs within thirteen months of receiving Controlling Board 86964
approval under section 3318.05 or 3318.41 of the Revised Code. The 86965
Executive Director of the Ohio School Facilities Commission shall 86966

certify the amounts of the canceled encumbrances to the Director 86967
of Budget and Management on a quarterly basis. The amounts of the 86968
canceled encumbrances are hereby appropriated. 86969

Section 285.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 86970
APPROPRIATIONS 86971

On July 1, 2015, or as soon as possible thereafter, the 86972
Executive Director of the Facilities Construction Commission shall 86973
certify to the Director of Budget and Management the amount of 86974
cash receipts and related investment income, irrevocable letters 86975
of credit from a bank, or certification of the availability of 86976
funds that have been received from a county or a municipal 86977
corporation for deposit into the Capital Donations Fund (Fund 86978
5A10) and that are related to an anticipated project. These 86979
amounts are hereby appropriated to appropriation item C37146, 86980
Capital Donations. Prior to certifying these amounts to the 86981
Director, the Executive Director shall make a written agreement 86982
with the participating entity on the necessary cash flows required 86983
for the anticipated construction or equipment acquisition project. 86984

Section 285.50. AMENDMENT TO PROJECT AGREEMENT FOR 86985
MAINTENANCE LEVY 86986

The Ohio School Facilities Commission shall amend the project 86987
agreement between the Commission and a school district that is 86988
participating in the Accelerated Urban School Building Assistance 86989
Program on the effective date of this section, if the Commission 86990
determines that it is necessary to do so in order to comply with 86991
division (B)(3)(c) of section 3318.38 of the Revised Code. 86992

Section 285.60. Notwithstanding any other provision of law to 86993
the contrary, the Ohio School Facilities Commission may determine 86994
the amount of funding available for disbursement in a given fiscal 86995
year for any project approved under sections 3318.01 to 3318.20 of 86996

the Revised Code in order to keep aggregate state capital spending 86997
within approved limits and may take actions including, but not 86998
limited to, determining the schedule for design or bidding of 86999
approved projects, to ensure appropriate and supportable cash 87000
flow. 87001

Section 285.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 87002
DISTRICT 87003

Notwithstanding division (B) of section 3318.40 of the 87004
Revised Code, the Ohio School Facilities Commission may provide 87005
assistance to at least one joint vocational school district each 87006
fiscal year for the acquisition of classroom facilities in 87007
accordance with sections 3318.40 to 3318.45 of the Revised Code. 87008

Section 285.80. FUNDING OF DISTRICT SHARE OF BASIC PROJECT 87009
COST 87010

(A) The Ohio School Facilities Commission, in consultation 87011
with the Office of Budget and Management, shall prepare a study of 87012
the impacts, benefits, and risks associated with a school district 87013
funding its share of the basic project cost of a school facilities 87014
project under Chapter 3318. of the Revised Code with cash-on-hand 87015
resulting from a lease-purchase agreement or certificate of 87016
participation under section 3313.375 of the Revised Code that is 87017
not subject to voter approval. The study shall be completed not 87018
later than nine months after the effective date of this section 87019
and submitted to the Governor and General Assembly in accordance 87020
with section 101.68 of the Revised Code. Until this study is 87021
completed, a school district shall not fund its share of the basic 87022
project cost of a school facilities project under Chapter 3318. of 87023
the Revised Code with cash-on-hand resulting from a lease-purchase 87024
agreement or certificate of participation under section 3313.375 87025
of the Revised Code that is not subject to voter approval, except 87026

as provided in division (B) of this section. 87027

(B) Notwithstanding division (A) of this section and any 87028
 other provision of law to the contrary, with the approval of the 87029
 School Facilities Commission, a school district may use 87030
 cash-on-hand resulting from a lease-purchase agreement or 87031
 certificate of participation under section 3313.375 of the Revised 87032
 Code that is not subject to voter approval in the following 87033
 limited circumstances: 87034

(1) Funding the district's share of an increase in the basic 87035
 project cost approved under section 3318.083 of the Revised Code; 87036

(2) Funding a locally funded initiative; or 87037

(3) Funding a project under the Expedited Local Partnership 87038
 Program established under either section 3318.36 or 3318.46 of the 87039
 Revised Code. 87040

Section 287.10. GOV OFFICE OF THE GOVERNOR 87041

General Revenue Fund 87042

| | | | | | |
|--------------------------------|----|-----------|----|-----------|-------|
| GRF 040321 Operating Expenses | \$ | 3,157,386 | \$ | 3,156,099 | 87043 |
| TOTAL GRF General Revenue Fund | \$ | 3,157,386 | \$ | 3,156,099 | 87044 |

Dedicated Purpose Fund Group 87045

| | | | | | |
|----------------------------------|----|--------|----|--------|-------|
| 5QY0 040608 Serve Ohio Support | \$ | 30,000 | \$ | 30,000 | 87046 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 30,000 | \$ | 30,000 | 87047 |

Group

Internal Service Activity Fund Group 87048

| | | | | | |
|-------------------------------------|----|---------|----|---------|-------|
| 5AK0 040607 Government Relations | \$ | 300,000 | \$ | 300,000 | 87049 |
| TOTAL ISA Internal Service Activity | | | | | 87050 |
| Fund Group | \$ | 300,000 | \$ | 300,000 | 87051 |

Federal Fund Group 87052

| | | | | | |
|---------------------------------|----|-----------|----|-----------|-------|
| 3GW0 040609 AmeriCorps Programs | \$ | 7,182,899 | \$ | 7,178,630 | 87053 |
| TOTAL FED Federal Fund Group | \$ | 7,182,899 | \$ | 7,178,630 | 87054 |

| | | | | | |
|---|----|------------|----|------------|--|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 10,670,285 | \$ | 10,664,729 | 87055 |
| OPERATING EXPENSES | | | | | 87056 |
| Of the foregoing appropriation item 040321, Operating Expenses, \$305,834 in fiscal year 2016 and \$304,547 in fiscal year 2017 shall be used to support the operating expenses of the Commission on Service and Volunteerism. | | | | | 87057 87058 87059 87060 |
| GOVERNMENT RELATIONS | | | | | 87061 |
| A portion of the foregoing appropriation item 040607, Government Relations, may be used to support Ohio's membership in national or regional associations. | | | | | 87062 87063 87064 |
| The Office of the Governor may charge any state agency of the executive branch using an intrastate transfer voucher such amounts necessary to defray the costs incurred for the conduct of governmental relations associated with issues that can be attributed to the agency. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0). | | | | | 87065 87066 87067 87068 87069 87070 |
| Section 289.10. DOH DEPARTMENT OF HEALTH | | | | | 87071 |
| General Revenue Fund | | | | | 87072 |
| GRF 440412 Cancer Incidence Surveillance System | \$ | 600,000 | \$ | 600,000 | 87073 |
| GRF 440413 Local Health Departments | \$ | 823,061 | \$ | 823,061 | 87074 |
| GRF 440416 Mothers and Children Safety Net Services | \$ | 4,428,015 | \$ | 4,428,015 | 87075 |
| GRF 440418 Immunizations | \$ | 5,988,545 | \$ | 5,988,545 | 87076 |
| GRF 440431 Free Clinics Safety Net Services | \$ | 437,326 | \$ | 437,326 | 87077 |
| GRF 440438 Breast and Cervical Cancer Screening | \$ | 823,217 | \$ | 823,217 | 87078 |
| GRF 440444 AIDS Prevention and | \$ | 5,842,315 | \$ | 5,842,315 | 87079 |

| | | | | | | |
|-------------|------------------------------|----|------------|----|------------|-------|
| | Treatment | | | | | |
| GRF 440451 | Public Health | \$ | 5,000,000 | \$ | 5,000,000 | 87080 |
| | Laboratory | | | | | |
| GRF 440452 | Child and Family | \$ | 630,444 | \$ | 630,444 | 87081 |
| | Health Services Match | | | | | |
| GRF 440453 | Health Care Quality | \$ | 5,000,000 | \$ | 5,000,000 | 87082 |
| | Assurance | | | | | |
| GRF 440454 | Environmental Health | \$ | 1,209,430 | \$ | 1,209,430 | 87083 |
| GRF 440459 | Help Me Grow | \$ | 31,708,080 | \$ | 31,708,080 | 87084 |
| GRF 440465 | Federally Qualified | \$ | 2,686,688 | \$ | 2,686,688 | 87085 |
| | Health Centers | | | | | |
| GRF 440467 | Access to Dental Care | \$ | 540,484 | \$ | 540,484 | 87086 |
| GRF 440468 | Chronic Disease and | \$ | 2,466,127 | \$ | 2,466,127 | 87087 |
| | Injury Prevention | | | | | |
| GRF 440472 | Alcohol Testing | \$ | 1,100,000 | \$ | 1,100,000 | 87088 |
| GRF 440473 | Tobacco Prevention | \$ | 1,050,000 | \$ | 1,050,000 | 87089 |
| | Cessation and | | | | | |
| | Enforcement | | | | | |
| GRF 440474 | Infant Vitality | \$ | 4,116,688 | \$ | 4,116,688 | 87090 |
| GRF 440477 | Emergency Preparation | \$ | 2,000,000 | \$ | 2,000,000 | 87091 |
| | and Response | | | | | |
| GRF 440505 | Medically Handicapped | \$ | 7,512,451 | \$ | 7,512,451 | 87092 |
| | Children | | | | | |
| GRF 440507 | Targeted Health Care | \$ | 1,045,414 | \$ | 1,045,414 | 87093 |
| | Services Over 21 | | | | | |
| GRF 654453 | Medicaid - Health Care | \$ | 3,300,000 | \$ | 3,300,000 | 87094 |
| | Quality Assurance | | | | | |
| TOTAL GRF | General Revenue Fund | \$ | 88,308,285 | \$ | 88,308,285 | 87095 |
| | Highway Safety Fund Group | | | | | 87096 |
| 4T40 440603 | Child Highway Safety | \$ | 280,000 | \$ | 280,000 | 87097 |
| TOTAL HSF | Highway Safety Fund Group | \$ | 280,000 | \$ | 280,000 | 87098 |
| | Dedicated Purpose Fund Group | | | | | 87099 |

| | | | | | | | |
|------|--------|--|----|------------|----|------------|-------|
| 4700 | 440647 | Fee Supported Programs | \$ | 23,958,743 | \$ | 24,183,552 | 87100 |
| 4710 | 440619 | Certificate of Need | \$ | 878,433 | \$ | 878,433 | 87101 |
| 4730 | 440622 | Lab Operating Expenses | \$ | 5,250,000 | \$ | 5,250,000 | 87102 |
| 4770 | 440627 | Medically Handicapped Children Audit | \$ | 3,692,703 | \$ | 3,692,703 | 87103 |
| 4D60 | 440608 | Genetics Services | \$ | 3,311,039 | \$ | 3,311,039 | 87104 |
| 4F90 | 440610 | Sickle Cell Disease Control | \$ | 1,032,824 | \$ | 1,032,824 | 87105 |
| 4G00 | 440636 | Heirloom Birth Certificate | \$ | 5,000 | \$ | 5,000 | 87106 |
| 4G00 | 440637 | Birth Certificate Surcharge | \$ | 5,000 | \$ | 5,000 | 87107 |
| 4L30 | 440609 | HIV Care and Miscellaneous Expenses | \$ | 15,000,000 | \$ | 15,000,000 | 87108 |
| 4P40 | 440628 | Ohio Physician Loan Repayment | \$ | 700,000 | \$ | 700,000 | 87109 |
| 4V60 | 440641 | Save Our Sight | \$ | 2,550,000 | \$ | 2,550,000 | 87110 |
| 5B50 | 440616 | Quality, Monitoring, and Inspection | \$ | 716,511 | \$ | 736,194 | 87111 |
| 5BX0 | 440656 | Tobacco Use Prevention | \$ | 6,350,000 | \$ | 6,350,000 | 87112 |
| 5CN0 | 440645 | Choose Life | \$ | 75,000 | \$ | 75,000 | 87113 |
| 5D60 | 440620 | Second Chance Trust | \$ | 1,500,000 | \$ | 1,500,000 | 87114 |
| 5ED0 | 440651 | Smoke Free Indoor Air | \$ | 400,000 | \$ | 400,000 | 87115 |
| 5G40 | 440639 | Adoption Services | \$ | 20,000 | \$ | 20,000 | 87116 |
| 5PE0 | 440659 | Breast and Cervical Cancer Services | \$ | 300,000 | \$ | 300,000 | 87117 |
| 5QH0 | 440661 | Dental Hygiene Resources Shortage Area | \$ | 5,000 | \$ | 5,000 | 87118 |

| | | | | | | | |
|-----------|--------|--------------------------------------|----|-------------|----|-------------|-------|
| 5QJ0 | 440662 | Dental Hygienist Loan | \$ | 80,000 | \$ | 80,000 | 87119 |
| | | Repayment | | | | | |
| 5Z70 | 440624 | Ohio Dentist Loan | \$ | 140,000 | \$ | 200,000 | 87120 |
| | | Repayment | | | | | |
| 6100 | 440626 | Radiation Emergency | \$ | 1,086,098 | \$ | 1,086,098 | 87121 |
| | | Response | | | | | |
| 6660 | 440607 | Medically Handicapped | \$ | 19,739,617 | \$ | 19,739,617 | 87122 |
| | | Children - County | | | | | |
| | | Assessments | | | | | |
| 6980 | 440634 | Nurse Aide Training | \$ | 120,000 | \$ | 120,000 | 87123 |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 86,915,968 | \$ | 87,220,460 | 87124 |
| | | Group | | | | | |
| | | Internal Service Activity Fund Group | | | | | 87125 |
| 1420 | 440646 | Agency Health | \$ | 3,279,509 | \$ | 3,130,613 | 87126 |
| | | Services | | | | | |
| 2110 | 440613 | Central Support | \$ | 30,052,469 | \$ | 30,052,469 | 87127 |
| | | Indirect Costs | | | | | |
| TOTAL ISA | | Internal Service Activity | \$ | 33,331,978 | \$ | 33,183,082 | 87128 |
| | | Fund Group | | | | | |
| | | Holding Account Fund Group | | | | | 87129 |
| R014 | 440631 | Vital Statistics | \$ | 44,986 | \$ | 44,986 | 87130 |
| R048 | 440625 | Refunds, Grants | \$ | 20,000 | \$ | 20,000 | 87131 |
| | | Reconciliation, and | | | | | |
| | | Audit Settlements | | | | | |
| TOTAL HLD | | Holding Account Fund | \$ | 64,986 | \$ | 64,986 | 87132 |
| | | Group | | | | | |
| | | Federal Fund Group | | | | | 87133 |
| 3200 | 440601 | Maternal Child Health | \$ | 22,000,000 | \$ | 22,000,000 | 87134 |
| | | Block Grant | | | | | |
| 3870 | 440602 | Preventive Health | \$ | 8,000,000 | \$ | 8,000,000 | 87135 |
| | | Block Grant | | | | | |
| 3890 | 440604 | Women, Infants, and | \$ | 240,000,000 | \$ | 240,000,000 | 87136 |

| | | | | | | |
|------------------------------|--------|--|----|-------------|----|-------------------|
| | | Children | | | | |
| 3910 | 440606 | Medicare Survey and Certification | \$ | 18,000,000 | \$ | 18,000,000 87137 |
| 3920 | 440618 | Federal Public Health Programs | \$ | 107,198,791 | \$ | 107,198,791 87138 |
| 3GD0 | 654601 | Medicaid Program Support | \$ | 22,392,094 | \$ | 22,392,094 87139 |
| 3GN0 | 440660 | Public Health Emergency Preparedness | \$ | 27,941,795 | \$ | 27,941,795 87140 |
| TOTAL FED Federal Fund Group | | | \$ | 445,532,680 | \$ | 445,532,680 87141 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 654,433,897 | \$ | 654,589,493 87142 |

Section 289.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 87144

Of the foregoing appropriation item 440416, Mothers and 87145
 Children Safety Net Services, \$200,000 in each fiscal year shall 87146
 be used to assist families with hearing impaired children under 87147
 twenty-one years of age in purchasing hearing aids. The Director 87148
 of Health shall adopt rules governing the distribution of these 87149
 funds, including rules that do both of the following: (1) 87150
 establish eligibility criteria to include families with incomes at 87151
 or below four hundred per cent of the federal poverty guidelines 87152
 as defined in section 5101.46 of the Revised Code, and (2) develop 87153
 a sliding scale of disbursements under this section based on 87154
 family income. The Director may adopt other rules as necessary to 87155
 implement this section. Rules adopted under this section shall be 87156
 adopted in accordance with Chapter 119. of the Revised Code. 87157

The Department shall disburse all of the funds appropriated 87158
 under this section. 87159

HIV/AIDS PREVENTION/TREATMENT 87160

The foregoing appropriation item 440444, AIDS Prevention and 87161
 Treatment, shall be used to assist persons with HIV/AIDS in 87162

acquiring HIV-related medications and to administer educational 87163
prevention initiatives. 87164

PUBLIC HEALTH LABORATORY 87165

A portion of the foregoing appropriation item 440451, Public 87166
Health Laboratory, shall be used for coordination and management 87167
of prevention program operations and the purchase of drugs for 87168
sexually transmitted diseases. 87169

HELP ME GROW 87170

The foregoing appropriation item 440459, Help Me Grow, shall 87171
be used by the Department of Health to implement the Help Me Grow 87172
Program. Funds shall be distributed to counties through 87173
agreements, contracts, grants, or subsidies in accordance with 87174
section 3701.61 of the Revised Code. Appropriation item 440459, 87175
Help Me Grow, may be used in conjunction with other early 87176
childhood funds and services to promote the optimal development of 87177
young children and family-centered programs and services that 87178
acknowledge and support the social, emotional, cognitive, 87179
intellectual, and physical development of children and the vital 87180
role of families in ensuring the well-being and success of 87181
children. The Department of Health shall enter into interagency 87182
agreements with the Department of Education, Department of 87183
Developmental Disabilities, Department of Job and Family Services, 87184
and Department of Mental Health and Addiction Services to ensure 87185
that all early childhood programs and initiatives are coordinated 87186
and school linked. 87187

The foregoing appropriation item 440459, Help Me Grow, may 87188
also be used for the Developmental Autism and Screening Program. 87189

INFANT VITALITY 87190

The foregoing appropriation item 440474, Infant Vitality, 87191
shall be used to fund initiatives including: 87192

(A) The Infant Safe Sleep Campaign to educate parents and 87193
caregivers with a uniform message regarding safe sleep 87194
environments; 87195

(B) The Progesterone Prematurity Prevention Project to enable 87196
prenatal care providers to identify, screen, treat, and track 87197
outcomes for women eligible for progesterone supplementation; and 87198

(C) The Prenatal Smoking Cessation Project to enable prenatal 87199
care providers who work with women of reproductive age, including 87200
pregnant women, to have the tools, training, and technical 87201
assistance needed to treat smokers effectively. 87202

EMERGENCY PREPARATION AND RESPONSE 87203

The foregoing appropriation item 440477, Emergency 87204
Preparation and Response, shall be used to support public health 87205
emergency preparedness and response efforts at the state level or 87206
at a regional sub-level within the state, and may also be used to 87207
support data infrastructure projects related to public health 87208
emergency preparedness/response. 87209

TARGETED HEALTH CARE SERVICES OVER 21 87210

The foregoing appropriation item 440507, Targeted Health Care 87211
Services Over 21, shall be used to administer the Cystic Fibrosis 87212
Program and to implement the Hemophilia Insurance Premium Payment 87213
Program. 87214

The foregoing appropriation item 440507, Targeted Health Care 87215
Services Over 21, shall also be used to provide essential 87216
medications and to pay the copayments for drugs approved by the 87217
Department of Health and covered by Medicare Part D that are 87218
dispensed to Bureau for Children with Medical Handicaps (BCMH) 87219
participants for the Cystic Fibrosis Program. 87220

The Department shall expend all of these funds. 87221

MEDICALLY HANDICAPPED CHILDREN AUDIT 87222

The Medically Handicapped Children Audit Fund (Fund 4770) 87223
shall receive revenue from audits of hospitals and recoveries from 87224
third-party payers. Moneys may be expended for payment of audit 87225
settlements and for costs directly related to obtaining recoveries 87226
from third-party payers and for encouraging Medically Handicapped 87227
Children's Program recipients to apply for third-party benefits. 87228
Moneys also may be expended for payments for diagnostic and 87229
treatment services on behalf of medically handicapped children, as 87230
defined in division (A) of section 3701.022 of the Revised Code, 87231
and Ohio residents who are twenty-one or more years of age and who 87232
are suffering from cystic fibrosis or hemophilia. Moneys may also 87233
be expended for administrative expenses incurred in operating the 87234
Medically Handicapped Children's Program. 87235

GENETICS SERVICES 87236

The foregoing appropriation item 440608, Genetics Services 87237
(Fund 4D60), shall be used by the Department of Health to 87238
administer programs authorized by sections 3701.501 and 3701.502 87239
of the Revised Code. None of these funds shall be used to counsel 87240
or refer for abortion, except in the case of a medical emergency. 87241

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 87242

The foregoing appropriation item 440607, Medically 87243
Handicapped Children - County Assessments (Fund 6660), shall be 87244
used to make payments under division (E) of section 3701.023 of 87245
the Revised Code. 87246

Section 289.30. IMMUNIZATIONS 87247

Beginning on January 1, 2016, the Department of Health shall 87248
no longer provide GRF-funded vaccines or GRF funding for vaccines 87249
from GRF appropriation item 440418, Immunizations. Local health 87250
departments and other local providers who receive GRF funded 87251
vaccines or GRF funding for vaccines from the Department of Health 87252

before January 1, 2016, shall instead bill private insurance 87253
companies as appropriate to recover the costs of providing and 87254
administering vaccines. However, the Department of Health may 87255
continue to provide GRF-funded vaccines or GRF funding for 87256
vaccines to cover uninsured adults, to cover individuals on 87257
grandfathered private insurance plans that do not cover vaccines, 87258
and in certain exceptional cases as determined by the Director of 87259
Health. 87260

Section 289.40. WIC VENDOR CONTRACTS 87261

(A) As used in this section, "WIC" means the Special 87262
Supplemental Nutrition Program for Women, Infants, and Children 87263
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 87264
42 U.S.C. 1786, as amended. 87265

(B) During fiscal year 2016 and fiscal year 2017, the 87266
Department of Health shall process and review a WIC vendor 87267
contract application pursuant to Chapter 3701-42 of the 87268
Administrative Code not later than forty-five days after receipt 87269
of the application if the applicant is a WIC-contracted vendor at 87270
the time of application and meets all of the following 87271
requirements: 87272

(1) Submits a complete WIC vendor application with all 87273
required documents and information; 87274

(2) Passes the required unannounced preauthorization visit 87275
within forty-five days of submitting a complete application; 87276

(3) Completes the required in-person training within 87277
forty-five days of submitting the complete application. 87278

(C) If an applicant fails to meet any of the requirements 87279
described in division (B) of this section, the Department shall 87280
deny the application for the contract. After an application has 87281
been denied, the applicant may reapply for a contract to act as a 87282

WIC vendor during the contracting cycle that is applicable to the 87283
applicant's WIC region. 87284

Section 289.50. CASH TRANSFERS TO THE PUBLIC HEALTH EMERGENCY 87285
PREPAREDNESS FUND 87286

On July 1, 2015, or as soon as possible thereafter, the 87287
Director of Health shall certify to the Director of Budget and 87288
Management the cash balance relating to public health emergency 87289
preparedness and response activities in the General Operations 87290
Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 87291
2110), both used by the Department of Health. Upon receiving this 87292
certification, the Director of Budget and Management may transfer 87293
the amount certified to the Public Health Emergency Preparedness 87294
Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), 87295
both used by the Department of Health. 87296

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 87297

| | | | | |
|----------------------------------|----|--------|-----------|-------|
| Dedicated Purpose Fund Group | | | | 87298 |
| 4610 372601 Operating Expenses | \$ | 12,500 | \$ 12,500 | 87299 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 12,500 | \$ 12,500 | 87300 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 12,500 | \$ 12,500 | 87301 |

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 87303

| | | | | |
|---------------------------------|----|---------|------------|-------|
| General Revenue Fund | | | | 87304 |
| GRF 148100 Personal Services | \$ | 347,852 | \$ 347,852 | 87305 |
| GRF 148402 Community Programs | \$ | 44,924 | \$ 44,924 | 87306 |
| TOTAL GRF General Revenue Fund | \$ | 392,776 | \$ 392,776 | 87307 |
| Dedicated Purpose Fund Group | | | | 87308 |
| 6010 148602 Special Initiatives | \$ | 24,558 | \$ 24,558 | 87309 |
| TOTAL DPF Dedicated Purpose | | | | 87310 |
| Fund Group | \$ | 24,558 | \$ 24,558 | 87311 |

| | | | | | | |
|---|----------------------|----|------------|----|------------|-------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 417,334 | \$ | 417,334 | 87312 |
| | | | | | | |
| Section 295.10. OHS OHIO HISTORY CONNECTION | | | | | | 87314 |
| General Revenue Fund | | | | | | 87315 |
| GRF 360501 | Education and | \$ | 4,368,997 | \$ | 4,218,997 | 87316 |
| | Collections | | | | | |
| GRF 360502 | Site and Museum | \$ | 6,676,288 | \$ | 6,526,288 | 87317 |
| | Operations | | | | | |
| GRF 360504 | Ohio Preservation | \$ | 790,000 | \$ | 790,000 | 87318 |
| | Office | | | | | |
| GRF 360505 | National | \$ | 414,798 | \$ | 414,798 | 87319 |
| | Afro-American Museum | | | | | |
| GRF 360506 | Hayes Presidential | \$ | 500,000 | \$ | 500,000 | 87320 |
| | Center | | | | | |
| GRF 360508 | State Historical | \$ | 500,000 | \$ | 500,000 | 87321 |
| | Grants | | | | | |
| GRF 360509 | Outreach and | \$ | 160,395 | \$ | 160,395 | 87322 |
| | Partnership | | | | | |
| GRF 360521 | Ohioana Library | \$ | 140,000 | \$ | 140,000 | 87323 |
| | Association | | | | | |
| TOTAL GRF General Revenue Fund | | \$ | 13,550,478 | \$ | 13,250,478 | 87324 |
| Dedicated Purpose Fund Group | | | | | | 87325 |
| 5KL0 360602 | Ohio History Tax | \$ | 250,000 | \$ | 250,000 | 87326 |
| | Check-off | | | | | |
| 5PD0 360603 | Ohio History License | \$ | 10,000 | \$ | 10,000 | 87327 |
| | Plate | | | | | |
| TOTAL DPF Dedicated Purpose Fund | | \$ | 260,000 | \$ | 260,000 | 87328 |
| Group | | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 13,810,478 | \$ | 13,510,478 | 87329 |
| SUBSIDY APPROPRIATION | | | | | | 87330 |
| Upon approval by the Director of Budget and Management, the | | | | | | 87331 |
| foregoing appropriation items shall be released to the Ohio | | | | | | 87332 |

History Connection in quarterly amounts that in total do not 87333
exceed the annual appropriations. The funds and fiscal records of 87334
the society for fiscal year 2016 and fiscal year 2017 shall be 87335
examined by independent certified public accountants approved by 87336
the Auditor of State, and a copy of the audited financial 87337
statements shall be filed with the Office of Budget and 87338
Management. The society shall prepare and submit to the Office of 87339
Budget and Management the following: 87340

(A) An estimated operating budget for each fiscal year of the 87341
biennium. The operating budget shall be submitted at or near the 87342
beginning of each calendar year. 87343

(B) Financial reports, indicating actual receipts and 87344
expenditures for the fiscal year to date. These reports shall be 87345
filed at least semiannually during the fiscal biennium. 87346

The foregoing appropriations shall be considered to be the 87347
contractual consideration provided by the state to support the 87348
state's offer to contract with the Ohio History Connection under 87349
section 149.30 of the Revised Code. 87350

SITE AND MUSEUM OPERATIONS 87351

Of the foregoing appropriation item 360502, Site and Museum 87352
Operations, \$500,000 in each fiscal year shall be distributed to 87353
Lake View Cemetery for maintenance of the James A. Garfield 87354
Monument. 87355

OHIO PRESERVATION OFFICE 87356

Of the foregoing appropriation item 360504, Ohio Preservation 87357
Office, \$500,000 in each fiscal year shall be distributed to the 87358
Murphy Theatre for preservation of the structure. 87359

STATE HISTORICAL GRANTS 87360

Of the foregoing appropriation item 360508, State Historical 87361
Grants, \$250,000 in each fiscal year shall be used for the 87362

Cincinnati Museum Center, and \$250,000 in each fiscal year shall 87363
be used for the Western Reserve Historical Society. 87364

OUTREACH AND PARTNERSHIP 87365

Of the foregoing appropriation item 360509, Outreach and 87366
Partnership, \$70,000 in each fiscal year shall be distributed to 87367
the Ohio World War I Centennial Working Group. 87368

Section 297.10. REP OHIO HOUSE OF REPRESENTATIVES 87369

General Revenue Fund 87370

GRF 025321 Operating Expenses \$ 23,272,941 \$ 23,272,941 87371

TOTAL GRF General Revenue Fund \$ 23,272,941 \$ 23,272,941 87372

Internal Service Activity Fund Group 87373

1030 025601 House Reimbursement \$ 1,433,664 \$ 1,433,664 87374

4A40 025602 Miscellaneous Sales \$ 37,849 \$ 37,849 87375

TOTAL Internal Service Activity 87376

Fund Group \$ 1,471,513 \$ 1,471,513 87377

TOTAL ALL BUDGET FUND GROUPS \$ 24,744,454 \$ 24,744,454 87378

OPERATING EXPENSES 87379

On July 1, 2015, or as soon as possible thereafter, the Chief 87380
Administrative Officer of the House of Representatives may certify 87381
to the Director of Budget and Management the amount of the 87382
unexpended, unencumbered balance of the foregoing appropriation 87383
item 025321, Operating Expenses, at the end of fiscal year 2015 to 87384
be reappropriated to fiscal year 2016. The amount certified is 87385
hereby reappropriated to the same appropriation item for fiscal 87386
year 2016. 87387

On July 1, 2016, or as soon as possible thereafter, the Chief 87388
Administrative Officer of the House of Representatives may certify 87389
to the Director of Budget and Management the amount of the 87390
unexpended, unencumbered balance of the foregoing appropriation 87391
item 025321, Operating Expenses, at the end of fiscal year 2016 to 87392

be reappropriated to fiscal year 2017. The amount certified is 87393
 hereby reappropriated to the same appropriation item for fiscal 87394
 year 2017. 87395

HOUSE REIMBURSEMENT 87396

If it is determined by the Chief Administrative Officer of 87397
 the House of Representatives that additional appropriations are 87398
 necessary for the foregoing appropriation item 025601, House 87399
 Reimbursement, the amounts are hereby appropriated. 87400

Section 299.10. HFA OHIO HOUSING FINANCE AGENCY 87401

Dedicated Purpose Fund Group 87402

5AZ0 997601 Housing Finance Agency \$ 12,111,500 \$ 12,176,700 87403

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,111,500 \$ 12,176,700 87404

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,111,500 \$ 12,176,700 87405

Section 301.10. IGO OFFICE OF THE INSPECTOR GENERAL 87407

General Revenue Fund 87408

GRF 965321 Operating Expenses \$ 1,327,759 \$ 1,327,759 87409

TOTAL GRF General Revenue Fund \$ 1,327,759 \$ 1,327,759 87410

Internal Service Activity Fund Group 87411

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 87412

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 87413

General for BWC/OIC

TOTAL ISA Internal Service Activity 87414

Fund Group \$ 825,000 \$ 825,000 87415

TOTAL ALL BUDGET FUND GROUPS \$ 2,152,759 \$ 2,152,759 87416

Section 303.10. INS DEPARTMENT OF INSURANCE 87418

| | | | | | | |
|--|----------------------|----|------------|----|------------|-------|
| Dedicated Purpose Fund Group | | | | | 87419 | |
| 5540 820601 | Operating Expenses - | \$ | 180,000 | \$ | 180,000 | 87420 |
| | OSHIIP | | | | | |
| 5540 820606 | Operating Expenses | \$ | 26,010,367 | \$ | 26,010,367 | 87421 |
| 5550 820605 | Examination | \$ | 8,184,065 | \$ | 8,184,065 | 87422 |
| 5PT0 820613 | Captive Insurance | \$ | 496,252 | \$ | 1,198,696 | 87423 |
| | Regulation & | | | | | |
| | Supervision | | | | | |
| TOTAL DPF Dedicated Purpose | | | | | | 87424 |
| Fund Group | | \$ | 34,870,684 | \$ | 35,573,128 | 87425 |
| Federal Fund Group | | | | | | 87426 |
| 3U50 820602 | OSHIIP Operating | \$ | 1,970,725 | \$ | 1,970,725 | 87427 |
| | Grant | | | | | |
| TOTAL FED Federal Fund Group | | \$ | 1,970,725 | \$ | 1,970,725 | 87428 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 36,841,409 | \$ | 37,543,853 | 87429 |
| MARKET CONDUCT EXAMINATION | | | | | | 87430 |
| When conducting a market conduct examination of any insurer | | | | | | 87431 |
| doing business in this state, the Superintendent of Insurance may | | | | | | 87432 |
| assess the costs of the examination against the insurer. The | | | | | | 87433 |
| superintendent may enter into consent agreements to impose | | | | | | 87434 |
| administrative assessments or fines for conduct discovered that | | | | | | 87435 |
| may be violations of statutes or rules administered by the | | | | | | 87436 |
| Superintendent. All costs, assessments, or fines collected shall | | | | | | 87437 |
| be deposited to the credit of the Department of Insurance | | | | | | 87438 |
| Operating Fund (Fund 5540). | | | | | | 87439 |
| EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES | | | | | | 87440 |
| The Director of Budget and Management, at the request of the | | | | | | 87441 |
| Superintendent of Insurance, may transfer cash from the Department | | | | | | 87442 |
| of Insurance Operating Fund (Fund 5540), established by section | | | | | | 87443 |
| 3901.021 of the Revised Code, to the Superintendent's Examination | | | | | | 87444 |
| Fund (Fund 5550), established by section 3901.071 of the Revised | | | | | | 87445 |

Code, only for expenses incurred in examining domestic fraternal 87446
benefit societies as required by section 3921.28 of the Revised 87447
Code. 87448

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 87449

Not later than the thirty-first day of July each fiscal year, 87450
the Director of Budget and Management shall transfer \$5,000,000 87451
from the Department of Insurance Operating Fund (Fund 5540) to the 87452
General Revenue Fund. 87453

Section 303.20. TRANSFER OF FUNDS FOR CAPTIVE INSURANCE 87454
COMPANY REGULATION AND SUPERVISION 87455

During fiscal years 2016 and 2017, the Director of Budget and 87456
Management, in consultation with the Superintendent of Insurance, 87457
may transfer up to \$1,000,000 cash, from the Department of 87458
Insurance Operating Fund (Fund 5540) to the Captive Insurance 87459
Regulation and Supervision Fund (Fund 5PT0), to meet the operating 87460
needs associated with regulatory work related to the formation of 87461
captive insurance companies in this state that will occur before 87462
receipts from this activity are deposited into Fund 5PT0. Once 87463
funds from captive insurance company application fees, 87464
reimbursements from captive insurance companies for examinations, 87465
and other sources have accrued to Fund 5PT0 in such amounts as are 87466
deemed sufficient to sustain operations, the Director of Budget 87467
and Management, in consultation with the Superintendent of 87468
Insurance, shall establish a schedule for repaying the amounts 87469
previously transferred during fiscal years 2016 and 2017 from Fund 87470
5PT0 to Fund 5540. 87471

Section 305.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 87472

| | | | | | |
|----------------------|------------------------|----|-------------|----------------|-------|
| General Revenue Fund | | | | 87473 | |
| GRF 600321 | Program Support | \$ | 29,189,231 | \$ 29,189,231 | 87474 |
| GRF 600410 | TANF State/Maintenance | \$ | 152,386,934 | \$ 152,386,934 | 87475 |

| | | | | | |
|------------|--|----|-------------|----|-------------------|
| | of Effort | | | | |
| GRF 600413 | Child Care | \$ | 84,732,730 | \$ | 84,732,730 87476 |
| | State/Maintenance of Effort | | | | |
| GRF 600416 | Information Technology Projects | \$ | 54,365,961 | \$ | 54,365,961 87477 |
| GRF 600420 | Child Support Programs | \$ | 6,591,048 | \$ | 6,591,048 87478 |
| GRF 600421 | Family Assistance Programs | \$ | 3,161,930 | \$ | 3,161,930 87479 |
| GRF 600423 | Families and Children Programs | \$ | 6,542,517 | \$ | 6,542,517 87480 |
| GRF 600445 | Unemployment Insurance Administration | \$ | 25,218,724 | \$ | 25,523,501 87481 |
| GRF 600502 | Child Support - Local | \$ | 23,814,103 | \$ | 23,814,103 87482 |
| GRF 600511 | Disability Financial Assistance | \$ | 17,000,000 | \$ | 17,000,000 87483 |
| GRF 600521 | Family Assistance - Local | \$ | 46,132,751 | \$ | 46,132,751 87484 |
| GRF 600523 | Family and Children Services | \$ | 57,755,323 | \$ | 57,755,323 87485 |
| GRF 600528 | Adoption Services | | | | 87486 |
| | State | \$ | 28,623,389 | \$ | 28,623,389 87487 |
| | Federal | \$ | 38,202,557 | \$ | 38,202,557 87488 |
| | Adoption Services Total | \$ | 66,825,946 | \$ | 66,825,946 87489 |
| GRF 600533 | Child, Family, and Community Protective Services | \$ | 13,500,000 | \$ | 13,500,000 87490 |
| GRF 600534 | Adult Protective Services | \$ | 3,526,153 | \$ | 3,526,153 87491 |
| GRF 600535 | Early Care and Education | \$ | 143,617,211 | \$ | 143,436,793 87492 |
| GRF 600540 | Food Banks | \$ | 8,750,000 | \$ | 8,750,000 87493 |
| GRF 600546 | Healthy Food Financing | \$ | 1,500,000 | \$ | 2,000,000 87494 |

| | | | | | |
|-------------|------------------------------|----|-------------|----|-------------|
| | Initiative | | | | |
| GRF 600541 | Kinship Permanency | \$ | 3,500,000 | \$ | 3,500,000 |
| | Incentive Program | | | | 87495 |
| GRF 655522 | Medicaid Program | \$ | 31,067,970 | \$ | 31,067,970 |
| | Support - Local | | | | 87496 |
| GRF 655523 | Medicaid Program | \$ | 42,280,495 | \$ | 45,080,495 |
| | Support - Local | | | | 87497 |
| | Transportation | | | | |
| TOTAL GRF | General Revenue Fund | | | | 87498 |
| | State | \$ | 783,256,470 | \$ | 786,680,829 |
| | Federal | \$ | 38,202,557 | \$ | 38,202,557 |
| | GRF Total | \$ | 821,459,027 | \$ | 824,883,386 |
| | | | | | 87501 |
| | Dedicated Purpose Fund Group | | | | 87502 |
| 1980 600647 | Children's Trust Fund | \$ | 5,873,848 | \$ | 5,873,848 |
| 4A80 600658 | Public Assistance | \$ | 26,000,000 | \$ | 26,000,000 |
| | Activities | | | | 87504 |
| 4A90 600607 | Unemployment | \$ | 15,850,000 | \$ | 15,250,000 |
| | Compensation | | | | 87505 |
| | Administration Fund | | | | |
| 4E70 600604 | Family and Children | \$ | 400,000 | \$ | 400,000 |
| | Services Collections | | | | 87506 |
| 4F10 600609 | Family and Children | \$ | 383,549 | \$ | 383,549 |
| | Activities | | | | 87507 |
| 5DM0 600633 | Audit Settlements and | \$ | 5,000,000 | \$ | 5,000,000 |
| | Contingency | | | | 87508 |
| 5DP0 600634 | Adoption Assistance | \$ | 500,000 | \$ | 500,000 |
| | Loan | | | | 87509 |
| 5ES0 600630 | Food Bank Assistance | \$ | 500,000 | \$ | 500,000 |
| 5HC0 600695 | Unemployment | \$ | 38,701,835 | \$ | 28,668,609 |
| | Compensation Interest | | | | 87511 |
| 5KU0 600611 | Unemployment | | 500,000 | | 500,000 |
| | Insurance Support - | | | | 87512 |
| | Other Sources | | | | |

| | | | | | | | |
|-----------|--------|---|----|-------------|----|-------------|-------|
| 5NG0 | 600660 | Victims of Human Trafficking | \$ | 100,000 | \$ | 100,000 | 87513 |
| 5U60 | 600663 | Family and Children Support | \$ | 4,000,000 | \$ | 4,000,000 | 87514 |
| 5RC0 | 600669 | Healthier Buckeye Councils | \$ | 8,500,000 | \$ | 9,500,000 | 87515 |
| TOTAL DPF | | Dedicated Purpose Fund Group | \$ | 106,309,232 | \$ | 96,676,006 | 87516 |
| | | Internal Service Activity Fund Group | | | | | 87517 |
| 5HL0 | 600602 | State and County Shared Services | \$ | 3,000,000 | \$ | 3,000,000 | 87518 |
| TOTAL ISA | | Internal Service Activity Fund Group | \$ | 3,000,000 | \$ | 3,000,000 | 87519 |
| | | Fiduciary Fund Group | | | | | 87520 |
| 1920 | 600646 | Child Support Intercept - Federal | \$ | 129,250,000 | \$ | 129,250,000 | 87521 |
| 5830 | 600642 | Child Support Intercept - State | \$ | 14,000,000 | \$ | 14,000,000 | 87522 |
| 5B60 | 600601 | Food Assistance Intercept | \$ | 1,000,000 | \$ | 1,000,000 | 87523 |
| TOTAL FID | | Fiduciary Fund Group | \$ | 144,250,000 | \$ | 144,250,000 | 87524 |
| | | Holding Account Fund Group | | | | | 87525 |
| R012 | 600643 | Refunds and Audit Settlements | \$ | 500,000 | \$ | 500,000 | 87526 |
| R013 | 600644 | Forgery Collections | \$ | 10,000 | \$ | 10,000 | 87527 |
| TOTAL HLD | | Holding Account Fund Group | \$ | 510,000 | \$ | 510,000 | 87528 |
| | | Federal Fund Group | | | | | 87529 |
| 3270 | 600606 | Child Welfare | \$ | 29,769,866 | \$ | 29,769,866 | 87530 |
| 3310 | 600615 | Veterans Programs | \$ | 8,000,000 | \$ | 8,000,000 | 87531 |
| 3310 | 600624 | Employment Services Programs | \$ | 26,000,000 | \$ | 26,000,000 | 87532 |

| | | | | | | | |
|-------|------------|---|----|---------------|----|---------------|-------|
| 3310 | 600686 | Workforce Programs | \$ | 6,260,000 | \$ | 6,260,000 | 87533 |
| 3840 | 600610 | Food Assistance Programs | \$ | 160,381,394 | \$ | 160,381,394 | 87534 |
| 3850 | 600614 | Refugee Services | \$ | 12,564,952 | \$ | 12,564,952 | 87535 |
| 3950 | 600616 | Federal Discretionary Grants | \$ | 2,259,264 | \$ | 2,259,264 | 87536 |
| 3960 | 600620 | Social Services Block Grant | \$ | 47,000,000 | \$ | 47,000,000 | 87537 |
| 3970 | 600626 | Child Support - Federal | \$ | 200,000,000 | \$ | 200,000,000 | 87538 |
| 3980 | 600627 | Adoption Program - Federal | \$ | 171,178,779 | \$ | 171,178,779 | 87539 |
| 3A20 | 600641 | Emergency Food Distribution | \$ | 5,000,000 | \$ | 5,000,000 | 87540 |
| 3D30 | 600648 | Children's Trust Fund Federal | \$ | 3,477,699 | \$ | 3,477,699 | 87541 |
| 3F01 | 655624 | Medicaid Program Support | \$ | 122,280,495 | \$ | 125,080,495 | 87542 |
| 3H70 | 600617 | Child Care Federal | \$ | 222,212,089 | \$ | 213,000,000 | 87543 |
| 3N00 | 600628 | Foster Care Program - Federal | \$ | 291,968,616 | \$ | 291,968,616 | 87544 |
| 3S50 | 600622 | Child Support Projects | \$ | 534,050 | \$ | 534,050 | 87545 |
| 3V00 | 600688 | Workforce Innovation and Opportunity Act Programs | \$ | 128,000,000 | \$ | 128,000,000 | 87546 |
| 3V40 | 600678 | Federal Unemployment Programs | \$ | 133,814,212 | \$ | 133,814,212 | 87547 |
| 3V40 | 600679 | UC Review Commission - Federal | \$ | 6,185,788 | \$ | 6,185,788 | 87548 |
| 3V60 | 600689 | TANF Block Grant | \$ | 824,500,560 | \$ | 836,037,504 | 87549 |
| TOTAL | FED | Federal Fund Group | \$ | 2,401,387,764 | \$ | 2,406,512,619 | 87550 |
| TOTAL | ALL BUDGET | FUND GROUPS | \$ | 3,476,916,023 | \$ | 3,475,832,011 | 87551 |

Section 305.20. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 87553

The Fiduciary Fund Group and Holding Account Fund Group shall 87554
be used to hold revenues until the appropriate fund is determined 87555
or until the revenues are directed to the appropriate governmental 87556
agency other than the Department of Job and Family Services. If 87557
receipts credited to the Support Intercept - Federal Fund (Fund 87558
1920), the Support Intercept - State Fund (Fund 5830), the Food 87559
Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements 87560
Fund (Fund R012), or the Forgery Collections Fund (Fund R013) 87561
exceed the amounts appropriated from the fund, the Director of Job 87562
and Family Services may request the Director of Budget and 87563
Management to authorize expenditures from the fund in excess of 87564
the amounts appropriated. Upon the approval of the Director of 87565
Budget and Management, the additional amounts are hereby 87566
appropriated. 87567

Section 305.23. OHIO PARENTING AND PREGNANCY PROGRAM 87568

Of the foregoing appropriation item 600410, TANF 87569
State/Maintenance of Effort, \$500,000 in each fiscal year shall be 87570
used to support the Ohio Parenting and Pregnancy Program. 87571

Section 305.25. HEALTHY FOOD FINANCING INITIATIVE 87572

The foregoing GRF appropriation item 600546, Healthy Food 87573
Financing Initiative, shall be used by the Director of Job and 87574
Family Services to support healthy food access in low- to 87575
moderate-income and underserved urban and rural areas of the 87576
state. 87577

The Director of Job and Family Services, in cooperation with 87578
the Director of Health and with the approval of the Director of 87579
the Governor's Office of Health Transformation, shall, not later 87580
than October 1, 2015, contract with an Ohio domiciled community 87581

development financial institution certified by the United States 87582
Department of the Treasury and designated as a statewide community 87583
development financial institution to initiate and administer a 87584
Healthy Food Financing Initiative. The selected community 87585
development financial institution shall demonstrate a capacity to 87586
administer grant and loan programs in accordance with state and 87587
federal rules and accounting principles and shall partner with one 87588
or more entities with demonstrable experience in healthy food 87589
access-related policy matters. 87590

The Director of Job and Family Services shall, not later than 87591
December 31, 2016, provide to the Governor, Speaker of the House 87592
of Representatives, President of the Senate, and Minority Leaders 87593
of the House of Representatives and Senate a written progress 87594
report on the Health Food Financing Initiative including, but not 87595
limited to, state funds granted or loaned, the number of new or 87596
retained jobs associated with related projects, and the number and 87597
location of healthy food access projects established or in 87598
development. 87599

Section 305.30. COUNTY ADMINISTRATIVE FUNDS 87600

(A) The foregoing appropriation item 600521, Family 87601
Assistance - Local, may be provided to county departments of job 87602
and family services to administer food assistance and disability 87603
assistance programs. 87604

(B) The foregoing appropriation item 655522, Medicaid Program 87605
Support - Local, may be provided to county departments of job and 87606
family services to administer the Medicaid program and the State 87607
Children's Health Insurance program. 87608

(C) At the request of the Director of Job and Family 87609
Services, the Director of Budget and Management may transfer 87610
appropriations between appropriation item 600521, Family 87611
Assistance - Local, and appropriation item 655522, Medicaid 87612

Program Support - Local, in order to ensure county administrative 87613
funds are expended from the proper appropriation item. 87614

(D) If receipts credited to the Medicaid Program Support Fund 87615
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 87616
(Fund 3840) exceed the amounts appropriated, the Director of Job 87617
and Family Services shall request the Director of Budget and 87618
Management to authorize expenditures from those funds in excess of 87619
the amounts appropriated. Upon approval of the Director of Budget 87620
and Management, the additional amounts are hereby appropriated. 87621

Section 305.40. FOOD STAMPS TRANSFER 87622

On July 1, 2015, or as soon as possible thereafter, the 87623
Director of Budget and Management may transfer up to \$1,000,000 87624
cash from the Supplemental Nutrition Assistance Program Fund (Fund 87625
3840), to the Food Assistance Fund (Fund 5ES0). 87626

Section 305.50. NAME OF FOOD STAMP PROGRAM 87627

The Director of Job and Family Services is not required to 87628
amend rules regarding the Food Stamp Program to change the name of 87629
the program to the Supplemental Nutrition Assistance Program. The 87630
Director may refer to the program as the Food Stamp Program, the 87631
Supplemental Nutrition Assistance Program, or the Food Assistance 87632
Program in rules and documents of the Department of Job and Family 87633
Services. 87634

Section 305.60. OHIO ASSOCIATION OF FOOD BANKS 87635

The foregoing appropriation item 600540, Food Banks, shall be 87636
used to provide funds to the Ohio Association of Food Banks to 87637
purchase and distribute food products. 87638

Notwithstanding section 5101.46 of the Revised Code and any 87639
other provision in this bill, including funds designated for the 87640
Ohio Association of Food Banks in this section, in fiscal year 87641

2016 and fiscal year 2017, the Director of Job and Family Services 87642
shall provide assistance from eligible funds to the Ohio 87643
Association of Food Banks in an amount not less than \$17,250,000 87644
in each fiscal year. 87645

Eligible nonfederal expenditures made by member food banks of 87646
the Association shall be counted by the Department of Job and 87647
Family Services toward the TANF maintenance of effort requirements 87648
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 87649
shall enter into an agreement with the Ohio Association of Food 87650
Banks, in accordance with sections 5101.80 and 5101.801 of the 87651
Revised Code, to carry out the requirements under this section. 87652

Section 305.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 87653

The foregoing appropriation item 600658, Public Assistance 87654
Activities, shall be used by the Department of Job and Family 87655
Services to meet the TANF maintenance of effort requirements of 42 87656
U.S.C. 609(a)(7). When the state is assured that it will meet the 87657
maintenance of effort requirement, the Department of Job and 87658
Family Services may use funds from appropriation item 600658, 87659
Public Assistance Activities, to support public assistance 87660
activities. 87661

Section 305.80. GOVERNOR'S OFFICE OF FAITH-BASED AND 87662
COMMUNITY INITIATIVES 87663

Of the foregoing appropriation item 600689, TANF Block Grant, 87664
up to \$6,540,000 in each fiscal year shall be used, in accordance 87665
with sections 5101.80 and 5101.801 of the Revised Code, to provide 87666
support to programs or organizations that provide services that 87667
align with the mission and goals of the Governor's Office of 87668
Faith-Based and Community Initiatives, as outlined in section 87669
107.12 of the Revised Code, and that further at least one of the 87670
four purposes of the TANF program, as specified in 42 U.S.C. 601. 87671

Section 305.90. INDEPENDENT LIVING INITIATIVE 87672

Of the foregoing appropriation item 600689, TANF Block Grant, 87673
up to \$2,000,000 in each fiscal year shall be used, in accordance 87674
with sections 5101.80 and 5101.801 of the Revised Code, to support 87675
the Independent Living Initiative, including life skills training 87676
and work supports for older children in foster care and those who 87677
have recently aged out of foster care. 87678

Section 305.100. OHIO COMMISSION ON FATHERHOOD 87679

Of the foregoing appropriation item 600689, TANF Block Grant, 87680
\$1,000,000 in each fiscal year shall be provided to the Ohio 87681
Commission on Fatherhood. 87682

Section 305.103. OHIO ALLIANCE OF BOYS & GIRLS CLUBS 87683

Of the foregoing appropriation item 600689, TANF Block Grant, 87684
\$625,000 in each fiscal year shall be provided to the Ohio 87685
Alliance of Boys & Girls Clubs for after-school and summer 87686
programs that protect at-risk children and enable youth to become 87687
responsible adults. 87688

Section 305.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 87689

In collaboration with the county family and children first 87690
council, a county department of job and family services or public 87691
children services agency that receives an allocation from the 87692
Department of Job and Family Services from the foregoing 87693
appropriation item 600523, Family and Children Services, or 87694
600533, Child, Family, and Community Protective Services, may 87695
transfer a portion of either or both allocations to a flexible 87696
funding pool as authorized by the section of this act titled 87697
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 87698

Section 305.120. STATE CHILD PROTECTION ALLOCATION 87699

Of the foregoing appropriation item 600523, Family and 87700
Children Services, up to \$3,200,000 shall be used to match 87701
eligible federal Title IV-B ESSA funds and federal Title IV-E 87702
Chafee funds allocated to public children services agencies. 87703

CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM 87704

(A) The Ohio Department of Job and Family Services shall 87705
implement and oversee use of a Child Placement Level of Care Tool 87706
on a pilot basis. The Department shall implement the pilot program 87707
in up to ten counties selected by the Department and shall include 87708
the county and at least one private child placing agency or 87709
private noncustodial agency. The pilot program shall be developed 87710
with the participating counties and agencies and must be 87711
acceptable to all participants. A selected county or agency must 87712
agree to participate in the pilot program. 87713

(B) The pilot program shall begin not later than one hundred 87714
eighty days after the effective date of this section and end not 87715
later than eighteen months after the date the pilot program 87716
begins. The length of the pilot program shall not include any time 87717
expended in preparation for implementation or any post-pilot 87718
program evaluation activity. 87719

(C)(1) In accordance with sections 125.01 to 125.11 of the 87720
Revised Code, the Ohio Department of Job and Family Services shall 87721
provide for an independent evaluation of the pilot program to rate 87722
the program's success in the following areas: 87723

(a) Placement stability, length of stay, and other outcomes 87724
for children; 87725

(b) Cost; 87726

(c) Worker satisfaction; 87727

(d) Any other criteria the Department determines will be 87728

useful in the consideration of statewide implementation. 87729

(2) The evaluation design shall include: 87730

(a) A comparison of data to historical outcomes or control 87731
counties; 87732

(b) A prospective data evaluation in each of the pilot 87733
counties. 87734

(D) The Ohio Department of Job and Family Services may adopt 87735
rules in accordance with Chapter 119. of the Revised Code as 87736
necessary to carry out the purposes of this section. The 87737
Department shall seek maximum federal financial participation to 87738
support the pilot program and the evaluation. 87739

(E) Notwithstanding division (E) of section 5101.141 of the 87740
Revised Code, the Department of Job and Family Services shall seek 87741
state funding to implement the Child Placement Level of Care Tool 87742
pilot program described in this section and to contract for the 87743
independent evaluation of the pilot program. 87744

(F) As used in this section, "Child Placement Level of Care 87745
Tool" means an assessment tool to be used by participating 87746
counties and agencies to assess a child's placement needs when a 87747
child must be removed from the child's own home and cannot be 87748
placed with a relative or kinnot certified as a foster caregiver 87749
that includes assessing a child's functioning, needs, strengths, 87750
risk behaviors, and exposure to traumatic experiences. 87751

Section 305.123. CHILDREN'S CRISIS CARE FACILITIES 87752

Of the foregoing appropriation item 600523, Family and 87753
Children Services, \$300,000 in each fiscal year shall be provided 87754
to children's crisis care facilities as defined in section 5103.13 87755
of the Revised Code. The Director of Job and Family Services shall 87756
allocate funds based on the number of children at each facility. A 87757
children's crisis care facility may decline to receive funds 87758

provided under this section. A children's crisis care facility 87759
that accepts funds provided under this section shall use the funds 87760
in accordance with section 5103.13 of the Revised Code and rules 87761
as defined in rule 5101:2-9-36 of the Administrative Code. 87762

Section 305.130. CHILD, FAMILY, AND COMMUNITY PROTECTIVE 87763
SERVICES 87764

(A) The foregoing appropriation item 600533, Child, Family, 87765
and Community Protective Services, shall be distributed to each 87766
county department of job and family services using the formula the 87767
Department of Job and Family Services uses when distributing Title 87768
XX funds to county departments of job and family services under 87769
section 5101.46 of the Revised Code. County departments shall use 87770
the funds distributed to them under this section as follows, in 87771
accordance with the written plan of cooperation entered into under 87772
section 307.983 of the Revised Code: 87773

(1) To assist individuals in achieving or maintaining 87774
self-sufficiency, including by reducing or preventing dependency 87775
among individuals with family income not exceeding two hundred per 87776
cent of the federal poverty guidelines; 87777

(2) Subject to division (B) of this section, to respond to 87778
reports of abuse, neglect, or exploitation of children and adults, 87779
including through the differential response approach program 87780
developed under Section 309.50.10 of this act; 87781

(3) To provide outreach and referral services regarding home 87782
and community-based services to individuals at risk of placement 87783
in a group home or institution, regardless of the individuals' 87784
family income and without need for a written application; 87785

(4) To provide outreach, referral, application assistance, 87786
and other services to assist individuals receive assistance, 87787
benefits, or services under Medicaid; Title IV-A programs, as 87788

defined in section 5101.80 of the Revised Code; the Supplemental Nutrition Assistance Program; and other public assistance programs. 87789
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(B) Protective services may be provided to a child or adult as part of a response, under division (A)(2) of this section, to a report of abuse, neglect, or exploitation without regard to a child or adult's family income and without need for a written application. The protective services may be provided if the case record documents circumstances of actual or potential abuse, neglect, or exploitation. 87792
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Section 305.140. FAMILY AND CHILDREN SERVICES ACTIVITIES 87799

The foregoing appropriation item 600609, Family and Children Services Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities. 87800
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Section 305.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 87804

Notwithstanding section 5101.073 of the Revised Code, the Audit Settlements and Contingency Fund (Fund 5DM0) may also consist of earned federal revenue the final disposition of which is unknown. 87805
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87808

Section 305.160. ADOPTION ASSISTANCE LOAN 87809

Of the foregoing appropriation item 600634, Adoption Assistance Loan, the Department of Job and Family Services may use up to ten per cent for administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. 87810
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Section 305.170. VICTIMS OF HUMAN TRAFFICKING 87814

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, 87815
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rehabilitation, education, housing, and assistance for victims of 87817
trafficking in persons as specified in section 5101.87 of the 87818
Revised Code. If receipts credited to the Victims of Human 87819
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 87820
the fund, the Director of Job and Family Services may request the 87821
Director of Budget and Management to authorize expenditures from 87822
the fund in excess of the amounts appropriated. Upon the approval 87823
of the Director of Budget and Management, the additional amounts 87824
are hereby appropriated. 87825

Section 305.180. UNEMPLOYMENT COMPENSATION INTEREST 87826

The foregoing appropriation item 600695, Unemployment 87827
Compensation Interest, shall be used for payment of interest costs 87828
paid to the United States Secretary of the Treasury for the 87829
repayment of accrued interest related to federal unemployment 87830
account borrowing. 87831

Section 305.183. HEALTHIER BUCKEYE COUNCILS 87832

Of the foregoing appropriation item 600669, Healthier Buckeye 87833
Councils, up to \$250,000 in each fiscal year may be used by the 87834
Ohio Healthier Buckeye Advisory Council to support the 87835
administration of the Healthier Buckeye Grant Program created 87836
under section 5101.93 of the Revised Code. 87837

Section 305.190. CASE MANAGEMENT 87838

(A) As used in this section, "workforce development agency" 87839
has the same meaning as in section 6301.01 of the Revised Code. 87840

(B) It is the intent of the General Assembly that any 87841
publicly administered case management services made available to 87842
individuals regarding their employment and training needs be 87843
governed at the county level and provided through county 87844
departments of job and family services and workforce development 87845

agencies. 87846

Section 305.200. STATE AND COUNTY SHARED SERVICES TRANSFER 87847

Upon receipt of a request from the Director of the Department 87848
of Job and Family Services and the Director of the Department of 87849
Medicaid, the Director of Budget and Management may transfer up to 87850
\$7,200,000 cash from the State and County Shared Services Fund 87851
(Fund 5HL0) in the Department of Job and Family Services, to the 87852
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) in 87853
the Department of Medicaid. 87854

Section 307.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 87855

General Revenue Fund 87856

| | | | | | |
|--------------------------------|----|---------|----|---------|-------|
| GRF 029321 Operating Expenses | \$ | 493,139 | \$ | 512,253 | 87857 |
| TOTAL GRF General Revenue Fund | \$ | 493,139 | \$ | 512,253 | 87858 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 493,139 | \$ | 512,253 | 87859 |

OPERATING GUIDANCE 87860

The Chief Administrative Officer of the House of 87861
Representatives and the Clerk of the Senate shall determine, by 87862
mutual agreement, which of them shall act as fiscal agent for the 87863
Joint Committee on Agency Rule Review. Members of the Committee 87864
shall be paid in accordance with section 101.35 of the Revised 87865
Code. 87866

OPERATING EXPENSES 87867

On July 1, 2015, or as soon as possible thereafter, the 87868
Executive Director of the Joint Committee on Agency Rule Review 87869
may certify to the Director of Budget and Management the amount of 87870
the unexpended, unencumbered balance of the foregoing 87871
appropriation item 029321, Operating Expenses, at the end of 87872
fiscal year 2015 to be reappropriated to fiscal year 2016. The 87873
amount certified is hereby reappropriated to the same 87874

appropriation item for fiscal year 2016. 87875

On July 1, 2016, or as soon as possible thereafter, the 87876
Executive Director of the Joint Committee on Agency Rule Review 87877
may certify to the Director of Budget and Management the amount of 87878
the unexpended, unencumbered balance of the foregoing 87879
appropriation item 029321, Operating Expenses, at the end of 87880
fiscal year 2016 to be reappropriated to fiscal year 2017. The 87881
amount certified is hereby reappropriated to the same 87882
appropriation item for fiscal year 2017. 87883

Section 308.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 87884

General Revenue Fund 87885

GRF 048321 Operating Expenses \$ 321,995 \$ 490,320 87886

TOTAL GRF General Revenue Fund \$ 321,995 \$ 490,320 87887

TOTAL ALL BUDGET FUND GROUPS \$ 321,995 \$ 490,320 87888

OPERATING EXPENSES 87889

The foregoing appropriation item 048321, Operating Expenses, 87890
shall be used to support expenses related to the Joint Medicaid 87891
Oversight Committee created by section 103.41 of the Revised Code. 87892

On July 1, 2015, or as soon as possible thereafter, the 87893
Executive Director of the Joint Medicaid Oversight Committee may 87894
certify to the Director of Budget and Management the amount of the 87895
unexpended, unencumbered balance of the foregoing appropriation 87896
item 048321, Operating Expenses, at the end of fiscal year 2015 to 87897
be reappropriated to fiscal year 2016. The amount certified is 87898
hereby reappropriated to the same appropriation item for fiscal 87899
year 2016. 87900

On July 1, 2016, or as soon as possible thereafter, the 87901
Executive Director of the Joint Medicaid Oversight Committee may 87902
certify to the Director of Budget and Management the amount of the 87903
unexpended, unencumbered balance of the foregoing appropriation 87904

item 048321, Operating Expenses, at the end of fiscal year 2016 to 87905
 be reappropriated to fiscal year 2017. The amount certified is 87906
 hereby reappropriated to the same appropriation item for fiscal 87907
 year 2017. 87908

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS 87909

The Joint Medicaid Oversight Committee shall review the 87910
 following Department of Health appropriation items: 440416, 87911
 Mothers and Children Safety Net Services; 440418, Immunizations; 87912
 440438, Breast and Cervical Cancer Screening; 440444, AIDS 87913
 Prevention and Treatment; and 440505, Medically Handicapped 87914
 Children. The review shall include the uses and the necessity of 87915
 these appropriation items both before and after the enactment of 87916
 section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 87917
 U.S.C. 1396a(a)(10)(A)(i)(VIII). 87918

Section 309.10. JCO JUDICIAL CONFERENCE OF OHIO 87919

General Revenue Fund 87920

| | | | | | | |
|------------|----------------------|----|---------|----|---------|-------|
| GRF 018321 | Operating Expenses | \$ | 847,200 | \$ | 847,200 | 87921 |
| TOTAL GRF | General Revenue Fund | \$ | 847,200 | \$ | 847,200 | 87922 |

Dedicated Purpose Fund Group 87923

| | | | | | | |
|-------------|-----------|----|---------|----|---------|-------|
| 4030 018601 | Ohio Jury | \$ | 337,000 | \$ | 337,000 | 87924 |
|-------------|-----------|----|---------|----|---------|-------|

Instructions

| | | | | | | |
|-----------|------------------------|----|---------|----|---------|-------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 337,000 | \$ | 337,000 | 87925 |
|-----------|------------------------|----|---------|----|---------|-------|

Group

| | | | | | | |
|------------------------------|--|----|-----------|----|-----------|-------|
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 1,184,200 | \$ | 1,184,200 | 87926 |
|------------------------------|--|----|-----------|----|-----------|-------|

STATE COUNCIL OF UNIFORM STATE LAWS 87927

Notwithstanding section 105.26 of the Revised Code, of the 87928
 foregoing appropriation item 018321, Operating Expenses, up to 87929
 \$88,300 in fiscal year 2016 and up to \$91,832 in fiscal year 2017 87930
 shall be used to pay the expenses of the State Council of Uniform 87931
 State Laws, including membership dues to the National Conference 87932

of Commissioners on Uniform State Laws. 87933

OHIO JURY INSTRUCTIONS FUND 87934

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 87935
 grants, royalties, dues, conference fees, bequests, devises, and 87936
 other gifts received for the purpose of supporting costs incurred 87937
 by the Judicial Conference of Ohio in its activities as a part of 87938
 the judicial system of the state as determined by the Judicial 87939
 Conference Executive Committee. Fund 4030 shall be used by the 87940
 Judicial Conference of Ohio to pay expenses incurred in its 87941
 activities as a part of the judicial system of the state as 87942
 determined by the Judicial Conference Executive Committee. All 87943
 moneys accruing to Fund 4030 in excess of \$337,000 in fiscal year 87944
 2016 and in excess of \$337,000 in fiscal year 2017 are hereby 87945
 appropriated for the purposes authorized. 87946

No money in Fund 4030 shall be transferred to any other fund 87947
 by the Director of Budget and Management or the Controlling Board. 87948

Section 311.10. JSC THE JUDICIARY/SUPREME COURT 87949

General Revenue Fund 87950

GRF 005321 Operating Expenses - \$ 144,352,316 \$ 146,884,490 87951
 Judiciary/Supreme
 Court

GRF 005406 Law-Related Education \$ 236,172 \$ 236,172 87952

GRF 005409 Ohio Courts \$ 3,350,000 \$ 3,350,000 87953
 Technology Initiative

TOTAL GRF General Revenue Fund \$ 147,938,488 \$ 150,470,662 87954

Dedicated Purpose Fund Group 87955

4C80 005605 Attorney Services \$ 5,841,263 \$ 5,795,909 87956

5HT0 005617 Court Interpreter \$ 10,000 \$ 10,000 87957
 Certification

5T80 005609 Grants and Awards \$ 6,000 \$ 6,000 87958

| | | | | | | |
|------------------------------|---|----|-------------|----|-------------|---|
| 6720 005601 | Continuing Judicial Education | \$ | 120,000 | \$ | 120,000 | 87959 |
| 6A80 005606 | Supreme Court Admissions | \$ | 1,415,963 | \$ | 1,425,709 | 87960 |
| TOTAL DPF | Dedicated Purpose Fund Group | \$ | 7,393,226 | \$ | 7,357,618 | 87961 |
| | Fiduciary Fund Group | | | | | 87962 |
| 5JY0 005620 | County Law Library Resources Boards | \$ | 423,000 | \$ | 423,000 | 87963 |
| TOTAL FID | Fiduciary Fund Group | \$ | 423,000 | \$ | 423,000 | 87964 |
| | Federal Fund Group | | | | | 87965 |
| 3J00 005603 | Federal Grants | \$ | 1,389,018 | \$ | 1,402,091 | 87966 |
| TOTAL FED | Federal Fund Group | \$ | 1,389,018 | \$ | 1,402,091 | 87967 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 157,143,732 | \$ | 159,653,371 | 87968 |
| | OPERATING EXPENSES - JUDICIARY/SUPREME COURT | | | | | 87969 |
| | Of the foregoing appropriation item 005321, Operating Expenses - Judiciary/Supreme Court, up to \$304,353 in fiscal year 2016 and up to \$308,433 in fiscal year 2017 may be used to support the functions of the State Criminal Sentencing Council. | | | | | 87970 87971 87972 87973 |
| | LAW-RELATED EDUCATION | | | | | 87974 |
| | The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. | | | | | 87975 87976 87977 87978 87979 87980 87981 |
| | OHIO COURTS TECHNOLOGY INITIATIVE | | | | | 87982 |
| | The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and | | | | | 87983 87984 87985 |

warehousing of data by and between Ohio courts and other justice 87986
system partners through the creation of an Ohio Courts Network, 87987
the delivery of technology services to courts throughout the 87988
state, including the provision of hardware, software, and the 87989
development and implementation of educational and training 87990
programs for judges and court personnel, and operation of the 87991
Commission on Technology and the Courts by the Supreme Court for 87992
the promulgation of statewide rules, policies, and uniform 87993
standards, and to aid in the orderly adoption and comprehensive 87994
use of technology in Ohio courts. 87995

ATTORNEY SERVICES 87996

The Attorney Services Fund (Fund 4C80), formerly known as the 87997
Attorney Registration Fund, shall consist of money received by the 87998
Supreme Court (The Judiciary) pursuant to the Rules for the 87999
Government of the Bar of Ohio. In addition to funding other 88000
activities considered appropriate by the Supreme Court, the 88001
foregoing appropriation item 005605, Attorney Services, may be 88002
used to compensate employees and to fund appropriate activities of 88003
the following offices established by the Supreme Court: the Office 88004
of Disciplinary Counsel, the Board of Commissioners on Grievances 88005
and Discipline, the Clients' Security Fund, and the Attorney 88006
Services Division. If it is determined by the Administrative 88007
Director of the Supreme Court that additional appropriations are 88008
necessary, the amounts are hereby appropriated. 88009

No money in Fund 4C80 shall be transferred to any other fund 88010
by the Director of Budget and Management or the Controlling Board. 88011
Interest earned on money in Fund 4C80 shall be credited to the 88012
fund. 88013

COURT INTERPRETER CERTIFICATION 88014

The Court Interpreter Certification Fund (Fund 5HT0) shall 88015
consist of money received by the Supreme Court (The Judiciary) 88016

pursuant to Rules 80 through 87 of the Rules of Superintendence 88017
for the Courts of Ohio. The foregoing appropriation item 005617, 88018
Court Interpreter Certification, shall be used to provide 88019
training, to provide the written examination, and to pay language 88020
experts to rate, or grade, the oral examinations of those applying 88021
to become certified court interpreters. If it is determined by the 88022
Administrative Director that additional appropriations are 88023
necessary, the amounts are hereby appropriated. 88024

No money in Fund 5HT0 shall be transferred to any other fund 88025
by the Director of Budget and Management or the Controlling Board. 88026
Interest earned on money in Fund 5HT0 shall be credited to the 88027
fund. 88028

GRANTS AND AWARDS 88029

The Grants and Awards Fund (Fund 5T80) shall consist of 88030
grants and other money awarded to the Supreme Court (The 88031
Judiciary) by the State Justice Institute, the Division of 88032
Criminal Justice Services, or other entities. The foregoing 88033
appropriation item 005609, Grants and Awards, shall be used in a 88034
manner consistent with the purpose of the grant or award. If it is 88035
determined by the Administrative Director of the Supreme Court 88036
that additional appropriations are necessary, the amounts are 88037
hereby appropriated. 88038

No money in Fund 5T80 shall be transferred to any other fund 88039
by the Director of Budget and Management or the Controlling Board. 88040
Interest earned on money in Fund 5T80 shall be credited or 88041
transferred to the General Revenue Fund. 88042

CONTINUING JUDICIAL EDUCATION 88043

The Continuing Judicial Education Fund (Fund 6720) shall 88044
consist of fees paid by judges and court personnel for attending 88045
continuing education courses and other gifts and grants received 88046
for the purpose of continuing judicial education. The foregoing 88047

appropriation item 005601, Continuing Judicial Education, shall be 88048
used to pay expenses for continuing education courses for judges 88049
and court personnel. If it is determined by the Administrative 88050
Director of the Supreme Court that additional appropriations are 88051
necessary, the amounts are hereby appropriated. 88052

No money in Fund 6720 shall be transferred to any other fund 88053
by the Director of Budget and Management or the Controlling Board. 88054
Interest earned on money in Fund 6720 shall be credited to the 88055
fund. 88056

SUPREME COURT ADMISSIONS 88057

The foregoing appropriation item 005606, Supreme Court 88058
Admissions, shall be used to compensate Supreme Court employees 88059
who are primarily responsible for administering the attorney 88060
admissions program under the Rules for the Government of the Bar 88061
of Ohio, and to fund any other activities considered appropriate 88062
by the court. Moneys shall be deposited into the Supreme Court 88063
Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 88064
Government of the Bar of Ohio. If it is determined by the 88065
Administrative Director of the Supreme Court that additional 88066
appropriations are necessary, the amounts are hereby appropriated. 88067

No money in Fund 6A80 shall be transferred to any other fund 88068
by the Director of Budget and Management or the Controlling Board. 88069
Interest earned on money in Fund 6A80 shall be credited to the 88070
fund. 88071

COUNTY LAW LIBRARY RESOURCES BOARD 88072

The Statewide Consortium of County Law Library Resources 88073
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 88074
to section 307.515 of the Revised Code into a county's law library 88075
resources fund and forwarded by that county's treasurer for 88076
deposit in the state treasury pursuant to division (E)(1) of 88077
section 3375.481 of the Revised Code. The foregoing appropriation 88078

item 005620, County Law Library Resources Board, shall be used for 88079
the operation of the Statewide Consortium of County Law Library 88080
Resources Boards. If it is determined by the Administrative 88081
Director of the Supreme Court that additional appropriations are 88082
necessary, the amounts are hereby appropriated. 88083

No money in Fund 5JY0 shall be transferred to any other fund 88084
by the Director of Budget and Management or the Controlling Board. 88085
Interest earned on money in Fund 5JY0 shall be credited to the 88086
fund. 88087

FEDERAL GRANTS 88088

The Federal Grants Fund (Fund 3J00) shall consist of grants 88089
and other moneys awarded to the Supreme Court (The Judiciary) by 88090
the United States Government or other entities that receive the 88091
moneys directly from the United States Government and distribute 88092
those moneys to the Supreme Court (The Judiciary). The foregoing 88093
appropriation item 005603, Federal Grants, shall be used in a 88094
manner consistent with the purpose of the grant or award. If it is 88095
determined by the Administrative Director of the Supreme Court 88096
that additional appropriations are necessary, the amounts are 88097
hereby appropriated. 88098

No money in Fund 3J00 shall be transferred to any other fund 88099
by the Director of Budget and Management or the Controlling Board. 88100
However, interest earned on money in Fund 3J00 shall be credited 88101
or transferred to the General Revenue Fund. 88102

Section 313.10. LEC LAKE ERIE COMMISSION 88103

| | | | | | |
|----------------------------------|----|---------|----|---------|-------|
| Dedicated Purpose Fund Group | | | | | 88104 |
| 4C00 780601 Lake Erie Protection | \$ | 300,000 | \$ | 300,000 | 88105 |
| 5D80 780602 Lake Erie Resources | \$ | 329,000 | \$ | 367,000 | 88106 |
| TOTAL DPF Dedicated Purpose | | | | | 88107 |
| Fund Group | \$ | 629,000 | \$ | 667,000 | 88108 |

| | | | | | |
|---|----|---------|----|---------|-------|
| Federal Fund Group | | | | | 88109 |
| 3EP0 780603 Lake Erie Federal | \$ | 30,000 | \$ | 0 | 88110 |
| Grants | | | | | |
| TOTAL FED Federal Fund Group | \$ | 30,000 | \$ | 0 | 88111 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 659,000 | \$ | 667,000 | 88112 |
| CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND | | | | | 88113 |
| On July 1 of each fiscal year, or as soon as possible | | | | | 88114 |
| thereafter, the Director of Budget and Management may transfer | | | | | 88115 |
| cash from the funds specified below, up to the amounts specified | | | | | 88116 |
| below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may | | | | | 88117 |
| accept contributions and transfers made to the fund. | | | | | 88118 |
| Fund Fund Name User FY 2016 FY 2017 | | | | | 88119 |
| 5BC0 Environmental Environmental \$44,000 \$44,000 | | | | | 88120 |
| Protection Protection Agency | | | | | |
| 6690 Pesticide, Department of \$44,000 \$44,000 | | | | | 88121 |
| Fertilizer and Lime Agriculture | | | | | |
| 4700 General Operations Department of \$44,000 \$44,000 | | | | | 88122 |
| Health | | | | | |
| 1570 Central Support Department of \$44,000 \$44,000 | | | | | 88123 |
| Indirect Natural Resources | | | | | |
| On July 1, 2015, or as soon as possible thereafter, the | | | | | 88124 |
| Director of Budget and Management may transfer \$44,000 cash from a | | | | | 88125 |
| fund used by the Development Services Agency, as specified by the | | | | | 88126 |
| Director of Development Services, to Fund 5D80. | | | | | 88127 |
| On July 1, 2016, or as soon as possible thereafter, the | | | | | 88128 |
| Director of Budget and Management may transfer \$44,000 cash from a | | | | | 88129 |
| fund used by the Development Services Agency, as specified by the | | | | | 88130 |
| Director of Development Services, to Fund 5D80. | | | | | 88131 |
| Section 315.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE | | | | | 88132 |
| General Revenue Fund | | | | | 88133 |

| | | | | | | |
|------------------------------|---------------------------------------|----|---------|----|---------|-------|
| GRF 028321 | Legislative Ethics Committee | \$ | 550,000 | \$ | 550,000 | 88134 |
| TOTAL GRF | General Revenue Fund | \$ | 550,000 | \$ | 550,000 | 88135 |
| | Dedicated Purpose Fund Group | | | | | 88136 |
| 4G70 028601 | Joint Legislative Ethics Committee | \$ | 150,000 | \$ | 150,000 | 88137 |
| TOTAL DPF | Dedicated Purpose Fund Group | \$ | 150,000 | \$ | 150,000 | 88138 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 700,000 | \$ | 700,000 | 88139 |

LEGISLATIVE ETHICS COMMITTEE 88140

On July 1, 2015, or as soon as possible thereafter, the 88141
 Legislative Inspector General of the Joint Legislative Ethics 88142
 Committee may certify to the Director of Budget and Management the 88143
 amount of the unexpended, unencumbered balance of the foregoing 88144
 appropriation item 028321, Legislative Ethics Committee, at the 88145
 end of fiscal year 2015 to be reappropriated to fiscal year 2016. 88146
 The amount certified is hereby reappropriated to the same 88147
 appropriation item for fiscal year 2016. 88148

On July 1, 2016, or as soon as possible thereafter, the 88149
 Legislative Inspector General of the Joint Legislative Ethics 88150
 Committee may certify to the Director of Budget and Management the 88151
 amount of the unexpended, unencumbered balance of the foregoing 88152
 appropriation item 028321, Legislative Ethics Committee, at the 88153
 end of fiscal year 2016 to be reappropriated to fiscal year 2017. 88154
 The amount certified is hereby reappropriated to the same 88155
 appropriation item for fiscal year 2017. 88156

Section 317.10. LSC LEGISLATIVE SERVICE COMMISSION 88157

| | | | | | | |
|------------|----------------------|----|------------|----|------------|-------|
| | General Revenue Fund | | | | | 88158 |
| GRF 035321 | Operating Expenses | \$ | 15,600,000 | \$ | 15,600,000 | 88159 |
| GRF 035402 | Legislative Fellows | \$ | 1,022,120 | \$ | 1,022,120 | 88160 |

| | | | | | | | |
|------------------------------|--------------------------------------|------------------------|----|------------|----|------------|-------|
| GRF | 035405 | Correctional | \$ | 460,845 | \$ | 460,845 | 88161 |
| | | Institution Inspection | | | | | |
| | | Committee | | | | | |
| GRF | 035407 | Legislative Task Force | \$ | 400,000 | \$ | 400,000 | 88162 |
| | | on Redistricting | | | | | |
| GRF | 035409 | National Associations | \$ | 460,560 | \$ | 460,560 | 88163 |
| GRF | 035410 | Legislative | \$ | 6,126,953 | \$ | 6,126,953 | 88164 |
| | | Information Systems | | | | | |
| GRF | 035411 | Ohio Constitutional | \$ | 600,000 | \$ | 600,000 | 88165 |
| | | Modernization | | | | | |
| | | Commission | | | | | |
| TOTAL GRF | General Revenue Fund | | \$ | 24,670,478 | \$ | 24,670,478 | 88166 |
| | Dedicated Purpose Fund Group | | | | | | 88167 |
| 4100 | 035601 | Sale of Publications | \$ | 10,000 | \$ | 10,000 | 88168 |
| TOTAL DPF | Dedicated Purpose Fund | | \$ | 10,000 | \$ | 10,000 | 88169 |
| | Group | | | | | | |
| | Internal Service Activity Fund Group | | | | | | 88170 |
| 4F60 | 035603 | Legislative Budget | \$ | 100,000 | \$ | 0 | 88171 |
| | | Services | | | | | |
| TOTAL ISA | Internal Service Activity | | | | | | 88172 |
| | Fund Group | | \$ | 100,000 | \$ | 0 | 88173 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 24,780,478 | \$ | 24,680,478 | 88174 |

OPERATING EXPENSES 88175

On July 1, 2015, or as soon as possible thereafter, the 88176
 Director of the Legislative Service Commission may certify to the 88177
 Director of Budget and Management the amount of the unexpended, 88178
 unencumbered balance of the foregoing appropriation item 035321, 88179
 Operating Expenses, at the end of fiscal year 2015 to be 88180
 reappropriated to fiscal year 2016. The amount certified is hereby 88181
 reappropriated to the same appropriation item for fiscal year 88182
 2016. 88183

On July 1, 2016, or as soon as possible thereafter, the 88184

Director of the Legislative Service Commission may certify to the 88185
Director of Budget and Management the amount of the unexpended, 88186
unencumbered balance of the foregoing appropriation item 035321, 88187
Operating Expenses, at the end of fiscal year 2016 to be 88188
reappropriated to fiscal year 2017. The amount certified is hereby 88189
reappropriated to the same appropriation item for fiscal year 88190
2017. 88191

LEGISLATIVE TASK FORCE ON REDISTRICTING 88192

An amount equal to the unexpended, unencumbered portion of 88193
the foregoing appropriation item 035407, Legislative Task Force on 88194
Redistricting, at the end of fiscal year 2015 is hereby 88195
reappropriated to the Legislative Service Commission for the same 88196
purpose for fiscal year 2016. 88197

An amount equal to the unexpended, unencumbered portion of 88198
the foregoing appropriation item 035407, Legislative Task Force on 88199
Redistricting, at the end of fiscal year 2016 is hereby 88200
reappropriated to the Legislative Service Commission for the same 88201
purpose for fiscal year 2017. 88202

LEGISLATIVE INFORMATION SYSTEMS 88203

On July 1, 2015, or as soon as possible thereafter, the 88204
Director of the Legislative Service Commission may certify to the 88205
Director of Budget and Management the amount of the unexpended, 88206
unencumbered balance of the foregoing appropriation item 035410, 88207
Legislative Information Systems, at the end of fiscal year 2015 to 88208
be reappropriated to fiscal year 2016. The amount certified is 88209
hereby reappropriated to the same appropriation item for fiscal 88210
year 2016. 88211

On July 1, 2016, or as soon as possible thereafter, the 88212
Director of the Legislative Service Commission may certify to the 88213
Director of Budget and Management the amount of the unexpended, 88214
unencumbered balance of the foregoing appropriation item 035410, 88215

Legislative Information Systems, at the end of fiscal year 2016 to 88216
 be reappropriated to fiscal year 2017. The amount certified is 88217
 hereby reappropriated to the same appropriation item for fiscal 88218
 year 2017. 88219

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 88220

The foregoing appropriation item 035411, Ohio Constitutional 88221
 Modernization Commission, shall be used to support the operation 88222
 and expenses of the Ohio Constitutional Modernization Commission 88223
 under sections 103.61 to 103.67 of the Revised Code. All 88224
 expenditures paid from the appropriation item must be approved by 88225
 the director and chairperson of the Legislative Service Commission 88226
 under division (A) of section 103.21 of the Revised Code. 88227

An amount equal to the unexpended, unencumbered portion of 88228
 the foregoing appropriation item 035411, Ohio Constitutional 88229
 Modernization Commission, at the end of fiscal year 2015 is hereby 88230
 reappropriated to the Legislative Service Commission for the same 88231
 purpose for fiscal year 2016. 88232

An amount equal to the unexpended, unencumbered portion of 88233
 the foregoing appropriation item 035411, Ohio Constitutional 88234
 Modernization Commission, at the end of fiscal year 2016 is hereby 88235
 reappropriated to the Legislative Service Commission for the same 88236
 purpose for fiscal year 2017. 88237

Section 319.10. LIB STATE LIBRARY BOARD 88238

General Revenue Fund 88239

| | | | | | | | |
|-----|--------|--------------------|----|-----------|----|-----------|-------|
| GRF | 350321 | Operating Expenses | \$ | 5,057,364 | \$ | 5,057,364 | 88240 |
|-----|--------|--------------------|----|-----------|----|-----------|-------|

| | | | | | | | |
|-----|--------|----------------|----|---------|----|---------|-------|
| GRF | 350401 | Ohioana Rental | \$ | 120,114 | \$ | 120,114 | 88241 |
|-----|--------|----------------|----|---------|----|---------|-------|

Payments

| | | | | | | | |
|-----|--------|------------------|----|---------|----|---------|-------|
| GRF | 350502 | Regional Library | \$ | 582,469 | \$ | 582,469 | 88242 |
|-----|--------|------------------|----|---------|----|---------|-------|

Systems

| | | | | | | |
|-----------|----------------------|----|-----------|----|-----------|-------|
| TOTAL GRF | General Revenue Fund | \$ | 5,759,947 | \$ | 5,759,947 | 88243 |
|-----------|----------------------|----|-----------|----|-----------|-------|

| | | | | | |
|--|----|------------|----|------------|-------|
| Dedicated Purpose Fund Group | | | | | 88244 |
| 4590 350603 Services for | \$ | 4,094,092 | \$ | 4,190,834 | 88245 |
| Libraries | | | | | |
| 4S40 350604 Ohio Public Library | \$ | 5,689,788 | \$ | 5,689,788 | 88246 |
| Information Network | | | | | |
| 5GB0 350605 Library for the Blind | \$ | 1,274,194 | \$ | 1,274,194 | 88247 |
| TOTAL DPF Dedicated Purpose | | | | | 88248 |
| Fund Group | \$ | 11,058,074 | \$ | 11,154,816 | 88249 |
| Internal Service Activity Fund | | | | | 88250 |
| 1390 350602 Services for State | \$ | 8,000 | \$ | 8,000 | 88251 |
| Agencies | | | | | |
| TOTAL ISA Internal Service Activity | | | | | 88252 |
| Fund Group | \$ | 8,000 | \$ | 8,000 | 88253 |
| Federal Fund Group | | | | | 88254 |
| 3130 350601 LSTA Federal | \$ | 5,350,000 | \$ | 5,350,000 | 88255 |
| TOTAL FED Federal Fund Group | \$ | 5,350,000 | \$ | 5,350,000 | 88256 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 22,176,021 | \$ | 22,272,763 | 88257 |
| OHIOANA RENTAL PAYMENTS | | | | | 88258 |
| The foregoing appropriation item 350401, Ohioana Rental | | | | | 88259 |
| Payments, shall be used to pay the rental expenses of the Martha | | | | | 88260 |
| Kinney Cooper Ohioana Library Association under section 3375.61 of | | | | | 88261 |
| the Revised Code. | | | | | 88262 |
| REGIONAL LIBRARY SYSTEMS | | | | | 88263 |
| The foregoing appropriation item 350502, Regional Library | | | | | 88264 |
| Systems, shall be used to support regional library systems | | | | | 88265 |
| eligible for funding under sections 3375.83 and 3375.90 of the | | | | | 88266 |
| Revised Code. | | | | | 88267 |
| OHIO PUBLIC LIBRARY INFORMATION NETWORK | | | | | 88268 |
| (A) The foregoing appropriation item 350604, Ohio Public | | | | | 88269 |
| Library Information Network, shall be used for an information | | | | | 88270 |

telecommunications network linking public libraries in the state 88271
and such others as may participate in the Ohio Public Library 88272
Information Network (OPLIN). 88273

The Ohio Public Library Information Network Board of Trustees 88274
created under section 3375.65 of the Revised Code may make 88275
decisions regarding use of the foregoing appropriation item 88276
350604, Ohio Public Library Information Network. 88277

(B) The OPLIN Board shall research and assist or advise local 88278
libraries with regard to emerging technologies and methods that 88279
may be effective means to control access to obscene and illegal 88280
materials. The OPLIN Director shall provide written reports upon 88281
request within ten days to the Governor, the Speaker and Minority 88282
Leader of the House of Representatives, and the President and 88283
Minority Leader of the Senate on any steps being taken by OPLIN 88284
and public libraries in the state to limit and control such 88285
improper usage as well as information on technological, legal, and 88286
law enforcement trends nationally and internationally affecting 88287
this area of public access and service. 88288

(C) The Ohio Public Library Information Network, INFOhio, and 88289
OhioLINK shall, to the extent feasible, coordinate and cooperate 88290
in their purchase or other acquisition of the use of electronic 88291
databases for their respective users and shall contribute funds in 88292
an equitable manner to such effort. 88293

LIBRARY FOR THE BLIND 88294

The foregoing appropriation item 350605, Library for the 88295
Blind, shall be used for the statewide Talking Book Program to 88296
assist the blind and disabled. 88297

TRANSFER TO OPLIN TECHNOLOGY FUND 88298

Notwithstanding sections 5747.03 and 5747.47 of the Revised 88299
Code and any other provision of law to the contrary, in accordance 88300
with a schedule established by the Director of Budget and 88301

Management, the Director of Budget and Management shall transfer 88302
 \$3,689,788 cash in each fiscal year from the Public Library Fund 88303
 (Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 88304

TRANSFER TO LIBRARY FOR THE BLIND FUND 88305

Notwithstanding sections 5747.03 and 5747.47 of the Revised 88306
 Code and any other provision of law to the contrary, in accordance 88307
 with a schedule established by the Director of Budget and 88308
 Management, the Director of Budget and Management shall transfer 88309
 \$1,274,194 cash in each fiscal year from the Public Library Fund 88310
 (Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 88311

Section 321.10. LCO LIQUOR CONTROL COMMISSION 88312

Dedicated Purpose Fund Group 88313
 5LP0 970601 Commission Operating \$ 796,368 \$ 796,368 88314
 Expenses
 TOTAL DPF Dedicated Purpose Fund \$ 796,368 \$ 796,368 88315
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 796,368 \$ 796,368 88316

Section 323.10. LOT STATE LOTTERY COMMISSION 88318

State Lottery Fund Group 88319
 7044 950321 Operating Expenses \$ 52,218,910 \$ 53,320,434 88320
 7044 950402 Advertising Contracts \$ 24,550,000 \$ 24,550,000 88321
 7044 950403 Gaming Contracts \$ 68,934,057 \$ 69,081,749 88322
 7044 950601 Direct Prize Payments \$ 131,894,037 \$ 132,397,721 88323
 7044 950605 Problem Gambling \$ 3,000,000 \$ 3,000,000 88324
 8710 950602 Annuity Prizes \$ 81,705,325 \$ 82,313,553 88325
 TOTAL SLF State Lottery Fund 88326
 Group \$ 362,302,329 \$ 364,663,457 88327
 TOTAL ALL BUDGET FUND GROUPS \$ 362,302,329 \$ 364,663,457 88328

OPERATING EXPENSES 88329

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.

Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND

Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$984,000,000 in fiscal year 2016 and \$988,000,000 in fiscal year 2017. The Director of Budget and Management shall transfer such amounts contingent upon the availability of resources. Transfers from the State Lottery Fund to the Lottery Profits Education Fund

shall represent the estimated net income from operations for the 88361
Commission in fiscal year 2016 and fiscal year 2017. Transfers by 88362
the Director of Budget and Management to the Lottery Profits 88363
Education Fund shall be administered as the statutes direct. 88364

Section 325.10. MHC MANUFACTURED HOMES COMMISSION 88365

Dedicated Purpose Fund Group 88366

4K90 996609 Operating Expenses \$ 459,134 \$ 459,134 88367

5MC0 996610 Manufactured Homes \$ 747,825 \$ 747,825 88368

Regulation

TOTAL DPF Dedicated Purpose Fund \$ 1,206,959 \$ 1,206,959 88369

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,206,959 \$ 1,206,959 88370

Section 327.10. MCD DEPARTMENT OF MEDICAID 88372

General Revenue Fund 88373

GRF 651425 Medicaid Program \$ 189,107,820 \$ 196,608,060 88374

Support - State

GRF 651525 Medicaid/Health Care 88375

Services

State \$ 4,836,872,281 \$ 5,019,421,818 88376

Federal \$12,276,038,504 \$13,016,357,321 88377

Medicaid/Health Care \$17,112,910,785 \$18,035,779,139 88378

Services Total

GRF 651526 Medicare Part D \$ 308,823,000 \$ 328,424,000 88379

GRF 651527 Medicaid for Inmates \$ 500,000 \$ 500,000 88380

Pilot Program

TOTAL GRF General Revenue Fund 88381

State \$ 5,335,303,101 \$ 5,544,953,878 88382

Federal \$12,276,038,504 \$13,016,357,321 88383

GRF Total \$17,611,341,605 \$18,561,311,199 88384

Dedicated Purpose Fund Group 88385

| | | | | | | | |
|----------------------------|------------------------------|---|----|---------------|----|---------------|-------|
| 4E30 | 651605 | Resident Protection Fund | \$ | 2,878,000 | \$ | 2,878,000 | 88386 |
| 5AJ0 | 651631 | Money Follows the Person | \$ | 6,911,000 | \$ | 6,660,000 | 88387 |
| 5DL0 | 651639 | Medicaid Services - Recoveries | \$ | 551,125,000 | \$ | 561,317,000 | 88388 |
| 5FX0 | 651638 | Medicaid Services - Payment Withholding | \$ | 6,000,000 | \$ | 6,000,000 | 88389 |
| 5GF0 | 651656 | Medicaid Services - Hospitals/UPL | \$ | 881,067,756 | \$ | 927,048,527 | 88390 |
| 5KC0 | 651682 | Health Care Grants - State | \$ | 10,000,000 | \$ | 10,000,000 | 88391 |
| 5R20 | 651608 | Medicaid Services - Long Term Care | \$ | 400,000,000 | \$ | 403,311,000 | 88392 |
| 5U30 | 651654 | Medicaid Program Support | \$ | 62,885,000 | \$ | 53,834,000 | 88393 |
| 6510 | 651649 | Medicaid Services - HCAP | \$ | 451,535,858 | \$ | 237,049,000 | 88394 |
| TOTAL DPF | Dedicated Purpose Fund Group | | \$ | 2,372,402,614 | \$ | 2,208,097,527 | 88395 |
| Holding Account Fund Group | | | | | | | 88396 |
| R055 | 651644 | Refunds and Reconciliations | \$ | 1,000,000 | \$ | 1,000,000 | 88397 |
| TOTAL HLD | Holding Account Fund Group | | \$ | 1,000,000 | \$ | 1,000,000 | 88398 |
| Federal Fund Group | | | | | | | 88399 |
| 3ER0 | 651603 | Medicaid Health Information Technology | \$ | 71,764,000 | \$ | 61,896,000 | 88400 |
| 3F00 | 651623 | Medicaid Services - Federal | \$ | 4,041,951,708 | \$ | 3,772,494,772 | 88401 |
| 3F00 | 651624 | Medicaid Program | \$ | 564,857,000 | \$ | 562,547,000 | 88402 |

| | | | | | | |
|------------------|----------------------|------------------|------------------|--|--|-------|
| | Support - Federal | | | | | |
| 3FA0 651680 | Health Care Grants - | \$ 45,718,000 | \$ 36,296,000 | | | 88403 |
| | Federal | | | | | |
| 3G50 651655 | Medicaid Interagency | \$ 91,400,000 | \$ 91,406,000 | | | 88404 |
| | Pass-Through | | | | | |
| TOTAL FED | Federal Fund Group | \$ 4,815,690,708 | \$ 4,524,639,772 | | | 88405 |
| TOTAL ALL BUDGET | FUND GROUPS | \$24,800,434,927 | \$25,295,048,498 | | | 88406 |

Section 327.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 88408

(A) As used in this section, "medical assistance program" has 88409
the same meaning as in section 5160.01 of the Revised Code. 88410

(B) During the period beginning July 1, 2015, and ending June 88411
30, 2017, all of the following apply: 88412

(1) The Medicaid Director has the authority to establish, 88413
change, and abolish positions for the Department of Medicaid, and 88414
to assign, reassign, classify, reclassify, transfer, reduce, 88415
promote, or demote all employees of the Department of Medicaid who 88416
are not subject to Chapter 4117. of the Revised Code. 88417

(2) As part of the transfer of medical assistance programs to 88418
the Department of Medicaid, the Director of Job and Family 88419
Services has the authority to establish, change, and abolish 88420
positions for the Department of Job and Family Services, and to 88421
assign, reassign, classify, reclassify, transfer, reduce, promote, 88422
or demote all employees of the Department of Job and Family 88423
Services who are not subject to Chapter 4117. of the Revised Code. 88424

(C) The authority granted under division (B) of this section 88425
includes assigning or reassigning an exempt employee, as defined 88426
in section 124.152 of the Revised Code, to a bargaining unit 88427
classification if the Medicaid Director or Director of Job and 88428
Family Services determines that the bargaining unit classification 88429
is the proper classification for that employee. The actions of the 88430
Medicaid Director or Director of Job and Family Services shall be 88431

consistent with the requirements of 5 C.F.R. 900.603 for those 88432
employees subject to such requirements. If an employee in the E-1 88433
pay range is to be assigned, reassigned, classified, reclassified, 88434
transferred, reduced, or demoted to a position in a lower 88435
classification during the period specified in this section, the 88436
Medicaid Director or Director of Job and Family Services, or in 88437
the case of a transfer outside the Department of Medicaid or 88438
Department of Job and Family Services, the Director of 88439
Administrative Services, shall assign the employee to the 88440
appropriate classification and place the employee in Step X. The 88441
employee shall not receive any increase in compensation until the 88442
maximum rate of pay for that classification exceeds the employee's 88443
compensation. 88444

(D) Actions taken by the Medicaid Director, Director of Job 88445
and Family Services, and Director of Administrative Services 88446
pursuant to this section are not subject to appeal to the State 88447
Personnel Board of Review. 88448

(E) A portion of the foregoing appropriation items 651425, 88449
Medicaid Program Support - State, 651603, Medicaid Health 88450
Information Technology, 651624, Medicaid Program Support - 88451
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 88452
Interagency Pass-Through, 651605, Resident Protection Fund, 88453
651631, Money Follows the Person, 651682, Health Care Grants - 88454
State, and 651654, Medicaid Program Support, may be used to pay 88455
for costs associated with the administration of the Medicaid 88456
program, including the assignment, reassignment, classification, 88457
reclassification, transfer, reduction, promotion, or demotion of 88458
employees authorized by this section. 88459

Section 327.30. NEW AND AMENDED GRANT AGREEMENTS 88460

(A) As used in this section: 88461

(1) "Grant agreement" has the same meaning as in section 88462

5101.21 of the Revised Code. 88463

(2) "Medical assistance program" has the same meaning as in 88464
section 5160.01 of the Revised Code. 88465

(B) The Director of Job and Family Services and boards of 88466
county commissioners may enter into negotiations to amend an 88467
existing grant agreement or to enter into a new grant agreement 88468
regarding the transfer of medical assistance programs to the 88469
Department of Medicaid. Any such amended or new grant agreement 88470
shall be drafted in the name of the Department of Job and Family 88471
Services. The amended or new grant agreement may be executed 88472
before July 1, 2015, if the amendment or agreement does not become 88473
effective sooner than that date. 88474

(C) A portion of the foregoing appropriation items 651525, 88475
Medicaid/Health Care Services, 651603, Medicaid Health Information 88476
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 88477
Program Support - Federal, 651680, Health Care Grants - Federal, 88478
and 651682, Health Care Grants - State, may be used to pay for 88479
Medicaid services and costs associated with the administration of 88480
the Medicaid program. 88481

Section 327.40. EXCHANGE OF CERTAIN INFORMATION BETWEEN 88482
SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES 88483

A portion of the foregoing appropriation items 651425, 88484
Medicaid Program Support-State, 651525, Medicaid/Health Care 88485
Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid 88486
Services-Payment Withholding, 651624, Medicaid Program 88487
Support-Federal, 651680, Health Care Grants-Federal, 651655, 88488
Medicaid Interagency Pass-Through, 651605, Resident Protection 88489
Fund, 651631, Money Follows the Person, 651656, Medicaid 88490
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 88491
Medicaid Services-Long Term Care, 651654, Medicaid Program 88492
Support, and 651649, Medicaid Services-HCAP, may be used to pay 88493

for services and costs associated with operating protocols adopted 88494
under sections 191.04 and 191.06 of the Revised Code. 88495

Section 327.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 88496

At the beginning of each quarter, or as soon as possible 88497
thereafter, the Medicaid Director shall certify to the Director of 88498
Budget and Management the amount withheld in accordance with 88499
section 5167.30 of the Revised Code for purposes of the Managed 88500
Care Performance Payment Program. Upon receiving certification, 88501
the Director of Budget and Management shall transfer cash in the 88502
amount certified from the General Revenue Fund to the Managed Care 88503
Performance Payment Fund. Appropriation item 651525, 88504
Medicaid/Health Care Services, is hereby reduced by the amount of 88505
the transfer and by the corresponding federal share of the 88506
transfer. Upon request of the Medicaid Director and approval of 88507
the Director of Budget and Management, appropriation up to the 88508
cash balance in the Managed Care Performance Payment Fund is 88509
hereby appropriated. The federal share of the cash balance may 88510
also be appropriated in a federal appropriation item specified in 88511
the request. Any federal share specified in the request is hereby 88512
appropriated. 88513

In addition to any other purpose authorized by law, the 88514
Department of Medicaid may use money in the Managed Care 88515
Performance Payment Fund for the following purposes for fiscal 88516
year 2016 and fiscal year 2017: 88517

(A) To meet obligations specified in provider agreements with 88518
Medicaid managed care organizations; 88519

(B) To pay for Medicaid services provided by a Medicaid 88520
managed care organization; 88521

(C) To reimburse a Medicaid managed care organization that 88522
has paid a fine for failure to meet performance standards or other 88523

requirements specified in provider agreements or rules adopted 88524
under section 5167.02 of the Revised Code if the organization 88525
comes into compliance with the standards or requirements. 88526

**Section 327.70. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED 88527
CARE 88528**

(A) As used in this section: 88529

(1) "ICDS participant" has the same meaning as in section 88530
5164.01 of the Revised Code. 88531

(2) "Integrated Care Delivery System" and "ICDS" have the 88532
same meaning as section 5164.01 of the Revised Code. 88533

(3) "Medicaid managed care organization" has the same meaning 88534
as in section 5167.01 of the Revised Code. 88535

(B) For fiscal year 2016 and fiscal year 2017, the Department 88536
of Medicaid shall provide performance payments as provided under 88537
this section to Medicaid managed care organizations providing care 88538
under the Integrated Care Delivery System. 88539

(C) If ICDS participants receive care through Medicaid 88540
managed care organizations under ICDS, the Department shall, in 88541
consultation with the United States Centers for Medicare and 88542
Medicaid Services, do both of the following: 88543

(1) Develop quality measures designed specifically to 88544
determine the effectiveness of the health care and other services 88545
provided to ICDS participants by Medicaid managed care 88546
organizations; 88547

(2) Determine an amount to be withheld from the Medicaid 88548
premium payments paid to Medicaid managed care organizations for 88549
ICDS participants. 88550

(D)(1) For the purposes of division (C)(2) of this section, 88551
the Department shall establish an amount that is to be withheld 88552

each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be established as a percentage of each premium payment. The percentage shall be the same for all Medicaid managed care organizations providing care to ICDS participants.

(2) Each Medicaid managed care organization shall agree to the withholding as a condition of receiving or maintaining its Medicaid provider agreement with the Department.

(3) When the amount is established and each time the amount is modified thereafter, the Department shall certify the amount to the Director of Budget and Management and begin withholding the amount from each premium the Department pays to a Medicaid managed care organization for an ICDS participant.

(E) The Director of Budget and Management shall transfer the amounts certified in accordance with division (D) of this section into the Managed Care Performance Payment Fund created under section 5162.60 of the Revised Code. The amounts transferred may be used to make performance payments to Medicaid managed care organizations providing care to ICDS participants in accordance with rules that may be adopted by the Medicaid Director under Chapter 119. of the Revised Code.

(F) A Medicaid managed care organization subject to this section is not subject to section 5167.30 of the Revised Code for premium payments attributed to ICDS participants during fiscal year 2016 and fiscal year 2017.

Section 327.80. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE PAYMENT PROGRAM

At the beginning of each quarter, or as soon as possible thereafter, the Medicaid Director may certify to the Director of Budget and Management the amount withheld in accordance with the

section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID
MANAGED CARE." On receipt of certification, the Director of Budget
and Management shall transfer cash in the amount certified from
the General Revenue Fund to the Managed Care Performance Payment
Fund (Fund 5KW0). The federal share may also be appropriated in a
federal appropriation item specified in the request. The
transferred cash and the corresponding federal share is hereby
appropriated. Appropriation item 651525, Medicaid/Health Care
Services, is hereby reduced by the amount of the transfer and the
corresponding federal share of the transfer.

Section 327.90. HOSPITAL FRANCHISE FEE PROGRAM 88593

The Director of Budget and Management may authorize
additional expenditures from appropriation item 651623, Medicaid
Services - Federal, appropriation item 651525, Medicaid/Health
Care Services, and appropriation item 651656, Medicaid Services -
Hospital/UPL, in order to implement the programs authorized by
sections 5168.20 through 5168.28 of the Revised Code. Any amounts
authorized are hereby appropriated.

Section 327.93. HOSPITAL FRANCHISE PERMIT FEE ASSESSMENT RATE 88601

(A) As used in this section, "applicable assessment
percentage" and "assessment program year" have the same meanings
as in section 5168.20 of the Revised Code.

(B) For the purpose of the assessments imposed on hospitals
pursuant to sections 5168.20 to 5168.28 of the Revised Code for
the two assessment program years that begin during the period
beginning July 1, 2015, and ending June 30, 2017, the applicable
assessment percentage shall be four per cent.

Section 327.100. ADMINISTRATIVE ISSUES RELATED TO TERMINATION
OF MEDICAID WAIVER PROGRAMS 88610
88611

(A) As used in this section, "MCD or ODA Medicaid waiver component" means the following: 88612
88613

(1) The Medicaid waiver component of the PASSPORT program created under section 173.52 of the Revised Code; 88614
88615

(2) The Medicaid waiver component of the Assisted Living program created under section 173.54 of the Revised Code. 88616
88617

(3) The Ohio Home Care Waiver program as defined in section 5166.01 of the Revised Code; 88618
88619

(4) The Ohio Transitions II Aging Carve-Out program as defined in section 5166.01 of the Revised Code; 88620
88621

(B) If an MCD or ODA Medicaid waiver component is terminated under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the Revised Code, all of the following apply: 88622
88623
88624

(1) All applicable statutes, and all applicable rules, standards, guidelines, or orders issued by the Medicaid Director or Department of Medicaid or Director or Department of Aging before the component is terminated, shall remain in full force and effect on and after that date, but solely for purposes of concluding the component's operations, including fulfilling the Departments' legal obligations for claims arising from the component relating to eligibility determinations, covered medical assistance provided to eligible persons, and recovering erroneous overpayments. 88625
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(2) Notwithstanding the termination of the component, the right of subrogation for the cost of medical assistance given under section 5160.37 of the Revised Code to the Department of Medicaid and an assignment of the right to medical assistance given under section 5160.38 of the Revised Code to the Department continue to apply with respect to the component and remain in force to the full extent provided under those sections. 88635
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88641

(3) The Department of Medicaid and Department of Aging may use appropriated funds to satisfy any claims or contingent claims for medical assistance provided under the component before the component's termination.

(4) Neither the Department of Medicaid nor the Department of Aging has liability under the component to reimburse any provider or other person for claims for medical assistance rendered under the component after it is terminated.

(C) The Medicaid Director and Director of Aging may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Section 327.110. MONEY FOLLOWS THE PERSON ENHANCED REIMBURSEMENT FUND

The federal payments made to the state under subsection (e) of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, shall be deposited into the Money Follows the Person Enhanced Reimbursement Fund. The Department of Medicaid shall continue to use money deposited into the fund for system reform activities related to the Money Follows the Person demonstration project.

Section 327.113. OHIO ALL-PAYER HEALTH CLAIMS DATABASE

Of the foregoing appropriation item 651631, Money Follows the Person, \$2,000,000 in each fiscal year shall be used to support the electronic Ohio All-Payer Health Claims Database.

Section 327.120. MEDICARE PART D

The foregoing appropriation item 651526, Medicare Part D, may be used by the Department of Medicaid for the implementation and operation of the Medicare Part D requirements contained in the "Medicare Prescription Drug, Improvement, and Modernization Act of

2003," Pub. L. No. 108-173, as amended. Upon the request of the 88671
Department of Medicaid, the Director of Budget and Management may 88672
transfer the state share of appropriations between appropriation 88673
item 651525, Medicaid/Health Care Services, and appropriation item 88674
651526, Medicare Part D. If the state share of appropriation item 88675
651525, Medicaid/Health Care Services, is adjusted, the Director 88676
of Budget and Management shall adjust the federal share 88677
accordingly. The Department of Medicaid shall provide notification 88678
to the Controlling Board of any transfers at the next scheduled 88679
Controlling Board meeting. 88680

Section 327.130. OHIO ACCESS SUCCESS PROJECT 88681

Of the foregoing appropriation item, 651525, Medicaid/Health 88682
Care Services, up to \$450,000 in each fiscal year may be used to 88683
provide one-time transitional benefits under the Ohio Access 88684
Success Project that the Medicaid Director may establish under 88685
section 5166.35 of the Revised Code. 88686

Section 327.140. HEALTH CARE SERVICES ADMINISTRATION FUND 88687

Of the amount received by the Department of Medicaid during 88688
fiscal year 2016 and fiscal year 2017 from the first installment 88689
of assessments paid under section 5168.06 of the Revised Code and 88690
intergovernmental transfers made under section 5168.07 of the 88691
Revised Code, the Medicaid Director shall deposit \$350,000 in each 88692
fiscal year into the state treasury to the credit of the Health 88693
Care Services Administration Fund (Fund 5U30). 88694

**Section 327.150. TRANSFERS OF OFFSETS TO THE HEALTH CARE 88695
SERVICES ADMINISTRATION FUND** 88696

(A) As used in this section: 88697

"Hospital offset" means an offset from a hospital's Medicaid 88698
payment authorized by section 5168.991 of the Revised Code. 88699

"Vendor offset" means a reduction of a Medicaid payment to a Medicaid provider to correct a previous, incorrect Medicaid payment.

(B) During fiscal year 2016 and fiscal year 2017, at intervals selected by the Medicaid Director, the Director shall certify to the Director of Budget and Management the amount of hospital offsets and vendor offsets for the period covered by the certification and the particular funds that would have been used to make Medicaid payments to providers if not for the offsets. Each certification shall specify the amount that would have been taken from each of the funds if not for the hospital offsets and vendor offsets.

(C) On receipt of a certification under division (B) of this section, the Director of Budget and Management shall transfer cash from the funds identified in the certification to the Health Care Services Administration Fund (Fund 5U30). The amount transferred from a fund shall equal the amount that would have been taken from the fund if not for the hospital offsets and vendor offsets as specified in the certification. The federal share may also be appropriated in a federal appropriation item specified in the certification. The transferred cash and the corresponding federal share is hereby appropriated. The appropriations for those appropriation items identified in the certification, and from which transfers occurred, are hereby reduced by the amount of the transfer and the amount of the corresponding federal share.

Section 327.160. HOSPITAL CARE ASSURANCE MATCH

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts

appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services - HCAP, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 327.170. REFUNDS AND RECONCILIATION FUND

The Refunds and Reconciliation Fund (Fund R055) shall be used to hold refund and reconciliation revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Medicaid. Any Medicaid refunds or reconciliations received or held by the Department of Job and Family Services shall be transferred or credited to this fund. If receipts credited to the Refunds and Reconciliation Fund exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 327.180. MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of

Budget and Management, the additional amounts are hereby 88761
appropriated. 88762

Section 327.190. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 88763

(A) As used in this section: 88764

"Federal poverty line" means the official poverty line 88765
defined by the United States Office of Management and Budget based 88766
on the most recent data available from the United States Bureau of 88767
the Census and revised by the United States Secretary of Health 88768
and Human Services pursuant to the "Omnibus Budget Reconciliation 88769
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 88770

"State plan home and community-based services" means home and 88771
community-based services that may be included in the Medicaid 88772
state plan pursuant to the "Social Security Act," section 1915(i), 88773
42 U.S.C. 1396n(i). 88774

(B) During fiscal year 2016 and fiscal year 2017, the 88775
Medicaid program may cover state plan home and community-based 88776
services for Medicaid recipients of any age who have behavioral 88777
health issues and countable incomes not exceeding one hundred 88778
fifty per cent of the federal poverty line. A Medicaid recipient 88779
is not required to undergo a level of care determination to be 88780
eligible for the state plan home and community-based services. 88781

The Medicaid Director may adopt rules under section 5164.02 88782
of the Revised Code as necessary to implement this section. 88783

Section 327.200. UPDATING AUTHORIZING STATUTE CITATIONS 88784

As used in this section, "authorizing statute" means a 88785
Revised Code section or provision of a Revised Code section that 88786
is cited in the Ohio Administrative Code as the statute that 88787
authorizes the adoption of a rule. 88788

The Medicaid Director is not required to amend any rule for 88789

the sole purpose of updating the citation in the Ohio
Administrative Code to the rule's authorizing statute to reflect
that this act renumbers the authorizing statute or relocates it to
another Revised Code section. Such citations shall be updated as
the Director amends the rules for other purposes.

Section 327.210. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical
transportation brokerage program established pursuant to section
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70),
upon the request of the Medicaid Director, the Director of Budget
and Management may transfer appropriations between General Revenue
Fund appropriation item 651525, Medicaid/Health Care Services,
within the Department of Medicaid and 655523, Medicaid Program
Support - Local Transportation, within the Department of Job and
Family Services. If appropriation transfers occur from
appropriation item 651525, Medicaid/Health Care Services, the
Director of Budget and Management shall transfer the corresponding
federal share of the transfer in cash from the General Revenue
Fund to the Medicaid Program Support Fund (Fund 3F01), used by the
Department of Job and Family Services. The amount transferred to
Fund 3F01 is hereby appropriated to appropriation item 655624,
Medicaid Program Support, and the federal share portion of GRF
appropriation item 651525, Medicaid/Health Care Services, is
hereby reduced by such amount. The Director of Budget and
Management may also transfer cash from the Medicaid Program
Support Fund (Fund 3F01) to the General Revenue Fund. The amount
transferred to the General Revenue Fund is hereby appropriated to
the federal share portion of appropriation item 651525,
Medicaid/Health Care Services, and the appropriation to 655624,
Medicaid Program Support, is hereby reduced by such amount.

Section 327.220. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION

SYSTEM IMPLEMENTATION 88821

Upon the request of the Medicaid Director, the Director of 88822
Budget and Management, in each fiscal year, may increase 88823
appropriation by up to \$7,200,000 in appropriation item 655522, 88824
Medicaid Program Support-Local, used by the Department of Job and 88825
Family Services. In addition, the Director of Budget and 88826
Management may transfer cash from the General Revenue Fund in the 88827
amount equal to the federal share to a federal fund identified by 88828
the Medicaid Director. Any amount transferred is hereby 88829
appropriated. Appropriation item 651525, Medicaid/Health Care 88830
Services, is hereby reduced by the amount of the state share of 88831
the appropriation increase and the corresponding federal share. 88832

Any increase in funding shall be provided to county 88833
departments of job and family services and shall only be used for 88834
costs related to transitioning to a new public assistance 88835
eligibility determination system. These funds shall not be used 88836
for existing and ongoing operating expenses. The Medicaid Director 88837
shall establish criteria for distributing these funds and for 88838
county departments of job and family services to submit allowable 88839
expenses. 88840

County departments of job and family services shall comply 88841
with new roles, processes, and responsibilities related to the new 88842
eligibility determination system. County departments of job and 88843
family services shall report to the Ohio Department of Job and 88844
Family Services and the Ohio Department of Medicaid, on a schedule 88845
determined by the Medicaid Director, how the funds were used. 88846

Section 327.223. MONTGOMERY AND JACKSON COUNTIES MEDICAID FOR 88847
INMATES PILOT PROGRAM 88848

(A) As used in this section, "local correctional facility" 88849
has the same meaning as in section 2903.13 of the Revised Code. 88850

(B) The Department of Medicaid shall operate a two-year pilot program under which the suspension of a person's eligibility for Medicaid that occurs under section 5163.45 of the Revised Code ends when the remainder of the period for which the person is to be confined in a local correctional facility owned and operated by Montgomery or Jackson County is thirty days or less. Only state funds shall be used for the Medicaid payments made for the Medicaid services provided to such a recipient during the last thirty days of the recipient's confinement in such a local correctional facility.

Section 5162.06 of the Revised Code does not apply to this section.

Section 327.230. ABOLISHMENT OF THE HOME AND COMMUNITY-BASED SERVICES FUND (FUND 4J50)

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Home and Community - Based Services Fund (Fund 4J50) to the Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used by the Department of Medicaid. Upon completion of the transfer, Fund 4J50 is hereby abolished.

Section 327.240. DENTAL PROVIDER RATES AND PILOT PROJECT

Of the foregoing appropriation item 651525, Medicaid/Health Care Services, \$8,002,000 in fiscal year 2016 and \$7,974,000 in fiscal year 2017 shall be provided for the purpose of establishing a demonstration pilot project which pays Medicaid dental providers in Brown, Scioto, Adams, Lawrence, Jackson, Gallia, Vinton, Perry, Hocking, Meigs, Morgan, Washington, Pike, Athens, Noble, and Monroe counties at 65 per cent of the American Dental Association survey of fees for dental services.

HOLZER CLINIC PAYMENT

Of the foregoing appropriation item 651525, Medicaid/Health 88881
Care Services, \$500,000 in fiscal year 2016 and \$1,000,000 in 88882
fiscal year 2017 shall be used to make Medicaid payments in 88883
accordance with rule 5160-1-60.1 of the Administrative Code, as 88884
the rule is in effect on the day immediately preceding the 88885
effective date of this section, for physician, pregnancy-related, 88886
evaluation, and management services provided by physician groups 88887
that meet the criteria described in the rule. 88888

Section 327.250. RATES FOR NURSING SERVICES AVAILABLE UNDER 88889
AN HCBS WAIVER PROGRAM 88890

(A) As used in this section: 88891

(1) "Independent provider" means an individual who personally 88892
provides nursing services available under a home and 88893
community-based services Medicaid waiver component and is not 88894
employed by, under contract with, or affiliated with another 88895
entity that provides those services. 88896

(2) "Home and community-based services Medicaid waiver 88897
component" has the same meaning as in section 5166.01 of the 88898
Revised Code. 88899

(B) Notwithstanding section 5164.77 of the Revised Code, the 88900
Medicaid payment rate for nursing services available under a home 88901
and community-based services Medicaid waiver component that are 88902
provided by a provider, other than an independent provider, during 88903
the period beginning July 1, 2015, and ending June 30, 2017, shall 88904
be at least ten per cent higher than the rate in effect on June 88905
30, 2015, for those services. 88906

Section 329.10. MED STATE MEDICAL BOARD 88907

Dedicated Purpose Fund Group 88908

5C60 883609 Operating Expenses \$ 9,467,737 \$ 9,655,200 88909

| | | | | | |
|--|----|-------------|----|-------------|-------|
| TOTAL DPF Dedicated Purpose Fund | \$ | 9,467,737 | \$ | 9,655,200 | 88910 |
| Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 9,467,737 | \$ | 9,655,200 | 88911 |
| | | | | | |
| Section 331.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION | | | | | 88913 |
| SERVICES | | | | | 88914 |
| General Revenue Fund | | | | | 88915 |
| GRF 336321 Central | \$ | 13,632,646 | \$ | 13,632,646 | 88916 |
| Administration | | | | | |
| GRF 336402 Resident Trainees | \$ | 450,000 | \$ | 450,000 | 88917 |
| GRF 336405 Family & Children | \$ | 1,386,000 | \$ | 1,386,000 | 88918 |
| First | | | | | |
| GRF 336406 Prevention and | \$ | 3,488,659 | \$ | 3,488,659 | 88919 |
| Wellness | | | | | |
| GRF 336412 Hospital Services | \$ | 200,658,333 | \$ | 200,658,333 | 88920 |
| GRF 336415 Mental Health | \$ | 20,817,900 | \$ | 19,902,200 | 88921 |
| Facilities | | | | | |
| Lease-Rental Bond | | | | | |
| Payments | | | | | |
| GRF 336421 Continuum of Care | \$ | 71,989,846 | \$ | 71,989,846 | 88922 |
| Services | | | | | |
| GRF 336422 Criminal Justice | \$ | 12,916,418 | \$ | 12,916,418 | 88923 |
| Services | | | | | |
| GRF 336423 Addiction Services | \$ | 27,422,269 | \$ | 34,362,315 | 88924 |
| Partnership with | | | | | |
| Corrections | | | | | |
| GRF 336424 Recovery Housing | \$ | 2,500,000 | \$ | 2,500,000 | 88925 |
| GRF 336425 Specialized Docket | \$ | 5,000,000 | \$ | 5,000,000 | 88926 |
| Support | | | | | |
| GRF 336504 Community Innovations | \$ | 9,250,000 | \$ | 9,250,000 | 88927 |
| GRF 336506 Court Costs | \$ | 1,284,210 | \$ | 1,284,210 | 88928 |
| GRF 336510 Residential State | \$ | 15,002,875 | \$ | 15,002,875 | 88929 |
| Supplement | | | | | |

| | | | | | | | |
|--------------------------------------|---------------------------------|--|----|-------------|----|-------------|-------|
| GRF | 336511 | Early Childhood Mental Health Counselors and Consultation | \$ | 2,500,000 | \$ | 2,500,000 | 88930 |
| GRF | 652321 | Medicaid Support | \$ | 1,736,600 | \$ | 1,736,600 | 88931 |
| TOTAL GRF | General Revenue Fund | | \$ | 390,035,756 | \$ | 396,060,102 | 88932 |
| Dedicated Purpose Fund Group | | | | | | | 88933 |
| 2320 | 336621 | Family and Children First Administration | \$ | 400,000 | \$ | 400,000 | 88934 |
| 4750 | 336623 | Statewide Treatment and Prevention | \$ | 15,550,000 | \$ | 15,550,000 | 88935 |
| 4850 | 336632 | Mental Health Operating | \$ | 2,611,733 | \$ | 2,611,733 | 88936 |
| 5AU0 | 336615 | Behaviorial Health Care | \$ | 7,850,000 | \$ | 7,850,000 | 88937 |
| 5JL0 | 336629 | Problem Gambling and Casino Addictions | \$ | 6,250,000 | \$ | 6,250,000 | 88938 |
| 5T90 | 336641 | Problem Gambling Services | \$ | 435,000 | \$ | 435,000 | 88939 |
| 6320 | 336616 | Community Capital Replacement | \$ | 350,000 | \$ | 350,000 | 88940 |
| 6890 | 336640 | Education and Conferences | \$ | 150,000 | \$ | 150,000 | 88941 |
| TOTAL DPF | Dedicated Purpose Fund Group | | \$ | 33,596,733 | \$ | 33,596,733 | 88942 |
| Internal Service Activity Fund Group | | | | | | | 88943 |
| 1490 | 336609 | Hospital Operating Expenses | \$ | 24,790,000 | \$ | 24,790,000 | 88944 |
| 1490 | 336610 | Operating Expenses | \$ | 6,743,190 | \$ | 6,743,190 | 88945 |
| 1500 | 336620 | Special Education | \$ | 150,000 | \$ | 150,000 | 88946 |
| 1510 | 336601 | Ohio Pharmacy Services | \$ | 75,000,000 | \$ | 75,000,000 | 88947 |

| | | | | | | | |
|--|--------|--|----|-------------|----|-------------|-------|
| 4P90 | 336604 | Community Mental Health Projects | \$ | 250,000 | \$ | 250,000 | 88948 |
| TOTAL ISA Internal Service Activity Fund Group | | | | | | | |
| | | | \$ | 106,933,190 | \$ | 106,933,190 | 88949 |
| Federal Fund Group | | | | | | | |
| 3240 | 336605 | Medicaid/Medicare | \$ | 28,200,000 | \$ | 28,200,000 | 88951 |
| 3A60 | 336608 | Federal Miscellaneous | \$ | 2,510,000 | \$ | 2,510,000 | 88952 |
| 3A70 | 336612 | Social Services Block Grant | \$ | 8,450,000 | \$ | 8,450,000 | 88953 |
| 3A80 | 336613 | Federal Grants | \$ | 11,417,000 | \$ | 11,417,000 | 88954 |
| 3A90 | 336614 | Mental Health Block Grant | \$ | 16,058,470 | \$ | 16,058,470 | 88955 |
| 3B10 | 652635 | Community Medicaid Legacy Costs | \$ | 5,000,000 | \$ | 5,000,000 | 88956 |
| 3B10 | 652636 | Community Medicaid Legacy Support | \$ | 7,000,000 | \$ | 7,000,000 | 88957 |
| 3FR0 | 336638 | Race to the Top - Early Learning Challenge Grant | \$ | 1,164,000 | \$ | 1,164,000 | 88958 |
| 3G40 | 336618 | Substance Abuse Block Grant | \$ | 65,865,756 | \$ | 65,865,756 | 88959 |
| 3H80 | 336606 | Demonstration Grants | \$ | 20,050,000 | \$ | 20,050,000 | 88960 |
| 3N80 | 336639 | Administrative Reimbursement | \$ | 1,300,000 | \$ | 1,300,000 | 88961 |
| TOTAL FED Federal Fund Group | | | | | | | |
| | | | \$ | 167,015,226 | \$ | 167,015,226 | 88962 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | | |
| | | | \$ | 697,580,905 | \$ | 703,605,251 | 88963 |

Section 331.40. PREVENTION AND WELLNESS 88965

Of the foregoing appropriation item 336406, Prevention and Wellness: 88966
88967

(A) Up to \$1,500,000 in each fiscal year shall be used to expand evidence-based prevention resources statewide. 88968
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(B) Up to \$1,000,000 in each fiscal year shall be used to support and expand suicide prevention efforts. 88970
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(C) \$120,000 in each fiscal year shall be allocated to Northeast Ohio Medical University to use for campus safety and mental health programs. 88972
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Section 331.50. HOSPITAL SERVICES 88975

The foregoing appropriation item 336412, Hospital Services, shall be used for the operation of the State Regional Psychiatric Hospitals, including, but not limited to, all aspects involving civil and forensic commitment, treatment, and discharge as determined by the Director of Mental Health and Addiction Services. A portion of this appropriation may be used by the Department of Mental Health and Addiction Services to create, purchase, or contract for the custody, supervision, control, and treatment of persons committed to the Department of Mental Health and Addiction Services in other clinically appropriate environments, consistent with public safety. 88976
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Section 331.60. MENTAL HEALTH FACILITIES LEASE-RENTAL BOND PAYMENTS 88987
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The foregoing appropriation item 336415, Mental Health Facilities Lease-Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Mental Health and Addiction Services under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code. 88989
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Section 331.70. CONTINUUM OF CARE SERVICES 88997

The foregoing appropriation item 336421, Continuum of Care 88998

Services, shall be used as follows: 88999

(A) A portion of this appropriation shall be allocated to 89000
community alcohol, drug addiction, and mental health services 89001
boards in accordance with a distribution methodology determined by 89002
the Director of Mental Health and Addiction Services for the 89003
boards to purchase mental health and addiction services permitted 89004
under Chapter 340. of the Revised Code. Boards may use a portion 89005
of the funds allocated: 89006

(1) To provide subsidized support for psychotropic medication 89007
needs of indigent citizens in the community to reduce unnecessary 89008
hospitalization due to lack of medication; and 89009

(2) To provide subsidized support for medication-assisted 89010
treatment costs. 89011

(B) A portion of this appropriation may be distributed to 89012
community alcohol, drug addiction, and mental health services 89013
boards, community addiction and/or mental health services 89014
providers, courts, or other governmental entities to provide 89015
specific grants in support of initiatives concerning mental health 89016
and addiction services. 89017

Section 331.80. CRIMINAL JUSTICE SERVICES 89018

The foregoing appropriation item 336422, Criminal Justice 89019
Services, shall be used to provide forensic psychiatric 89020
evaluations to courts of common pleas and to conduct evaluations 89021
of patients of forensic status in facilities operated or 89022
designated by the Department of Mental Health and Addiction 89023
Services prior to conditional release to the community. A portion 89024
of this appropriation may be allocated through community alcohol, 89025
drug addiction, and mental health services boards to community 89026
addiction and/or mental health services providers in accordance 89027
with a distribution methodology as determined by the Director of 89028

Mental Health and Addiction Services. 89029

Of the foregoing appropriation item 336422, Criminal Justice 89030
Services, up to \$1,000,000 in each fiscal year shall be used to 89031
support specialty dockets and expand and/or create new certified 89032
court programs. 89033

Appropriation item 336422, Criminal Justice Services, may 89034
also be used to: 89035

(A) Provide forensic monitoring and tracking of individuals 89036
on conditional release; 89037

(B) Provide forensic training; 89038

(C) Support projects that assist courts and law enforcement 89039
to identify and develop appropriate alternative services to 89040
incarceration for nonviolent mentally ill offenders; 89041

(D) Provide specialized re-entry services to offenders 89042
leaving prisons and jails; 89043

(E) Provide specific grants in support of addiction services 89044
alternatives to incarceration; and 89045

(F) Support therapeutic communities. 89046

Section 331.90. ADDICTION TREATMENT PROGRAM FOR SPECIALIZED 89047
DOCKET PROGRAMS 89048

(A) As used in this section: 89049

(1) "Certified drug court program" means a session of any of 89050
the following that holds initial or final certification from the 89051
Supreme Court of Ohio as a specialized docket program for drugs: a 89052
common pleas court, municipal court, or county court, or a 89053
division of any of those courts. 89054

(2) "Prescriber" has the same meaning as in section 4729.01 89055
of the Revised Code. 89056

(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide addiction treatment, including medication-assisted treatment, to persons who are offenders within the Criminal Justice System, eligible to participate in a certified drug court program, and are selected under this section to be participants in the program because of their dependence on opioids, alcohol, or both.

(2) The Department shall conduct the program in those courts of Adams, Allen, Butler, Clinton, Crawford, Delaware, Fairfield, Franklin, Gallia, Hamilton, Hardin, Hocking, Jackson, Lawrence, Lucas, Mercer, Montgomery, Nobel, Summit, and Warren counties that are conducting certified drug court programs. If in any of these counties there is no court conducting a certified drug court program, the Department shall conduct the program in a court that is conducting a certified drug court program in another county.

(3) In addition to conducting the program in accordance with division (B)(2) of this section, the Department may conduct the program in any court that is conducting a certified drug court program.

(C) In conducting the program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that the Department determines may be of assistance in accomplishing the objectives of the program. The Department may collaborate with the boards of alcohol, drug addiction, and mental health services and with local law enforcement agencies that serve the counties in which a court participating in the program is located.

(D)(1) A certified drug court program shall select persons who are criminal offenders to be participants in the program. A person shall not be selected to be a participant unless the person meets the legal and clinical eligibility criteria for the certified drug court program and is an active participant in the

program. 89089

(2) The total number of persons participating in a program at 89090
any time shall not exceed one thousand five hundred, except that 89091
the Department of Mental Health and Addiction Services may 89092
authorize the maximum number to be exceeded in circumstances that 89093
the Department considers to be appropriate. 89094

(3) After being enrolled in a certified drug court program, a 89095
participant shall comply with all requirements of the certified 89096
drug court program. 89097

(E) The treatment provided in a certified drug court program 89098
shall be provided by a community addiction services provider that 89099
is certified under section 5119.36 of the Revised Code. In serving 89100
as a community addiction services provider, a provider shall do 89101
all of the following: 89102

(1) Provide treatment based on an integrated service delivery 89103
model that consists of the coordination of care between a 89104
prescriber and the community addiction services provider; 89105

(2) Conduct professional, comprehensive substance abuse and 89106
mental health diagnostic assessments of a person under 89107
consideration for selection as a program participant to determine 89108
whether the person would benefit from substance abuse treatment 89109
and monitoring; 89110

(3) Determine, based on the assessment described in division 89111
(E)(2) of this section, the treatment needs of the participants 89112
served by the treatment provider; 89113

(4) Develop, for participants served by the treatment 89114
provider, individualized goals and objectives; 89115

(5) Provide access to the long-acting antagonist therapies, 89116
partial agonist therapies, or both, that are included in the 89117
program's medication-assisted treatment; 89118

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|--|--|
| (6) Provide other types of therapies, including psychosocial therapies, for both substance abuse and any disorders that are considered by the treatment provider to be co-occurring disorders; | 89119 89120 89121 |
| (7) Provide detoxification services; | 89122 |
| (8) Provide participants with transportation to the treatments and therapies; | 89123 89124 |
| (9) Monitor program compliance through the use of regular drug testing, including urinalysis, of the participants being served by the community addiction services provider. | 89125 89126 89127 |
| (F) In the case of medication-assisted treatment provided under the program, all of the following conditions apply: | 89128 89129 |
| (1) A drug may be used only if the drug has been approved by the United States Food and Drug Administration for use in treating dependence on opioids, alcohol, or both, or for preventing relapse into the use of opioids, alcohol, or both. | 89130 89131 89132 89133 |
| (2) One or more drugs may be used, but each drug that is used must constitute long-acting antagonist therapy or partial agonist therapy. | 89134 89135 89136 |
| (3) If a drug constituting partial agonist therapy is used, the program shall provide safeguards to minimize abuse and diversion of the drug, including such safeguards as routine drug testing of program participants. | 89137 89138 89139 89140 |
| (G) Within 90 days after the effective date of this section, the Department shall select a nationally recognized research institution with experience in evaluating multiple court systems across jurisdictions in both rural and urban regions. The research institution shall have demonstrated experience evaluating the use of agonist and antagonist medication assisted treatment in drug courts, a track record of scientific publications, experience in health economics, and ethical and patient selection and consent | 89141 89142 89143 89144 89145 89146 89147 89148 |

issues. The institution shall also have an internal institutional 89149
review board. The institution shall prepare the report described 89150
in division (H) of this section. 89151

(H) A report of the findings obtained from the pilot program 89152
shall be prepared by a research institution and include data 89153
derived from the drug testing and performance measures used in the 89154
program. The research institution shall complete its report not 89155
later than December 31, 2016. Upon completion, the institution 89156
shall submit the report to the Governor, Chief Justice of the 89157
Supreme Court, President of the Senate, Speaker of the House of 89158
Representatives, Department of Mental Health and Addiction 89159
Services, Department of Rehabilitation and Correction, and any 89160
other state agency that the Department of Mental Health and 89161
Addiction Services collaborates with in conducting the program. 89162

(I) It is anticipated and expected that drug courts will 89163
expand their ability to serve more drug court participants as a 89164
result of increased access to commercial or publicly funded health 89165
insurance. In order to ensure that funds appropriated to support 89166
this drug court pilot program are used in the most efficient 89167
manner with a goal of enrolling the maximum number of 89168
participants, the Supreme Court shall work with the Department of 89169
Mental Health and Addiction Services, the Department of Job and 89170
Family Services, and with major Ohio healthcare plans, shall 89171
develop plans that ensure all of the following: 89172

(1) The development of an efficient and timely process for 89173
review of eligibility for health benefits for all offenders 89174
selected to participate in the drug court pilot program; 89175

(2) A rapid conversion to reimbursement for all healthcare 89176
services by the participant's health insurance company following 89177
approval for coverage of healthcare benefits; 89178

(3) The development of a consistent benefit package that 89179

provides ready access to and reimbursement for essential 89180
healthcare services including, but not be limited to, primary 89181
healthcare, alcohol and opiate detoxification services, 89182
appropriate psychosocial services, and medication for long-acting 89183
injectable antagonist therapies and partial agonist therapies; 89184

(4) The development of guidelines that require the provision 89185
of all treatment services, including medication, with minimal 89186
administrative barriers and within a timeframe that meets the 89187
requirements of individual patient care plans. 89188

(J) Of the foregoing appropriation item 336422, Criminal 89189
Justice Services, \$7.0 million in each fiscal year shall be used 89190
to support the Addiction Treatment Program for Specialized Docket 89191
Programs. 89192

Section 331.100. ADDICTION SERVICES PARTNERSHIP WITH 89193
CORRECTIONS 89194

On the effective date of this section, the Bureau of Recovery 89195
Services within the Department of Rehabilitation and Correction is 89196
abolished and all of its functions, assets, and liabilities, 89197
regardless of form or medium, agreements and contracts of the 89198
program are transferred to the Department of Mental Health and 89199
Addiction Services. The Department of Mental Health and Addiction 89200
Services is thereupon and thereafter successor to, assumes the 89201
obligations of, and otherwise constitutes the continuation of the 89202
Bureau of Recovery Services. 89203

Any business commenced but not completed by the effective 89204
date of this section by the Department of Rehabilitation and 89205
Correction regarding recovery services shall be completed by the 89206
Department of Mental Health and Addiction Services. No validation, 89207
cure, right, privilege, remedy, obligation, or liability is lost 89208
or impaired by reason of the transfer required by this section and 89209
shall be administered by the Department of Mental Health and 89210

Addiction Services. Any rules, orders, and determinations 89211
pertaining to the Bureau of Recovery Services continue in effect 89212
as rules, orders, and determinations of the Department of Mental 89213
Health and Addiction Services until modified or rescinded by the 89214
Department of Mental Health and Addiction Services. If necessary 89215
to ensure the integrity of the numbering of the Administrative 89216
Code, the Director of the Legislative Service Commission shall 89217
renumber the numbers to reflect their transfer to the Department 89218
of Mental Health and Addiction Services. 89219

Subject to the lay-off provisions of sections 124.321 to 89220
124.382 of the Revised Code, all employees of the Bureau of 89221
Recovery Services are hereby transferred to the Department of 89222
Mental Health and Addiction Services and retain their positions 89223
and all of their benefits. 89224

Wherever the Bureau of Recovery Services is referred to in 89225
any law, contract, or other document, the reference shall be 89226
deemed to refer to the Department of Mental Health and Addiction 89227
Services or its director, as appropriate. 89228

No action or proceeding pending on the effective date of this 89229
act, is affected by the transfer, and shall be prosecuted or 89230
defended in the name of the Department of Mental Health and 89231
Addiction Services or its director. In all such actions and 89232
proceedings, the Department of Mental Health and Addiction 89233
Services or its director shall be substituted as a party. 89234

On July 1, 2015, or as soon as possible thereafter, the 89235
Director of Budget and Management shall cancel any existing 89236
encumbrances against appropriation item 505321, Institutional 89237
Medical Services, used by the Department of Rehabilitation and 89238
Correction, that pertain to the Bureau of Recovery Services in the 89239
Department of Rehabilitation and Correction. The canceled 89240
encumbrances shall be reestablished against appropriation item 89241
336423, Addiction Services Partnership with Corrections, used by 89242

the Department of Mental Health and Addiction Services. The 89243
reestablished encumbrance amounts are hereby appropriated. Any 89244
business commenced but not completed under appropriation item 89245
505321, Institutional Medical Services, pertaining to the Bureau 89246
of Recovery Services, shall be completed under appropriation item 89247
336423, Addiction Services Partnership with Corrections, in the 89248
same manner, and with the same effect, as if completed with regard 89249
to appropriation item 505321, Institutional Medical Services. 89250

Section 331.110. RECOVERY HOUSING 89251

The foregoing appropriation item 336424, Recovery Housing, 89252
shall be used to expand and support access to recovery housing. 89253
"Recovery housing" means housing for individuals recovering from 89254
alcoholism or drug addiction that provides an alcohol and 89255
drug-free living environment, peer support, assistance with 89256
obtaining alcohol and drug addiction services, and other alcohol 89257
and drug addiction recovery assistance where the length of stay is 89258
not limited to a specific duration. Recovery housing does not 89259
include residential facilities subject to licensure pursuant to 89260
section 5119.34 of the Revised Code. Medication-assisted treatment 89261
may be allowed in recovery housing. Support for projects in 89262
counties of the state that are underserved or do not currently 89263
have recovery housing stock shall be given priority. For 89264
expenditures that are capital in nature, the Department of Mental 89265
Health and Addiction Services shall develop procedures to 89266
administer these funds in a manner that is consistent with current 89267
community capital assistance guidelines. 89268

Section 331.113. SPECIALIZED DOCKET SUPPORT 89269

(A) The foregoing appropriation item 336425, Specialized 89270
Docket Support, shall be used to defray a portion of the annual 89271
payroll costs associated with the employment of one full-time, or 89272

full-time equivalent, specialized docket staff member by a 89273
specialized docket of a common pleas court, municipal court, 89274
county court, juvenile court, or family court that meets all of 89275
the eligibility requirements in division (B) of this section, 89276
including a family dependency treatment docket. A specialized 89277
docket staff member employed under this section shall be 89278
considered an employee of the court. 89279

(B) To be eligible, the specialized docket must have received 89280
Supreme Court of Ohio final certification and include participants 89281
with a drug addiction or dependency in its target population. In 89282
addition, the specialized docket staff member must have received 89283
training for or education in alcohol and other drug addiction, 89284
abuse, and recovery and have demonstrated, prior to or within 89285
ninety days of hire, competencies in fundamental alcohol and other 89286
drug addiction, abuse, and recovery. Fundamental competencies 89287
shall include, at a minimum, an understanding of alcohol and other 89288
drug treatment and recovery, how to engage a person in treatment 89289
and recovery, and an understanding of other health care systems, 89290
social service systems, and the criminal justice system. 89291

(C) For the purposes of this section, payroll costs include 89292
annual compensation and fringe benefits. 89293

(D) The Department, solely for the purpose of determining the 89294
amount of the state share available to a court under division (F) 89295
of this section for the employment of one full-time or full-time 89296
equivalent specialized docket staff member, shall use the lesser 89297
of: 89298

(1) The actual annual compensation and fringe benefits paid 89299
to that staff member proportionally reflecting the staff member's 89300
time allocated for specialized docket duties and responsibilities; 89301
or 89302

(2) \$78,000. 89303

(E) In accordance with any applicable rules, guidelines, or procedures adopted by the Department pursuant to this section, the county auditor shall certify, for any court located within the county that is applying for or receiving funding under this section, to the Department the information necessary to determine that court's eligibility for, and the amount of, funding under this section.

(F) For a specialized docket staff member employed by a court, the amount of state funding available under this section shall be sixty-five per cent of the payroll costs specified in division (D) of this section. The state funding shall not exceed \$50,700.

(G) The Department shall disburse this state funding in semi-annual installments to the appropriate county or municipality in which the court is located.

(H) Of the foregoing appropriation item 336425, Specialized Docket Support, the Department shall use up to one per cent of the funds appropriated in each fiscal year to pay the cost it incurs in administering the duties established in this section.

(I) The Department, in consultation with the Supreme Court of Ohio, may adopt rules, guidelines, and procedures as necessary to carry out the purposes of this section.

Section 331.120. COMMUNITY INNOVATIONS

The foregoing appropriation item 336504, Community Innovations, may be used by the Department of Mental Health and Addiction Services to make targeted investments in programs, projects, or systems operated by or under the authority of other state agencies, governmental entities, or private not-for-profit agencies that impact, or are impacted by, the operations and functions of the Department, with the goal of achieving a net

reduction in expenditure of state general revenue funds and/or 89334
improved outcomes for Ohio citizens without a net increase in 89335
state general revenue fund spending. 89336

The Director shall identify and evaluate programs, projects, 89337
or systems proposed or operated, in whole or in part, outside of 89338
the authority of the Department, where targeted investment of 89339
these funds in the program, project, or system is expected to 89340
decrease demand for the Department or other resources funded with 89341
state general revenue funds, and/or to measurably improve outcomes 89342
for Ohio citizens with mental illness or with alcohol, drug, or 89343
gambling addictions. The Director shall have discretion to 89344
transfer money from the appropriation item to other state 89345
agencies, governmental entities, or private not-for-profit 89346
agencies in amounts, and subject to conditions, that the Director 89347
determines most likely to achieve state savings and/or improved 89348
outcomes. Distribution of moneys from this appropriation item 89349
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 89350
the Revised Code. 89351

The Department shall enter into an agreement with each 89352
recipient of community innovation funds, identifying: allowable 89353
expenditure of the funds; other commitment of funds or other 89354
resources to the program, project, or system; expected state 89355
savings and/or improved outcomes and proposed mechanisms for 89356
measurement of such savings or outcomes; and required reporting 89357
regarding expenditure of funds and savings or outcomes achieved. 89358

Of the foregoing appropriation item 336504, Community 89359
Innovations, up to \$3,000,000 in each fiscal year shall be used to 89360
provide funding for community projects across the state that focus 89361
on support for families, assisting families in avoiding crisis, 89362
and crisis intervention. 89363

Of the foregoing appropriation item 336504, Community 89364
Innovations, up to \$500,000 in each fiscal year shall be used to 89365

enhance access to Naloxone across the state for county health 89366
departments to then disperse through a grant program to local law 89367
enforcement, emergency personnel, and first responders. 89368

Of the foregoing appropriation item 336504, Community 89369
Innovations, up to \$3,000,000 in each fiscal year shall be used to 89370
improve collaboration between local jails, state hospitals, and 89371
community addiction and mental health services providers in order 89372
to reduce transfers, improve safety and judicial oversight as well 89373
as address capacity issues in both jails and state hospitals. 89374

Of the foregoing appropriation item 336504, Community 89375
Innovations, up to \$100,000 in each fiscal year shall be used to 89376
continue the Department of Mental Health and Addiction Services 89377
cross-agency efforts to share evidence-based practices that 89378
encourage the use of trauma-informed care. 89379

Of the foregoing appropriation item 336504, Community 89380
Innovations, up to \$1,000,000 in each fiscal year shall be used to 89381
implement strategies to increase job opportunities, reduce the 89382
number of positive drug screens, and improve workforce readiness 89383
for individuals in recovery. 89384

Section 331.130. RESIDENTIAL STATE SUPPLEMENT 89385

(A) The foregoing appropriation item 336510, Residential 89386
State Supplement, may be used by the Department of Mental Health 89387
and Addiction Services to provide training for residential 89388
facilities providing accommodations, supervision, and personal 89389
care services to three to sixteen unrelated adults with mental 89390
illness and to make benefit payments to residential state 89391
supplement recipients. 89392

(B) The foregoing appropriation item 336510, Residential 89393
State Supplement, may also be used to transfer cash to the Nursing 89394
Home Franchise Permit Fee Fund (Fund 5R20), used by the Department 89395

of Medicaid. Any transfers shall be made using an intrastate 89396
transfer voucher. Any amount transferred is hereby appropriated. 89397
Appropriation item 336510 is hereby reduced by an amount equal to 89398
the amount transferred. 89399

(C) The Department of Mental Health and Addiction Services 89400
shall adopt rules establishing eligibility criteria and benefit 89401
payment amounts under section 5119.41 of the Revised Code. 89402

**Section 331.140. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 89403
CONSULTATION 89404**

The foregoing appropriation item 336511, Early Childhood 89405
Mental Health Counselors and Consultation, shall be used to 89406
promote identification and intervention for early childhood mental 89407
health and to enhance healthy social emotional development in 89408
order to reduce preschool to third grade classroom expulsions. 89409
Funds shall be used by the Department of Mental Health and 89410
Addiction Services to support early childhood mental health 89411
credentialed counselors and consultation services, as well as 89412
administration and workforce development for the program. 89413

Section 331.143. MEDICAID SUPPORT 89414

The Department of Mental Health and Addiction Services shall 89415
administer specified Medicaid services as delegated by the State's 89416
single agency responsible for the Medicaid program. Effective July 89417
1, 2015, the Department shall use appropriation item 652321, 89418
Medicaid Support, to fund the Medicaid-related services and 89419
supports performed by the Department. 89420

Section 331.150. PROBLEM GAMBLING AND CASINO ADDICTIONS 89421

A portion of appropriation item 336629, Problem Gambling and 89422
Casino Addictions, shall be allocated to boards of alcohol, drug 89423
addiction, and mental health services in accordance with a 89424

distribution methodology determined by the Director of Mental Health and Addiction Services. 89425
89426

Section 331.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL 89427
89428

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions: 89429
89430
89431
89432
89433

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council; 89434
89435
89436

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council; 89437
89438
89439
89440

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children; 89441
89442
89443
89444

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and 89445
89446
89447
89448

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation. 89449
89450
89451
89452

Section 331.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT 89453

The designation of administering agency for federal aid shall 89454

be held jointly by the Department of Mental Health and Addiction 89455
 Services and the Department of Medicaid for determining 89456
 maintenance of effort pursuant to 42 U.S.C. 300x-30. The 89457
 Department of Mental Health and Addiction Services remains the 89458
 designated agency for all other purposes established by 42 U.S.C. 89459
 300x et seq. and section 5119.32 of the Revised Code. 89460

Section 331.180. ACCESS SUCCESS II PROGRAM 89461

To the extent cash is available, the Director of Budget and 89462
 Management may transfer cash from the Money Follows the Person 89463
 Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of 89464
 Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used 89465
 by the Department of Mental Health and Addiction Services. The 89466
 transferred cash is hereby appropriated. 89467

The Department of Mental Health and Addiction Services shall 89468
 use the transferred funds to administer the Access Success II 89469
 Program to help non-Medicaid patients in any hospital established, 89470
 controlled, or supervised by the Department under Chapter 5119. of 89471
 the Revised Code to transition from inpatient status to a 89472
 community setting. 89473

Section 333.10. MIH COMMISSION ON MINORITY HEALTH 89474

General Revenue Fund 89475

| | | | | | | |
|------------|--------------------|----|---------|----|---------|-------|
| GRF 149321 | Operating Expenses | \$ | 591,615 | \$ | 591,615 | 89476 |
|------------|--------------------|----|---------|----|---------|-------|

| | | | | | | |
|------------|-----------------|----|---------|----|---------|-------|
| GRF 149501 | Minority Health | \$ | 878,975 | \$ | 878,975 | 89477 |
|------------|-----------------|----|---------|----|---------|-------|

Grants

| | | | | | | |
|------------|---------------|----|--------|----|--------|-------|
| GRF 149502 | Lupus Program | \$ | 96,000 | \$ | 96,000 | 89478 |
|------------|---------------|----|--------|----|--------|-------|

| | | | | | | |
|-----------|----------------------|----|-----------|----|-----------|-------|
| TOTAL GRF | General Revenue Fund | \$ | 1,566,590 | \$ | 1,566,590 | 89479 |
|-----------|----------------------|----|-----------|----|-----------|-------|

Dedicated Purpose Fund Group 89480

| | | | | | | |
|-------------|-----------------|----|--------|----|--------|-------|
| 4C20 149601 | Minority Health | \$ | 50,000 | \$ | 50,000 | 89481 |
|-------------|-----------------|----|--------|----|--------|-------|

Conference

| | | | | | | |
|-----------|------------------------|----|--------|----|--------|-------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 50,000 | \$ | 50,000 | 89482 |
|-----------|------------------------|----|--------|----|--------|-------|

Group

| | | | | | |
|-----------------------------------|----|-----------|----|-----------|-------|
| Federal Fund Group | | | | | 89483 |
| 3J90 149602 Federal Grant Program | \$ | 126,833 | \$ | 90,929 | 89484 |
| Support | | | | | |
| TOTAL FED Federal Fund Group | \$ | 126,833 | \$ | 90,929 | 89485 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,743,423 | \$ | 1,707,519 | 89486 |

Section 335.10. CRB MOTOR VEHICLE REPAIR BOARD 89488

| | | | | | |
|----------------------------------|----|---------|----|---------|-------|
| Dedicated Purpose Fund Group | | | | | 89489 |
| 4K90 865601 Operating Expenses | \$ | 484,292 | \$ | 484,292 | 89490 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 484,292 | \$ | 484,292 | 89491 |
| Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 484,292 | \$ | 484,292 | 89492 |

Section 337.10. DNR DEPARTMENT OF NATURAL RESOURCES 89494

| | | | | | |
|-----------------------------------|----|------------|----|------------|-------|
| General Revenue Fund | | | | | 89495 |
| GRF 725401 Division of | \$ | 1,800,000 | \$ | 1,800,000 | 89496 |
| Wildlife-Operating | | | | | |
| Subsidy | | | | | |
| GRF 725413 Parks and Recreational | \$ | 23,239,600 | \$ | 24,655,600 | 89497 |
| Facilities Lease | | | | | |
| Rental Bond Payments | | | | | |
| GRF 725456 Canal Lands | \$ | 135,000 | \$ | 135,000 | 89498 |
| GRF 725502 Soil and Water | \$ | 2,900,000 | \$ | 2,900,000 | 89499 |
| Districts | | | | | |
| GRF 725505 Healthy Lake Erie | \$ | 1,000,000 | \$ | 1,000,000 | 89500 |
| Program | | | | | |
| GRF 725507 Coal and Mine Safety | \$ | 2,700,000 | \$ | 2,800,000 | 89501 |
| Program | | | | | |
| GRF 725510 Indian Lake Watershed | \$ | 125,000 | \$ | 0 | 89502 |
| Project | | | | | |
| GRF 725903 Natural Resources | \$ | 27,079,900 | \$ | 26,074,400 | 89503 |

| | | | | | | | |
|-----------|--------|------------------------------|----|-------------|----|-------------|-------|
| | | General Obligation | | | | | |
| | | Bond Debt Service | | | | | |
| GRF | 727321 | Division of Forestry | \$ | 4,392,001 | \$ | 4,392,001 | 89504 |
| GRF | 729321 | Office of Information | \$ | 177,405 | \$ | 177,405 | 89505 |
| | | Technology | | | | | |
| GRF | 730321 | Division of Parks and | \$ | 30,000,000 | \$ | 30,000,000 | 89506 |
| | | Recreation | | | | | |
| GRF | 736321 | Division of | \$ | 2,324,736 | \$ | 2,324,736 | 89507 |
| | | Engineering | | | | | |
| GRF | 737321 | Division of Soil and | \$ | 4,782,652 | \$ | 4,782,652 | 89508 |
| | | Water Resources | | | | | |
| GRF | 738321 | Division of Real | \$ | 670,342 | \$ | 670,342 | 89509 |
| | | Estate and Land | | | | | |
| | | Management | | | | | |
| GRF | 741321 | Division of Natural | \$ | 1,200,000 | \$ | 1,200,000 | 89510 |
| | | Areas and Preserves | | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 102,526,636 | \$ | 102,912,136 | 89511 |
| | | Dedicated Purpose Fund Group | | | | | 89512 |
| 2270 | 725406 | Parks Projects | \$ | 685,098 | \$ | 696,995 | 89513 |
| | | Personnel | | | | | |
| 4300 | 725671 | Canal Lands | \$ | 883,879 | \$ | 883,879 | 89514 |
| 4J20 | 725628 | Injection Well Review | \$ | 128,466 | \$ | 128,466 | 89515 |
| 4M70 | 725686 | Wildfire Suppression | \$ | 100,000 | \$ | 100,000 | 89516 |
| 4S90 | 725622 | NatureWorks Personnel | \$ | 818,618 | \$ | 833,076 | 89517 |
| 4U60 | 725668 | Scenic Rivers | \$ | 100,000 | \$ | 100,000 | 89518 |
| | | Protection | | | | | |
| 5090 | 725602 | State Forest | \$ | 6,879,410 | \$ | 6,880,148 | 89519 |
| 5110 | 725646 | Ohio Geological | \$ | 1,400,000 | \$ | 1,800,000 | 89520 |
| | | Mapping | | | | | |
| 5120 | 725605 | State Parks Operations | \$ | 31,471,044 | \$ | 31,471,044 | 89521 |
| 5140 | 725606 | Lake Erie Shoreline | \$ | 1,559,583 | \$ | 1,559,583 | 89522 |
| 5160 | 725620 | Water Management | \$ | 2,559,291 | \$ | 2,559,291 | 89523 |
| 5180 | 725643 | Oil and Gas Regulation | \$ | 19,193,271 | \$ | 19,444,876 | 89524 |

| | | | | | | | |
|------|--------|------------------------|----|------------|----|------------|-------|
| | | and Safety | | | | | |
| 5180 | 725677 | Oil and Gas Well | \$ | 3,000,000 | \$ | 3,000,000 | 89525 |
| | | Plugging | | | | | |
| 5210 | 725627 | Off-Road Vehicle | \$ | 143,490 | \$ | 143,490 | 89526 |
| | | Trails | | | | | |
| 5220 | 725656 | Natural Areas and | \$ | 546,639 | \$ | 546,639 | 89527 |
| | | Preserves | | | | | |
| 5260 | 725610 | Strip Mining | \$ | 2,977,956 | \$ | 2,977,955 | 89528 |
| | | Administration Fee | | | | | |
| 5270 | 725637 | Surface Mining | \$ | 1,681,153 | \$ | 1,681,154 | 89529 |
| | | Administration | | | | | |
| 5290 | 725639 | Unreclaimed Lands | \$ | 1,804,180 | \$ | 1,804,180 | 89530 |
| 5310 | 725648 | Reclamation Forfeiture | \$ | 500,000 | \$ | 500,000 | 89531 |
| 5B30 | 725674 | Mining Regulation | \$ | 28,135 | \$ | 28,135 | 89532 |
| 5BV0 | 725658 | Heidelberg Water | \$ | 250,000 | \$ | 250,000 | 89533 |
| | | Quality Lab | | | | | |
| 5BV0 | 725683 | Soil and Water | \$ | 8,000,000 | \$ | 8,000,000 | 89534 |
| | | Districts | | | | | |
| 5EL0 | 725612 | Wildlife Law | \$ | 12,000 | \$ | 12,000 | 89535 |
| | | Enforcement | | | | | |
| 5EM0 | 725613 | Park Law Enforcement | \$ | 34,000 | \$ | 34,000 | 89536 |
| 5EN0 | 725614 | Watercraft Law | \$ | 7,500 | \$ | 7,500 | 89537 |
| | | Enforcement | | | | | |
| 5HK0 | 725625 | Ohio Nature Preserves | \$ | 1,000 | \$ | 1,000 | 89538 |
| 5MF0 | 725635 | Ohio Geology License | \$ | 2,520 | \$ | 2,520 | 89539 |
| | | Plate | | | | | |
| 5MW0 | 725604 | Natural Resources | \$ | 6,000,000 | \$ | 6,000,000 | 89540 |
| | | Special Purposes | | | | | |
| 5P20 | 725634 | Wildlife Boater Angler | \$ | 3,000,000 | \$ | 3,000,000 | 89541 |
| | | Administration | | | | | |
| 6150 | 725661 | Dam Safety | \$ | 943,517 | \$ | 943,517 | 89542 |
| 6970 | 725670 | Submerged Lands | \$ | 869,145 | \$ | 869,145 | 89543 |
| 7015 | 740401 | Division of Wildlife | \$ | 56,325,976 | \$ | 59,997,307 | 89544 |

| | | | | | | | |
|-------|--------|--------------------------------------|----|-------------|----|-------------|-------|
| | | Conservation | | | | | |
| 7086 | 725414 | Waterways Improvement | \$ | 5,693,671 | \$ | 5,693,671 | 89545 |
| 7086 | 725418 | Buoy Placement | \$ | 60,000 | \$ | 60,000 | 89546 |
| 7086 | 725501 | Waterway Safety Grants | \$ | 120,000 | \$ | 120,000 | 89547 |
| 7086 | 725506 | Watercraft Marine | \$ | 576,153 | \$ | 576,153 | 89548 |
| | | Patrol | | | | | |
| 7086 | 725513 | Watercraft Educational | \$ | 400,000 | \$ | 400,000 | 89549 |
| | | Grants | | | | | |
| 7086 | 739401 | Division of Watercraft | \$ | 21,471,870 | \$ | 21,271,870 | 89550 |
| 8150 | 725636 | Cooperative Management | \$ | 649,000 | \$ | 456,000 | 89551 |
| | | Projects | | | | | |
| 8160 | 725649 | Wetlands Habitat | \$ | 966,885 | \$ | 966,885 | 89552 |
| 8170 | 725655 | Wildlife Conservation | \$ | 2,000,000 | \$ | 2,000,000 | 89553 |
| | | Checkoff | | | | | |
| 8180 | 725629 | Cooperative Fisheries | \$ | 1,500,000 | \$ | 1,500,000 | 89554 |
| | | Research | | | | | |
| 8190 | 725685 | Ohio River Management | \$ | 203,584 | \$ | 203,584 | 89555 |
| 81B0 | 725688 | Wildlife Habitats | \$ | 1,200,000 | \$ | 1,200,000 | 89556 |
| TOTAL | DPF | Dedicated Purpose Fund | \$ | 186,747,034 | \$ | 190,704,063 | 89557 |
| | | Group | | | | | |
| | | Internal Service Activity Fund Group | | | | | 89558 |
| 1550 | 725601 | Departmental Projects | \$ | 3,044,303 | \$ | 2,912,653 | 89559 |
| 1570 | 725651 | Central Support | \$ | 5,176,611 | \$ | 5,351,233 | 89560 |
| | | Indirect | | | | | |
| 2040 | 725687 | Information Services | \$ | 5,633,426 | \$ | 5,633,426 | 89561 |
| 2050 | 725696 | Human Resource Direct | \$ | 2,634,135 | \$ | 2,696,052 | 89562 |
| | | Service | | | | | |
| 2070 | 725690 | Real Estate Services | \$ | 34,291 | \$ | 34,834 | 89563 |
| 2230 | 725665 | Law Enforcement | \$ | 2,553,054 | \$ | 2,609,277 | 89564 |
| | | Administration | | | | | |
| 4X80 | 725662 | Water Resources | \$ | 138,005 | \$ | 138,005 | 89565 |
| | | Council | | | | | |
| 5100 | 725631 | Maintenance - | \$ | 249,611 | \$ | 249,611 | 89566 |

| | | | | | | |
|------|--------|-------------------------------------|----|------------|----|------------------|
| | | State-owned | | | | |
| | | Residences | | | | |
| 6350 | 725664 | Fountain Square | \$ | 3,457,486 | \$ | 3,469,467 89567 |
| | | Facilities Management | | | | |
| | | TOTAL ISA Internal Service Activity | | | | 89568 |
| | | Fund Group | \$ | 22,920,922 | \$ | 23,094,558 89569 |
| | | Capital Projects Fund Group | | | | 89570 |
| 7061 | 725405 | Clean Ohio Trail | \$ | 300,775 | \$ | 300,775 89571 |
| | | Operating | | | | |
| | | TOTAL CPF Capital Projects Fund | \$ | 300,775 | \$ | 300,775 89572 |
| | | Group | | | | |
| | | Fiduciary Fund Group | | | | 89573 |
| 4M80 | 725675 | FOP Contract | \$ | 20,219 | \$ | 20,219 89574 |
| | | TOTAL FID Fiduciary Fund Group | \$ | 20,219 | \$ | 20,219 89575 |
| | | Holding Account Fund Group | | | | 89576 |
| R017 | 725659 | Performance Cash Bond | \$ | 528,993 | \$ | 528,993 89577 |
| | | Refunds | | | | |
| R043 | 725624 | Forestry | \$ | 2,100,000 | \$ | 2,100,000 89578 |
| | | TOTAL HLD Holding Account | | | | 89579 |
| | | Fund Group | \$ | 2,628,993 | \$ | 2,628,993 89580 |
| | | Federal Fund Group | | | | 89581 |
| 3320 | 725669 | Federal Mine Safety | \$ | 265,000 | \$ | 265,000 89582 |
| | | Grant | | | | |
| 3B30 | 725640 | Federal Forest | \$ | 500,000 | \$ | 500,000 89583 |
| | | Pass-Thru | | | | |
| 3B40 | 725641 | Federal Flood | \$ | 500,000 | \$ | 500,000 89584 |
| | | Pass-Thru | | | | |
| 3B50 | 725645 | Federal Abandoned | \$ | 11,851,759 | \$ | 11,851,759 89585 |
| | | Mine Lands | | | | |
| 3B60 | 725653 | Federal Land and | \$ | 950,000 | \$ | 950,000 89586 |
| | | Water Conservation | | | | |
| | | Grants | | | | |

| | | | | | | | |
|------------------|--------------------|---|----|-------------|----|-------------|-------|
| 3B70 | 725654 | Reclamation - Regulatory | \$ | 2,977,956 | \$ | 2,977,955 | 89587 |
| 3P10 | 725632 | Geological Survey - Federal | \$ | 160,000 | \$ | 160,000 | 89588 |
| 3P20 | 725642 | Oil and Gas - Federal | \$ | 234,509 | \$ | 234,509 | 89589 |
| 3P30 | 725650 | Coastal Management - Federal | \$ | 1,746,000 | \$ | 1,746,000 | 89590 |
| 3P40 | 725660 | Federal - Soil and Water Resources | \$ | 2,844,644 | \$ | 1,195,738 | 89591 |
| 3R50 | 725673 | Acid Mine Drainage Abatement/Treatment | \$ | 4,342,280 | \$ | 4,342,280 | 89592 |
| 3Z50 | 725657 | Federal Recreation and Trails | \$ | 1,600,000 | \$ | 1,600,000 | 89593 |
| TOTAL FED | Federal Fund Group | | \$ | 27,972,148 | \$ | 26,323,241 | 89594 |
| TOTAL ALL BUDGET | FUND GROUPS | | \$ | 343,116,727 | \$ | 345,983,985 | 89595 |

Section 337.20. CENTRAL SUPPORT INDIRECT 89597

The Department of Natural Resources, with approval of the 89598
 Director of Budget and Management, shall utilize a methodology for 89599
 determining each division's payments into the Central Support 89600
 Indirect Fund (Fund 1570). The methodology used shall contain the 89601
 characteristics of administrative ease and uniform application in 89602
 compliance with federal grant requirements. It may include direct 89603
 cost charges for specific services provided. Payments to Fund 1570 89604
 shall be made using an intrastate transfer voucher. The foregoing 89605
 appropriation item 725401, Division of Wildlife-Operating Subsidy, 89606
 shall be used to pay the indirect costs of the Division of 89607
 Wildlife. 89608

Section 337.30. PARKS AND RECREATIONAL FACILITIES LEASE 89609

RENTAL BOND PAYMENTS 89610

The foregoing appropriation item 725413, Parks and 89611
 Recreational Facilities Lease Rental Bond Payments, shall be used 89612

to meet all payments during the period from July 1, 2015, through 89613
June 30, 2017, by the Department of Natural Resources pursuant to 89614
leases and agreements made under section 154.22 of the Revised 89615
Code. These appropriations are the source of funds pledged for 89616
bond service charges on related obligations issued under Chapter 89617
154. of the Revised Code. 89618

CANAL LANDS 89619

The foregoing appropriation item 725456, Canal Lands, shall 89620
be used to provide operating expenses for the State Canal Lands 89621
Program. 89622

HEALTHY LAKE ERIE PROGRAM 89623

The foregoing appropriation item 725505, Healthy Lake Erie 89624
Program, shall be used by the Director of Natural Resources, in 89625
consultation with the Director of Agriculture and the Director of 89626
Environmental Protection, to implement nonstatutory 89627
recommendations of the Agriculture Nutrients and Water Quality 89628
Working Group. The Director shall give priority to recommendations 89629
that encourage farmers to adopt agricultural production guidelines 89630
commonly known as 4R nutrient stewardship practices. Funds may 89631
also be used for enhanced soil testing in the Western Lake Erie 89632
Basin, monitoring the quality of Lake Erie and its tributaries, 89633
and conducting research and establishing pilot projects that have 89634
the goal of reducing algae blooms in Lake Erie. 89635

COAL AND MINE SAFETY PROGRAM 89636

The foregoing appropriation item 725507, Coal and Mine Safety 89637
Program, shall be used for the administration of the Mine Safety 89638
Program and the Coal Regulation Program. 89639

INDIAN LAKE WATERSHED PROJECT 89640

The foregoing appropriation item 725510, Indian Lake 89641
Watershed Project, shall be used to support the administrative 89642

| | |
|--|---|
| expenses of Indian Lake Watershed Project, Inc. | 89643 |
| TRANSFER OF FUNDS FOR MINERAL RESOURCES MANAGEMENT | 89644 |
| During fiscal years 2016 and 2017, the Director of Budget and Management may, at the request of the Director of Natural Resources, following the identification of available balances by the Director of Natural Resources in the Unreclaimed Land Fund (Fund 5290), transfer up to \$500,000 per year from Fund 5290 to the Coal Mining Administration and Reclamation Reserve Fund (Fund 5260) created in section 1513.181 of the Revised Code. The cash transfer to Fund 5260 shall be used to operate the Coal Regulatory Program. | 89645 89646 89647 89648 89649 89650 89651 89652 89653 |
| NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE | 89654 |
| The foregoing appropriation item 725903, Natural Resources General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.05 of the Revised Code. | 89655 89656 89657 89658 89659 |
| Section 337.40. SOIL AND WATER DISTRICTS | 89660 |
| In addition to state payments to soil and water conservation districts authorized by section 1515.10 of the Revised Code, the Department of Natural Resources may use appropriation item 725683, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000, upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 1515.10 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district. | 89661 89662 89663 89664 89665 89666 89667 89668 89669 89670 89671 |
| OIL AND GAS WELL PLUGGING | 89672 |

The foregoing appropriation item 725677, Oil and Gas Well Plugging, shall be used exclusively for the purposes of plugging wells and to properly restore the land surface of idle and orphan oil and gas wells pursuant to section 1509.071 of the Revised Code. No funds from the appropriation item shall be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributed to the plugging of an idle or orphan well. This appropriation item shall not be used to transfer cash to any other fund or appropriation item.

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL MAPPING OPERATIONS

During fiscal years 2016 and 2017, the Director of Budget and Management may, in consultation with the Director of Natural Resources, transfer such cash as necessary from the General Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the Geological Mapping Fund (Fund 5110). The cash transfer to Fund 5180 shall be used for handling the increased regulatory work related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5180. The cash transfer to Fund 5110 shall be used for handling the increased field and laboratory research efforts related to the expansion of the oil and gas program that will occur before receipts from this activity are deposited into Fund 5110. Once funds from severance taxes, application and permitting fees, and other sources have accrued to Fund 5180 and Fund 5110 in such amounts as are considered sufficient to sustain expanded operations, the Director of Budget and Management, in consultation with the Director of Natural Resources, shall establish a schedule for repaying the transferred funds from Fund 5180 and Fund 5110 to the General Revenue Fund.

Section 337.43. DIVISION OF WILDLIFE CONSERVATION 89704

Of the foregoing appropriation item 740401, Division of 89705
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 89706
Director of Natural Resources to study the effect that zebra 89707
mussels and quagga mussels have on Lake Erie. 89708

Of the foregoing appropriation item 740401, Division of 89709
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 89710
Director of Natural Resources to study the effect that Canada 89711
geese have on Lake Erie. 89712

Section 337.50. WATERCRAFT MARINE PATROL 89713

Of the foregoing appropriation item 739401, Division of 89714
Watercraft, up to \$200,000 in each fiscal year shall be expended 89715
for the purchase of equipment for marine patrols qualifying for 89716
funding from the Department of Natural Resources pursuant to 89717
section 1547.67 of the Revised Code. Proposals for equipment shall 89718
accompany the submission of documentation for receipt of a marine 89719
patrol subsidy pursuant to section 1547.67 of the Revised Code and 89720
shall be loaned to eligible marine patrols pursuant to a 89721
cooperative agreement between the Department of Natural Resources 89722
and the eligible marine patrol. 89723

Section 337.60. WELL LOG FILING FEES 89724

The Chief of the Division of Soil and Water Resources shall 89725
deposit fees forwarded to the Division pursuant to section 1521.05 89726
of the Revised Code into the Departmental Services - Intrastate 89727
Fund (Fund 1550) for the purposes described in that section. 89728

Section 337.70. HUMAN RESOURCES DIRECT SERVICE 89729

The foregoing appropriation item 725696, Human Resources 89730
Direct Service, shall be used to cover the cost of support, 89731

coordination, and oversight of the Department of Natural Resources' human resources functions. The Human Resources Chargeback Fund (Fund 2050) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

Section 337.80. LAW ENFORCEMENT ADMINISTRATION

The foregoing appropriation item 725665, Law Enforcement Administration, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

Section 337.90. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER

The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex and the Department of Natural Resources grounds at the Ohio Expo Center. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

Section 337.100. CLEAN OHIO TRAIL OPERATING EXPENSES

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in

administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 89761
to section 1519.05 of the Revised Code. 89762

Section 337.110. PARKS CAPITAL EXPENSES FUND 89763

The Director of Natural Resources shall submit to the 89764
Director of Budget and Management the estimated design, 89765
engineering, and planning costs of capital-related work to be done 89766
by Department of Natural Resources staff for parks projects within 89767
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 89768
Director of Budget and Management approves the estimated costs, 89769
the Director may release appropriations from appropriation item 89770
C725E6, Project Planning, Fund 7035, for those purposes. Upon 89771
release of the appropriations, the Department of Natural Resources 89772
shall pay for these expenses from the Parks Capital Expenses Fund 89773
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 89774
Fund 7035 using an intrastate transfer voucher. 89775

NATUREWORKS CAPITAL EXPENSES FUND 89776

The Department of Natural Resources shall submit to the 89777
Director of Budget and Management the estimated design, planning, 89778
and engineering costs of capital-related work to be done by 89779
Department of Natural Resources staff for each capital improvement 89780
project within the Ohio Parks and Natural Resources Fund (Fund 89781
7031). If the Director of Budget and Management approves the 89782
estimated costs, the Director may release appropriations from 89783
appropriation item C725E5, Project Planning, in Fund 7031, for 89784
those purposes. Upon release of the appropriations, the Department 89785
of Natural Resources shall pay for these expenses from the Capital 89786
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 89787
reimbursed by Fund 7031 by using an intrastate transfer voucher. 89788

Section 339.10. NUR STATE BOARD OF NURSING 89789

Dedicated Purpose Fund Group 89790

| | | | | | | | |
|------------------------------|--------|-----------------------|----|-----------|----|-----------|-------|
| 4K90 | 884609 | Operating Expenses | \$ | 7,602,328 | \$ | 7,622,328 | 89791 |
| 5AC0 | 884602 | Nurse Education Grant | \$ | 1,523,506 | \$ | 1,523,506 | 89792 |
| | | Program | | | | | |
| 5P80 | 884601 | Nursing Special | \$ | 2,000 | \$ | 2,000 | 89793 |
| | | Issues | | | | | |
| TOTAL DPF Dedicated Purpose | | | | | | | 89794 |
| Fund Group | | | | | | | |
| | | | \$ | 9,127,834 | \$ | 9,147,834 | 89795 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | | 89796 |

Section 341.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 89798
AND ATHLETIC TRAINERS BOARD 89799

| | | | | | | | |
|----------------------------------|--------|--------------------|----|---------|----|---------|-------|
| Dedicated Purpose Fund Group | | | | | | | 89800 |
| 4K90 | 890609 | Operating Expenses | \$ | 925,897 | \$ | 944,865 | 89801 |
| TOTAL DPF Dedicated Purpose Fund | | | | | | | 89802 |
| Group | | | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | | 89803 |

Section 345.10. OOD OPPORTUNITIES FOR OHIOANS WITH 89805
DISABILITIES AGENCY 89806

| | | | | | | | |
|--------------------------------|--------|-----------------------|----|------------|----|------------|-------|
| General Revenue Fund | | | | | | | 89807 |
| GRF | 415402 | Independent Living | \$ | 252,000 | \$ | 252,000 | 89808 |
| GRF | 415406 | Assistive Technology | \$ | 26,618 | \$ | 26,618 | 89809 |
| GRF | 415431 | Brain Injury | \$ | 126,567 | \$ | 126,567 | 89810 |
| GRF | 415506 | Services for | \$ | 15,817,709 | \$ | 15,817,709 | 89811 |
| | | Individuals with | | | | | |
| | | Disabilities | | | | | |
| GRF | 415508 | Services for the Deaf | \$ | 28,000 | \$ | 28,000 | 89812 |
| TOTAL GRF General Revenue Fund | | | | | | | 89813 |
| Dedicated Purpose Fund Group | | | | | | | 89814 |
| 4670 | 415609 | Business Enterprise | \$ | 1,430,633 | \$ | 1,217,633 | 89815 |
| | | Operating Expenses | | | | | |
| 4680 | 415618 | Third Party Funding | \$ | 12,400,000 | \$ | 12,400,000 | 89816 |

| | | | | | | | |
|------------------------------|--------|---|----|-------------|----|-------------|-------|
| 4L10 | 415619 | Services for Rehabilitation | \$ | 3,099,971 | \$ | 3,099,971 | 89817 |
| 4W50 | 415606 | Program Management | \$ | 12,357,482 | \$ | 12,357,482 | 89818 |
| TOTAL DPF Dedicated Purpose | | | | | | | 89819 |
| Fund Group | | | \$ | 29,288,086 | \$ | 29,075,086 | 89820 |
| Federal Fund Group | | | | | | | 89821 |
| 3170 | 415620 | Disability Determination | \$ | 81,000,000 | \$ | 81,000,000 | 89822 |
| 3790 | 415616 | Federal - Vocational Rehabilitation | \$ | 124,415,653 | \$ | 123,628,652 | 89823 |
| 3GH0 | 415602 | Personal Care Assistance | \$ | 2,752,396 | \$ | 2,752,396 | 89824 |
| 3GH0 | 415604 | Community Centers for the Deaf | \$ | 772,000 | \$ | 772,000 | 89825 |
| 3GH0 | 415613 | Independent Living | \$ | 638,431 | \$ | 638,431 | 89826 |
| 3L10 | 415608 | Social Security Vocational Rehabilitation | \$ | 5,000,000 | \$ | 5,000,000 | 89827 |
| 3L40 | 415615 | Federal - Supported Employment | \$ | 1,000,000 | \$ | 1,000,000 | 89828 |
| 3L40 | 415617 | Vocational Rehabilitation Programs | \$ | 1,514,239 | \$ | 1,514,239 | 89829 |
| TOTAL FED Federal Fund Group | | | \$ | 217,092,719 | \$ | 216,305,718 | 89830 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 262,631,699 | \$ | 261,631,698 | 89831 |

INDEPENDENT LIVING 89832

The foregoing appropriation item 415402, Independent Living, 89833
shall be used to support the state independent living programs and 89834
centers under Title VII of the Independent Living Services and 89835
Centers for Independent Living of the Rehabilitation Act 89836
Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 89837

Of the foregoing appropriation item 415402, Independent 89838

Living, \$67,662 in each fiscal year shall be used as state 89839
matching funds for vocational rehabilitation innovation and 89840
expansion activities. 89841

ASSISTIVE TECHNOLOGY 89842

The total amount of the foregoing appropriation item 415406, 89843
Assistive Technology, shall be provided to Assistive Technology of 89844
Ohio to provide grants and assistive technology services for 89845
people with disabilities in the State of Ohio. 89846

BRAIN INJURY 89847

The foregoing appropriation item 415431, Brain Injury, shall 89848
be provided to The Ohio State University College of Medicine to 89849
support the Brain Injury Program established under section 3304.23 89850
of the Revised Code. 89851

VOCATIONAL REHABILITATION SERVICES 89852

The foregoing appropriation item 415506, Services for 89853
Individuals with Disabilities, shall be used as state matching 89854
funds to provide vocational rehabilitation services to eligible 89855
consumers. 89856

SERVICES FOR THE DEAF 89857

The foregoing appropriation item 415508, Services for the 89858
Deaf, shall be used to provide grants to community centers for the 89859
deaf. 89860

PROGRAM MANAGEMENT 89861

The foregoing appropriation item 415606, Program Management, 89862
shall be used to support the administrative functions of the 89863
commission related to the provision of vocational rehabilitation, 89864
disability determination services, and ancillary programs. 89865

SOCIAL SECURITY REIMBURSEMENT FUNDS 89866

Reimbursement funds received from the Social Security 89867

Administration, United States Department of Health and Human 89868
 Services, for the costs of providing services and training to 89869
 return disability recipients to gainful employment shall be 89870
 expended, to the extent funds are available, as follows: 89871

(A) Appropriation item 415602, Personal Care Assistance, to 89872
 provide personal care services in accordance with section 3304.41 89873
 of the Revised Code; 89874

(B) Appropriation item 415604, Community Centers for the 89875
 Deaf, to provide grants to community centers for the deaf in Ohio 89876
 for services to individuals with hearing impairments; and 89877

(C) Appropriation item 415608, Social Security Vocational 89878
 Rehabilitation, to provide vocational rehabilitation services to 89879
 individuals with severe disabilities who are Social Security 89880
 beneficiaries, to enable them to achieve competitive employment. 89881

Section 347.10. ODB OHIO OPTICAL DISPENSERS BOARD 89882

Dedicated Purpose Fund Group 89883
 4K90 894609 Program Support \$ 373,000 \$ 375,400 89884
 General Services 89885
 TOTAL DPF Dedicated Purpose Fund \$ 373,000 \$ 375,400 89886
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 373,000 \$ 375,400 89887

Section 349.10. OPT STATE BOARD OF OPTOMETRY 89889

Dedicated Purpose Fund Group 89890
 4K90 885609 Program Support \$ 347,278 \$ 347,278 89891
 TOTAL DPF Dedicated Purpose Fund \$ 347,278 \$ 347,278 89892
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 347,278 \$ 347,278 89893

Section 351.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 89895
AND PEDORTHICS 89896

| | | | | |
|--|----|---------|------------|-------|
| Dedicated Purpose Fund Group | | | | 89897 |
| 4K90 973609 Operating Expenses | \$ | 176,950 | \$ 186,438 | 89898 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 176,950 | \$ 186,438 | 89899 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 176,950 | \$ 186,438 | 89900 |

Section 353.10. UST PETROLEUM UNDERGROUND STORAGE TANK 89901

RELEASE COMPENSATION BOARD 89902

Dedicated Purpose Fund Group 89903

| | | | | |
|---|----|-----------|--------------|-------|
| 6910 810632 Petroleum Underground Storage Tank Release Compensation Board - Operating | \$ | 1,257,155 | \$ 1,258,914 | 89904 |
|---|----|-----------|--------------|-------|

TOTAL DPF Dedicated Purpose Fund Group 89905

TOTAL ALL BUDGET FUND GROUPS 89906

Section 355.10. PRX STATE BOARD OF PHARMACY 89908

Dedicated Purpose Fund Group 89909

| | | | | |
|--|----|-----------|--------------|-------|
| 4A50 887605 Drug Law Enforcement | \$ | 150,000 | \$ 150,000 | 89910 |
| 4K90 887609 Operating Expenses | \$ | 6,779,608 | \$ 6,818,799 | 89911 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 6,929,608 | \$ 6,968,799 | 89912 |

Federal Fund Group 89913

3DV0 887607 Enhancing Ohio's PMP \$ 128,677 \$ 0 89914

TOTAL FED Federal Fund Group \$ 128,677 \$ 0 89915

TOTAL ALL BUDGET FUND GROUPS \$ 7,058,285 \$ 6,968,799 89916

Section 357.10. PSY STATE BOARD OF PSYCHOLOGY 89918

Dedicated Purpose Fund Group 89919

4K90 882609 Operating Expenses \$ 588,690 \$ 598,890 89920

TOTAL DPF Dedicated Purpose 89921

| | | | | | |
|------------------------------|----|---------|----|---------|-------|
| Fund Group | \$ | 588,690 | \$ | 598,890 | 89922 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 588,690 | \$ | 598,890 | 89923 |

Section 359.10. PUB OHIO PUBLIC DEFENDER COMMISSION 89925

General Revenue Fund 89926

| | | | | | | |
|------------|---------------------|----|-----------|----|-----------|-------|
| GRF 019401 | State Legal Defense | \$ | 3,020,855 | \$ | 3,020,855 | 89927 |
| | Services | | | | | |

| | | | | | | |
|------------|---------------------|----|-----------|----|-----------|-------|
| GRF 019403 | Multi-County: State | \$ | 1,960,463 | \$ | 1,977,325 | 89928 |
| | Share | | | | | |

| | | | | | | |
|------------|-------------------|----|---------|----|---------|-------|
| GRF 019404 | Trumbull County - | \$ | 545,658 | \$ | 552,337 | 89929 |
| | State Share | | | | | |

| | | | | | | |
|------------|------------------|----|--------|----|--------|-------|
| GRF 019405 | Training Account | \$ | 50,000 | \$ | 50,000 | 89930 |
|------------|------------------|----|--------|----|--------|-------|

| | | | | | | |
|------------|----------------------|----|------------|----|------------|-------|
| GRF 019501 | County Reimbursement | \$ | 21,128,268 | \$ | 21,128,268 | 89931 |
|------------|----------------------|----|------------|----|------------|-------|

| | | | | | |
|--------------------------------|----|------------|----|------------|-------|
| TOTAL GRF General Revenue Fund | \$ | 26,705,244 | \$ | 26,728,785 | 89932 |
|--------------------------------|----|------------|----|------------|-------|

Dedicated Purpose Fund Group 89933

| | | | | | | |
|-------------|----------------|----|---------|----|---------|-------|
| 1010 019607 | Juvenile Legal | \$ | 200,000 | \$ | 200,000 | 89934 |
| | Assistance | | | | | |

| | | | | | | |
|-------------|-----------------------|----|---------|----|---------|-------|
| 4070 019604 | County Representation | \$ | 225,800 | \$ | 228,456 | 89935 |
|-------------|-----------------------|----|---------|----|---------|-------|

| | | | | | | |
|-------------|-----------------|----|---------|----|---------|-------|
| 4080 019605 | Client Payments | \$ | 969,964 | \$ | 834,277 | 89936 |
|-------------|-----------------|----|---------|----|---------|-------|

| | | | | | | |
|-------------|----------------------|----|-----------|----|-----------|-------|
| 4C70 019601 | Multi-County: County | \$ | 2,364,693 | \$ | 2,389,985 | 89937 |
| | Share | | | | | |

| | | | | | | |
|-------------|------------------|----|--------|----|--------|-------|
| 4N90 019613 | Gifts and Grants | \$ | 50,250 | \$ | 50,250 | 89938 |
|-------------|------------------|----|--------|----|--------|-------|

| | | | | | | |
|-------------|-------------------|----|---------|----|---------|-------|
| 4X70 019610 | Trumbull County - | \$ | 654,790 | \$ | 664,809 | 89939 |
| | County Share | | | | | |

| | | | | | | |
|-------------|-----------------|----|------------|----|------------|-------|
| 5740 019606 | Civil Legal Aid | \$ | 17,250,000 | \$ | 17,250,000 | 89940 |
|-------------|-----------------|----|------------|----|------------|-------|

| | | | | | | |
|-------------|-----------------------|----|---------|----|---------|-------|
| 5CX0 019617 | Civil Case Filing Fee | \$ | 446,820 | \$ | 453,580 | 89941 |
|-------------|-----------------------|----|---------|----|---------|-------|

| | | | | | | |
|-------------|------------------|----|------------|----|------------|-------|
| 5DY0 019618 | Indigent Defense | \$ | 38,005,178 | \$ | 39,409,939 | 89942 |
| | Support - County | | | | | |
| | Share | | | | | |

| | | | | | | |
|-------------|------------------|----|-----------|----|-----------|-------|
| 5DY0 019619 | Indigent Defense | \$ | 5,772,000 | \$ | 5,850,000 | 89943 |
| | Support - State | | | | | |
| | Office | | | | | |

| | | | | |
|--|----|------------|---------------|-------|
| TOTAL DPF Dedicated Purpose | | | | 89944 |
| Fund Group | \$ | 65,939,495 | \$ 67,331,296 | 89945 |
| Federal Fund Group | | | | 89946 |
| 3GJ0 019622 Byrne Memorial Grant | \$ | 39,958 | \$ 39,958 | 89947 |
| 3S80 019608 Federal | \$ | 202,942 | \$ 202,942 | 89948 |
| Representation | | | | |
| TOTAL FED Federal Fund Group | \$ | 242,900 | \$ 242,900 | 89949 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 92,887,639 | \$ 94,302,981 | 89950 |
| INDIGENT DEFENSE OFFICE | | | | 89951 |
| The foregoing appropriation items 019404, Trumbull County - | | | | 89952 |
| State Share, and 019610, Trumbull County - County Share, shall be | | | | 89953 |
| used to support an indigent defense office for Trumbull County. | | | | 89954 |
| MULTI-COUNTY OFFICE | | | | 89955 |
| The foregoing appropriation items 019403, Multi-County: State | | | | 89956 |
| Share, and 019601, Multi-County: County Share, shall be used to | | | | 89957 |
| support the Office of the Ohio Public Defender's Multi-County | | | | 89958 |
| Branch Office Program. | | | | 89959 |
| TRAINING ACCOUNT | | | | 89960 |
| The foregoing appropriation item 019405, Training Account, | | | | 89961 |
| shall be used by the Ohio Public Defender to provide legal | | | | 89962 |
| training programs at no cost for private appointed counsel who | | | | 89963 |
| represents at least one indigent defendant at no cost and for | | | | 89964 |
| state and county public defenders and attorneys who contract with | | | | 89965 |
| the Ohio Public Defender to provide indigent defense services. | | | | 89966 |
| LEGAL AID FUND | | | | 89967 |
| On July 1 of each fiscal year, or as soon as possible | | | | 89968 |
| thereafter, the Director of Budget and Management shall transfer | | | | 89969 |
| \$750,000 cash from the General Revenue Fund to the Legal Aid Fund | | | | 89970 |
| (Fund 5740). | | | | 89971 |
| Of the foregoing appropriation item 019606, Civil Legal Aid, | | | | 89972 |

and notwithstanding any provision of law to the contrary, \$750,000 89973
in each fiscal year shall be distributed by the Ohio Legal 89974
Assistance Foundation to Ohio's civil legal aid societies for the 89975
sole purpose of providing outreach and legal services for 89976
economically disadvantaged veterans. For purposes of this section, 89977
"economically disadvantaged veteran" is defined as a person: (1) 89978
who presents a valid copy of United States Department of Defense 89979
form DD-214, DD-215, or equivalent service-related document, and 89980
(2) whose income does not exceed one hundred fifty per cent of the 89981
federal poverty line as defined in section 5162.01 of the Revised 89982
Code. 89983

FEDERAL REPRESENTATION 89984

The foregoing appropriation item 019608, Federal 89985
Representation, shall be used to receive reimbursements from the 89986
federal courts when the Ohio Public Defender provides 89987
representation in federal court cases and to support 89988
representation in such cases. 89989

INDIGENT DEFENSE SUPPORT FUND 89990

Notwithstanding section 120.08 of the Revised Code, the Ohio 89991
Public Defender may use up to thirteen per cent of the money in 89992
the indigent defense support fund created by section 120.08 of the 89993
Revised Code for the purposes of appointing assistant state public 89994
defenders, providing other personnel, equipment, and facilities 89995
necessary for the operation of the state public defender office, 89996
and providing training, developing and implementing electronic 89997
forms, or establishing and maintaining an information technology 89998
system used for the uniform operation of Chapter 120. of the 89999
Revised Code. 90000

Section 361.10. DPS DEPARTMENT OF PUBLIC SAFETY 90001

General Revenue Fund 90002

| | | | | | | | |
|------------------------------|----------------------|--|----|------------|----|------------|-------|
| GRF | 763403 | EMA Operating | \$ | 4,050,000 | \$ | 4,050,000 | 90003 |
| GRF | 767420 | Investigative Unit - Operating | \$ | 11,399,300 | \$ | 11,399,300 | 90004 |
| GRF | 768425 | Justice Program Services | \$ | 650,000 | \$ | 650,000 | 90005 |
| GRF | 769406 | Homeland Security - Operating | \$ | 2,000,000 | \$ | 2,000,000 | 90006 |
| TOTAL GRF | General Revenue Fund | | \$ | 18,099,300 | \$ | 18,099,300 | 90007 |
| Dedicated Purpose Fund Group | | | | | | | 90008 |
| 4P60 | 768601 | Justice Program Services | \$ | 150,000 | \$ | 150,000 | 90009 |
| 4V30 | 763662 | STORMS/NOAA Maintenance | \$ | 265,000 | \$ | 265,000 | 90010 |
| 5BK0 | 768687 | Criminal Justice Services - Operating | \$ | 400,000 | \$ | 400,000 | 90011 |
| 5BK0 | 768689 | Family Violence Shelter Programs | \$ | 1,550,000 | \$ | 1,550,000 | 90012 |
| 5ET0 | 768625 | Drug Law Enforcement | \$ | 7,500,000 | \$ | 6,000,000 | 90013 |
| 5LM0 | 768698 | Criminal Justice Services Law Enforcement Support | \$ | 850,946 | \$ | 850,946 | 90014 |
| 5ML0 | 769635 | Infrastructure Protection | \$ | 100,000 | \$ | 100,000 | 90015 |
| 5Y10 | 767696 | Ohio Investigative Unit Continuing Professional Training | \$ | 20,000 | \$ | 20,000 | 90016 |
| 6220 | 767615 | Investigative, Contraband, and Forfeiture | \$ | 325,000 | \$ | 325,000 | 90017 |
| 6570 | 763652 | Utility Radiological Safety | \$ | 1,200,000 | \$ | 1,200,000 | 90018 |
| 6810 | 763653 | SARA Title III HAZMAT Planning | \$ | 262,438 | \$ | 262,438 | 90019 |

| | | | | | | | |
|-------|--------|---|----|------------|----|------------|-------|
| 8500 | 767628 | Investigative Unit Salvage | \$ | 92,700 | \$ | 92,700 | 90020 |
| TOTAL | DPF | Dedicated Purpose Fund Group | \$ | 12,716,084 | \$ | 11,216,084 | 90021 |
| | | Federal Fund Group | | | | | 90022 |
| 3290 | 763645 | Federal Mitigation Program | \$ | 10,413,642 | \$ | 10,413,642 | 90023 |
| 3370 | 763609 | Federal Disaster Relief | \$ | 27,707,636 | \$ | 27,707,636 | 90024 |
| 3390 | 763647 | Emergency Management Assistance and Training | \$ | 67,684,765 | \$ | 68,684,765 | 90025 |
| 3EU0 | 768614 | Justice Assistance Grants - FFY10 | \$ | 100,000 | \$ | 25,000 | 90026 |
| 3FK0 | 768615 | Justice Assistance Grants - FFY11 | \$ | 300,000 | \$ | 100,000 | 90027 |
| 3FP0 | 767620 | Ohio Investigative Unit Justice Contraband | \$ | 55,000 | \$ | 55,000 | 90028 |
| 3FY0 | 768616 | Justice Assistance Grant - FFY12 | \$ | 650,000 | \$ | 300,000 | 90029 |
| 3FZ0 | 768617 | Justice Assistance Grant - FFY13 | \$ | 2,000,000 | \$ | 650,000 | 90030 |
| 3GA0 | 768618 | Justice Assistance Grant - FFY14 | \$ | 3,000,000 | \$ | 2,000,000 | 90031 |
| 3GL0 | 768619 | Justice Assistance Grants | \$ | 7,500,000 | \$ | 10,500,000 | 90032 |
| 3GT0 | 767691 | Equitable Share Account | \$ | 300,000 | \$ | 300,000 | 90033 |
| 3GU0 | 769610 | Investigation Grants - Food Stamps, Liquor & Tobacco Laws | \$ | 1,400,000 | \$ | 1,400,000 | 90034 |
| 3GU0 | 769631 | Homeland Security | \$ | 1,400,000 | \$ | 1,400,000 | 90035 |

| | | | | | |
|--|--------------------|--------------------|----------------|---------------|-------|
| Disaster Grants | | | | | |
| 3L50 | 768604 | Justice Program | \$ 10,500,000 | \$ 10,500,000 | 90036 |
| 3N50 | 763644 | U.S. Department of | \$ 31,672 | \$ 31,672 | 90037 |
| Energy Agreement | | | | | |
| TOTAL FED | Federal Fund Group | \$ 133,042,715 | \$ 134,067,715 | 90038 | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 163,858,099 | \$ 163,383,099 | 90039 | |
| CASH TRANSFER - INVESTIGATIVE UNIT | | | | | 90040 |
| Upon written request of the Director of Public Safety, the | | | | | 90041 |
| Director of Budget and Management may transfer cash from the | | | | | 90042 |
| Investigative Unit Federal Equitable Sharing Fund (Fund 5CM0) to | | | | | 90043 |
| the Investigative Unit Federal Equitable Sharing Fund (Fund 3GT0). | | | | | 90044 |
| CASH TRANSFER - JUSTICE PROGRAM SERVICES | | | | | 90045 |
| Upon written request of the Director of Public Safety, the | | | | | 90046 |
| Director of Budget and Management may transfer cash from the | | | | | 90047 |
| Justice Program Services Fund (Fund 4P60) to the State Bureau of | | | | | 90048 |
| Motor Vehicles Fund (Fund 4W40). | | | | | 90049 |
| STATE DISASTER RELIEF | | | | | 90050 |
| The State Disaster Relief Fund (Fund 5330) may accept | | | | | 90051 |
| transfers of cash and appropriations from Controlling Board | | | | | 90052 |
| appropriation items for the Ohio Emergency Management Agency | | | | | 90053 |
| disaster response costs and disaster program management costs, and | | | | | 90054 |
| may also be used for the following purposes: | | | | | 90055 |
| (A) To accept transfers of cash and appropriations from | | | | | 90056 |
| Controlling Board appropriation items for Ohio Emergency | | | | | 90057 |
| Management Agency public assistance and mitigation program match | | | | | 90058 |
| costs to reimburse eligible local governments and private | | | | | 90059 |
| nonprofit organizations for costs related to disasters; | | | | | 90060 |
| (B) To accept transfers of cash to reimburse the costs | | | | | 90061 |
| associated with Emergency Management Assistance Compact (EMAC) | | | | | 90062 |
| deployments; | | | | | 90063 |

(C) To accept disaster related reimbursement from federal, 90064
state, and local governments. The Director of Budget and 90065
Management may transfer cash from reimbursements received by this 90066
fund to other funds of the state from which transfers were 90067
originally approved by the Controlling Board. 90068

(D) To accept transfers of cash and appropriations from 90069
Controlling Board appropriation items to fund the State Disaster 90070
Relief Program, for disasters that qualify for the program by 90071
written authorization of the Governor, and the State Individual 90072
Assistance Program for disasters that have been declared by the 90073
federal Small Business Administration and that qualify for the 90074
program by written authorization from the Governor. The Ohio 90075
Emergency Management Agency shall publish and make available 90076
application packets outlining procedures for the State Disaster 90077
Relief Program and the State Individual Assistance Program. 90078

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 90079
AGENCY SERVICE AND REIMBURSEMENT FUND 90080

On July 1 of each fiscal year, or as soon as possible 90081
thereafter, the Director of Budget and Management shall transfer 90082
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 90083
Emergency Management Agency Service and Reimbursement Fund (Fund 90084
4V30) to be distributed to the Ohio Task Force One - Urban Search 90085
and Rescue Unit, other similar urban search and rescue units 90086
around the state, and for maintenance of the statewide fire 90087
emergency response plan by an entity recognized by the Ohio 90088
Emergency Management Agency. 90089

SARA TITLE III HAZMAT PLANNING 90090

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 90091
entitled to receive grant funds from the Emergency Response 90092
Commission to implement the Emergency Management Agency's 90093
responsibilities under Chapter 3750. of the Revised Code. 90094

| | | | | |
|--|--------|--|-----------------------------|-----------------------------------|
| Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO | | | | 90095 |
| Dedicated Purpose Fund Group | | | | 90096 |
| 4A30 | 870614 | Grade Crossing Protection Devices-State | \$ 1,347,357 \$ 1,347,357 | 90097 |
| 4L80 | 870617 | Pipeline Safety-State | \$ 331,992 \$ 331,992 | 90098 |
| 5610 | 870606 | Power Siting Board | \$ 581,618 \$ 581,618 | 90099 |
| 5F60 | 870622 | Utility and Railroad Regulation | \$ 30,619,708 \$ 30,619,708 | 90100 |
| 5F60 | 870624 | NARUC/NRRI Subsidy | \$ 85,000 \$ 85,000 | 90101 |
| 5LT0 | 870640 | Intrastate Registration | \$ 180,000 \$ 180,000 | 90102 |
| 5LT0 | 870641 | Unified Carrier Registration | \$ 420,000 \$ 420,000 | 90103 |
| 5LT0 | 870642 | Hazardous Materials Registration | \$ 753,346 \$ 753,346 | 90104 |
| 5LT0 | 870643 | Non-hazardous Materials Civil Forfeiture | \$ 277,496 \$ 277,496 | 90105 |
| 5LT0 | 870644 | Hazardous Materials Civil Forfeiture | \$ 898,800 \$ 898,800 | 90106 |
| 5LT0 | 870645 | Motor Carrier Enforcement | \$ 4,709,592 \$ 4,709,592 | 90107 |
| 5Q50 | 870626 | Telecommunications Relay Service | \$ 5,000,000 \$ 5,000,000 | 90108 |
| TOTAL DPF Dedicated Purpose Fund Group | | | | \$ 45,204,909 \$ 45,204,909 90109 |
| Federal Fund Group | | | | 90110 |
| 3330 | 870601 | Gas Pipeline Safety | \$ 597,959 \$ 597,959 | 90111 |
| 3500 | 870608 | Motor Carrier Safety | \$ 7,351,660 \$ 7,351,660 | 90112 |
| 3V30 | 870604 | Commercial Vehicle | \$ 100,000 \$ 100,000 | 90113 |

Information

Systems/Networks

| | | | | | |
|------------------------------|----|------------|----|------------|-------|
| TOTAL FED Federal Fund Group | \$ | 8,049,619 | \$ | 8,049,619 | 90114 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 53,254,528 | \$ | 53,254,528 | 90115 |

Section 363.20. TELECOMMUNICATIONS TRANSITION PLANNING 90117

The foregoing appropriation item 870622, Utility and Railroad 90118
Regulation, shall be used in part to plan for the transition, 90119
consistent with the directives and policies of the Federal 90120
Communications Commission, from the current public switched 90121
telephone network to an internet-protocol network that will 90122
stimulate investment in the internet-protocol network in Ohio and 90123
that will expand the availability of advanced telecommunications 90124
services to all Ohioans. The transition plan shall include a 90125
review of statutes or rules that may prevent or delay an 90126
appropriate transition. The Public Utilities Commission shall 90127
report to the General Assembly on any further action required to 90128
be taken by the General Assembly to ensure a successful and timely 90129
transition. 90130

Section 363.30. (A) The Public Utilities Commission shall do 90131
both of the following not later than one hundred eighty days after 90132
the effective date of this section: 90133

(1) Adopt rules to implement section 4927.10 of the Revised 90134
Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 90135
4927.11 of the Revised Code made by H.B. 64 of the 131st General 90136
Assembly; 90137

(2) Bring its rules into conformity with this act. 90138

(B) Rules adopted or amended under this section shall include 90139
provisions for reasonable customer notice of the steps to be taken 90140
during, and the actions resulting from, the transition plan 90141
described in Section 363.20 of H.B. 64 of the 131st General 90142

Assembly. 90143

(C) Any rule adopted or amended under this section shall be 90144
consistent with the rules of the Federal Communications 90145
Commission. 90146

(D) If the Public Utilities Commission fails to comply with 90147
division (A) of this section before the Federal Communications 90148
Commission adopts the order described in section 4927.10 of the 90149
Revised Code, any rule of the Public Utilities Commission that is 90150
inconsistent with that order shall not be enforced. 90151

Section 365.10. PWC PUBLIC WORKS COMMISSION 90152

General Revenue Fund 90153

GRF 150904 Conservation General \$ 33,174,900 \$ 37,725,700 90154
Obligation Bond Debt
Service

GRF 150907 Infrastructure \$ 227,937,400 \$ 231,303,200 90155
Improvement General
Obligation Bond Debt
Service

TOTAL GRF General Revenue Fund \$ 261,112,300 \$ 269,028,900 90156

Capital Projects Fund Group 90157

7056 150403 Clean Ohio \$ 288,980 \$ 288,980 90158
Conservation
Operating

TOTAL CPF Capital Projects Fund \$ 288,980 \$ 288,980 90159

Group

TOTAL ALL BUDGET FUND GROUPS \$ 261,401,280 \$ 269,317,880 90160

CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE 90161

The foregoing appropriation item 150904, Conservation General 90162
Obligation Bond Debt Service, shall be used to pay all debt 90163
service and related financing costs during the period from July 1, 90164

2015, through June 30, 2017, at the times they are required to be 90165
made for obligations issued under sections 151.01 and 151.09 of 90166
the Revised Code. 90167

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 90168
SERVICE 90169

The foregoing appropriation item 150907, Infrastructure 90170
Improvement General Obligation Bond Debt Service, shall be used to 90171
pay all debt service and related financing costs during the period 90172
from July 1, 2015, through June 30, 2017, at the times they are 90173
required to be made for obligations issued under sections 151.01 90174
and 151.08 of the Revised Code. 90175

CLEAN OHIO CONSERVATION OPERATING 90176

The foregoing appropriation item 150403, Clean Ohio 90177
Conservation Operating, shall be used by the Ohio Public Works 90178
Commission in administering Clean Ohio Conservation Fund (Fund 90179
7056) projects pursuant to sections 164.20 to 164.27 of the 90180
Revised Code. 90181

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 90182

The Director of the Public Works Commission is authorized to 90183
create a District Administration Costs Program for districts 90184
represented by natural resource assistance councils. This program 90185
shall be funded from proceeds of the Clean Ohio Conservation Fund. 90186
This program shall be used by natural resource assistance councils 90187
in order to provide for administration costs of the nineteen 90188
natural resource assistance councils for the direct costs of 90189
council administration. Councils choosing to participate in this 90190
program may be eligible for up to \$15,000 per fiscal year from its 90191
district allocation as provided in section 164.27 of the Revised 90192
Code. The director shall define allowable and nonallowable costs 90193
for the purpose of the District Administration Costs Program. 90194
Nonallowable costs include indirect costs, elected official 90195

salaries and benefits, and project-specific costs. 90196

Section 367.10. RAC STATE RACING COMMISSION 90197

Dedicated Purpose Fund Group 90198

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 90199

Development

5630 875602 Standardbred \$ 1,300,000 \$ 1,300,000 90200

Development

5650 875604 Racing Commission \$ 3,335,000 \$ 3,335,000 90201

Operating

5JK0 875610 Horse Racing \$ 8,500,000 \$ 8,500,000 90202

Development-Casino

5NL0 875611 Revenue \$ 17,000,000 \$ 17,000,000 90203

Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 31,535,000 \$ 31,535,000 90204

Group

Fiduciary Fund Group 90205

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 90206

Racing Purse

TOTAL FID Fiduciary Fund Group \$ 12,000,000 \$ 12,000,000 90207

Holding Account Fund Group 90208

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 90209

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 90210

Group

TOTAL ALL BUDGET FUND GROUPS \$ 43,635,000 \$ 43,635,000 90211

Section 369.10. BOR DEPARTMENT OF HIGHER EDUCATION 90213

General Revenue Fund 90214

GRF 235321 Operating Expenses \$ 5,377,193 \$ 5,377,193 90215

GRF 235402 Sea Grants \$ 299,250 \$ 299,250 90216

GRF 235406 Articulation and \$ 2,000,000 \$ 2,000,000 90217

Transfer

| | | | | | | |
|------------|---|----|---------------|----|---------------|-------|
| GRF 235408 | Midwest Higher Education Compact | \$ | 115,000 | \$ | 115,000 | 90218 |
| GRF 235414 | State Grants and Scholarship Administration | \$ | 830,180 | \$ | 830,180 | 90219 |
| GRF 235417 | eStudent Services | \$ | 2,532,688 | \$ | 2,532,688 | 90220 |
| GRF 235428 | Appalachian New Economy Partnership | \$ | 1,500,000 | \$ | 1,500,000 | 90221 |
| GRF 235438 | Choose Ohio First Scholarship | \$ | 17,415,114 | \$ | 17,415,114 | 90222 |
| GRF 235443 | Adult Basic and Literacy Education - State | \$ | 7,402,416 | \$ | 7,372,416 | 90223 |
| GRF 235444 | Ohio Technical Centers | \$ | 16,817,547 | \$ | 16,817,547 | 90224 |
| GRF 235474 | Area Health Education Centers Program Support | \$ | 900,000 | \$ | 900,000 | 90225 |
| GRF 235483 | Technology Integration and Professional Development | \$ | 378,598 | \$ | 378,598 | 90226 |
| GRF 235488 | Higher Education Innovation Grants | \$ | 0 | \$ | 20,000,000 | 90227 |
| GRF 235492 | Campus Safety and Training | \$ | 2,000,000 | \$ | 0 | 90228 |
| GRF 235501 | State Share of Instruction | \$ | 1,857,752,007 | \$ | 1,894,907,047 | 90229 |
| GRF 235502 | Student Support Services | \$ | 632,974 | \$ | 632,974 | 90230 |
| GRF 235504 | War Orphans Scholarships | \$ | 6,835,710 | \$ | 7,124,141 | 90231 |
| GRF 235507 | OhioLINK | \$ | 6,211,012 | \$ | 6,211,012 | 90232 |
| GRF 235508 | Air Force Institute of Technology | \$ | 1,740,803 | \$ | 1,740,803 | 90233 |

| | | | | | | |
|------------|--|----|------------|----|------------|-------|
| GRF 235510 | Ohio Supercomputer Center | \$ | 4,247,418 | \$ | 4,247,418 | 90234 |
| GRF 235511 | Cooperative Extension Service | \$ | 24,209,491 | \$ | 24,209,491 | 90235 |
| GRF 235514 | Central State Supplement | \$ | 11,063,468 | \$ | 11,063,468 | 90236 |
| GRF 235515 | Case Western Reserve University School of Medicine | \$ | 2,146,253 | \$ | 2,146,253 | 90237 |
| GRF 235519 | Family Practice | \$ | 3,166,185 | \$ | 3,166,185 | 90238 |
| GRF 235520 | Shawnee State Supplement | \$ | 2,326,097 | \$ | 2,326,097 | 90239 |
| GRF 235524 | Police and Fire Protection | \$ | 107,814 | \$ | 107,814 | 90240 |
| GRF 235525 | Geriatric Medicine | \$ | 522,151 | \$ | 522,151 | 90241 |
| GRF 235526 | Primary Care Residencies | \$ | 1,500,000 | \$ | 1,500,000 | 90242 |
| GRF 235533 | Higher Education Program Support | \$ | 5,325,000 | \$ | 4,575,000 | 90243 |
| GRF 235535 | Ohio Agricultural Research and Development Center | \$ | 36,361,470 | \$ | 36,361,470 | 90244 |
| GRF 235536 | The Ohio State University Clinical Teaching | \$ | 9,668,941 | \$ | 9,668,941 | 90245 |
| GRF 235537 | University of Cincinnati Clinical Teaching | \$ | 7,952,573 | \$ | 7,952,573 | 90246 |
| GRF 235538 | University of Toledo Clinical Teaching | \$ | 6,198,600 | \$ | 6,198,600 | 90247 |
| GRF 235539 | Wright State University Clinical Teaching | \$ | 3,011,400 | \$ | 3,011,400 | 90248 |

| | | | | |
|-------------|---|------------------|------------------|-------|
| GRF 235540 | Ohio University Clinical Teaching | \$ 2,911,212 | \$ 2,911,212 | 90249 |
| GRF 235541 | Northeast Ohio Medical University Clinical Teaching | \$ 2,994,178 | \$ 2,994,178 | 90250 |
| GRF 235542 | Defense/Aerospace Workforce Development Initiative | \$ 10,000,000 | \$ 10,000,000 | 90251 |
| GRF 235552 | Capital Component | \$ 10,280,387 | \$ 6,350,817 | 90252 |
| GRF 235555 | Library Depositories | \$ 1,440,342 | \$ 1,440,342 | 90253 |
| GRF 235556 | Ohio Academic Resources Network | \$ 3,172,519 | \$ 3,172,519 | 90254 |
| GRF 235558 | Long-term Care Research | \$ 325,300 | \$ 325,300 | 90255 |
| GRF 235563 | Ohio College Opportunity Grant | \$ 96,187,107 | \$ 97,187,107 | 90256 |
| GRF 235572 | The Ohio State University Clinic Support | \$ 766,533 | \$ 766,533 | 90257 |
| GRF 235591 | Co-Op Internship Program | \$ 9,250,000 | \$ 9,250,000 | 90258 |
| GRF 235599 | National Guard Scholarship Program | \$ 18,750,552 | \$ 18,900,003 | 90259 |
| GRF 235909 | Higher Education General Obligation Bond Debt Service | \$ 252,470,800 | \$ 259,289,500 | 90260 |
| TOTAL GRF | General Revenue Fund | \$ 2,457,096,283 | \$ 2,515,798,335 | 90261 |
| | Dedicated Purpose Fund Group | | | 90262 |
| 2200 235614 | Program Approval and Reauthorization | \$ 650,000 | \$ 650,000 | 90263 |
| 4560 235603 | Sales and Services | \$ 199,250 | \$ 199,250 | 90264 |
| 4E80 235602 | Higher Educational Facility Commission | \$ 29,100 | \$ 29,100 | 90265 |

| | | | | | | | |
|-----------|--------|--|----|------------|----|------------|-------|
| | | Administration | | | | | |
| 4X10 | 235674 | Telecommunity and | \$ | 49,150 | \$ | 49,150 | 90266 |
| | | Distance Learning | | | | | |
| 5D40 | 235675 | Conferences/Special | \$ | 1,884,095 | \$ | 1,884,095 | 90267 |
| | | Purposes | | | | | |
| 5JC0 | 235694 | Competency Based | \$ | 4,000,000 | \$ | 4,000,000 | 90268 |
| | | Pilot Project | | | | | |
| 5NH0 | 235684 | OhioMeansJobs | \$ | 16,000,000 | \$ | 0 | 90269 |
| | | Workforce Development | | | | | |
| | | Revolving Loan | | | | | |
| | | Program | | | | | |
| 5P30 | 235663 | Variable Savings Plan | \$ | 8,028,685 | \$ | 8,082,899 | 90270 |
| 5QF0 | 235695 | Student Debt | \$ | 15,000,000 | \$ | 15,000,000 | 90271 |
| | | Reduction Program | | | | | |
| 5RA0 | 235616 | Workforce Grants | \$ | 15,000,000 | \$ | 15,000,000 | 90272 |
| 6450 | 235664 | Guaranteed Savings | \$ | 1,068,048 | \$ | 1,061,886 | 90273 |
| | | Plan | | | | | |
| 6820 | 235606 | Nursing Loan Program | \$ | 891,320 | \$ | 891,320 | 90274 |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 62,799,648 | \$ | 46,847,700 | 90275 |
| | | Group | | | | | |
| | | Bond Research and Development Fund Group | | | | | 90276 |
| 7011 | 235634 | Research Incentive | \$ | 8,000,000 | \$ | 8,000,000 | 90277 |
| | | Third Frontier Fund | | | | | |
| TOTAL BRD | | Bond Research and | \$ | 8,000,000 | \$ | 8,000,000 | 90278 |
| | | Development Fund Group | | | | | |
| | | Federal Fund Group | | | | | 90279 |
| 3120 | 235611 | Gear-up Grant | \$ | 3,050,600 | \$ | 3,169,050 | 90280 |
| 3120 | 235612 | Carl D. Perkins | \$ | 1,350,000 | \$ | 1,350,000 | 90281 |
| | | Grant/Plan | | | | | |
| | | Administration | | | | | |
| 3120 | 235617 | Improving Teacher | \$ | 2,800,000 | \$ | 2,800,000 | 90282 |
| | | Quality Grant | | | | | |

| | | | | | | | |
|------------------------------|--------|--|----|---------------|----|---------------|-------|
| 3120 | 235641 | Adult Basic and Literacy Education - Federal | \$ | 15,207,359 | \$ | 15,207,359 | 90283 |
| 3120 | 235672 | H-1B Tech Skills Training | \$ | 2,100,000 | \$ | 2,100,000 | 90284 |
| 3H20 | 235608 | Human Services Project | \$ | 375,000 | \$ | 375,000 | 90285 |
| TOTAL FED Federal Fund Group | | | \$ | 24,882,959 | \$ | 25,001,409 | 90286 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 2,552,778,890 | \$ | 2,595,647,444 | 90287 |

Section 369.13. OPERATING EXPENSES 90289

Of the foregoing appropriation item 235321, Operating Expenses, up to \$2,854,000 in fiscal year 2016 and up to \$2,996,000 in fiscal year 2017 shall be used by the Director of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Higher Education and the University System of Ohio. The information technology solutions may be provided by the Ohio Academic Resources Network (OARnet).

Section 369.20. SEA GRANTS 90299

The foregoing appropriation item 235402, Sea Grants, shall be used to match federal dollars and leverage additional support by The Ohio State University's Sea Grant program, including Stone Laboratory, for research, education, and outreach to enhance the economic value, public utilization, and responsible management of Lake Erie and Ohio's coastal resources.

Section 369.30. ARTICULATION AND TRANSFER 90306

The foregoing appropriation item 235406, Articulation and Transfer, shall be used by the Director of Higher Education to maintain and expand the work of the Articulation and Transfer

Council to develop a system of transfer policies to ensure that 90310
students at state institutions of higher education can transfer 90311
and have coursework apply to their majors and degrees at any other 90312
state institution of higher education without unnecessary 90313
duplication or institutional barriers under sections 3333.16, 90314
3333.161, and 3333.162 of the Revised Code. 90315

Section 369.40. MIDWEST HIGHER EDUCATION COMPACT 90316

The foregoing appropriation item 235408, Midwest Higher 90317
Education Compact, shall be distributed by the Director of Higher 90318
Education under section 3333.40 of the Revised Code. 90319

Section 369.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 90320

The foregoing appropriation item 235414, State Grants and 90321
Scholarship Administration, shall be used by the Director of 90322
Higher Education to administer the following student financial aid 90323
programs: Ohio College Opportunity Grant, Ohio War Orphans' 90324
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 90325
Officers College Memorial Fund, and any other student financial 90326
aid programs created by the General Assembly. The appropriation 90327
item also shall be used to support all state financial aid audits 90328
and student financial aid programs created by Congress, and to 90329
provide fiscal services for the Ohio National Guard Scholarship 90330
Program. 90331

Section 369.60. ESTUDENT SERVICES 90332

The foregoing appropriation item 235417, eStudent Services, 90333
shall be used by the Director of Higher Education to support the 90334
continued implementation of eStudent Services, a consortium 90335
organized under division (T) of section 3333.04 of the Revised 90336
Code to expand access to dual enrollment opportunities for high 90337
school students, as well as adult and higher education 90338

opportunities through technology. The funds shall be used by 90339
eStudent Services to develop and promote learning and assessment 90340
through the use of technology, to test and provide advice on 90341
emerging learning-directed technologies, to support the distance 90342
learning clearinghouse and platform created under section 3333.82 90343
of the Revised Code, to facilitate cost-effectiveness through 90344
shared educational technology investments, and for any other 90345
priorities of the Director of Higher Education. 90346

Section 369.70. APPALACHIAN NEW ECONOMY PARTNERSHIP 90347

The foregoing appropriation item 235428, Appalachian New 90348
Economy Partnership, shall be distributed to Ohio University to 90349
continue a multi-campus and multi-agency coordinated effort to 90350
link Appalachia to the new economy. Ohio University shall use 90351
these funds to provide leadership in the development and 90352
implementation of initiatives in the areas of entrepreneurship, 90353
management, education, and technology. 90354

Section 369.80. CHOOSE OHIO FIRST SCHOLARSHIP 90355

The foregoing appropriation item 235438, Choose Ohio First 90356
Scholarship, shall be used to operate the program prescribed in 90357
sections 3333.60 to 3333.70 of the Revised Code. 90358

Section 369.90. ADULT BASIC AND LITERACY EDUCATION 90359

Of the foregoing appropriation item 235443, Adult Basic and 90360
Literacy Education - State, \$100,000 in fiscal year 2016 and 90361
\$70,000 in fiscal year 2017 shall be used to provide a grant for 90362
an Ohio public library that provides remedial coursework 90363
instruction for postsecondary students. 90364

The remainder of the foregoing appropriation item 235443, 90365
Adult Basic and Literacy Education - State, shall be used to 90366
support the adult basic and literacy education instructional grant 90367

program and state leadership program. The supported programs shall 90368
satisfy the state match and maintenance of effort requirements for 90369
the state-administered grant program. 90370

Section 369.100. OHIO TECHNICAL CENTERS FUNDING 90371

The foregoing appropriation item 235444, Ohio Technical 90372
Centers, shall be used by the Director of Higher Education to 90373
support post-secondary adult career-technical education. 90374

(A)(1) As soon as possible in each fiscal year, in accordance 90375
with instructions of the Director of Higher Education, each Ohio 90376
Technical Center shall report its actual data, consistent with the 90377
definitions in the Higher Education Information (HEI) system's 90378
files, to the Director. 90379

(a) In defining the number of full-time equivalent students 90380
for state subsidy purposes, the Director of Higher Education shall 90381
exclude all students who are not residents of Ohio. 90382

(b) A full-time equivalent student shall be defined as a 90383
student who completes 450 hours. Those students that complete some 90384
portion of 450 hours shall be counted as a partial full-time 90385
equivalent for funding purposes, while students that complete more 90386
than 450 hours shall be counted as proportionally greater than one 90387
full-time equivalent. 90388

(c) In calculating each Ohio Technical Center's full-time 90389
equivalent students, the Director of Higher Education shall use a 90390
three-year average. 90391

(2) In each fiscal year, twenty-five per cent of the 90392
allocation for Ohio Technical Centers shall be distributed based 90393
on the proportion of each Center's full-time equivalent students 90394
to the total full-time equivalent students who complete a 90395
post-secondary workforce training program approved by the Director 90396
with a grade of C or better or a grade of pass if the program is 90397

evaluated on a pass/fail basis. 90398

(3) In each fiscal year, twenty per cent of the allocation 90399
for Ohio Technical Centers shall be distributed based on the 90400
proportion of each Center's full-time equivalent students to the 90401
total full-time equivalent students who complete 50 per cent of a 90402
program of study as a measure of student retention. 90403

(4) In each fiscal year, fifty per cent of the allocation for 90404
Ohio Technical Centers shall be distributed based on the 90405
proportion of each Center's full-time equivalent students to the 90406
total full-time equivalent students who have found employment, 90407
entered military service, or enrolled in additional post-secondary 90408
education and training in accordance with the placement 90409
definitions of the Carl D. Perkins Career and Technical Education 90410
Act of 2006 (Perkins). The calculation for eligible full-time 90411
equivalent students shall be based on the per cent of Perkins 90412
placements for students who have completed at least 50 per cent of 90413
a program of study. 90414

(5) In each fiscal year, five per cent of the allocation for 90415
Ohio Technical Centers shall be distributed based on the 90416
proportion of each Center's full-time equivalent students to the 90417
total full-time equivalent students who have earned a credential 90418
from an industry-recognized third party. 90419

(B) Of the foregoing appropriation item 235444, Ohio 90420
Technical Centers, up to \$400,000 in each fiscal year shall be 90421
distributed by the Director of Higher Education to the Ohio 90422
Central School System, up to \$48,000 in each fiscal year shall be 90423
utilized for assistance for Ohio Technical Centers, and up to 90424
\$975,000 in each fiscal year shall be distributed by the Director 90425
to Ohio Technical Centers that provide business consultation with 90426
matching local dollars. Centers meeting this requirement shall 90427
receive an amount not to exceed \$25,000 per center. 90428

(C) The remainder of the foregoing appropriation item 235444, 90429
Ohio Technical Centers, in each fiscal year shall be distributed 90430
in accordance with division (A) of this section. 90431

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 90432
CENTERS 90433

(1) No Ohio Technical Center shall receive performance 90434
funding calculated under division (A) of this section, excluding 90435
funding for third party credentials calculated under division 90436
(A)(5) of this section, that is less than 96 per cent of the 90437
average allocation the Center received, excluding funding for 90438
third party credentials, in the three prior fiscal years. 90439

(2) In order to ensure that no Center receives less than 96 90440
per cent of the prior three-year average allocation in accordance 90441
with division (D)(1) of this section, funds shall be made 90442
available to support the phase-in allocation by proportionally 90443
reducing formula earnings from each Center not receiving phase-in 90444
funding. 90445

Section 369.110. AREA HEALTH EDUCATION CENTERS 90446

The foregoing appropriation item 235474, Area Health 90447
Education Centers Program Support, shall be used by the Director 90448
of Higher Education to support the medical school regional area 90449
health education centers' educational programs for the continued 90450
support of medical and other health professions education and for 90451
support of the Area Health Education Center Program. 90452

**Section 369.120. TECHNOLOGY INTEGRATION AND PROFESSIONAL 90453
DEVELOPMENT** 90454

The foregoing appropriation item 235483, Technology 90455
Integration and Professional Development, shall be used by the 90456
Director of Higher Education for the provision of staff 90457
development, hardware, software, telecommunications services, and 90458

information resources to support educational uses of technology in 90459
the classroom and at a distance and for professional development 90460
for teachers, administrators, and technology staff on the use of 90461
educational technology in qualifying public schools, including the 90462
State School for the Blind, the School for the Deaf, and the 90463
Department of Youth Services. 90464

Section 369.130. HIGHER EDUCATION INNOVATION GRANTS 90465

The foregoing appropriation item 235488, Higher Education 90466
Innovation Grants, shall be used by the Director of Higher 90467
Education to provide grants to state institutions of higher 90468
education as defined in section 3345.011 of the Revised Code for 90469
innovative administration redesign proposals, which result in cost 90470
savings to students, including, but not limited to, project-based 90471
approaches and reduction or reorganization of departments. The 90472
grants shall provide matching funds to institutions for 90473
efficiencies that result in sustainable, long-term cost savings 90474
for students. 90475

Section 369.140. CAMPUS SAFETY AND TRAINING 90476

The foregoing appropriation item 235492, Campus Safety and 90477
Training, shall be used by the Director of Higher Education for 90478
the purpose of developing model best practices for preventing and 90479
responding to sexual assault on campus. By September 1, 2015, the 90480
Director of Higher Education, in consultation with state 90481
institutions of higher education as defined in section 3345.011 of 90482
the Revised Code, shall develop model best practices for 90483
preventing and responding to sexual assault and protecting 90484
students and staff who are victims of sexual assault on campus. 90485
The Director shall convene state institutions of higher education 90486
in the training and implementation of best practices regarding 90487
campus sexual assault. 90488

Section 369.150. STATE SHARE OF INSTRUCTION FORMULAS 90489

The Director of Higher Education shall establish procedures 90490
to allocate the foregoing appropriation item 235501, State Share 90491
of Instruction, based on the formulas detailed in this section 90492
that utilize the enrollment, course completion, degree attainment, 90493
and student achievement factors reported annually by each state 90494
institution of higher education participating in the Higher 90495
Education Information (HEI) system. 90496

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 90497
COMPLETIONS 90498

(1) As soon as possible during each fiscal year of the 90499
biennium ending June 30, 2017, in accordance with instructions of 90500
the Department of Higher Education, each state institution of 90501
higher education shall report its actual data, consistent with the 90502
definitions in the Higher Education Information (HEI) system's 90503
enrollment files, to the Director of Higher Education. 90504

(2) In defining the number of full-time equivalent students 90505
for state subsidy instructional cost purposes, the Director of 90506
Higher Education shall exclude all undergraduate students who are 90507
not residents of Ohio, except those charged in-state fees in 90508
accordance with reciprocity agreements made under section 3333.17 90509
of the Revised Code or employer contracts entered into under 90510
section 3333.32 of the Revised Code. 90511

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 90512

For purposes of calculating state share of instruction 90513
allocations, the total instructional costs per full-time 90514
equivalent student shall be: 90515

| Model | Fiscal Year 2016 | Fiscal Year 2017 | |
|-----------------------|------------------|------------------|-------|
| ARTS AND HUMANITIES 1 | \$7,773 | \$7,920 | 90517 |
| ARTS AND HUMANITIES 2 | \$11,093 | \$11,302 | 90518 |

| | | | |
|--|----------|----------|-------|
| ARTS AND HUMANITIES 3 | \$14,209 | \$14,477 | 90519 |
| ARTS AND HUMANITIES 4 | \$21,021 | \$21,417 | 90520 |
| ARTS AND HUMANITIES 5 | \$35,834 | \$36,509 | 90521 |
| ARTS AND HUMANITIES 6 | \$38,135 | \$38,854 | 90522 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1 | \$7,311 | \$7,449 | 90523 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2 | \$8,310 | \$8,467 | 90524 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3 | \$10,805 | \$11,009 | 90525 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4 | \$12,842 | \$13,084 | 90526 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5 | \$19,879 | \$20,254 | 90527 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6 | \$21,678 | \$22,087 | 90528 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7 | \$31,806 | \$32,406 | 90529 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1 | \$7,244 | \$7,380 | 90530 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2 | \$10,041 | \$10,231 | 90531 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3 | \$11,841 | \$12,064 | 90532 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE | \$14,170 | \$14,437 | 90533 |

| | | | | |
|---|---|----------|----------|-------|
| 4 | | | | |
| | SCIENCE, TECHNOLOGY, | \$19,290 | \$19,654 | 90534 |
| | ENGINEERING, | | | |
| | MATHEMATICS, MEDICINE | | | |
| 5 | | | | |
| | SCIENCE, TECHNOLOGY, | \$20,814 | \$21,206 | 90535 |
| | ENGINEERING, | | | |
| | MATHEMATICS, MEDICINE | | | |
| 6 | | | | |
| | SCIENCE, TECHNOLOGY, | \$23,462 | \$23,905 | 90536 |
| | ENGINEERING, | | | |
| | MATHEMATICS, MEDICINE | | | |
| 7 | | | | |
| | SCIENCE, TECHNOLOGY, | \$36,983 | \$37,680 | 90537 |
| | ENGINEERING, | | | |
| | MATHEMATICS, MEDICINE | | | |
| 8 | | | | |
| | SCIENCE, TECHNOLOGY, | \$49,923 | \$50,864 | 90538 |
| | ENGINEERING, | | | |
| | MATHEMATICS, MEDICINE | | | |
| 9 | | | | |
| | Doctoral I and Doctoral II models shall be allocated in | | | 90539 |
| | accordance with division (D)(2) of this section. | | | 90540 |
| | Medical I and Medical II models shall be allocated in | | | 90541 |
| | accordance with divisions (D)(3) and (D)(4) of this section. | | | 90542 |
| | (C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, | | | 90543 |
| | AND GRADUATE WEIGHTS | | | 90544 |
| | For the purpose of implementing the recommendations of the | | | 90545 |
| | 2006 State Share of Instruction Consultation and the Higher | | | 90546 |
| | Education Funding Study Council that priority be given to | | | 90547 |
| | maintaining state support for science, technology, engineering, | | | 90548 |
| | mathematics, medicine, and graduate programs, the costs in | | | 90549 |

| | | | |
|--|------------------|------------------|-------|
| division (B) of this section shall be weighted by the amounts | | | 90550 |
| provided below: | | | 90551 |
| Model | Fiscal Year 2016 | Fiscal Year 2017 | 90552 |
| ARTS AND HUMANITIES 1 | 1.0000 | 1.0000 | 90553 |
| ARTS AND HUMANITIES 2 | 1.0000 | 1.0000 | 90554 |
| ARTS AND HUMANITIES 3 | 1.0000 | 1.0000 | 90555 |
| ARTS AND HUMANITIES 4 | 1.0000 | 1.0000 | 90556 |
| ARTS AND HUMANITIES 5 | 1.0425 | 1.0425 | 90557 |
| ARTS AND HUMANITIES 6 | 1.0425 | 1.0425 | 90558 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1 | 1.0000 | 1.0000 | 90559 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2 | 1.0000 | 1.0000 | 90560 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3 | 1.0000 | 1.0000 | 90561 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4 | 1.0000 | 1.0000 | 90562 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5 | 1.0425 | 1.0425 | 90563 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6 | 1.0425 | 1.0425 | 90564 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7 | 1.0425 | 1.0425 | 90565 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1 | 1.0000 | 1.0000 | 90566 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2 | 1.0017 | 1.0017 | 90567 |
| SCIENCE, TECHNOLOGY, ENGINEERING, | 1.6150 | 1.6150 | 90568 |

MATHEMATICS, MEDICINE

3

| | | | |
|----------------------|--------|--------|-------|
| SCIENCE, TECHNOLOGY, | 1.6920 | 1.6920 | 90569 |
|----------------------|--------|--------|-------|

ENGINEERING,

MATHEMATICS, MEDICINE

4

| | | | |
|----------------------|--------|--------|-------|
| SCIENCE, TECHNOLOGY, | 1.4222 | 1.4222 | 90570 |
|----------------------|--------|--------|-------|

ENGINEERING,

MATHEMATICS, MEDICINE

5

| | | | |
|----------------------|--------|--------|-------|
| SCIENCE, TECHNOLOGY, | 1.8798 | 1.8798 | 90571 |
|----------------------|--------|--------|-------|

ENGINEERING,

MATHEMATICS, MEDICINE

6

| | | | |
|----------------------|--------|--------|-------|
| SCIENCE, TECHNOLOGY, | 1.4380 | 1.4380 | 90572 |
|----------------------|--------|--------|-------|

ENGINEERING,

MATHEMATICS, MEDICINE

7

| | | | |
|----------------------|--------|--------|-------|
| SCIENCE, TECHNOLOGY, | 1.5675 | 1.5675 | 90573 |
|----------------------|--------|--------|-------|

ENGINEERING,

MATHEMATICS, MEDICINE

8

| | | | |
|----------------------|--------|--------|-------|
| SCIENCE, TECHNOLOGY, | 1.1361 | 1.1361 | 90574 |
|----------------------|--------|--------|-------|

ENGINEERING,

MATHEMATICS, MEDICINE

9

| | |
|---|-------|
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA | 90575 |
|---|-------|

| | |
|---|-------|
| ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES | 90576 |
|---|-------|

| | |
|---|-------|
| (1) Of the foregoing appropriation item 235501, State Share | 90577 |
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| | |
|--|-------|
| of Instruction, 50 per cent of the appropriation for universities, | 90578 |
|--|-------|

| | |
|--|-------|
| as established in division (A)(2) of the section of this act | 90579 |
|--|-------|

| | |
|--|-------|
| entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND | 90580 |
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| | |
|---|-------|
| 2017," in each fiscal year shall be reserved for support of | 90581 |
|---|-------|

associate, baccalaureate, master's, and professional level degree 90582
attainment. 90583

The degree attainment funding shall be allocated to 90584
universities in proportion to each campus's share of the total 90585
statewide degrees granted, weighted by the cost of the degree 90586
programs. The degree cost calculations shall include the model 90587
cost weights for the science, technology, engineering, 90588
mathematics, and medicine models as established in division (C) of 90589
this section. 90590

For degrees including credits earned at multiple 90591
institutions, degree attainment funding shall be allocated to 90592
universities in proportion to each campus's share of the cost of 90593
earned credits for the degree. Each institution shall receive its 90594
prorated share of degree funding for credits earned at that 90595
institution. Cost of credits not earned at a university main or 90596
regional campus shall be credited to the degree-granting 90597
institution for the first degree earned by a student at each 90598
degree level. The cost credited to the degree-granting institution 90599
shall not be eligible for at-risk weights and shall be limited to 90600
12.5 per cent of the degree costs. However, the 12.5 per cent 90601
limitation shall not apply if the student transferred 12 or fewer 90602
credits into the degree granting institution. 90603

In calculating the subsidy entitlements for degree attainment 90604
for universities, the Director of Higher Education shall use the 90605
following count of degrees and degree costs: 90606

(a) The subsidy eligible undergraduate degrees shall be 90607
defined as follows: 90608

(i) The subsidy eligible degrees conferred to students 90609
identified as residents of the state of Ohio in any term of their 90610
studies, as reported through the Higher Education Information 90611
(HEI) system student enrollment file, shall be weighted by a 90612

factor of 1. 90613

(ii) The subsidy eligible degrees conferred to students 90614
identified as out-of-state residents during all terms of their 90615
studies, as reported through the Higher Education Information 90616
(HEI) system student enrollment file, who remain in the state of 90617
Ohio at least one year after graduation, as calculated based on 90618
the three-year average in-state residency rate for out-of-state 90619
graduates at each institution, shall be weighted by a factor of 50 90620
per cent. 90621

(iii) Subsidy eligible associate degrees are defined as those 90622
earned by students attending any state-supported university main 90623
or regional campus. 90624

(b) In calculating each campus's count of degrees, the 90625
Director of Higher Education shall use the three-year average 90626
associate, baccalaureate, master's, and professional degrees 90627
awarded for the three-year period ending in the prior year. 90628

(i) If a student is awarded an associate degree and, 90629
subsequently, is awarded a baccalaureate degree, the amount funded 90630
for the baccalaureate degree shall be limited to either the 90631
difference in cost between the cost of the baccalaureate degree 90632
and the cost of the associate degree paid previously, or if the 90633
associate degree has a higher cost than the baccalaureate degree, 90634
the cost of the credits earned by the student after the associate 90635
degree was awarded. 90636

(ii) If a student earns an associate degree then, 90637
subsequently, earns a baccalaureate degree, the associate degree 90638
granting institution shall only receive the prorated share of the 90639
baccalaureate degree funding for the credits earned at that 90640
institution after the associate degree is awarded. 90641

(iii) If a student earns more than one degree at the same 90642
institution at the same degree level in the same fiscal year, the 90643

funding for the highest cost degree shall be prorated among 90644
institutions based on where the credits were earned and additional 90645
degrees shall be funded at 25 per cent of the cost of the degrees. 90646

(c) Associate degrees and baccalaureate degrees earned by a 90647
student defined as at-risk based on academic underpreparation, 90648
age, minority status, or financial status, shall be defined as 90649
degrees earned by an at-risk student and shall be weighted by the 90650
following: 90651

A student-specific degree completion weight, where the weight 90652
is calculated based on the at-risk factors of the individual 90653
student, determined by calculating the difference between the 90654
percentage of students with each risk factor who earned a degree 90655
and the percentage of non-at-risk students who earned a degree. 90656

(2) Of the foregoing appropriation item 235501, State Share 90657
of Instruction, up to 11.78 per cent of the appropriation for 90658
universities, as established in division (A)(2) of the section of 90659
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 90660
2016 and 2017," in each fiscal year shall be reserved for support 90661
of doctoral programs to implement the funding recommendations made 90662
by representatives of the universities. The amount so reserved 90663
shall be referred to as the doctoral set-aside. 90664

In fiscal year 2016, NEOMED shall receive \$150,000 and in 90665
fiscal year 2017 NEOMED shall receive \$200,000 of the doctoral 90666
set-aside funding allocation with the remaining doctoral set-aside 90667
allocated to universities as follows: 90668

(a) 47.50 per cent of the remaining doctoral set-aside in 90669
fiscal year 2016 and 40 per cent of the remaining doctoral 90670
set-aside in fiscal year 2017 shall be allocated to universities 90671
in proportion to their share of the statewide total of each state 90672
institution's three-year average Doctoral I equivalent FTEs as 90673
calculated on an institutional basis using historical FTEs for the 90674

period fiscal year 1994 through fiscal year 1998 with annualized 90675
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 90676
fiscal year 1998 as adjusted to reflect the effects of doctoral 90677
review and subsequent changes in Doctoral I equivalent 90678
enrollments. For the purposes of this calculation, Doctoral I 90679
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 90680
times the sum of Doctoral II FTEs. 90681

(b) 35 per cent of the doctoral set-aside in fiscal year 2016 90682
and 40 per cent of the doctoral set-aside in fiscal year 2017 90683
shall be allocated to universities in proportion to each campus's 90684
share of the total statewide doctoral degrees, weighted by the 90685
cost of the doctoral discipline. In calculating each campus's 90686
doctoral degrees the Director of Higher Education shall use the 90687
three-year average doctoral degrees awarded for the three-year 90688
period ending in the prior year. 90689

(c) 17.5 per cent of the doctoral set-aside in fiscal year 90690
2016 and 20 per cent of the doctoral set-aside in fiscal year 2017 90691
shall be allocated to universities in proportion to their share of 90692
research grant activity. Funding for this component shall be 90693
allocated to eligible universities in proportion to their share of 90694
research grant activity published by the National Science 90695
Foundation. Grant awards from the Department of Health and Human 90696
Services shall be weighted at 50 per cent. 90697

(3) Of the foregoing appropriation item 235501, State Share 90698
of Instruction, 6.41 per cent of the appropriation for 90699
universities, as established in division (A)(2) of the section of 90700
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 90701
2016 AND 2017," in each fiscal year shall be reserved for support 90702
of Medical II FTEs. The amount so reserved shall be referred to as 90703
the medical II set-aside. 90704

The medical II set-aside shall be allocated to universities 90705
in proportion to their share of the statewide total of each state 90706

institution's three-year average Medical II FTEs as calculated in 90707
division (A) of this section. 90708

In calculating the core subsidy entitlements for Medical II 90709
models only, students repeating terms may be no more than five per 90710
cent of current year enrollment. 90711

(4) Of the foregoing appropriation item 235501, State Share 90712
of Instruction, 1.48 per cent of the appropriation for 90713
universities, as established in division (A)(2) of the section of 90714
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 90715
2016 AND 2017," in each fiscal year shall be reserved for support 90716
of Medical I FTEs. The amount so reserved shall be referred to as 90717
the medical I set-aside. 90718

The medical I set-aside shall be allocated to universities in 90719
proportion to their share of the statewide total of each state 90720
institution's three-year average Medical I FTEs as calculated in 90721
division (A) of this section. 90722

(5) In calculating the course completion funding for 90723
universities, the Director of Higher Education shall use the 90724
following count of FTE students: 90725

(a) The subsidy eligible enrollments by model shall equal 90726
only those FTE students who successfully complete the course as 90727
defined and reported through the Higher Education Information 90728
(HEI) system course enrollment file; 90729

(b) Those undergraduate FTE students with successful course 90730
completions, identified in division (D)(5)(a) of this section, 90731
that had an expected family contribution less than 2190 or were 90732
determined to have been academically underprepared shall be 90733
defined as at-risk students and shall have their eligible 90734
completions weighted by the following: 90735

(i) Campus-specific course completion indexes, where the 90736
indexes are calculated based upon the number of at-risk students 90737

enrolled during the 2012 - 2014 academic years; and 90738

(ii) A statewide average at-risk course completion weight 90739
determined for each subsidy model. The statewide average at-risk 90740
course completion weight shall be determined by calculating the 90741
difference between the percentage of traditional students who 90742
complete a course and the percentage of at-risk students who 90743
complete the same course. 90744

(c) The course completion earnings shall be determined by 90745
multiplying the amounts listed above in divisions (B) and (C) of 90746
this section by the subsidy-eligible FTEs for the three-year 90747
period ending in the prior year for all models except Medical I, 90748
Medical II, Doctoral I, and Doctoral II. 90749

(d) For universities, the Director of Higher Education shall 90750
compute the course completion earnings by dividing the 90751
appropriation for universities, established in division (A)(2) of 90752
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 90753
FISCAL YEARS 2016 AND 2017," and adjusted pursuant to division (B) 90754
of that section, less the degree attainment funding as calculated 90755
in division (D)(1) of this section, less the doctoral set-aside, 90756
less the medical I set-aside, and less the medical II set-aside, 90757
by the sum of all campuses' instructional costs as calculated in 90758
division (D)(5) of this section. 90759

(6) In addition to the Access Challenge funding as described 90760
in divisions (B)(1) and (B)(2) of the section of this act entitled 90761
"STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," 90762
doctoral set-aside, medical I set-aside, medical II set-aside, and 90763
the degree attainment allocation determined in division (D)(1) of 90764
this section and the course completion earnings calculated in 90765
division (D)(5) of this section, an allocation based on a 90766
facility-based plant operations and maintenance (POM) subsidy 90767
shall be made. 90768

(a) In fiscal year 2016, for each eligible university, the amount of the POM allocation shall be two-thirds of the POM distributed in fiscal year 2015 based on what each campus received in the fiscal year 2009 POM allocation.

(b) In fiscal year 2017, for each eligible university, the amount of the POM allocation shall be one-third of the POM distributed in fiscal year 2015 based on what each campus received in the fiscal year 2009 POM allocation.

(c) Any POM allocations required by this division shall be funded by proportionately reducing formula earnings, including the POM allocations, for all universities.

(d) POM allocations shall expire on June 30, 2017.

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES

(1) Of the foregoing appropriation item 235501, State Share of Instruction, 50 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Director of Higher Education shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Director of Higher Education shall use a three-year average for course completions for the three year period ending in the prior year.

(b) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file.

(c) Those students with successful course completions, that are or have been Pell eligible at any time while enrolled at a state institution of higher education, meet the definition of minority status, are enrolled at a given institution after age 24, or are academically underprepared shall be defined as access students and shall have their eligible course completions weighted by a statewide access weight. The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved for colleges in proportion to their share of college student success factors as recommended in formal communication from community college presidents to the Director of Higher Education dated December 31, 2013, using a three year average.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges shall be reserved for completion milestones as identified in formal communication from community college presidents to the Director of Higher Education dated December 31, 2013.

Completion milestones shall include associate degrees, certificates over 30 credit hours approved by the Department of Higher Education, and students transferring to any four-year institution with at least 12 credit hours earned at that community college, state community college, or technical college.

The completion milestone funding shall be allocated to colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the associate degree, certificate, or transfer models. Costs for certificates over 30 hours shall be weighted one-half of the associate degree model costs and transfers with at least 12 credit hours shall be weighted one-fourth of the average cost for all associate degree model costs.

(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Director of Higher Education shall use the following calculations:

(a) In calculating each campus's count of completions, the Director of Higher Education shall use a three-year average for completion metrics.

(b) The subsidy eligible completions by model shall equal only those students who successfully complete an associate degree or certificate over 30 credit hours, or transfer to any four-year institution with at least 12 credit hours as defined and reported

in the Higher Education Information (HEI) system. 90861

(c) Those students with successful completions for associate 90862
degrees, certificates over 30 credit hours, or transfer to any 90863
four-year institution with at least 12 credit hours, identified in 90864
division (E)(3) of this section, that are or have been Pell 90865
eligible at any time while enrolled at a state institution of 90866
higher education, meet the definition of minority status, first 90867
enrolled at a given institution after age 24, or are academically 90868
underprepared, shall be defined as access students and shall have 90869
their eligible completions weighted by a statewide access weight. 90870
The weight shall be 25 per cent for students with one access 90871
factor, 66 per cent for students with two access factors, 150 per 90872
cent for students with three access factors, and 200 per cent for 90873
students with four access factors. 90874

(d) For those students who complete more than one completion 90875
metric, funding for each additional associate degree or 90876
certificate over 30 credit hours approved by the Department of 90877
Higher Education shall be funded at 50 per cent of the model costs 90878
as defined in division (3) of this section. 90879

(F) CAPITAL COMPONENT DEDUCTION 90880

After all other adjustments have been made, state share of 90881
instruction earnings shall be reduced for each campus by the 90882
amount, if any, by which debt service charged in Am. H.B. 748 of 90883
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 90884
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 90885
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 90886
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 90887
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 90888
562 of the 127th General Assembly for that campus exceeds that 90889
campus's capital component earnings. The sum of the amounts 90890
deducted shall be transferred to appropriation item 235552, 90891
Capital Component, in each fiscal year. 90892

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| (G) EXCEPTIONAL CIRCUMSTANCES | 90893 |
| Adjustments may be made to the state share of instruction | 90894 |
| payments and other subsidies distributed by the Director of Higher | 90895 |
| Education to state colleges and universities for exceptional | 90896 |
| circumstances. No adjustments for exceptional circumstances may be | 90897 |
| made without the recommendation of the Director and the approval | 90898 |
| of the Controlling Board. | 90899 |
| (H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF | 90900 |
| INSTRUCTION | 90901 |
| The standard provisions of the state share of instruction | 90902 |
| calculation as described in the preceding sections of temporary | 90903 |
| law shall apply to any reductions made to appropriation item | 90904 |
| 235501, State Share of Instruction, before the Director of Higher | 90905 |
| Education has formally approved the final allocation of the state | 90906 |
| share of instruction funds for any fiscal year. | 90907 |
| Any reductions made to appropriation item 235501, State Share | 90908 |
| of Instruction, after the Director of Higher Education has | 90909 |
| formally approved the final allocation of the state share of | 90910 |
| instruction funds for any fiscal year, shall be uniformly applied | 90911 |
| to each campus in proportion to its share of the final allocation. | 90912 |
| (I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION | 90913 |
| The state share of instruction payments to the institutions | 90914 |
| shall be in substantially equal monthly amounts during the fiscal | 90915 |
| year, unless otherwise determined by the Director of Budget and | 90916 |
| Management pursuant to section 126.09 of the Revised Code. | 90917 |
| Payments during the first six months of the fiscal year shall be | 90918 |
| based upon the state share of instruction appropriation estimates | 90919 |
| made for the various institutions of higher education and payments | 90920 |
| during the last six months of the fiscal year shall be based on | 90921 |
| the final data from the Director of Higher Education. | 90922 |

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| Section 369.160. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS | 90923 |
| 2016 AND 2017 | 90924 |
| (A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS." | 90925 90926 90927 |
| (1) Of the foregoing appropriation item 235501, State Share of Instruction, \$428,205,070 in fiscal year 2016 and \$436,769,171 in fiscal year 2017 shall be distributed to state-supported community colleges, state community colleges, and technical colleges. | 90928 90929 90930 90931 90932 |
| (2) Of the foregoing appropriation item 235501, State Share of Instruction, \$1,429,546,937 in fiscal year 2016 and \$1,458,137,876 in fiscal year 2017 shall be distributed to state-supported university main and regional campuses. | 90933 90934 90935 90936 |
| (B) Of the amounts earmarked in division (A)(2) of this section: | 90937 90938 |
| (1) In fiscal year 2016, two-thirds of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009. | 90939 90940 90941 90942 |
| (2) In fiscal year 2017, one-third of \$3,923,764 shall be distributed to university main campuses in proportion to each campus' share of the appropriation item 235418, Access Challenge, in fiscal year 2009. | 90943 90944 90945 90946 |
| Section 369.170. RESTRICTION ON FEE INCREASES | 90947 |
| For the biennium ending June 30, 2017, institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees. Each state university and the Northeast Ohio Medical University shall not increase its in-state | 90948 90949 90950 90951 |

undergraduate instructional and general fees by more than \$200 90952
over what the institution charged for the 2014-2015 academic year. 90953

Each university regional campus shall not increase its 90954
in-state undergraduate instructional and general fees by more than 90955
\$100 over what the institution charged for the 2014-2015 academic 90956
year. 90957

Each community college, state community college, and 90958
technical college shall not increase its in-state undergraduate 90959
instructional and general fees by more than \$100 over what the 90960
institution charged for the 2014-2015 academic year. 90961

These limitations shall not apply to increases required to 90962
comply with institutional covenants related to their obligations 90963
or to meet unfunded legal mandates or legally binding obligations 90964
incurred or commitments made prior to the effective date of this 90965
section with respect to which the institution had identified such 90966
fee increases as the source of funds. Any increase required by 90967
such covenants and any such mandates, obligations, or commitments 90968
shall be reported by the Director of Higher Education to the 90969
Controlling Board. These limitations may also be modified by the 90970
Director of Higher Education, with the approval of the Controlling 90971
Board, to respond to exceptional circumstances as identified by 90972
the Director of Higher Education. 90973

These limitations shall not apply to institutions 90974
participating in an undergraduate tuition guarantee program 90975
pursuant to section 3345.48 of the Revised Code. 90976

Section 369.180. HIGHER EDUCATION - BOARD OF TRUSTEES 90977

(A) Funds appropriated for instructional subsidies at 90978
colleges and universities may be used to provide such branch or 90979
other off-campus undergraduate courses of study and such master's 90980
degree courses of study as may be approved by the Director of 90981

Higher Education. 90982

(B) In providing instructional and other services to 90983
students, boards of trustees of state institutions of higher 90984
education shall supplement state subsidies with income from 90985
charges to students. Except as otherwise provided in this act, 90986
each board shall establish the fees to be charged to all students, 90987
including an instructional fee for educational and associated 90988
operational support of the institution and a general fee for 90989
noninstructional services, including locally financed student 90990
services facilities used for the benefit of enrolled students. The 90991
instructional fee and the general fee shall encompass all charges 90992
for services assessed uniformly to all enrolled students. Each 90993
board may also establish special purpose fees, service charges, 90994
and fines as required; such special purpose fees and service 90995
charges shall be for services or benefits furnished individual 90996
students or specific categories of students and shall not be 90997
applied uniformly to all enrolled students. A tuition surcharge 90998
shall be paid by all students who are not residents of Ohio. 90999

The board of trustees of a state institution of higher 91000
education shall not authorize a waiver or nonpayment of 91001
instructional fees or general fees for any particular student or 91002
any class of students other than waivers specifically authorized 91003
by law or approved by the Director. This prohibition is not 91004
intended to limit the authority of boards of trustees to provide 91005
for payments to students for services rendered the institution, 91006
nor to prohibit the budgeting of income for staff benefits or for 91007
student assistance in the form of payment of such instructional 91008
and general fees. 91009

Each state institution of higher education in its statement 91010
of charges to students shall separately identify the instructional 91011
fee, the general fee, the tuition charge, and the tuition 91012
surcharge. Fee charges to students for instruction shall not be 91013

considered to be a price of service but shall be considered to be 91014
an integral part of the state government financing program in 91015
support of higher educational opportunity for students. 91016

(C) The boards of trustees of state institutions of higher 91017
education shall ensure that faculty members devote a proper and 91018
judicious part of their work week to the actual instruction of 91019
students. Total class credit hours of production per academic term 91020
per full-time faculty member is expected to meet the standards set 91021
forth in the budget data submitted by the Director of Higher 91022
Education. 91023

(D) The authority of government vested by law in the boards 91024
of trustees of state institutions of higher education shall in 91025
fact be exercised by those boards. Boards of trustees may consult 91026
extensively with appropriate student and faculty groups. 91027
Administrative decisions about the utilization of available 91028
resources, about organizational structure, about disciplinary 91029
procedure, about the operation and staffing of all auxiliary 91030
facilities, and about administrative personnel shall be the 91031
exclusive prerogative of boards of trustees. Any delegation of 91032
authority by a board of trustees in other areas of responsibility 91033
shall be accompanied by appropriate standards of guidance 91034
concerning expected objectives in the exercise of such delegated 91035
authority and shall be accompanied by periodic review of the 91036
exercise of this delegated authority to the end that the public 91037
interest, in contrast to any institutional or special interest, 91038
shall be served. 91039

Section 369.190. STUDENT SUPPORT SERVICES 91040

The foregoing appropriation item 235502, Student Support 91041
Services, shall be distributed by the Director of Higher Education 91042
to Ohio's state colleges and universities that incur 91043
disproportionate costs in the provision of support services to 91044

disabled students. 91045

Section 369.200. WAR ORPHANS SCHOLARSHIPS 91046

The foregoing appropriation item 235504, War Orphans 91047
Scholarships, shall be used to reimburse state institutions of 91048
higher education for waivers of instructional fees and general 91049
fees provided by them, to provide grants to institutions that have 91050
received a certificate of authorization from the Director of 91051
Higher Education under Chapter 1713. of the Revised Code, in 91052
accordance with the provisions of section 5910.04 of the Revised 91053
Code, and to fund additional scholarship benefits provided by 91054
section 5910.032 of the Revised Code. 91055

Section 369.210. OHIOLINK 91056

The foregoing appropriation item 235507, OhioLINK, shall be 91057
used by the Director of Higher Education to support OhioLINK, a 91058
consortium organized under division (T) of section 3333.04 of the 91059
Revised Code to serve as the state's electronic library 91060
information and retrieval system, which provides access statewide 91061
to an extensive set of electronic databases and resources, the 91062
library holdings of Ohio's public and participating private 91063
nonprofit colleges and universities, and the State Library of 91064
Ohio. 91065

Section 369.220. AIR FORCE INSTITUTE OF TECHNOLOGY 91066

The foregoing appropriation item 235508, Air Force Institute 91067
of Technology, shall be used to: (A) strengthen the research and 91068
educational linkages between the Wright Patterson Air Force Base 91069
and institutions of higher education in Ohio; and (B) support the 91070
Dayton Area Graduate Studies Institute, an engineering graduate 91071
consortium of Wright State University, the University of Dayton, 91072
and the Air Force Institute of Technology, with the participation 91073

of the University of Cincinnati and The Ohio State University. 91074

Section 369.230. OHIO SUPERCOMPUTER CENTER 91075

The foregoing appropriation item 235510, Ohio Supercomputer 91076
Center, shall be used by the Director of Higher Education to 91077
support the operation of the Ohio Supercomputer Center, a 91078
consortium organized under division (T) of section 3333.04 of the 91079
Revised Code, located at The Ohio State University. The Ohio 91080
Supercomputer Center is a statewide resource available to Ohio 91081
research universities both public and private. It is also intended 91082
that the center be made accessible to private industry as 91083
appropriate. 91084

Funds shall be used, in part, to support the Ohio 91085
Supercomputer Center's Computational Science Initiative, which 91086
includes its industrial outreach program, Blue Collar Computing, 91087
and its School of Computational Science. These collaborations 91088
between the Ohio Supercomputer Center and Ohio's colleges and 91089
universities shall be aimed at making Ohio a leader in using 91090
computer modeling to promote economic development. 91091

Section 369.240. COOPERATIVE EXTENSION SERVICE 91092

The foregoing appropriation item 235511, Cooperative 91093
Extension Service, shall be disbursed through the Director of 91094
Higher Education to The Ohio State University in monthly payments, 91095
unless otherwise determined by the Director of Budget and 91096
Management under section 126.09 of the Revised Code. 91097

Of the foregoing appropriation item 235511, Cooperative 91098
Extension Service, \$134,244 in fiscal year 2016 and \$141,136 in 91099
fiscal year 2017 shall be used to support salaries and benefits 91100
for one after-school 4-H Club at an elementary school in Cleveland 91101
and one after-school 4-H Club at an elementary school in 91102
Cincinnati. 91103

Of the foregoing appropriation item 235511, Cooperative 91104
Extension Service, \$7,000 in each fiscal year shall be used to 91105
support mileage, telephone, supplies, and classroom activities 91106
costs at after-school 4-H Clubs in Cleveland and Cincinnati. 91107
Seventy per cent of this amount shall be spent directly in 91108
relation to student involvement in 4-H. 91109

Section 369.250. CENTRAL STATE SUPPLEMENT 91110

The foregoing appropriation item 235514, Central State 91111
Supplement, shall be disbursed by the Director of Higher Education 91112
to Central State University in accordance with the plan developed 91113
by the Director and submitted to the Governor and the General 91114
Assembly as directed by Am. Sub. H.B. 153 of the 129th General 91115
Assembly. Funds shall be used in a manner consistent with the 91116
goals of increasing enrollment, improving course completion, and 91117
increasing the number of degrees conferred. 91118

The Director shall monitor the implementation of the plan and 91119
the use of funds. Central State University shall provide any 91120
information requested by the Director related to the 91121
implementation of the plan. If the Director determines that 91122
Central State University's use of supplemental funds is not in 91123
accordance with the plan or if the plan is not having the desired 91124
effect, the Director may notify Central State University that the 91125
plan is suspended. Upon receiving such notice, Central State 91126
University shall avoid all unnecessary expenditures under the 91127
plan. The Director shall notify the Controlling Board of the 91128
suspension of the plan and within sixty days prepare a new plan 91129
for the use of any remaining funds. 91130

Section 369.260. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 91131
MEDICINE 91132

The foregoing appropriation item 235515, Case Western Reserve 91133

University School of Medicine, shall be disbursed to Case Western 91134
Reserve University through the Director of Higher Education in 91135
accordance with agreements entered into under section 3333.10 of 91136
the Revised Code, provided that the state support per full-time 91137
medical student shall not exceed that provided to full-time 91138
medical students at state universities. 91139

Section 369.270. FAMILY PRACTICE 91140

The Director of Higher Education shall develop plans 91141
consistent with existing criteria and guidelines as may be 91142
required for the distribution of appropriation item 235519, Family 91143
Practice. 91144

Section 369.280. SHAWNEE STATE SUPPLEMENT 91145

The foregoing appropriation item 235520, Shawnee State 91146
Supplement, shall be disbursed by the Director of Higher Education 91147
to Shawnee State University in accordance with the plan developed 91148
by the Director and submitted to the Governor and the General 91149
Assembly as directed by Am. Sub. H.B. 153 of the 129th General 91150
Assembly. Funds shall be used in a manner consistent with the 91151
goals of improving course completion, increasing the number of 91152
degrees conferred, and furthering the university's mission of 91153
service to the Appalachian region. 91154

The Director shall monitor the implementation of the plan and 91155
the use of funds. Shawnee State University shall provide any 91156
information requested by the Director related to the 91157
implementation of the plan. If the Director determines that 91158
Shawnee State University's use of supplemental funds is not in 91159
accordance with the plan or if the plan is not having the desired 91160
effect, the Director may notify Shawnee State University that the 91161
plan is suspended. Upon receiving such notice, Shawnee State 91162
University shall avoid all unnecessary expenditures under the 91163

plan. The Director shall notify the Controlling Board of the 91164
suspension of the plan and within sixty days prepare a new plan 91165
for the use of any remaining funds. 91166

Section 369.290. POLICE AND FIRE PROTECTION 91167

The foregoing appropriation item 235524, Police and Fire 91168
Protection, shall be used for police and fire services in the 91169
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 91170
Portsmouth, Xenia Township (Greene County), Rootstown Township, 91171
and the City of Nelsonville that may be used to assist these local 91172
governments in providing police and fire protection for the 91173
central campus of the state-affiliated university located therein. 91174

Section 369.300. GERIATRIC MEDICINE 91175

The Director of Higher Education shall develop plans 91176
consistent with existing criteria and guidelines as may be 91177
required for the distribution of appropriation item 235525, 91178
Geriatric Medicine. 91179

Section 369.310. PRIMARY CARE RESIDENCIES 91180

The Director of Higher Education shall develop plans 91181
consistent with existing criteria and guidelines as may be 91182
required for the distribution of appropriation item 235526, 91183
Primary Care Residencies. 91184

The foregoing appropriation item 235526, Primary Care 91185
Residencies, shall be distributed in each fiscal year of the 91186
biennium, based on whether or not the institution has submitted 91187
and gained approval for a plan. If the institution does not have 91188
an approved plan, it shall receive five per cent less funding per 91189
student than it would have received from its annual allocation. 91190
The remaining funding shall be distributed among those 91191
institutions that meet or exceed their targets. 91192

Section 369.313. HIGHER EDUCATION PROGRAM SUPPORT 91193

Of the foregoing appropriation item 235533, Higher Education 91194
Program Support, \$2,500,000 in each fiscal year shall be used by 91195
Wright State University to support the development of the Global 91196
Engineering and Management (GEMS) program. 91197

Of the foregoing appropriation item 235533, Higher Education 91198
Program Support, \$75,000 in each fiscal year shall be distributed 91199
to the Ohio University Leadership Project. 91200

Of the foregoing appropriation item 235533, Higher Education 91201
Program Support, \$750,000 in fiscal year 2016 shall be used to 91202
support the Ohio State University Agricultural Technical 91203
Institute. The Institute shall use these funds to obtain and 91204
upgrade the infrastructure and equipment necessary to offer 91205
distance education courses in agricultural science through the 91206
College Credit Plus Program as established in section 3365.02 of 91207
the Revised Code. 91208

Of the foregoing appropriation item 235533, Higher Education 91209
Program Support, \$2,000,000 in each fiscal year shall be used to 91210
support the National Center of Education Research on Corrosion and 91211
Materials Performance at the University of Akron for development 91212
and validation of an FAA-certified process for the dimensional 91213
restoration of parts for commercial aircraft using Supersonic 91214
Particle Deposition. 91215

Section 369.320. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 91216
CENTER 91217

The foregoing appropriation item 235535, Ohio Agricultural 91218
Research and Development Center, shall be disbursed through the 91219
Director of Higher Education to The Ohio State University in 91220
monthly payments, unless otherwise determined by the Director of 91221
Budget and Management under section 126.09 of the Revised Code. 91222

The Ohio Agricultural Research and Development Center shall not be required to remit payment to The Ohio State University during the biennium ending June 30, 2017, for cost reallocation assessments. The cost reallocation assessments include, but are not limited to, any assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an entity of the College of Food, Agricultural, and Environmental Sciences of The Ohio State University, shall further its mission of enhancing Ohio's economic development and job creation by continuing to internally allocate on a competitive basis appropriated funding of programs based on demonstrated performance. Academic units, faculty, and faculty-driven programs shall be evaluated and rewarded consistent with agreed-upon performance expectations as called for in the College's Expectations and Criteria for Performance Assessment.

Section 369.330. STATE UNIVERSITY CLINICAL TEACHING

The foregoing appropriation items 235536, The Ohio State University Clinical Teaching; 235537, University of Cincinnati Clinical Teaching; 235538, University of Toledo Clinical Teaching; 235539, Wright State University Clinical Teaching; 235540, Ohio University Clinical Teaching; and 235541, Northeast Ohio Medical University Clinical Teaching, shall be distributed through the Director of Higher Education.

Section 369.333. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT INITIATIVE

The foregoing appropriation item 235542, Defense/Aerospace Workforce Development Initiative, shall be used by the Applied Research Corporation to collaborate with the aviation, aerospace, and defense industries, to strengthen job training programs, equip Ohio's workforce with needed skills, and strengthen and grow

research and educational linkages among Ohio's defense and 91253
aerospace aviation industry, federal agencies, state-assisted Ohio 91254
universities, and the University System of Ohio. A portion of the 91255
foregoing appropriation item 235542, Defense/Aerospace Workforce 91256
Development Initiative, shall be allocated to develop a strategic 91257
plan to align the University System of Ohio's research and 91258
workforce development assets with the workforce needs of public 91259
and private sector employers. A portion of these funds shall be 91260
used to support the Aerospace Professional Development Center to 91261
establish processes necessary to link underemployed or unemployed 91262
persons to job openings in these industries. The funds 91263
appropriated in this appropriation item shall be matched by 91264
private industry or educational partners or federal agencies in 91265
the aggregate amount of \$4,000,000 over the FY 2016-FY 2017 91266
biennium. 91267

Section 369.340. CAPITAL COMPONENT 91268

The foregoing appropriation item 235552, Capital Component, 91269
shall be used by the Director of Higher Education to provide 91270
funding for prior commitments made pursuant to the state's former 91271
capital funding policy for state colleges and universities that 91272
was originally established in Am. H.B. 748 of the 121st General 91273
Assembly. Appropriations from this item shall be distributed to 91274
all campuses for which the estimated campus debt service 91275
attributable to qualifying capital projects was less than the 91276
campus's formula-determined capital component allocation. Campus 91277
allocations shall be determined by subtracting the estimated 91278
campus debt service attributable to qualifying capital projects 91279
from the campus's formula-determined capital component allocation. 91280
Moneys distributed from this appropriation item shall be 91281
restricted to capital-related purposes. 91282

Any campus for which the estimated campus debt service 91283

attributable to qualifying capital projects is greater than the 91284
campus's formula-determined capital component allocation shall 91285
have the difference subtracted from its State Share of Instruction 91286
allocation in each fiscal year. Appropriation equal to the sum of 91287
all such amounts except that of the Ohio Agricultural Research and 91288
Development Center shall be transferred from appropriation item 91289
235501, State Share of Instruction, to appropriation item 235552, 91290
Capital Component. Appropriation equal to any estimated Ohio 91291
Agricultural Research and Development Center debt service 91292
attributable to qualifying capital projects that is greater than 91293
the Center's formula-determined capital component allocation shall 91294
be transferred from appropriation item 235535, Ohio Agricultural 91295
Research and Development Center, to appropriation item 235552, 91296
Capital Component. 91297

Section 369.350. LIBRARY DEPOSITORIES 91298

The foregoing appropriation item 235555, Library 91299
Depositories, shall be distributed to the state's five regional 91300
depository libraries for the cost-effective storage of and access 91301
to lesser-used materials in university library collections. The 91302
depositories shall be administrated by the Director of Higher 91303
Education, or by OhioLINK at the discretion of the Director. 91304

Section 369.360. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 91305

The foregoing appropriation item 235556, Ohio Academic 91306
Resources Network, shall be used by the Director of Higher 91307
Education to support the operations of the Ohio Academic Resources 91308
Network, a consortium organized under division (T) of section 91309
3333.04 of the Revised Code, which shall include support for 91310
Ohio's colleges and universities in maintaining and enhancing 91311
network connections, using new network technologies to improve 91312
research, education, and economic development programs, and 91313

sharing information technology services. To the extent network 91314
capacity is available, OARnet shall support allocating bandwidth 91315
to eligible programs directly supporting Ohio's economic 91316
development. 91317

Section 369.370. LONG-TERM CARE RESEARCH 91318

The foregoing appropriation item 235558, Long-term Care 91319
Research, shall be disbursed to Miami University for long-term 91320
care research. 91321

Section 369.380. OHIO COLLEGE OPPORTUNITY GRANT 91322

(A) Except as provided in division (C) of this section: 91323

Of the foregoing appropriation item 235563, Ohio College 91324
Opportunity Grant, \$88,000,000 in fiscal year 2016 and \$89,000,000 91325
in fiscal year 2017 shall be used by the Director of Higher 91326
Education to award need-based financial aid to students enrolled 91327
in eligible public and private nonprofit institutions of higher 91328
education, excluding early college high school and post-secondary 91329
enrollment option participants. 91330

The remainder of the foregoing appropriation item 235563, 91331
Ohio College Opportunity Grant, shall be used by the Director of 91332
Higher Education to award needs-based financial aid to students 91333
enrolled in eligible private for-profit career colleges and 91334
schools. 91335

(B)(1) As used in this section: 91336

(a) "Eligible institution" means any institution described in 91337
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 91338
Code. 91339

(b) The three "sectors" of institutions of higher education 91340
consist of the following: 91341

(i) State colleges and universities, community colleges, 91342

state community colleges, university branches, and technical colleges; 91343
91344

(ii) Eligible private nonprofit institutions of higher education; 91345
91346

(iii) Eligible private for-profit career colleges and schools. 91347
91348

(2) Awards for students attending eligible nonprofit institutions of higher education shall be determined at twice the rate of the awards for students attending eligible public institutions of higher education. 91349
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(3) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted. 91353
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(4) If the Director determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Director may create a distribution formula for fiscal year 2016 and fiscal year 2017 based on the formula used in fiscal year 2015, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Director shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2015-2016 academic year. 91356
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(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Director shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for renewals or partial renewals of scholarships students receive under the Ohio Academic Scholarship Program under sections 3333.21 and 3333.22 of the 91368
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91371
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Revised Code. In paying for scholarships under this division, the 91374
Director shall deduct funds from the allocations made under 91375
division (A) of this section. Deductions shall be proportionate to 91376
the amounts allocated to each sector from the total amounts 91377
appropriated for each sector under the foregoing appropriation 91378
item 235563, Ohio College Opportunity Grant. 91379

In each fiscal year, with the exception of sections 3333.121 91380
and 3333.124 of the Revised Code and Section 363.530 of this act, 91381
the Director shall not distribute or obligate or commit to be 91382
distributed an amount greater than what is appropriated under the 91383
foregoing appropriation item 235563, Ohio College Opportunity 91384
Grant. 91385

(D) The Director shall establish, and post on the Department 91386
of Higher Education's web site, award tables based on any formulas 91387
created under division (B) of this section. The Director shall 91388
notify students and institutions of any reductions in awards under 91389
this section. 91390

On or before August 31, 2015, the Director of Higher 91391
Education shall submit award tables to the Controlling Board for 91392
the 2015-2016 academic year and allocations of Ohio College 91393
Opportunity Grant awards not already specified in section 3333.122 91394
of the Revised Code. 91395

(E) Notwithstanding section 3333.122 of the Revised Code, no 91396
student shall be eligible to receive an Ohio College Opportunity 91397
Grant for more than ten semesters, fifteen quarters, or the 91398
equivalent of five academic years, less the number of semesters or 91399
quarters in which the student received an Ohio Instructional 91400
Grant. 91401

Section 369.390. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 91402

The foregoing appropriation item 235572, The Ohio State 91403

University Clinic Support, shall be distributed through the 91404
Director of Higher Education to The Ohio State University for 91405
support of dental and veterinary medicine clinics. 91406

Section 369.393. CO-OP INTERNSHIP PROGRAM 91407

Of the foregoing appropriation item 235591, Co-op Internship 91408
Program, \$75,000 in each fiscal year shall be used to support the 91409
operations of Ohio University's Voinovich School of Leadership and 91410
Public Affairs. 91411

Of the foregoing appropriation item 235591, Co-op Internship 91412
Program, \$75,000 in each fiscal year, shall be used to support the 91413
operations of The Ohio State University's John Glenn College of 91414
Public Affairs. 91415

Of the foregoing appropriation item 235591, Co-op Internship 91416
Program, \$75,000 in each fiscal year shall be used to support the 91417
Bliss Institute of Applied Politics at the University of Akron. 91418

Of the foregoing appropriation item 235591, Co-op Internship 91419
Program, \$75,000 in each fiscal year shall be used to support the 91420
Center for Public Management and Regional Affairs at Miami 91421
University. 91422

Of the foregoing appropriation item 235591, Co-op Internship 91423
Program, \$150,000 in each fiscal year shall be used to support 91424
students who attend institutions of higher education in Ohio and 91425
are participating in the Washington Center Internship Program. 91426

Of the foregoing appropriation item 235591, Co-op Internship 91427
Program, \$75,000 in each fiscal year shall be used to support the 91428
Ohio Center for the Advancement of Women in Public Service at the 91429
Maxine Goodman Levin College of Urban Affairs at Cleveland State 91430
University. 91431

Of the foregoing appropriation item 235591, Co-op Internship 91432
Program, \$75,000 in each fiscal year shall be used to support the 91433

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| University of Cincinnati Internship Program. | 91434 |
| Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University. | 91435 91436 91437 91438 |
| Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the operations of the Center for Liberal Arts Student Success at Wright State University. | 91439 91440 91441 91442 |
| Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Columbus Program. | 91443 91444 91445 |
| Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center. | 91446 91447 91448 |
| Of the foregoing appropriation item 235591, Co-op Internship Program, \$10,000 in each fiscal year shall be provided to the Ohio College Access Network to support the Ohio Student Education Policy Institute. | 91449 91450 91451 91452 |
| Of the foregoing appropriation item 235591, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Urban and Regional Studies at Youngstown State University. | 91453 91454 91455 91456 |
| Of the foregoing appropriation item 235591, Co-Op Internship Program, \$250,000 shall be used to establish and support the Wright State Policy Institute at Wright State University and the Workforce Immersion Program at the Wright State Policy Institute. The Wright State Policy Institute shall offer a premier leadership development program designed to identify, educate, and motivate a network of future community leaders and critical workforce as well as increase their capacity to serve their community, state, and | 91457 91458 91459 91460 91461 91462 91463 91464 |

country while preparing to enter public service or for in-demand 91465
jobs in Ohio. The Workforce Immersion Program shall provide an 91466
intensive learning and pre-professional experience in four tracks: 91467
local government, state government, federal government, and 91468
in-demand jobs as identified by OhioMeansJobs. It shall increase 91469
the number of students pursuing careers in public services and 91470
in-demand occupations and encourage them to remain in Ohio for 91471
their employment. 91472

Of the foregoing appropriation item 235591, Co-Op Internship 91473
Program, \$1,000,000 in each fiscal year shall be used for grants 91474
for the STEM Public-Private Partnership Program established in 91475
Section 733.20 of H.B. 64 of the 131st General Assembly. 91476

Section 369.400. NATIONAL GUARD SCHOLARSHIP PROGRAM 91477

The Director of Higher Education shall disburse funds from 91478
appropriation item 235599, National Guard Scholarship Program. 91479
During each fiscal year, the Director of Higher Education, as soon 91480
as possible after cancellation, may certify to the Director of 91481
Budget and Management the amount of canceled prior-year 91482
encumbrances in appropriation item 235599, National Guard 91483
Scholarship Program. Upon receipt of the certification, the 91484
Director of Budget and Management may transfer cash in an amount 91485
up to the amount certified from the General Revenue Fund to the 91486
National Guard Scholarship Reserve Fund (Fund 5BM0). 91487

Section 369.410. PLEDGE OF FEES 91488

Any new pledge of fees, or new agreement for adjustment of 91489
fees, made in the biennium ending June 30, 2017, to secure bonds 91490
or notes of a state institution of higher education for a project 91491
for which bonds or notes were not outstanding on the effective 91492
date of this section shall be effective only after approval by the 91493
Director of Higher Education, unless approved in a previous 91494

biennium. 91495

Section 369.420. HIGHER EDUCATION GENERAL OBLIGATION BOND 91496
DEBT SERVICE 91497

The foregoing appropriation item 235909, Higher Education 91498
General Obligation Bond Debt Service, shall be used to pay all 91499
debt service and related financing costs during the period from 91500
July 1, 2015, through June 30, 2017, for obligations issued under 91501
sections 151.01 and 151.04 of the Revised Code. 91502

Section 369.430. SALES AND SERVICES 91503

The Director of Higher Education is authorized to charge and 91504
accept payment for the provision of goods and services. Such 91505
charges shall be reasonably related to the cost of producing the 91506
goods and services. Except as otherwise provided by law, no 91507
charges may be levied for goods or services that are produced as 91508
part of the routine responsibilities or duties of the Director. 91509
All revenues received by the Director of Higher Education shall be 91510
deposited into Fund 4560, and may be used by the Director of 91511
Higher Education to pay for the costs of producing the goods and 91512
services. 91513

Section 369.440. HIGHER EDUCATIONAL FACILITY COMMISSION 91514
ADMINISTRATION 91515

The foregoing appropriation item 235602, Higher Educational 91516
Facility Commission Administration, shall be used by the Director 91517
of Higher Education for operating expenses related to the Director 91518
of Higher Education's support of the activities of the Ohio Higher 91519
Educational Facility Commission. Upon the request of the Director 91520
of Higher Education, the Director of Budget and Management may 91521
transfer up to \$29,100 cash in each fiscal year from the HEFC 91522
Operating Expenses Fund (Fund 4610) to the HEFC Administration 91523

Fund (Fund 4E80). 91524

Section 369.450. TELECOMMUNITY AND DISTANCE LEARNING 91525

Of the foregoing appropriation item 235674, Telecommunity and 91526
Distance Learning, up to \$25,000 in each fiscal year shall be 91527
distributed by the Director of Higher Education on a grant basis 91528
to eligible school districts to establish "distance learning" 91529
through interactive video technologies in the school district. Per 91530
agreements with eight Ohio local telephone companies, ALLTEL Ohio, 91531
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 91532
Cincinnati Bell Telephone Company, Orwell Telephone Company, 91533
Sprint North Central Telephone, VERIZON, and Western Reserve 91534
Telephone Company, school districts are eligible for funds if they 91535
are within one of the listed telephone company service areas. 91536
Funds to administer the program shall be expended by the Director 91537
of Higher Education up to the amount specified in the agreements 91538
with the listed telephone companies. 91539

Within thirty days after the effective date of this section, 91540
the Director of Budget and Management shall transfer to Fund 4X10 91541
in the Dedicated Purpose Fund Group any investment earnings from 91542
moneys paid by any telephone company as part of any settlement 91543
agreement between the listed companies and the Public Utilities 91544
Commission in fiscal years 1996 and beyond. 91545

Of the foregoing appropriation item 235674, Telecommunity and 91546
Distance Learning, up to \$24,150 in each fiscal year shall be 91547
distributed by the Director of Higher Education on a grant basis 91548
to eligible school districts to establish "distance learning" in 91549
the school district. Per an agreement with Ameritech, school 91550
districts are eligible for funds if they are within an Ameritech 91551
service area. Funds to administer the program shall be expended by 91552
the Director of Higher Education up to the amount specified in the 91553
agreement with Ameritech. 91554

Within thirty days after the effective date of this section, 91555
the Director of Budget and Management shall transfer to Fund 4X10 91556
in the Dedicated Purpose Fund Group any investment earnings from 91557
moneys paid by any telephone company as part of a settlement 91558
agreement between the company and the Public Utilities Commission 91559
in fiscal year 1995. 91560

Section 369.460. COMPETENCY BASED PILOT PROJECT 91561

The foregoing appropriation item 235694, Competency Based 91562
Pilot Project, shall be used by the Director of Higher Education 91563
to work with state institutions of higher education as defined in 91564
section 3345.011 of the Revised Code to develop competency based 91565
education programs. Competency based education programs shall 91566
measure student success based on competencies instead of credit 91567
hours earned. Any state institutions of higher education that 91568
choose to offer competency based education programs may submit 91569
plans for how the institution would design, develop, structure and 91570
implement such programs to the Department of Higher Education by 91571
July 1, 2016. State institutions of higher education that choose 91572
to develop and submit such a plan shall be granted a reasonable 91573
period of time to implement the plan, including the time it takes 91574
to seek and receive the necessary approvals, accreditations, and 91575
any other conditions that must be met in order to set up, operate, 91576
and administer such a program. 91577

Of the foregoing appropriation item 235694, Competency Based 91578
Pilot Project, \$250,000 in each fiscal year shall be used for 91579
competency based certificates. 91580

Any unexpended and unencumbered portion of the foregoing 91581
appropriation item 235694, Competency Based Pilot Project, at the 91582
end of fiscal year 2016 is hereby reappropriated for the same 91583
purpose in fiscal year 2017. 91584

Section 369.470. OHIOMEANSJOBS WORKFORCE DEVELOPMENT 91585
REVOLVING LOAN PROGRAM 91586

The foregoing appropriation item 235684, OhioMeansJobs 91587
Workforce Development Revolving Loan Program, shall be used for 91588
the OhioMeansJobs Workforce Development Revolving Loan Program to 91589
provide loans to individuals for workforce training. 91590

Of the foregoing appropriation item 235684, OhioMeansJobs 91591
Workforce Development Revolving Loan Program, up to \$250,000 in 91592
fiscal year 2016 may be used by the Director of Higher Education 91593
to administer the program, and up to \$250,000 in fiscal year 2016 91594
may be used by the Treasurer of State to administer the program. 91595

Any unexpended and unencumbered portion of the foregoing 91596
appropriation item 235684, OhioMeansJobs Workforce Development 91597
Revolving Loan Program, at the end of fiscal year 2016 is hereby 91598
reappropriated for the same purpose in fiscal year 2017. To the 91599
extent that reappropriated funds are available, of the foregoing 91600
appropriation item 235684, OhioMeansJobs Workforce Development 91601
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 91602
used by the Director of Higher Education to administer the 91603
program, and up to \$250,000 in fiscal year 2017 may be used by the 91604
Treasurer of State to administer the program. 91605

Section 369.480. STUDENT DEBT REDUCTION PROGRAM 91606

The foregoing appropriation item 235695, Student Debt 91607
Reduction Program, shall be used by the Director of Higher 91608
Education for the purpose of reducing debt and financial burdens 91609
on students attending state institutions of higher education as 91610
defined in section 3345.011 of the Revised Code and private 91611
nonprofit institutions of higher education holding certificates of 91612
authorization under Chapter 1713. of the Revised Code. By 91613
September 30, 2015, the Director shall develop a plan to award up 91614

to \$15,000,000 in each fiscal year. The plan shall consider, at 91615
least, need based students, in-demand jobs, and the requirement 91616
for participating students to stay in Ohio for five years after 91617
graduation. 91618

Any unexpended and unencumbered portion of the foregoing 91619
appropriation item 235695, Student Debt Reduction Program, at the 91620
end of fiscal year 2016 is hereby reappropriated for the same 91621
purpose in fiscal year 2017. 91622

Section 369.483. WORKFORCE GRANTS 91623

Of the foregoing appropriation item 235616, Workforce Grants, 91624
up to \$500,000 in each fiscal year shall be used by the Director 91625
of Higher Education to coordinate a statewide effort to promote 91626
workforce grant programs. 91627

The remainder of appropriation item 235616, Workforce Grants, 91628
shall be used by the Director to distribute grant awards pursuant 91629
to section 3333.92 of the Revised Code. 91630

Section 369.490. STATE NEED-BASED FINANCIAL AID 91631
RECONCILIATION 91632

By the first day of August in each fiscal year, or as soon as 91633
possible thereafter, the Director of Higher Education shall 91634
certify to the Director of Budget and Management the amount 91635
necessary to pay any outstanding prior year obligations to higher 91636
education institutions for the state's need-based financial aid 91637
programs. The amounts certified are hereby appropriated to 91638
appropriation item 235618, State Need-based Financial Aid 91639
Reconciliation, from revenues received in the State Need-based 91640
Financial Aid Reconciliation Fund (Fund 5Y50). 91641

Section 369.500. NURSING LOAN PROGRAM 91642

The foregoing appropriation item 235606, Nursing Loan 91643

Program, shall be used to administer the nurse education 91644
assistance program. Up to \$50,000 in each fiscal year may be used 91645
for operating expenses associated with the program. Any additional 91646
funds needed for the administration of the program are subject to 91647
Controlling Board approval. 91648

Section 369.510. RESEARCH INCENTIVE THIRD FRONTIER FUND 91649

The foregoing appropriation item 235634, Research Incentive 91650
Third Frontier Fund, shall be used by the Director of Higher 91651
Education to advance collaborative research at institutions of 91652
higher education. Of the foregoing appropriation item 235634, 91653
Research Incentive Third Frontier Fund, up to \$2,000,000 in each 91654
fiscal year may be allocated toward research regarding the 91655
improvement of water quality. Of the foregoing appropriation item 91656
235634, Research Incentive Third Frontier Fund, up to \$1,000,000 91657
in each fiscal year may be allocated toward research regarding the 91658
reduction of infant mortality. 91659

Section 369.520. VETERANS PREFERENCES 91660

The Director of Higher Education shall work with the 91661
Department of Veterans Services to develop specific veterans 91662
preference guidelines for higher education institutions. These 91663
guidelines shall ensure that the institutions' hiring practices 91664
are in accordance with the intent of Ohio's veterans preference 91665
laws. 91666

Section 369.530. (A) As used in this section: 91667

(1) "Board of trustees" includes the managing authority of a 91668
university branch district. 91669

(2) "State institution of higher education" has the same 91670
meaning as in section 3345.011 of the Revised Code. 91671

(B) The board of trustees of any state institution of higher 91672

education, notwithstanding any rule of the institution to the 91673
contrary, may adopt a policy providing for mandatory furloughs of 91674
employees, including faculty, to achieve spending reductions 91675
necessitated by institutional budget deficits. 91676

Section 369.540. EFFICIENCY ADVISORY COMMITTEE 91677

The Director of Higher Education shall maintain an efficiency 91678
advisory committee for the purpose of generating optimal 91679
efficiency plans for campuses, identifying shared services 91680
opportunities, streamlining administrative operations, and sharing 91681
best practices in efficiencies among public institutions of higher 91682
education. The committee shall meet at the call of the Director or 91683
the Director's designee. Each state institution of higher 91684
education shall designate an employee to serve as its efficiency 91685
officer responsible for the evaluation and improvement of 91686
operational efficiencies on campus. Each efficiency officer shall 91687
serve on the efficiency advisory committee. 91688

By December 31 of each year, the Director of Higher Education 91689
shall provide a report to the Office of Budget and Management, the 91690
Governor, and the General Assembly compiling efficiency reports 91691
from all public institutions of higher education and benchmarking 91692
efficiency gains realized over the preceding year. The reports 91693
from each institution shall identify efficiencies at each public 91694
institution of higher education, and quantify revenue 91695
enhancements, reallocation of resources, expense reductions, and 91696
cost avoidance where possible in the areas of general operational 91697
functions, academic program delivery, energy usage, and 91698
information technology and procurement reforms. The reports shall 91699
particularly emphasize areas where these reforms are demonstrating 91700
savings or cost avoidance to students. The report shall also be 91701
made available to the public on the Department of Higher 91702
Education's web site. 91703

Section 369.550. AGENCY AND DIRECTOR NAME CHANGE 91704

On the effective date of this section, the office of the 91705
Chancellor of the Board of Regents is renamed the Department of 91706
Higher Education. The office of the Chancellor of the Board of 91707
Regents' functions, and its assets and liabilities, are 91708
transferred to the Department of Higher Education. The Department 91709
of Higher Education is successor to, assumes the obligations and 91710
authority of, and otherwise continues the office of the Chancellor 91711
of the Board of Regents. No right, privilege, or remedy, and no 91712
duty, liability, or obligation, accrued under the office of the 91713
Chancellor of the Board of Regents is impaired or lost by reason 91714
of the renaming and shall be recognized, administered, performed, 91715
or enforced by the Department of Higher Education. 91716

Business commenced but not completed by the office of the 91717
Chancellor of the Board of Regents or by the Chancellor shall be 91718
completed by the Department of Higher Education or the Director of 91719
Higher Education in the same manner, and with the same effect, as 91720
if completed by the office of the Chancellor of the Board of 91721
Regents or the Chancellor. 91722

All of the office of the Chancellor of the Board of Regents' 91723
rules, orders, and determinations continue in effect as rules, 91724
orders, and determinations of the Department of Higher Education 91725
until modified or rescinded by the Department of Higher Education. 91726

All employees of the office of the Chancellor of the Board of 91727
Regents continue with the Department of Higher Education and 91728
retain their positions and all benefits accruing thereto. 91729

Except as otherwise noted in law, whenever the Board of 91730
Regents or the Chancellor of the Board of Regents is referred to 91731
in a statute, contract, or other instrument, the reference is 91732
deemed to refer to the Department of Higher Education or to the 91733
Director of Higher Education, whichever is appropriate in context. 91734

No pending action or proceeding being prosecuted or defended 91735
in court or before an agency by the office of the Chancellor of 91736
the Board of Regents or by the Chancellor of the Board of Regents 91737
is affected by the renaming and shall be prosecuted or defended in 91738
the name of the Department of Higher Education or the Director of 91739
Higher Education, whichever is appropriate. Upon application to 91740
the court or agency, the Department of Higher Education or the 91741
Director of Higher Education shall be substituted. 91742

Section 369.560. OHIO TASK FORCE ON AFFORDABILITY AND 91743
EFFICIENCY IN HIGHER EDUCATION REPORT 91744

Upon submission of the Ohio task force on affordability and 91745
efficiency in higher education report as established by governor's 91746
executive order, all boards of trustees for state institutions of 91747
higher education as defined in section 3345.011 of the Revised 91748
Code, shall complete, by July 1, 2016, an efficiency review based 91749
on the report and recommendations of the task force, and provide a 91750
report to the Director of Higher Education within 30 days of the 91751
completion of the efficiency review that includes how each 91752
institution will implement the recommendations and any other cost 91753
savings measures. 91754

Section 369.570. WORK EXPERIENCE STRATEGIES 91755

By December 31, 2015, the Director of Higher Education, in 91756
consultation with state institutions of higher education as 91757
defined in section 3345.011 of the Revised Code and nonprofit 91758
institutions of higher education that have certificates of 91759
authorization under Chapter 1713. of the Revised Code, shall 91760
develop implementation strategies to embed work experiences, 91761
including but not limited to internships and cooperatives, into 91762
the curriculum of degree programs starting in the 2016-2017 91763
academic year, to explore ways to increase student participation 91764

in in-demand occupations, including computer sciences, and to 91765
create industry clusters to develop curriculum that can be used 91766
for competency based tests. These implementation strategies shall 91767
also include the use of OhioMeansJobs.com as a central location 91768
for higher education students to access information on work 91769
experiences and career opportunities. By December 31, 2015, each 91770
state institution of higher education as defined in section 91771
3345.011 of the Revised Code and each nonprofit institution of 91772
higher education that has a certificate of authorization under 91773
Chapter 1713. of the Revised Code shall display a link to 91774
OhioMeansJobs.com in a prominent location on the institution's web 91775
site. 91776

The Director shall work with state institutions of higher 91777
education and nonprofit institutions of higher education to have a 91778
career counseling program in place by December 31, 2015. 91779

Section 369.580. TECHNOLOGY TRANSFER AND COMMERCIALIZATION 91780
RECOMMENDATIONS 91781

By July 1, 2016, the Director of Higher Education shall study 91782
and make recommendations regarding ways to improve technology 91783
transfer and commercialization, including the potential for 91784
intellectual property auctions after a set number of years. 91785

Section 369.590. No recommendation of the Ohio Task Force on 91786
Affordability and Efficiency in Higher Education established on 91787
February 10, 2015, by Executive Order 2015-01K of the Governor 91788
shall be implemented without the approval of the General Assembly 91789
or, if a change to Ohio law is necessary for the recommendation to 91790
take effect, without the enactment of the required changes in Ohio 91791
law by the General Assembly. 91792

Section 371.10. DRC DEPARTMENT OF REHABILITATION AND 91793
CORRECTION 91794

| | | | | | | |
|-------------|--|------------------|------------------|--|--|-------|
| | General Revenue Fund | | | | | 91795 |
| GRF 501321 | Institutional Operations | \$ 952,547,588 | \$ 979,773,825 | | | 91796 |
| GRF 501405 | Halfway House | \$ 54,369,687 | \$ 56,541,437 | | | 91797 |
| GRF 501406 | Adult Correctional Facilities Lease Rental Bond Payments | \$ 82,595,700 | \$ 79,702,800 | | | 91798 |
| GRF 501407 | Community Nonresidential Programs | \$ 53,577,390 | \$ 56,365,890 | | | 91799 |
| GRF 501408 | Community Misdemeanor Programs | \$ 14,356,800 | \$ 14,356,800 | | | 91800 |
| GRF 501501 | Community Residential Programs - CBCF | \$ 72,391,705 | \$ 75,329,955 | | | 91801 |
| GRF 503321 | Parole and Community Operations | \$ 73,346,119 | \$ 75,149,295 | | | 91802 |
| GRF 504321 | Administrative Operations | \$ 21,475,332 | \$ 21,999,343 | | | 91803 |
| GRF 505321 | Institution Medical Services | \$ 239,000,000 | \$ 248,000,000 | | | 91804 |
| GRF 506321 | Institution Education Services | \$ 24,586,681 | \$ 30,454,204 | | | 91805 |
| TOTAL GRF | General Revenue Fund | \$ 1,588,247,002 | \$ 1,637,673,549 | | | 91806 |
| | Dedicated Purpose Fund Group | | | | | 91807 |
| 4B00 501601 | Sewer Treatment Services | \$ 2,393,506 | \$ 2,420,848 | | | 91808 |
| 4D40 501603 | Prisoner Programs | \$ 5,490,000 | \$ 500,000 | | | 91809 |
| 4L40 501604 | Transitional Control | \$ 700,000 | \$ 700,000 | | | 91810 |
| 4S50 501608 | Education Services | \$ 3,432,164 | \$ 3,490,471 | | | 91811 |
| 5AF0 501609 | State and Non-Federal Awards | \$ 2,000,000 | \$ 2,000,000 | | | 91812 |
| 5H80 501617 | Offender Financial | \$ 2,000,000 | \$ 2,000,000 | | | 91813 |

| | | | | | | |
|------------------------------|--|----------------|----|---------------|----|---------------------|
| | | Responsibility | | | | |
| TOTAL DPF | Dedicated Purpose Fund | | \$ | 16,015,670 | \$ | 11,111,319 91814 |
| | Group | | | | | |
| | Internal Service Activity Fund Group | | | | | 91815 |
| 1480 501602 | Institutional | | \$ | 3,139,577 | \$ | 3,139,577 91816 |
| | Services | | | | | |
| 2000 501607 | Ohio Penal Industries | | \$ | 54,492,119 | \$ | 54,925,441 91817 |
| 4830 501605 | Leased Property | | \$ | 467,844 | \$ | 469,540 91818 |
| | Maintenance & | | | | | |
| | Operating | | | | | |
| 5710 501606 | Corrections Training | | \$ | 500,000 | \$ | 500,000 91819 |
| | Maintenance & | | | | | |
| | Operating | | | | | |
| 5L60 501611 | Information | | \$ | 500,000 | \$ | 500,000 91820 |
| | Technology Services | | | | | |
| TOTAL ISA | Internal Activity | | | | | 91821 |
| Fund Group | | | \$ | 59,099,540 | \$ | 59,534,558 91822 |
| | Federal Fund Group | | | | | 91823 |
| 3230 501619 | Federal Grants | | \$ | 4,200,000 | \$ | 4,200,000 91824 |
| 3CW0 501622 | Federal Equitable | | \$ | 400,000 | \$ | 400,000 91825 |
| | Sharing | | | | | |
| TOTAL FED | Federal | | | | | 91826 |
| Fund Group | | | \$ | 4,600,000 | \$ | 4,600,000 91827 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 1,667,962,212 | \$ | 1,712,919,426 91828 |
| | ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS | | | | | 91829 |
| | The foregoing appropriation item 501406, Adult Correctional | | | | | 91830 |
| | Facilities Lease Rental Bond Payments, shall be used to meet all | | | | | 91831 |
| | payments during the period from July 1, 2015, through June 30, | | | | | 91832 |
| | 2017, by the Department of Rehabilitation and Correction under the | | | | | 91833 |
| | primary leases and agreements for those buildings made under | | | | | 91834 |
| | Chapters 152. and 154. of the Revised Code. These appropriations | | | | | 91835 |
| | are the source of funds pledged for bond service charges on | | | | | 91836 |

related obligations issued under Chapters 152. and 154. of the Revised Code. 91837
91838

OSU MEDICAL CHARGES 91839

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care shall be billed to the Department or the Department of Medicaid at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the Medicaid Program. 91840
91841
91842
91843
91844
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91846
91847
91848
91849
91850

Section 373.10. RCB RESPIRATORY CARE BOARD 91851

Dedicated Purpose Fund Group 91852
4K90 872609 Operating Expenses \$ 572,005 \$ 570,123 91853
TOTAL DPF Dedicated Purpose Fund Group 91854
Fund Group \$ 572,005 \$ 570,123 91855
TOTAL ALL BUDGET FUND GROUPS \$ 572,005 \$ 570,123 91856

Section 375.10. RDF STATE REVENUE DISTRIBUTIONS 91858

General Revenue Fund Group 91859
GRF 110908 Property Tax \$ 664,740,000 \$ 675,760,000 91860
Reimbursement - Local Government
GRF 200903 Property Tax \$ 1,181,760,000 \$ 1,201,340,000 91861
Reimbursement - Education
TOTAL GRF General Revenue Fund Group \$ 1,846,500,000 \$ 1,877,100,000 91862

| | | | | | | | |
|------|--------|---------------------------------|----|-------------|----|-------------|-------|
| | | Revenue Distribution Fund Group | | | | 91863 | |
| 5JG0 | 110633 | Gross Casino Revenue | \$ | 123,500,000 | \$ | 114,100,000 | 91864 |
| | | County Distribution | | | | | |
| 5JH0 | 110634 | Gross Casino Revenue | \$ | 82,300,000 | \$ | 76,100,000 | 91865 |
| | | County Student | | | | | |
| | | Distribution | | | | | |
| 5JJ0 | 110636 | Gross Casino Revenue | \$ | 12,100,000 | \$ | 11,100,000 | 91866 |
| | | Host City | | | | | |
| | | Distribution | | | | | |
| 7047 | 200902 | Property Tax | \$ | 361,773,101 | \$ | 251,560,497 | 91867 |
| | | Replacement Phase | | | | | |
| | | Out-Education | | | | | |
| 7049 | 336900 | Indigent Drivers | \$ | 2,250,000 | \$ | 2,250,000 | 91868 |
| | | Alcohol Treatment | | | | | |
| 7050 | 762900 | International | \$ | 20,000,000 | \$ | 20,000,000 | 91869 |
| | | Registration Plan | | | | | |
| | | Distribution | | | | | |
| 7051 | 762901 | Auto Registration | \$ | 345,000,000 | \$ | 345,000,000 | 91870 |
| | | Distribution | | | | | |
| 7060 | 110960 | Gasoline Excise Tax | \$ | 395,000,000 | \$ | 395,000,000 | 91871 |
| | | Fund | | | | | |
| 7065 | 110965 | Public Library Fund | \$ | 389,520,000 | \$ | 404,310,000 | 91872 |
| 7066 | 800966 | Undivided Liquor | \$ | 14,100,000 | \$ | 14,100,000 | 91873 |
| | | Permits | | | | | |
| 7068 | 110968 | State and Local | \$ | 196,000,000 | \$ | 196,000,000 | 91874 |
| | | Government Highway | | | | | |
| | | Distributions | | | | | |
| 7069 | 110969 | Local Government Fund | \$ | 383,520,000 | \$ | 399,310,000 | 91875 |
| 7081 | 110907 | Property Tax | \$ | 66,070,450 | \$ | 40,444,766 | 91876 |
| | | Replacement Phase | | | | | |
| | | Out-Local Government | | | | | |
| 7082 | 110982 | Horse Racing Tax | \$ | 100,000 | \$ | 100,000 | 91877 |
| 7083 | 700900 | Ohio Fairs Fund | \$ | 1,200,000 | \$ | 1,200,000 | 91878 |

| | | | | |
|---|----|------------------|------------------|-------|
| TOTAL RDF Revenue Distribution | | | | 91879 |
| Fund Group | | \$ 2,392,433,551 | \$ 2,270,575,263 | 91880 |
| Fiduciary Fund Group | | | | 91881 |
| 4P80 001698 Cash Management | \$ | 3,100,000 | \$ 3,100,000 | 91882 |
| Improvement Fund | | | | |
| 6080 001699 Investment Earnings | \$ | 100,000,000 | \$ 120,000,000 | 91883 |
| 7001 110996 Horse-Racing Tax | \$ | 125,000 | \$ 125,000 | 91884 |
| Municipality Fund | | | | |
| 7062 110962 Resort Area Excise | \$ | 1,200,000 | \$ 1,200,000 | 91885 |
| Tax Distribution | | | | |
| 7063 110963 Permissive Tax | \$ | 2,356,000,000 | \$ 2,475,000,000 | 91886 |
| Distribution | | | | |
| 7067 110967 School District | \$ | 430,000,000 | \$ 453,000,000 | 91887 |
| Income Tax | | | | |
| Distribution | | | | |
| 7085 800985 Volunteer Firemen's | \$ | 300,000 | \$ 300,000 | 91888 |
| Dependents Fund | | | | |
| 7093 110640 Next Generation 9-1-1 | \$ | 2,600,000 | \$ 2,600,000 | 91889 |
| 7094 110641 Wireless 9-1-1 | \$ | 28,200,000 | \$ 28,200,000 | 91890 |
| Government Assistance | | | | |
| 7099 762902 Permissive Tax | \$ | 184,000,000 | \$ 184,000,000 | 91891 |
| Distribution - Auto | | | | |
| Registration | | | | |
| TOTAL FID Fiduciary Fund Group | \$ | 3,105,525,000 | \$ 3,267,525,000 | 91892 |
| Holding Account Fund Group | | | | 91893 |
| R045 110617 International Fuel | \$ | 40,000,000 | \$ 40,000,000 | 91894 |
| Tax Distribution | | | | |
| TOTAL HLD Holding Account Fund | \$ | 40,000,000 | \$ 40,000,000 | 91895 |
| Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 7,384,458,551 | \$ 7,455,200,263 | 91896 |
| ADDITIONAL APPROPRIATIONS | | | | 91897 |
| Appropriation items in this section shall be used for the | | | | 91898 |

purpose of administering and distributing the designated revenue 91899
distribution funds according to the Revised Code. If it is 91900
determined that additional appropriations are necessary for this 91901
purpose, such amounts are hereby appropriated. 91902

GENERAL REVENUE FUND TRANSFERS 91903

Notwithstanding any provision of law to the contrary, in 91904
fiscal year 2016 and fiscal year 2017, the Director of Budget and 91905
Management may transfer from the General Revenue Fund to the Local 91906
Government Tangible Property Tax Replacement Fund (Fund 7081) and 91907
the School District Tangible Property Tax Replacement Fund (Fund 91908
7047) in the Revenue Distribution Fund Group, those amounts 91909
necessary to reimburse local taxing units and school districts 91910
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 91911
fiscal year 2016 and fiscal year 2017, the Director of Budget and 91912
Management may make temporary transfers from the General Revenue 91913
Fund to ensure sufficient balances in the Local Government 91914
Tangible Property Tax Replacement Fund (Fund 7081) and the School 91915
District Tangible Property Tax Replacement Fund (Fund 7047) and to 91916
replenish the General Revenue Fund for such transfers. 91917

PROPERTY TAX REIMBURSEMENT - EDUCATION 91918

The Superintendent of Public Instruction shall not request, 91919
and the Controlling Board shall not approve, the transfer of 91920
appropriation from appropriation item 200903, Property Tax 91921
Reimbursement - Education, to any other appropriation item. 91922

The foregoing appropriation item 200903, Property Tax 91923
Reimbursement - Education, is appropriated to pay for the state's 91924
costs incurred because of the homestead exemption, the property 91925
tax rollback, and payments required under division (C) of section 91926
5705.2110 of the Revised Code. In cooperation with the Department 91927
of Taxation, the Department of Education shall distribute these 91928
funds directly to the appropriate school districts of the state, 91929

notwithstanding sections 321.24 and 323.156 of the Revised Code, 91930
which provide for payment of the homestead exemption and property 91931
tax rollback by the Tax Commissioner to the appropriate county 91932
treasurer and the subsequent redistribution of these funds to the 91933
appropriate local taxing districts by the county auditor. 91934

Upon receipt of these amounts, each school district shall 91935
distribute the amount among the proper funds as if it had been 91936
paid as real or tangible personal property taxes. Payments for the 91937
costs of administration shall continue to be paid to the county 91938
treasurer and county auditor as provided for in sections 319.54, 91939
321.26, and 323.156 of the Revised Code. 91940

Any sums, in addition to the amount specifically appropriated 91941
in appropriation item 200903, Property Tax Reimbursement - 91942
Education, for the homestead exemption and the property tax 91943
rollback payments, and payments required under division (C) of 91944
section 5705.2110 of the Revised Code, which are determined to be 91945
necessary for these purposes, are hereby appropriated. 91946

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 91947

The foregoing appropriation item 110908, Property Tax 91948
Reimbursement-Local Government, is hereby appropriated to pay for 91949
the state's costs incurred due to the Homestead Exemption, the 91950
Manufactured Home Property Tax Rollback, and the Property Tax 91951
Rollback. The Tax Commissioner shall distribute these funds 91952
directly to the appropriate local taxing districts, except for 91953
school districts, notwithstanding the provisions in sections 91954
321.24 and 323.156 of the Revised Code, which provide for payment 91955
of the Homestead Exemption, the Manufactured Home Property Tax 91956
Rollback, and Property Tax Rollback by the Tax Commissioner to the 91957
appropriate county treasurer and the subsequent redistribution of 91958
these funds to the appropriate local taxing districts by the 91959
county auditor. 91960

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110908, Property Tax Allocation - Local Government, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

PUBLIC LIBRARY FUND

Notwithstanding the requirement in division (C) of section 131.51 of the Revised Code that the Director of Budget and Management use the percentage calculated in division (A)(2) of section 131.51 of the Revised Code for calculating the credit each month to the Public Library Fund, the Director of Budget and Management shall instead calculate these amounts during fiscal year 2016 and fiscal year 2017 using 1.70 per cent as the percentage.

Section 377.10. SAN BOARD OF SANITARIAN REGISTRATION

| | | | | | |
|--|----|---------|----|---------|-------|
| Dedicated Purpose Fund Group | | | | 91982 | |
| 4K90 893609 Operating Expenses | \$ | 158,250 | \$ | 153,650 | 91983 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 158,250 | \$ | 153,650 | 91984 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 158,250 | \$ | 153,650 | 91985 |

Section 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND

General Revenue Fund

| | | | | | | |
|---|-----------------------|----|------------|----|------------|-------|
| GRF 226321 | Operations | \$ | 8,000,000 | \$ | 8,000,000 | 91991 |
| TOTAL GRF | General Revenue Fund | \$ | 8,000,000 | \$ | 8,000,000 | 91992 |
| Dedicated Purpose Fund Group | | | | | | 91993 |
| 4H80 226602 | Education Reform | \$ | 27,000 | \$ | 27,000 | 91994 |
| Grants | | | | | | |
| 4M50 226601 | Work Study and | \$ | 461,521 | \$ | 461,521 | 91995 |
| Technology Investment | | | | | | |
| 5NJ0 226622 | Food Service Program | \$ | 9,000 | \$ | 9,000 | 91996 |
| TOTAL DPF | Dedicated Purpose | | | | | 91997 |
| Fund Group | | \$ | 497,521 | \$ | 497,521 | 91998 |
| Federal Fund Group | | | | | | 91999 |
| 3100 226626 | Coordinating Unit | \$ | 2,527,104 | \$ | 2,527,104 | 92000 |
| 3DT0 226621 | Ohio Transition | \$ | 650,000 | \$ | 650,000 | 92001 |
| Collaborative | | | | | | |
| 3P50 226643 | Medicaid Professional | \$ | 50,000 | \$ | 50,000 | 92002 |
| Services | | | | | | |
| Reimbursement | | | | | | |
| TOTAL FED | Federal Fund Group | \$ | 3,227,104 | \$ | 3,227,104 | 92003 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 11,724,625 | \$ | 11,724,625 | 92004 |
| Section 381.10. OSD OHIO SCHOOL FOR THE DEAF | | | | | | 92006 |
| General Revenue Fund | | | | | | 92007 |
| GRF 221321 | Operations | \$ | 9,604,435 | \$ | 10,028,878 | 92008 |
| TOTAL GRF | General Revenue Fund | \$ | 9,604,435 | \$ | 10,028,878 | 92009 |
| Dedicated Purpose Fund Group | | | | | | 92010 |
| 4M00 221601 | Educational Program | \$ | 95,000 | \$ | 95,000 | 92011 |
| Expenses | | | | | | |
| 4M10 221602 | Education Reform | \$ | 35,000 | \$ | 35,000 | 92012 |
| Grants | | | | | | |
| 5H60 221609 | Even Start Fees and | \$ | 35,000 | \$ | 35,000 | 92013 |
| Gifts | | | | | | |
| 5NK0 221610 | Food Service Program | \$ | 9,000 | \$ | 9,000 | 92014 |

| | | | | |
|--|----|------------|---------------|-------|
| TOTAL DPF Dedicated Purpose | | | | 92015 |
| Fund Group | \$ | 174,000 | \$ 174,000 | 92016 |
| Federal Fund Group | | | | 92017 |
| 3110 221625 Coordinating Unit | \$ | 2,153,246 | \$ 2,153,246 | 92018 |
| 3R00 221684 Medicaid Professional Services Reimbursement | \$ | 160,000 | \$ 160,000 | 92019 |
| TOTAL FED Federal Fund Group | \$ | 2,313,246 | \$ 2,313,246 | 92020 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 12,091,681 | \$ 12,516,124 | 92021 |
| Section 383.10. SOS SECRETARY OF STATE | | | | 92023 |
| General Revenue Fund | | | | 92024 |
| GRF 050321 Operating Expenses | \$ | 2,144,030 | \$ 2,144,030 | 92025 |
| GRF 050407 Poll Workers Training | \$ | 234,196 | \$ 234,196 | 92026 |
| TOTAL GRF General Revenue Fund | \$ | 2,378,226 | \$ 2,378,226 | 92027 |
| Dedicated Purpose Fund Group | | | | 92028 |
| 4120 050609 Notary Commission | \$ | 475,000 | \$ 475,000 | 92029 |
| 5990 050603 Business Services Operating Expenses | \$ | 14,385,400 | \$ 14,385,400 | 92030 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 14,860,400 | \$ 14,860,400 | 92031 |
| Internal Service Activity Fund Group | | | | 92032 |
| 4S80 050610 Board of Voting Machine Examiners | \$ | 7,200 | \$ 7,200 | 92033 |
| 5FG0 050620 BOE Reimbursement and Education | \$ | 80,000 | \$ 80,000 | 92034 |
| TOTAL ISA Internal Service Activity Fund Group | \$ | 87,200 | \$ 87,200 | 92035 |
| Holding Account Fund Group | | | | 92036 |
| R001 050605 Uniform Commercial Code Refunds | \$ | 30,000 | \$ 30,000 | 92037 |

| | | | | | |
|--|----|------------|----|------------|-------|
| R002 050606 Corporate/Business | \$ | 85,000 | \$ | 85,000 | 92038 |
| Filing Refunds | | | | | |
| TOTAL HLD Holding Account Fund | \$ | 115,000 | \$ | 115,000 | 92039 |
| Group | | | | | |
| Federal Fund Group | | | | | 92040 |
| 3AS0 050616 Help America Vote Act | \$ | 502,000 | \$ | 0 | 92041 |
| (HAVA) | | | | | |
| TOTAL FED Federal Fund Group | \$ | 502,000 | \$ | 0 | 92042 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 17,942,826 | \$ | 17,440,826 | 92043 |
| POLL WORKERS TRAINING | | | | | 92044 |
| The foregoing appropriation item 050407, Poll Workers | | | | | 92045 |
| Training, shall be used to reimburse county boards of elections | | | | | 92046 |
| for poll worker training pursuant to section 3501.27 of the | | | | | 92047 |
| Revised Code. At the end of fiscal year 2016, an amount equal to | | | | | 92048 |
| the unexpended, unencumbered portion of the foregoing | | | | | 92049 |
| appropriation item 050407, Poll Workers Training, is hereby | | | | | 92050 |
| reappropriated in fiscal year 2017 for the same purpose. | | | | | 92051 |
| BOARD OF VOTING MACHINE EXAMINERS | | | | | 92052 |
| The foregoing appropriation item 050610, Board of Voting | | | | | 92053 |
| Machine Examiners, shall be used to pay for the services and | | | | | 92054 |
| expenses of the members of the Board of Voting Machine Examiners, | | | | | 92055 |
| and for other expenses that are authorized to be paid from the | | | | | 92056 |
| Board of Voting Machine Examiners Fund (Fund 4S80) created in | | | | | 92057 |
| section 3506.05 of the Revised Code. Moneys not used shall be | | | | | 92058 |
| returned to the person or entity submitting equipment for | | | | | 92059 |
| examination. If it is determined that additional appropriations | | | | | 92060 |
| are necessary, such amounts are hereby appropriated. | | | | | 92061 |
| HOLDING ACCOUNT FUND GROUP | | | | | 92062 |
| The foregoing appropriation items 050605, Uniform Commercial | | | | | 92063 |
| Code Refunds, and 050606, Corporate/Business Filing Refunds, shall | | | | | 92064 |
| be used to hold revenues until they are directed to the | | | | | 92065 |

appropriate accounts or until they are refunded. If it is 92066
determined that additional appropriations are necessary, such 92067
amounts are hereby appropriated. 92068

HAVA FUNDS 92069

At the end of fiscal year 2015, an amount equal to the 92070
unexpended, unencumbered portion of the foregoing appropriation 92071
item 050616, Help America Vote Act (HAVA) is hereby reappropriated 92072
in fiscal year 2016 for the same purpose. 92073

At the end of fiscal year 2016, an amount equal to the 92074
unexpended, unencumbered portion of the foregoing appropriation 92075
item 050616, Help America Vote Act (HAVA), is hereby 92076
reappropriated in fiscal year 2017 for the same purpose. 92077

Section 385.10. SEN THE OHIO SENATE 92078

General Revenue Fund 92079

| | | | | | | |
|------------|----------------------|----|------------|----|------------|-------|
| GRF 020321 | Operating Expenses | \$ | 12,518,143 | \$ | 12,518,143 | 92080 |
| TOTAL GRF | General Revenue Fund | \$ | 12,518,143 | \$ | 12,518,143 | 92081 |

Internal Service Activity Fund Group 92082

| | | | | | | |
|------------------------------|---------------------------|----|------------|----|------------|-------|
| 1020 020602 | Senate Reimbursement | \$ | 425,800 | \$ | 425,800 | 92083 |
| 4090 020601 | Miscellaneous Sales | \$ | 34,497 | \$ | 34,497 | 92084 |
| TOTAL ISA | Internal Service Activity | | | | | 92085 |
| Fund Group | | \$ | 460,297 | \$ | 460,297 | 92086 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 12,978,440 | \$ | 12,978,440 | 92087 |

OPERATING EXPENSES 92088

On July 1, 2015, or as soon as possible thereafter, the Clerk 92089
of the Senate may certify to the Director of Budget and Management 92090
the amount of the unexpended, unencumbered balance of the 92091
foregoing appropriation item 020321, Operating Expenses, at the 92092
end of fiscal year 2015 to be reappropriated to fiscal year 2016. 92093
The amount certified is hereby reappropriated to the same 92094
appropriation item for fiscal year 2016. 92095

On July 1, 2016, or as soon as possible thereafter, the Clerk 92096
of the Senate may certify to the Director of Budget and Management 92097
the amount of the unexpended, unencumbered balance of the 92098
foregoing appropriation item 020321, Operating Expenses, at the 92099
end of fiscal year 2016 to be reappropriated to fiscal year 2017. 92100
The amount certified is hereby reappropriated to the same 92101
appropriation item for fiscal year 2017. 92102

Section 389.10. CSF COMMISSIONERS OF THE SINKING FUND 92103

| | | | | |
|------------------------------------|----|-------------|----------------|-------|
| Debt Service Fund Group | | | | 92104 |
| 7070 155905 Third Frontier | \$ | 79,091,400 | \$ 98,712,000 | 92105 |
| Research and | | | | |
| Development Bond | | | | |
| Retirement Fund | | | | |
| 7072 155902 Highway Capital | \$ | 119,937,500 | \$ 134,101,700 | 92106 |
| Improvement Bond | | | | |
| Retirement Fund | | | | |
| 7073 155903 Natural Resources Bond | \$ | 27,079,900 | \$ 26,074,400 | 92107 |
| Retirement Fund | | | | |
| 7074 155904 Conservation Projects | \$ | 34,674,900 | \$ 39,225,700 | 92108 |
| Bond Retirement Fund | | | | |
| 7076 155906 Coal Research and | \$ | 5,991,400 | \$ 5,038,700 | 92109 |
| Development Bond | | | | |
| Retirement Fund | | | | |
| 7077 155907 State Capital | \$ | 234,437,400 | \$ 235,303,200 | 92110 |
| Improvement Bond | | | | |
| Retirement Fund | | | | |
| 7078 155908 Common Schools Bond | \$ | 375,706,700 | \$ 386,754,800 | 92111 |
| Retirement Fund | | | | |
| 7079 155909 Higher Education Bond | \$ | 254,970,800 | \$ 261,789,500 | 92112 |
| Retirement Fund | | | | |
| 7080 155901 Persian Gulf, | \$ | 9,083,700 | \$ 23,343,400 | 92113 |

| | | | | | |
|------------------------------|---|------------------|------------------|--|-------|
| | Afghanistan, and Iraq | | | | |
| | Conflicts Bond | | | | |
| | Retirement Fund | | | | |
| 7090 155912 | Job Ready Site | \$ 19,384,000 | \$ 15,735,900 | | 92114 |
| | Development Bond | | | | |
| | Retirement Fund | | | | |
| TOTAL DSF | Debt Service Fund Group | \$ 1,160,357,700 | \$ 1,226,079,300 | | 92115 |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 1,160,357,700 | \$ 1,226,079,300 | | 92116 |
| | ADDITIONAL APPROPRIATIONS | | | | 92117 |
| | Appropriation items in this section are for the purpose of | | | | 92118 |
| | paying debt service and financing costs during the period from | | | | 92119 |
| | July 1, 2015 through June 30, 2017 on bonds or notes of the state | | | | 92120 |
| | issued under the Ohio Constitution and acts of the General | | | | 92121 |
| | Assembly. If it is determined that additional amounts are | | | | 92122 |
| | necessary for this purpose, such amounts are hereby appropriated. | | | | 92123 |
| | Section 391.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY | | | | 92124 |
| | DEVELOPMENT FOUNDATION | | | | 92125 |
| | Dedicated Purpose Fund Group | | | | 92126 |
| 5M90 945601 | Operating Expenses | \$ 426,800 | \$ 426,800 | | 92127 |
| TOTAL DPF | Dedicated Purpose Fund | \$ 426,800 | \$ 426,800 | | 92128 |
| | Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 426,800 | \$ 426,800 | | 92129 |
| | Section 393.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & | | | | 92131 |
| | AUDIOLOGY | | | | 92132 |
| | Dedicated Purpose Fund Group | | | | 92133 |
| 4K90 886609 | Operating Expenses | \$ 508,660 | \$ 508,660 | | 92134 |
| TOTAL DPF | Dedicated Purpose Fund | \$ 508,660 | \$ 508,660 | | 92135 |
| | Group | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 508,660 | \$ 508,660 | | 92136 |

| | | | | |
|---|---------------------|---------------|---------------|-------|
| Section 395.10. BTA BOARD OF TAX APPEALS | | | | 92138 |
| General Revenue Fund | | | | 92139 |
| GRF 116321 | Operating Expenses | \$ 1,700,000 | \$ 1,700,000 | 92140 |
| TOTAL GRF General Revenue Fund | | | | 92141 |
| TOTAL ALL BUDGET FUND GROUPS | | | | 92142 |
| Section 397.10. TAX DEPARTMENT OF TAXATION | | | | 92144 |
| General Revenue Fund | | | | 92145 |
| GRF 110321 | Operating Expenses | \$ 68,905,605 | \$ 68,905,605 | 92146 |
| GRF 110404 | Tobacco Settlement | \$ 160,380 | \$ 160,380 | 92147 |
| Enforcement | | | | |
| TOTAL GRF General Revenue Fund | | | | 92148 |
| Dedicated Purpose Fund Group | | | | 92149 |
| 2280 110628 | CAT Administration | \$ 16,100,000 | \$ 16,100,000 | 92150 |
| 4330 110602 | Municipal Data | \$ 175,000 | \$ 175,000 | 92151 |
| Exchange | | | | |
| Administration | | | | |
| 4350 110607 | Local Tax | \$ 20,300,000 | \$ 20,300,000 | 92152 |
| Administration | | | | |
| 4360 110608 | Motor Vehicle Audit | \$ 1,459,609 | \$ 1,459,609 | 92153 |
| Administration | | | | |
| 4370 110606 | Income Tax Refund | \$ 38,800 | \$ 38,800 | 92154 |
| Contribution | | | | |
| Administration | | | | |
| 4380 110609 | School District | \$ 5,402,044 | \$ 5,402,044 | 92155 |
| Income Tax | | | | |
| Administration | | | | |
| 4C60 110616 | International | \$ 682,415 | \$ 682,415 | 92156 |
| Registration Plan | | | | |
| Administration | | | | |
| 4R60 110610 | Tire Tax | \$ 244,193 | \$ 244,193 | 92157 |

| | | | | | | | |
|-----------|--------|------------------------|----|---------------|----|---------------|-------|
| | | Administration | | | | | |
| 5BP0 | 110639 | Wireless 9-1-1 | \$ | 290,000 | \$ | 290,000 | 92158 |
| | | Administration | | | | | |
| 5JM0 | 110637 | Casino Tax | \$ | 75,000 | \$ | 75,000 | 92159 |
| | | Administration | | | | | |
| 5MN0 | 110638 | STARS Development and | \$ | 3,000,000 | \$ | 3,000,000 | 92160 |
| | | Implementation | | | | | |
| 5N50 | 110605 | Municipal Income Tax | \$ | 150,000 | \$ | 150,000 | 92161 |
| | | Administration | | | | | |
| 5N60 | 110618 | Kilowatt Hour Tax | \$ | 100,000 | \$ | 100,000 | 92162 |
| | | Administration | | | | | |
| 5NY0 | 110643 | Petroleum Activity | \$ | 1,000,000 | \$ | 1,000,000 | 92163 |
| | | Tax Administration | | | | | |
| 5V70 | 110622 | Motor Fuel Tax | \$ | 5,035,374 | \$ | 5,035,374 | 92164 |
| | | Administration | | | | | |
| 5V80 | 110623 | Property Tax | \$ | 11,178,310 | \$ | 11,178,310 | 92165 |
| | | Administration | | | | | |
| 5W70 | 110627 | Exempt Facility | \$ | 49,500 | \$ | 49,500 | 92166 |
| | | Administration | | | | | |
| 6390 | 110614 | Cigarette Tax | \$ | 1,750,000 | \$ | 1,750,000 | 92167 |
| | | Enforcement | | | | | |
| 6880 | 110615 | Local Excise Tax | \$ | 775,015 | \$ | 775,015 | 92168 |
| | | Administration | | | | | |
| TOTAL DPF | | Dedicated Purpose Fund | \$ | 67,805,260 | \$ | 67,805,260 | 92169 |
| | | Group | | | | | |
| | | Fiduciary Fund Group | | | | | 92170 |
| 4250 | 110635 | Tax Refunds | \$ | 1,546,800,000 | \$ | 1,546,800,000 | 92171 |
| 5CZ0 | 110631 | Vendor's License | \$ | 340,000 | \$ | 340,000 | 92172 |
| | | Application | | | | | |
| 6420 | 110613 | Ohio Political Party | \$ | 267,500 | \$ | 265,000 | 92173 |
| | | Distributions | | | | | |
| 7095 | 110995 | Municipal Income Tax | \$ | 8,100,000 | \$ | 7,900,000 | 92174 |
| TOTAL FID | | Fiduciary Fund Group | \$ | 1,555,507,500 | \$ | 1,555,305,000 | 92175 |

| | | | | |
|---|----|---------------|------------------|--|
| Holding Account Fund Group | | | | 92176 |
| R010 110611 Tax Distributions | \$ | 230,000 | \$ 230,000 | 92177 |
| R011 110612 Miscellaneous Income | \$ | 50,000 | \$ 50,000 | 92178 |
| Tax Receipts | | | | |
| TOTAL HLD Holding Account Fund Group | \$ | 280,000 | \$ 280,000 | 92179 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,692,658,745 | \$ 1,692,456,245 | 92180 |
| MUNICIPAL INCOME TAX | | | | |
| The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated. | | | | 92182 92183 92184 92185 92186 |
| TAX REFUNDS | | | | |
| The foregoing appropriation item 110635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. | | | | 92187 92188 92189 92190 92191 |
| VENDOR'S LICENSE PAYMENTS | | | | |
| The foregoing appropriation item 110631, Vendor's License Application, shall be used to make payments to county auditors under section 5739.17 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated. | | | | 92192 92193 92194 92195 92196 92197 |
| INTERNATIONAL REGISTRATION PLAN ADMINISTRATION | | | | |
| The foregoing appropriation item 110616, International Registration Plan Administration, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan. | | | | 92198 92199 92200 92201 92202 |
| TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT | | | | |
| | | | | 92203 |

Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.

TOBACCO SETTLEMENT ENFORCEMENT

The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.

STARS DEVELOPMENT AND IMPLEMENTATION FUND

The foregoing appropriation item 110638, STARS Development and Implementation, shall be used to pay costs incurred in the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Revenue Enhancement Fund, Local Sales Tax Administrative Fund, General School District Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, Property Tax Administration Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$6,000,000 in the biennium.

Section 399.10. DOT DEPARTMENT OF TRANSPORTATION

General Revenue Fund

GRF 775451 Public Transportation \$ 7,300,000 \$ 7,300,000

| | | | | | | |
|------------------------------|------------------------------|----|------------|----|------------|-------|
| GRF 776465 | Rail Development | \$ | 2,000,000 | \$ | 2,000,000 | 92233 |
| GRF 777471 | Airport Improvements | \$ | 6,000,000 | \$ | 6,000,000 | 92234 |
| | - State | | | | | |
| TOTAL GRF | General Revenue Fund | \$ | 15,300,000 | \$ | 15,300,000 | 92235 |
| | Highway Operating Fund Group | | | | | 92236 |
| 7002 772601 | Beachwood Noise Wall | \$ | 383,000 | \$ | 0 | 92237 |
| TOTAL HOF | Highway Operating Fund | \$ | 383,000 | \$ | 0 | 92238 |
| | Group | | | | | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ | 15,683,000 | \$ | 15,300,000 | 92239 |

BEACHWOOD NOISE WALL 92240

The foregoing appropriation item 772601, Beachwood Noise 92241
Wall, shall be used to construct a noise wall for a section of 92242
Interstate Route 271 in Beachwood stretching from Shaker Boulevard 92243
to Woodland Road. 92244

Section 399.15. AIRPORT IMPROVEMENTS - STATE 92245

(A) The foregoing appropriation item 777471, Airport 92246
Improvements - State, shall be used by the Department of 92247
Transportation for the following purposes: 92248

(1) Providing matching funds for federal grants and funding 92249
under the airport improvement program pursuant to 49 U.S.C. 47101 92250
et seq., or any similar federal program administered by the 92251
Federal Aviation Administration; 92252

(2) Providing loans and grants for airport capital 92253
improvements at Ohio airports or within Ohio airspace. Such 92254
improvements may include infrastructure and safety projects and 92255
development and implementation of the Federal Aviation 92256
Administration's "NextGen" programs and unmanned aerial systems 92257
technologies; 92258

(3) Providing loans and grants for economic development and 92259
job creation projects that may involve cooperation between 92260

airports and the development services agency or a state or 92261
regional nonprofit entity engaged in economic development 92262
activities. 92263

(B)(1) The Director of Transportation shall adopt rules in 92264
accordance with Chapter 119. of the Revised Code for the purpose 92265
of distributing money under this section. Specifically, the 92266
Director shall consult with interested parties to promulgate rules 92267
for the means and methods of accepting applications, scoring, and 92268
awarding grants and loans under this section. 92269

(2) Prior to submitting rules to the Joint Committee on 92270
Agency Rule Review under division (B)(1) of this section, the 92271
Director of Transportation shall seek a vote of approval of the 92272
Director's proposed rules from the Ohio Aerospace and Aviation 92273
Technology Committee. Any rules proposed pursuant to this section 92274
shall be submitted to the Ohio Aerospace and Aviation Technology 92275
Committee by October 1, 2015. 92276

Section 401.10. TOS TREASURER OF STATE 92277

General Revenue Fund 92278

GRF 090321 Operating Expenses \$ 7,743,553 \$ 7,743,553 92279

GRF 090401 Office of the Sinking \$ 502,304 \$ 502,304 92280

Fund

GRF 090402 Continuing Education \$ 377,702 \$ 377,702 92281

GRF 090406 Treasury Management \$ 1,117,400 \$ 1,116,800 92282

System Lease Rental

Payments

GRF 090524 Police and Fire \$ 5,000 \$ 5,000 92283

Disability Pension

Fund

GRF 090534 Police and Fire Ad Hoc \$ 55,000 \$ 55,000 92284

Cost of Living

GRF 090554 Police and Fire \$ 443,000 \$ 443,000 92285

| | | | | | |
|------------------------------|------------------------------|---------------|---------------|-------|--|
| | Survivor Benefits | | | | |
| GRF 090575 | Police and Fire Death | \$ 20,000,000 | \$ 20,000,000 | 92286 | |
| | Benefits | | | | |
| TOTAL GRF | General Revenue Fund | \$ 30,243,959 | \$ 30,243,359 | 92287 | |
| | Dedicated Purpose Fund Group | | | 92288 | |
| 4E90 090603 | Securities Lending | \$ 4,200,000 | \$ 4,200,000 | 92289 | |
| | Income | | | | |
| 5770 090605 | Investment Pool | \$ 550,000 | \$ 550,000 | 92290 | |
| | Reimbursement | | | | |
| 5C50 090602 | County Treasurer | \$ 170,057 | \$ 170,057 | 92291 | |
| | Education | | | | |
| 6050 090609 | Treasurer of State | \$ 700,000 | \$ 700,000 | 92292 | |
| | Administrative Fund | | | | |
| TOTAL DPF | Dedicated Purpose | | | 92293 | |
| Fund Group | | \$ 5,620,057 | \$ 5,620,057 | 92294 | |
| | Fiduciary Fund Group | | | 92295 | |
| 4250 090635 | Tax Refunds | \$ 6,000,000 | \$ 6,000,000 | 92296 | |
| TOTAL FID | Fiduciary Fund Group | \$ 6,000,000 | \$ 6,000,000 | 92297 | |
| TOTAL ALL BUDGET FUND GROUPS | | \$ 41,864,016 | \$ 41,863,416 | 92298 | |

Section 401.20. OFFICE OF THE SINKING FUND 92300

The foregoing appropriation item 090401, Office of the 92301
Sinking Fund, shall be used for costs incurred by or on behalf of 92302
the Commissioners of the Sinking Fund and the Ohio Public 92303
Facilities Commission with respect to State of Ohio general 92304
obligation bonds or notes, and the Treasurer of State with respect 92305
to State of Ohio general obligation and special obligation bonds 92306
or notes, including, but not limited to, printing, advertising, 92307
delivery, rating fees and the procurement of ratings, professional 92308
publications, membership in professional organizations, and other 92309
services referred to in division (D) of section 151.01 of the 92310
Revised Code. The General Revenue Fund shall be reimbursed for 92311

such costs relating to the issuance and administration of Highway 92312
Capital Improvement bonds or notes authorized under Ohio 92313
Constitution, Article VIII, Section 2m and Chapter 151. of the 92314
Revised Code. That reimbursement shall be made from appropriation 92315
item 155902, Highway Capital Improvement Bond Retirement Fund, by 92316
intrastate transfer voucher pursuant to a certification by the 92317
Office of the Sinking Fund of the actual amounts used. The amounts 92318
necessary to make such a reimbursement are hereby appropriated 92319
from the Highway Capital Improvement Bond Retirement Fund created 92320
in section 151.06 of the Revised Code. 92321

POLICE AND FIRE DEATH BENEFIT FUND 92322

The foregoing appropriation item 090575, Police and Fire 92323
Death Benefits, shall be disbursed quarterly by the Treasurer of 92324
State at the beginning of each quarter of each fiscal year to the 92325
Board of Trustees of the Ohio Police and Fire Pension Fund. The 92326
Treasurer of State shall certify such amounts quarterly to the 92327
Director of Budget and Management. By the twentieth day of June of 92328
each fiscal year, the Board of Trustees of the Ohio Police and 92329
Fire Pension Fund shall certify to the Treasurer of State the 92330
amount disbursed in the current fiscal year to make the payments 92331
required by section 742.63 of the Revised Code and shall return to 92332
the Treasurer of State moneys received from this appropriation 92333
item but not disbursed. 92334

TAX REFUNDS 92335

The foregoing appropriation item 090635, Tax Refunds, shall 92336
be used to pay refunds under section 5703.052 of the Revised Code. 92337
If the Director of Budget and Management determines that 92338
additional amounts are necessary for this purpose, such amounts 92339
are hereby appropriated. 92340

Section 401.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 92341
PAYMENTS 92342

The foregoing appropriation item 090406, Treasury Management System Lease Rental Payments, shall be used for payments during the period from July 1, 2015, through June 30, 2017, pursuant to leases and agreements entered into under Section 701.20 of Am. Sub. H.B. 497 of the 130th General Assembly with respect to financing the costs associated with the acquisition and implementation of the Treasury Management System. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

| | | | | | | |
|-----|--------|--|----|------------|---------|-------|
| | | Section 403.10. VTO VETERANS' ORGANIZATIONS | | | 92352 | |
| | | General Revenue Fund | | | 92353 | |
| | | VAP AMERICAN EX-PRISONERS OF WAR | | | 92354 | |
| GRF | 743501 | State Support | \$ | 28,910 \$ | 28,910 | 92355 |
| | | VAN ARMY AND NAVY UNION, USA, INC. | | | 92356 | |
| GRF | 746501 | State Support | \$ | 63,539 \$ | 63,539 | 92357 |
| | | VKW KOREAN WAR VETERANS | | | 92358 | |
| GRF | 747501 | State Support | \$ | 57,118 \$ | 57,118 | 92359 |
| | | VJW JEWISH WAR VETERANS | | | 92360 | |
| GRF | 748501 | State Support | \$ | 34,321 \$ | 34,321 | 92361 |
| | | VCW CATHOLIC WAR VETERANS | | | 92362 | |
| GRF | 749501 | State Support | \$ | 66,978 \$ | 66,978 | 92363 |
| | | VPH MILITARY ORDER OF THE PURPLE HEART | | | 92364 | |
| GRF | 750501 | State Support | \$ | 65,116 \$ | 65,116 | 92365 |
| | | VVV VIETNAM VETERANS OF AMERICA | | | 92366 | |
| GRF | 751501 | State Support | \$ | 214,776 \$ | 214,776 | 92367 |
| | | VAL AMERICAN LEGION OF OHIO | | | 92368 | |
| GRF | 752501 | State Support | \$ | 349,189 \$ | 349,189 | 92369 |
| | | VII AMVETS | | | 92370 | |
| GRF | 753501 | State Support | \$ | 332,547 \$ | 332,547 | 92371 |
| | | VAV DISABLED AMERICAN VETERANS | | | 92372 | |
| GRF | 754501 | State Support | \$ | 249,836 \$ | 249,836 | 92373 |

| | | | | | | | |
|------------------------------|--------|---|----|------------|----|------------|-------|
| | | VMC MARINE CORPS LEAGUE | | | | 92374 | |
| GRF | 756501 | State Support | \$ | 133,947 | \$ | 133,947 | 92375 |
| | | V37 37TH DIVISION VETERANS' ASSOCIATION | | | | | 92376 |
| GRF | 757501 | State Support | \$ | 6,868 | \$ | 6,868 | 92377 |
| | | VFW VETERANS OF FOREIGN WARS | | | | | 92378 |
| GRF | 758501 | State Support | \$ | 284,841 | \$ | 284,841 | 92379 |
| TOTAL GRF | | General Revenue Fund | \$ | 1,887,986 | \$ | 1,887,986 | 92380 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ | 1,887,986 | \$ | 1,887,986 | 92381 |
| | | RELEASE OF FUNDS | | | | | 92382 |
| | | The Director of Budget and Management may release the | | | | | 92383 |
| | | foregoing appropriation items 743501, 746501, 747501, 748501, | | | | | 92384 |
| | | 749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501, | | | | | 92385 |
| | | and 758501, State Support. | | | | | 92386 |
| | | Section 405.10. DVS DEPARTMENT OF VETERANS SERVICES | | | | | 92387 |
| | | General Revenue Fund | | | | | 92388 |
| GRF | 900321 | Veterans' Homes | \$ | 26,992,608 | \$ | 26,992,608 | 92389 |
| GRF | 900402 | Hall of Fame | \$ | 107,075 | \$ | 107,075 | 92390 |
| GRF | 900408 | Department of | \$ | 2,567,113 | \$ | 2,567,113 | 92391 |
| | | Veterans Services | | | | | |
| GRF | 900901 | Veterans Compensation | \$ | 9,083,700 | \$ | 23,343,400 | 92392 |
| | | General Obligation | | | | | |
| | | Bond Debt Service | | | | | |
| TOTAL GRF | | General Revenue Fund | \$ | 38,750,496 | \$ | 53,010,196 | 92393 |
| | | Dedicated Purpose Fund Group | | | | | 92394 |
| 4840 | 900603 | Veterans' Homes | \$ | 883,523 | \$ | 985,523 | 92395 |
| | | Services | | | | | |
| 4E20 | 900602 | Veterans' Homes | \$ | 12,804,826 | \$ | 13,139,648 | 92396 |
| | | Operating | | | | | |
| 5DB0 | 900643 | Military Injury | \$ | 2,000,000 | \$ | 2,000,000 | 92397 |
| | | Relief Program | | | | | |
| 5PH0 | 900642 | Veterans Initiatives | \$ | 50,000 | \$ | 50,000 | 92398 |

| | | | | | |
|--|----|------------|----|-------------|-------|
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 15,738,349 | \$ | 16,175,171 | 92399 |
| Debt Service Fund Group | | | | | 92400 |
| 7041 900615 Veteran Bonus Program - Administration | \$ | 359,173 | \$ | 359,173 | 92401 |
| 7041 900641 Persian Gulf, Afghanistan, and Iraq Compensation | \$ | 2,173,139 | \$ | 942,754 | 92402 |
| TOTAL DSF Debt Service Fund Group | \$ | 2,532,312 | \$ | 1,301,927 | 92403 |
| Federal Fund Group | | | | | 92405 |
| 3680 900614 Veterans Training | \$ | 730,000 | \$ | 740,000 | 92406 |
| 3740 900606 Troops to Teachers | \$ | 150,000 | \$ | 150,000 | 92407 |
| 3BX0 900609 Medicare Services | \$ | 2,475,000 | \$ | 2,846,250 | 92408 |
| 3L20 900601 Veterans' Homes Operations - Federal | \$ | 28,110,159 | \$ | 29,245,411 | 92409 |
| TOTAL FED Federal Fund Group | \$ | 31,465,159 | \$ | 32,981,661 | 92410 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 88,486,316 | \$ | 103,468,955 | 92411 |

TRAUMATIC BRAIN INJURY PROGRAMS 92412

Of the foregoing appropriation item 900408, Department of Veterans Services, \$25,000 in each fiscal year shall be distributed directly to the Resurrecting Lives Foundation to fund the 2015 Employment Initiative, which aids the transition of traumatic brain injury affected service members into civilian life and employment. 92413
92414
92415
92416
92417
92418

Of the foregoing appropriation item 900408, Department of Veterans Services, \$20,375 in each fiscal year shall be distributed directly to the Resurrecting Lives Foundation to fund the Community TBI Education Program, which provides education and awareness for the legal community and lay community about traumatic brain injury, its effect on the veteran community, and the resulting challenges veterans face in the criminal justice 92419
92420
92421
92422
92423
92424
92425

| | | | | |
|--|----|---------|------------|--|
| system. | | | | 92426 |
| VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE | | | | 92427 |
| The foregoing appropriation item 900901, Veterans Compensation General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2015, through June 30, 2017, on obligations issued under sections 151.01 and 151.12 of the Revised Code. | | | | 92428 92429 92430 92431 92432 |
| Section 405.20. Effective July 1, 2015, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 600637, Military Injury Relief Subsidies, and reestablish them against appropriation item 900643, Military Injury Relief Subsidies. The reestablished encumbrance amounts are hereby appropriated. Any business commenced but not completed under appropriation item 600637 by July 1, 2015, shall be completed under appropriation item 900643 in the same manner and with the same effect as if it were completed with regard to appropriation item 600637. | | | | 92433 92434 92435 92436 92437 92438 92439 92440 92441 92442 |
| Section 407.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD | | | | 92443 |
| Dedicated Purpose Fund Group | | | | 92444 |
| 4K90 888609 Operating Expenses | \$ | 352,195 | \$ 358,195 | 92445 |
| TOTAL DPF Dedicated Purpose Fund Group | \$ | 352,195 | \$ 358,195 | 92446 92447 |
| Internal Service Activity Fund Group | | | | 92448 |
| 5BU0 888602 Veterinary Student Loan Program | \$ | 30,000 | \$ 30,000 | 92449 |
| TOTAL ISA Internal Service Activity Fund Group | \$ | 30,000 | \$ 30,000 | 92450 92451 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 382,195 | \$ 388,195 | 92452 |
| Section 409.10. DYS DEPARTMENT OF YOUTH SERVICES | | | | 92454 |

| | | | | |
|------------------------------|----------------------|-----------------------|-------------------|-------------------|
| General Revenue Fund | | | | 92455 |
| GRF | 470401 | RECLAIM Ohio | \$ 153,087,537 \$ | 153,087,537 92456 |
| GRF | 470412 | Juvenile Correctional | \$ 25,407,400 \$ | 21,137,700 92457 |
| Facilities Lease | | | | |
| Rental Bond Payments | | | | |
| GRF | 470510 | Youth Services | \$ 16,702,728 \$ | 16,702,728 92458 |
| GRF | 472321 | Parole Operations | \$ 10,950,100 \$ | 10,950,100 92459 |
| GRF | 477321 | Administrative | \$ 10,855,389 \$ | 10,855,389 92460 |
| Operations | | | | |
| TOTAL GRF | General Revenue Fund | | \$ 217,003,154 \$ | 212,733,454 92461 |
| Dedicated Purpose Fund Group | | | | 92462 |
| 1470 | 470612 | Vocational Education | \$ 1,700,000 \$ | 1,700,000 92463 |
| 1750 | 470613 | Education | \$ 3,600,000 \$ | 3,600,000 92464 |
| Reimbursement | | | | |
| 4790 | 470609 | Employee Food Service | \$ 125,000 \$ | 125,000 92465 |
| 4A20 | 470602 | Child Support | \$ 250,000 \$ | 250,000 92466 |
| 4G60 | 470605 | Juvenile Special | \$ 115,000 \$ | 115,000 92467 |
| Revenue - Non-Federal | | | | |
| 5BN0 | 470629 | E-Rate Program | \$ 349,000 \$ | 300,000 92468 |
| TOTAL DPF | Dedicated Purpose | | | 92469 |
| Fund Group | | | \$ 6,139,000 \$ | 6,090,000 92470 |
| Federal Fund Group | | | | 92471 |
| 3210 | 470601 | Education | \$ 1,000,000 \$ | 1,000,000 92472 |
| 3210 | 470603 | Juvenile Justice | \$ 300,000 \$ | 300,000 92473 |
| Prevention | | | | |
| 3210 | 470606 | Nutrition | \$ 1,033,947 \$ | 1,033,947 92474 |
| 3210 | 470614 | Title IV-E | \$ 3,714,548 \$ | 3,714,548 92475 |
| Reimbursements | | | | |
| 3CR0 | 470639 | Federal Juvenile | \$ 22,000 \$ | 7,000 92476 |
| Programs FFY 10 | | | | |
| 3FB0 | 470641 | Federal Juvenile | \$ 50,000 \$ | 5,000 92477 |
| Programs FFY 11 | | | | |

| | | | | | | |
|------------------------------|---|----|-----------|----|-----------|-------|
| 3FC0 470642 | Federal Juvenile Programs FFY 12 | \$ | 50,000 | \$ | 5,000 | 92478 |
| 3GB0 470643 | Federal Juvenile Programs FFY 13 | \$ | 324,000 | \$ | 59,000 | 92479 |
| 3V50 470604 | Juvenile Justice/Delinquency Prevention | \$ | 1,720,000 | \$ | 1,720,000 | 92480 |
| TOTAL FED Federal | | | | | | 92481 |
| Fund Group | | \$ | 8,214,495 | \$ | 7,844,495 | 92482 |
| TOTAL ALL BUDGET FUND GROUPS | | | | | | 92483 |

COMMUNITY PROGRAMS 92484

For purposes of implementing juvenile sentencing reforms, and 92485
notwithstanding any provision of law to the contrary, the 92486
Department of Youth Services may use up to forty-five per cent of 92487
the unexpended, unencumbered balance of the portion of 92488
appropriation item 470401, RECLAIM Ohio, that is allocated to 92489
juvenile correctional facilities in each fiscal year to expand 92490
Targeted RECLAIM, the Behavioral Health Juvenile Justice 92491
Initiative, and other evidence-based community programs. 92492

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 92493

The foregoing appropriation item 470412, Juvenile 92494
Correctional Facilities Lease Rental Bond Payments, shall be used 92495
to meet all payments during the period from July 1, 2015, through 92496
June 30, 2017, by the Department of Youth Services under the 92497
leases and agreements for facilities made under Chapters 152. and 92498
154. of the Revised Code. This appropriation is the source of 92499
funds pledged for bond service charges on related obligations 92500
issued under Chapters 152. and 154. of the Revised Code. 92501

EDUCATION REIMBURSEMENT 92502

The foregoing appropriation item 470613, Education 92503
Reimbursement, shall be used to fund the operating expenses of 92504

providing educational services to youth supervised by the 92505
Department of Youth Services. Operating expenses include, but are 92506
not limited to, teachers' salaries, maintenance costs, and 92507
educational equipment. This appropriation item may be used for 92508
capital expenses related to the education program. 92509

EMPLOYEE FOOD SERVICE AND EQUIPMENT 92510

Notwithstanding section 125.14 of the Revised Code, the 92511
foregoing appropriation item 470609, Employee Food Service, may be 92512
used to purchase any food operational items with funds received 92513
into the fund from reimbursements for state surplus property. 92514

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 92515

In collaboration with the county family and children first 92516
council, the juvenile court of that county that receives 92517
allocations from one or both of the foregoing appropriation items 92518
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 92519
portions of those allocations to a flexible funding pool as 92520
authorized by the section of Am. Sub. H.B. 153 of the 129th 92521
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 92522
FUNDING POOL." 92523

Section 501.10. All items set forth in this section are 92524
hereby appropriated for the biennium ending on June 30, 2016, out 92525
of any moneys in the state treasury to the credit of the Public 92526
School Building Fund (Fund 7021) that are not otherwise 92527
appropriated. 92528

Appropriations

FCC OHIO FACILITIES CONSTRUCTION COMMISSION 92529
C230W4 Community School Classroom Facilities \$ 25,000,000 92530
Grants
TOTAL Public School Building Fund \$ 25,000,000 92531
COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS 92532

The foregoing appropriation item C230W4, Community School Classroom Facilities Grants, may be used by the School Facilities Commission to provide grant funding to an eligible community school established under Chapter 3314. of the Revised Code, except for internet- or computer-based community schools, as defined in division (A)(7) of section 3314.02 of the Revised Code, that is sponsored by a sponsor that has been rated "exemplary" in accordance with section 3314.016 of the Revised Code for the purchase, construction, reconstruction, renovation, remodeling, or addition to classroom facilities. A grant may be awarded to an eligible community school that demonstrates that the funds will be used to purchase or support classroom facilities construction or modifications that increase the supply of seats in effective schools, service specific unmet student needs through community school education, and show innovation in design and potential as a successful, replicable school model. The School Facilities Commission may award a grant to an eligible community school upon the approval of a grant application by the Executive Director of the Commission and the Superintendent of Public Instruction. A facility that is purchased, constructed, or modified by the grant funds shall be used for educational purposes for a minimum of ten years after receiving the grant funds. The School Facilities Commission, in consultation with the Superintendent of Public Instruction, shall develop guidelines and may adopt rules under Chapter 111. of the Revised Code for the administration of the grants. Notwithstanding any provision of law to the contrary, all Revised Code exemptions applicable to grants awarded and projects administered by the School Facilities Commission or Facilities Construction Commission shall apply to the grants pursuant to this section.

Section 503.10. PERSONAL SERVICE EXPENSES

Unless otherwise prohibited by law, any appropriation from

which personal service expenses are paid shall bear the employer's 92565
share of public employees' retirement, workers' compensation, 92566
disabled workers' relief, and insurance programs; and the costs of 92567
centralized financial services, centralized payroll processing, 92568
and related reports and services; centralized human resources 92569
services, including affirmative action and equal employment 92570
opportunity programs; the Office of Collective Bargaining; 92571
centralized information technology management services; 92572
administering the enterprise resource planning system; and 92573
administering the state employee merit system as required by 92574
section 124.07 of the Revised Code. These costs shall be 92575
determined in conformity with the appropriate sections of law and 92576
paid in accordance with procedures specified by the Office of 92577
Budget and Management. Expenditures from appropriation item 92578
070601, Public Audit Expense - Intra-State, may be exempted from 92579
the requirements of this section. 92580

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 92581
AGAINST THE STATE 92582

Except as otherwise provided in this section, an 92583
appropriation in this act or any other act may be used for the 92584
purpose of satisfying judgments, settlements, or administrative 92585
awards ordered or approved by the Court of Claims or by any other 92586
court of competent jurisdiction in connection with civil actions 92587
against the state. This authorization does not apply to 92588
appropriations to be applied to or used for payment of guarantees 92589
by or on behalf of the state, or for payments under lease 92590
agreements relating to, or debt service on, bonds, notes, or other 92591
obligations of the state. Notwithstanding any other statute to the 92592
contrary, this authorization includes appropriations from funds 92593
into which proceeds of direct obligations of the state are 92594
deposited only to the extent that the judgment, settlement, or 92595
administrative award is for, or represents, capital costs for 92596

which the appropriation may otherwise be used and is consistent 92597
with the purpose for which any related obligations were issued or 92598
entered into. Nothing contained in this section is intended to 92599
subject the state to suit in any forum in which it is not 92600
otherwise subject to suit, and is not intended to waive or 92601
compromise any defense or right available to the state in any suit 92602
against it. 92603

Section 503.30. CAPITAL PROJECT SETTLEMENTS 92604

This section specifies an additional and supplemental 92605
procedure to provide for payments of judgments and settlements if 92606
the Director of Budget and Management determines, pursuant to 92607
division (C)(4) of section 2743.19 of the Revised Code, that 92608
sufficient unencumbered moneys do not exist in the fund to support 92609
a particular appropriation to pay the amount of a final judgment 92610
rendered against the state or a state agency, including the 92611
settlement of a claim approved by a court, in an action upon and 92612
arising out of a contractual obligation for the construction or 92613
improvement of a capital facility if the costs under the contract 92614
were payable in whole or in part from a state capital projects 92615
appropriation. In such a case, the Director may either proceed 92616
pursuant to division (C)(4) of section 2743.19 of the Revised Code 92617
or apply to the Controlling Board to increase an appropriation or 92618
create an appropriation out of any unencumbered moneys in the 92619
state treasury to the credit of the capital projects fund from 92620
which the initial state appropriation was made. The amount of an 92621
increase in appropriation or new appropriation approved by the 92622
Controlling Board is hereby appropriated from the applicable 92623
capital projects fund and made available for the payment of the 92624
judgment or settlement. 92625

If the Director does not make the application authorized by 92626
this section or the Controlling Board disapproves the application, 92627

and the Director does not make application under division (C)(4) 92628
of section 2743.19 of the Revised Code, the Director shall for the 92629
purpose of making that payment make a request to the General 92630
Assembly as provided for in division (C)(5) of that section. 92631

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 92632

In order to provide funds for the reissuance of voided 92633
warrants under section 126.37 of the Revised Code, there is hereby 92634
appropriated, out of moneys in the state treasury from the fund 92635
credited as provided in section 126.37 of the Revised Code, that 92636
amount sufficient to pay such warrants when approved by the Office 92637
of Budget and Management. 92638

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 92639
BALANCES OF OPERATING APPROPRIATIONS 92640

(A) An unexpended balance of an operating appropriation or 92641
reappropriation that a state agency lawfully encumbered prior to 92642
the close of a fiscal year is hereby reappropriated on the first 92643
day of July of the following fiscal year from the fund from which 92644
it was originally appropriated or reappropriated for the following 92645
period and shall remain available only for the purpose of 92646
discharging the encumbrance: 92647

(1) For an encumbrance for personal services, maintenance, 92648
equipment, or items for resale, other than an encumbrance for an 92649
item of special order manufacture not available on term contract 92650
or in the open market or for reclamation of land or oil and gas 92651
wells, for a period of not more than five months from the end of 92652
the fiscal year; 92653

(2) For an encumbrance for an item of special order 92654
manufacture not available on term contract or in the open market, 92655
for a period of not more than five months from the end of the 92656
fiscal year or, with the written approval of the Director of 92657

Budget and Management, for a period of not more than twelve months 92658
from the end of the fiscal year; 92659

(3) For an encumbrance for reclamation of land or oil and gas 92660
wells, for a period ending when the encumbered appropriation is 92661
expended or for a period of two years, whichever is less; 92662

(4) For an encumbrance for any other expense, for such period 92663
as the Director approves, provided such period does not exceed two 92664
years. 92665

(B) Any operating appropriations for which unexpended 92666
balances are reappropriated beyond a five-month period from the 92667
end of the fiscal year by division (A)(2) of this section shall be 92668
reported to the Controlling Board by the Director of Budget and 92669
Management by the thirty-first day of December of each year. The 92670
report on each such item shall include the item, the cost of the 92671
item, and the name of the vendor. The report shall be updated on a 92672
quarterly basis for encumbrances remaining open. 92673

(C) Upon the expiration of the reappropriation period set out 92674
in division (A) of this section, a reappropriation made by this 92675
section lapses, and the Director of Budget and Management shall 92676
cancel the encumbrance of the unexpended reappropriation not later 92677
than the end of the weekend following the expiration of the 92678
reappropriation period. 92679

(D) Notwithstanding division (C) of this section, with the 92680
approval of the Director of Budget and Management, an unexpended 92681
balance of an encumbrance that was reappropriated on the first day 92682
of July by this section for a period specified in division (A)(3) 92683
or (4) of this section and that remains encumbered at the close of 92684
the fiscal biennium is hereby reappropriated on the first day of 92685
July of the following fiscal biennium from the fund from which it 92686
was originally appropriated or reappropriated for the applicable 92687
period specified in division (A)(3) or (4) of this section and 92688

shall remain available only for the purpose of discharging the 92689
encumbrance. 92690

(E) The Director of Budget and Management may correct 92691
accounting errors committed by the staff of the Office of Budget 92692
and Management, such as reestablishing encumbrances or 92693
appropriations cancelled in error, during the cancellation of 92694
operating encumbrances in November and of nonoperating 92695
encumbrances in December. 92696

(F) The Director of Budget and Management may at any time 92697
correct accounting errors committed by the staff of a state agency 92698
or state institution of higher education, as defined in section 92699
3345.011 of the Revised Code, such as reestablishing prior year 92700
nonoperating encumbrances canceled or modified in error. The 92701
reestablished encumbrance amounts are hereby appropriated. 92702

(G) If the Controlling Board approved a purchase, that 92703
approval remains in effect so long as the appropriation used to 92704
make that purchase remains encumbered. 92705

Section 503.60. RE-ESTABLISHING ENCUMBRANCES THAT USE 92706
OUTDATED EXPENSE ACCOUNT CODES 92707

On or after January 1, 2015, the Director of Budget and 92708
Management may cancel any existing operating or capital 92709
encumbrances from prior fiscal years that reference outdated 92710
expense account codes and, if needed, reestablish them against the 92711
same appropriation items referencing updated expense account 92712
codes. The reestablished encumbrance amounts are hereby 92713
appropriated. Any business commenced but not completed under the 92714
prior encumbrances by January 1, 2015, shall be completed under 92715
the new encumbrances in the same manner and with the same effect 92716
as if it was completed with regard to the old encumbrances. 92717

Section 503.70. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 92718

| | |
|--|-------|
| RE-ESTABLISHMENT OF ENCUMBRANCES | 92719 |
| Any cash transferred by the Director of Budget and Management | 92720 |
| under section 126.15 of the Revised Code is hereby appropriated. | 92721 |
| Any amounts necessary to re-establish appropriations or | 92722 |
| encumbrances under section 126.15 of the Revised Code are hereby | 92723 |
| appropriated. | 92724 |
| | |
| Section 503.80. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS | 92725 |
| The Director of Budget and Management may transfer | 92726 |
| appropriations between the Third Frontier Research and Development | 92727 |
| Fund (Fund 7011) and Third Frontier Research and Development | 92728 |
| Taxable Bond Fund (Fund 7014) as necessary to maintain the | 92729 |
| exclusion from the calculation of gross income for federal income | 92730 |
| taxation purposes under the "Internal Revenue Code of 1986," 100 | 92731 |
| Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations | 92732 |
| issued to fund projects appropriated from the Third Frontier | 92733 |
| Research and Development Fund (Fund 7011). | 92734 |
| The Director may also create new appropriation items within | 92735 |
| the Third Frontier Research and Development Taxable Bond Fund | 92736 |
| (Fund 7014) and make transfers of appropriations to them for | 92737 |
| projects originally funded from appropriations made from the Third | 92738 |
| Frontier Research and Development Fund (Fund 7011). | 92739 |
| | |
| Section 503.90. INCOME TAX DISTRIBUTION TO COUNTIES | 92740 |
| There are hereby appropriated out of any moneys in the state | 92741 |
| treasury to the credit of the General Revenue Fund, which are not | 92742 |
| otherwise appropriated, funds sufficient to make any payment | 92743 |
| required by division (B)(2) of section 5747.03 of the Revised | 92744 |
| Code. | 92745 |
| | |
| Section 503.100. EXPENDITURES AND APPROPRIATION INCREASES | 92746 |

APPROVED BY THE CONTROLLING BOARD 92747

Any money that the Controlling Board approves for expenditure 92748
or any increase in appropriation that the Controlling Board 92749
approves under sections 127.14, 131.35, and 131.39 of the Revised 92750
Code or any other provision of law is hereby appropriated for the 92751
period ending June 30, 2017. 92752

Section 503.110. FUNDS RECEIVED FOR USE OF GOVERNOR'S 92753
RESIDENCE 92754

If the Governor's Residence Fund (Fund 4H20) receives payment 92755
for use of the residence pursuant to section 107.40 of the Revised 92756
Code, the amounts so received are hereby appropriated to 92757
appropriation item 100604, Governor's Residence Gift. 92758

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 92759

Unless the agency and nuclear electric utility mutually agree 92760
to a higher amount by contract, the maximum amounts that may be 92761
assessed against nuclear electric utilities under division (B)(2) 92762
of section 4937.05 of the Revised Code and deposited into the 92763
specified funds are as follows: 92764

| <u>Fund</u> | <u>User</u> | <u>FY 2016</u> | <u>FY 2017</u> | |
|-----------------|-------------------|----------------|----------------|-------|
| Utility | Department of | \$ 125,000 | \$ 125,000 | 92766 |
| Radiological | Agriculture | | | |
| Safety Fund | | | | |
| (Fund 4E40) | | | | |
| Radiation | Department of | \$ 1,086,098 | \$ 1,086,098 | 92767 |
| Emergency | Health | | | |
| Response Fund | | | | |
| (Fund 6100) | | | | |
| ER Radiological | Environmental | \$ 298,304 | \$ 303,174 | 92768 |
| Safety Fund | Protection Agency | | | |

(Fund 6440)

| | | | | | |
|---------------|---------------|--------------|----|-----------|-------|
| Emergency | Department of | \$ 1,200,000 | \$ | 1,200,000 | 92769 |
| Response Plan | Public Safety | | | | |

Fund (Fund 6570)

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 92770
INTEREST EARNED 92771

Notwithstanding any provision of law to the contrary, the 92772
Director of Budget and Management, through June 30, 2017, may 92773
transfer interest earned by any state fund to the General Revenue 92774
Fund. This section does not apply to funds whose source of revenue 92775
is restricted or protected by the Ohio Constitution, federal tax 92776
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 92777
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 92778

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 92779
FROM NON-GRF FUNDS 92780

Notwithstanding any provision of law to the contrary, the 92781
Director of Budget and Management may transfer up to \$60,000,000 92782
in each fiscal year in cash from non-General Revenue Funds that 92783
are not constitutionally restricted to the General Revenue Fund in 92784
order to ensure that available General Revenue Fund receipts and 92785
balances are sufficient to support General Revenue Fund 92786
appropriations in each fiscal year. 92787

Section 512.30. FISCAL YEAR 2015 GENERAL REVENUE FUND ENDING 92788
BALANCE 92789

Notwithstanding divisions (B) and (C) of section 131.44 of 92790
the Revised Code, the Director of Budget and Management shall 92791
determine the surplus General Revenue Fund revenue that existed on 92792
June 30, 2015, in excess of the amount required under division 92793
(A)(3) of section 131.44 of the Revised Code, and allocate that 92794
amount, to the extent of the amount so determined, as follows: 92795

- (A) First, the Director of Budget and Management shall reserve in the General Revenue Fund a cash amount of up to \$176,000,000 to support personal income tax reductions; 92796
92797
92798
- (B) Second, the Director shall transfer a cash amount of up to \$375,000,000 to the Budget Stabilization Fund to increase the balance of that fund to an amount equal to five per cent of estimated fiscal year 2017 General Revenue Fund revenue; 92799
92800
92801
92802
- (C) Third, the Director shall transfer a cash amount of up to \$100,000,000 to the Straight A Program Fund (Fund 5RB0), which is hereby created in the state treasury. 92803
92804
92805
- (D) Fourth, the Director shall transfer a cash amount of up to \$30,000,000 to the Student Debt Reduction Fund (Fund 5QF0); 92806
92807
- (E) Fifth, the Director shall transfer a cash amount of up to \$40,000,000 to the Unemployment Compensation Interest Contingency Fund (Fund 5HC0) for payment to the United States Secretary of the Treasury of accrued interest costs related to federal unemployment account borrowing; 92808
92809
92810
92811
92812
- (F) Sixth, the Director shall transfer a cash amount of up to \$20,000,000 to the Disaster Services Fund (Fund 5E20); 92813
92814
- (G) Seventh, the Director shall transfer a cash amount of up to \$9,000,000 to the Systems Transformation Support Fund (Fund 5QM0); 92815
92816
92817
- (H) Eighth, the Director shall transfer a cash amount of up to \$12,000,000 to the Natural Resources Special Purposes Fund (Fund 5MW0), which is hereby created in the state treasury; 92818
92819
92820
- (I) Ninth, the Director shall transfer a cash amount of up to \$10,000,000 to the Local Government Innovation Fund (Fund 5KN0). 92821
92822
- (J) Tenth, the Director shall transfer a cash amount of up to \$30,000,000 to the Workforce Grant Program Fund (Fund 5RA0). 92823
92824

Section 512.40. CASINO OPERATOR SETTLEMENT FUND 92825

On July 1, 2015, or as soon as possible thereafter, the 92826
Director of Budget and Management shall transfer \$4,701,620 cash 92827
from the Casino Operator Settlement Fund (Fund 5KT0) to the State 92828
Lottery Fund (Fund 7044). 92829

The Director of Budget and Management, in consultation with 92830
the Executive Director of the Casino Control Commission, shall 92831
establish a schedule of transfers totaling \$4,701,620 to the 92832
Casino Operator Settlement Fund (Fund 5KT0) from the Casino 92833
Control Commission Fund (Fund 5HS0). 92834

Section 512.50. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 92835

There is hereby established in the Highway Operating Fund 92836
(Fund 7002), used by the Department of Transportation, a Diesel 92837
Emissions Reduction Grant Program. The Director of Environmental 92838
Protection shall administer the program and shall solicit, 92839
evaluate, score, and select projects submitted by public and 92840
private entities that are eligible for the federal Congestion 92841
Mitigation and Air Quality (CMAQ) Program. The Director of 92842
Transportation shall process Federal Highway 92843
Administration-approved projects as recommended by the Director of 92844
Environmental Protection. 92845

In addition to the allowable expenditures set forth in 92846
section 122.861 of the Revised Code, Diesel Emissions Reduction 92847
Grant Program funds also may be used to fund projects involving 92848
the purchase or use of hybrid and alternative fuel vehicles that 92849
are allowed under guidance developed by the Federal Highway 92850
Administration for the CMAQ Program. 92851

Public entities eligible to receive funds under section 92852
122.861 of the Revised Code and CMAQ shall be reimbursed from 92853
moneys in Fund 7002 designated for the Department of 92854

Transportation's Diesel Emissions Reduction Grant Program. 92855

Private entities eligible to receive funds under section 92856
122.861 of the Revised Code and CMAQ shall be reimbursed at the 92857
direction of the local public agency sponsor and upon approval of 92858
the Department of Transportation, through direct payments to the 92859
vendor in the prorated share of federal/state participation. These 92860
reimbursements shall be made from moneys in Fund 7002 designated 92861
for the Department of Transportation's Diesel Emissions Reduction 92862
Grant Program. There shall be no new appropriations from Fund 7002 92863
for the Diesel Emissions Reduction Grant Program in fiscal year 92864
2016. New appropriations from Fund 7002 for the Diesel Emissions 92865
Reduction Grant Program shall not exceed \$5,000,000 in fiscal year 92866
2017. 92867

Any allocations under this section represent CMAQ program 92868
moneys within the Department of Transportation for use by the 92869
Diesel Emissions Reduction Grant Program by the Environmental 92870
Protection Agency. These allocations shall not reduce the amount 92871
of such moneys designated for metropolitan planning organizations. 92872

The Director of Environmental Protection, in consultation 92873
with the Director of Transportation, shall develop guidance for 92874
the distribution of funds and for the administration of the Diesel 92875
Emissions Reduction Grant Program. The guidance shall include a 92876
method of prioritization for projects, acceptable technologies, 92877
and procedures for awarding grants. 92878

Section 512.60. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 92879

(A) On July 1, 2015, or as soon as possible thereafter, the 92880
Director of Budget and Management shall transfer the cash balance 92881
from each of the funds as indicated in the table below to the fund 92882
also indicated in the table below. Upon completion of each 92883
transfer and on the effective date of its repeal by this act, 92884
where applicable, the fund from which the cash balance was 92885

| | | | | | |
|----------------------------------|----------------|--|--------------|---|-------|
| transferred is hereby abolished. | | | | 92886 | |
| User | Transfer from: | | Transfer to: | 92887 | |
| Agency | Fund | | Fund | 92888 | |
| Code | Code | Fund Name | Code | Fund Name | 92889 |
| AGR | 5750 | Agricultural Financing Commission Administration | GRF | General Revenue Fund | 92890 |
| DAS | 5HU0 | Construction Reform Demonstration Compliance | 1880 | Equal Opportunity Division - Operating | 92891 |
| DAS | 4P30 | Departmental MIS | 1330 | Information Technology | 92892 |
| DAS | 5LA0 | Building Operation | 1320 | Building Management | 92893 |
| DPS | 5CM0 | Investigative Unit - Treasury Contraband | 3GT0 | Investigative Unit - Treasury Contraband | 92894 |
| DSA | 5HJ0 | Motion Picture Tax Credit Program Operating | 4510 | Business Assistance | 92895 |
| DSA | 5S80 | Rural Development Initiative Program | 7037 | Facilities Establishment | 92896 |
| DSA | 5AR0 | Industrial Sites Improvements Program | 5M50 | Advanced Energy Loan Program | 92897 |
| DSA | 4Z60 | Rural Industrial Park Loan | 7037 | Facilities Establishment | 92898 |
| EPA | 4U70 | Construction and Demolition Debris | 4K30 | Solid Waste | 92899 |
| EPA | 6600 | Infectious Waste Management | 4K30 | Solid Waste | 92900 |
| FCC | 4T80 | Cultural Facilities Administration Fund | 7030 | Cultural and Sports Facilities Building | 92901 |
| FCC | N087 | Education Facilities Trust | 7021 | Public School Building | 92902 |
| FCC | 5E30 | Ohio School Facilities Commission Fund | 7021 | Public School Building | 92903 |
| LOT | 2310 | Charitable Gaming Oversight | 7044 | State Lottery | 92904 |

| | | | | | |
|-----|------|---|------|---|-------|
| MCD | 5Q90 | Supplemental Inpatient Hospital | 5GF0 | Hospital Assessment Fund | 92905 |
| MCD | 5CR0 | Children's Hospital - State | GRF | General Revenue Fund | 92906 |
| MCD | 5HA0 | Health Care Services - Other | GRF | General Revenue Fund | 92907 |
| MHA | 5DG0 | Recovery Assistance | 4P90 | Mental Health Trust | 92908 |
| MHA | 4C50 | Revolving Loans for Recovery Homes | 4P90 | Mental Health Trust | 92909 |
| MHA | 5BR0 | Tobacco Use Prevention and Control | 4P90 | Mental Health Trust | 92910 |
| MHA | 5DV0 | Criminal Justice Prevention and Treatment Collaborative | 4P90 | Mental Health Trust | 92911 |
| MHA | 5V20 | Non-Federal Grant | 4P90 | Mental Health Trust | 92912 |
| MHA | 5JW0 | Board Match Reimbursement | 4P90 | Mental Health Trust | 92913 |
| MHA | 6920 | Mental Health Board Risk | 4P90 | Mental Health Trust | 92914 |
| MHA | 3J80 | Medicaid Legacy Costs Support | 3B10 | Community Medicaid | 92915 |
| PAY | 8140 | Cost Savings | 8060 | Accrued Leave | 92916 |
| RAC | 5640 | Quarter Horse Development | 5620 | Thoroughbred Race Fund | 92917 |
| SOS | 4130 | Information Systems | 5990 | Corporate and Uniform Commercial Code Filing | 92918 |

(B) On July 1, 2015, or as soon as possible thereafter, the
Director of Budget and Management shall cancel any existing
encumbrances against each appropriation item as indicated in the
table below and reestablish them against the appropriation item
also indicated in the table below. In addition, if any other
existing encumbrances must be cancelled and reestablished to
properly close out the funds identified in division (A) of this
section, the Director is hereby authorized to carry out those

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| necessary transactions. These amounts are hereby appropriated. | | | | 92927 |
| Cancel existing encumbrances | | Reestablish encumbrances | | 92928 |
| against: | | against: | | |
| Fund | | Fund | | 92929 |
| Code | Appropriation Item | Code | Appropriation Item | 92930 |
| 5CM0 | 767691 - Equitable Share | 3GT0 | 767691 - Equitable Share | 92931 |
| | Account | | Account | |
| 5HU0 | 100655 - Construction | 1880 | 100649 - Equal | 92932 |
| | Reform Demo Compliance | | Opportunity Division - | |
| | | | Operating | |
| 4T80 | 230603 - Community Project | GRF | 230458 - State | 92933 |
| | Administration | | Construction Management | |
| | | | Services | |
| 4P30 | 100603 - DAS Information | 1330 | 100607 - IT Services | 92934 |
| | Services | | Delivery | |
| 5LA0 | 100660 - Building Operation | 1320 | 100631 - DAS Building | 92935 |
| | | | Management | |
| 6600 | 715629 - Infectious Waste | 4K30 | 715649 - Solid Waste | 92936 |
| | Management | | | |
| 4U70 | 715660 - Construction and | 4K30 | 715649 - Solid Waste | 92937 |
| | Demolition Debris | | | |
| 5E30 | 230644 - Operating Expenses | GRF | 230321 - Operating | 92938 |
| | | | Expenses | |
| 4130 | 050601 - Information | 5990 | 050603 - Business | 92939 |
| | Systems | | Services Operating | |
| | | | Expenses | |

(C) The following funds, used by the Department of Rehabilitation and Corrections, shall be abolished on the effective date of their repeal by this act: the Laboratory Services Fund (Fund 5930), the Adult Parole/Probation Service Fund (Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and the Confinement Cost Reimbursement Fund (Fund 5D50).

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(D) The following funds, used by the Department of Public Safety shall be abolished on the effective date of their repeal by this act: the Justice Assistance Grant - FFY06 Fund (Fund 3CB0), the Justice Assistance Grant - FFY07 Fund (Fund 3CC0), the Justice Assistance Grant - FFY08 Fund (Fund 3CD0), the Justice Assistance Grant - FFY09 Fund (Fund 3CE0), the Justice Assistance Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund (Fund 3DH0).

Section 512.70. MEDICAID RESERVE FUND TRANSFERS AND BALANCE

Notwithstanding any provision of law to the contrary, the balance of the Medicaid Reserve Fund (Fund 5Y80) in fiscal year 2016 shall be the balance as of June 30, 2015, less \$150,000,000. On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$70,000,000 cash from Fund 5Y80 to the General Revenue Fund and \$80,000,000 cash from Fund 5Y80 to the Healthier Buckeye Fund (Fund 5RC0), used by the Department of Job and Family Services. The Director of Budget and Management shall take any action necessary to effectuate this section.

Section 515.10. (A) On the effective date of the enactment of section 3734.49 of the Revised Code by this act, the functions, together with the assets and liabilities, of the Solid Waste Management Advisory Council created in section 3734.51 of the Revised Code, as repealed by this act, and the Recycling and Litter Prevention Advisory Council created in section 3736.04 of the Revised Code, as repealed by this act, are transferred to the Materials Management Advisory Council created in section 3734.49 of the Revised Code, as enacted by this act.

(B) Any business commenced but not completed by the Solid

Waste Management Advisory Council and the Recycling and Litter 92976
Prevention Advisory Council on the effective date of the transfer 92977
shall be completed by the Materials Management Advisory Council. 92978
Any validation, cure, right, privilege, remedy, obligation, or 92979
liability is not lost or impaired solely by reason of the transfer 92980
required by this section and shall be administered by the 92981
Materials Management Advisory Council in accordance with this act. 92982

(C) All of the determinations of the Solid Waste Management 92983
Advisory Council and the Recycling and Litter Prevention Advisory 92984
Council in relation to those Advisory Councils continue in effect 92985
as determinations of the Materials Management Advisory Council 92986
until modified or rescinded by the Materials Management Advisory 92987
Council. 92988

(D) Whenever the Solid Waste Management Advisory Council or 92989
the Recycling and Litter Prevention Advisory Council or the 92990
chairperson of the applicable Advisory Council is referred to in 92991
any law, contract, or other document, the reference shall be 92992
deemed to refer to the Materials Management Advisory Council or to 92993
the chairperson of the Materials Management Advisory Council, 92994
whichever is appropriate in context. 92995

(E) Any action or proceeding pending on the effective date of 92996
the enactment of section 3734.49 of the Revised Code by this act 92997
is not affected by the transfer of the functions of the Solid 92998
Waste Management Advisory Council and the Recycling and Litter 92999
Prevention Advisory Council by this act and shall be prosecuted or 93000
defended in the name of the Materials Management Advisory Council. 93001
In all such actions and proceedings, the Materials Management 93002
Advisory Council, upon application to the court, shall be 93003
substituted as a party. 93004

Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 93005

Certain appropriations are in this act for the purpose of 93006

paying debt service and financing costs on general obligation 93007
bonds or notes of the state issued pursuant to the Ohio 93008
Constitution and acts of the General Assembly. If it is determined 93009
that additional appropriations are necessary for this purpose, 93010
such amounts are hereby appropriated. 93011

Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 93012

Certain appropriations are in this act for the purpose of 93013
making lease rental payments pursuant to leases and agreements 93014
relating to bonds or notes issued by the Treasurer of State, or 93015
previously by the Ohio Building Authority, pursuant to the Ohio 93016
Constitution and acts of the General Assembly. If it is determined 93017
that additional appropriations are necessary for this purpose, 93018
such amounts are hereby appropriated. 93019

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 93020
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 93021

The Office of Budget and Management shall process payments 93022
from general obligation and lease rental payment appropriation 93023
items during the period from July 1, 2015, through June 30, 2017, 93024
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 93025
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 93026
and Chapters 151., 152., and 154. of the Revised Code. Payments 93027
shall be made upon certification by the Treasurer of State of the 93028
dates and the amounts due on those dates. 93029

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 93030

There is hereby appropriated, from those funds designated by 93031
or pursuant to the applicable proceedings authorizing the issuance 93032
of state obligations, amounts computed at the time to represent 93033
the portion of investment income to be rebated or amounts in lieu 93034
of or in addition to any rebate amount to be paid to the federal 93035

government in order to maintain the exclusion from gross income 93036
for federal income tax purposes of interest on those state 93037
obligations under section 148(f) of the Internal Revenue Code. 93038

Rebate payments shall be approved and vouchered by the Office 93039
of Budget and Management. 93040

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 93041

Whenever the Director of Budget and Management determines 93042
that an appropriation made to a state agency from a fund of the 93043
state is insufficient to provide for the recovery of statewide 93044
indirect costs under section 126.12 of the Revised Code, the 93045
amount required for such purpose is hereby appropriated from the 93046
available receipts of such fund. 93047

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 93048
COST ALLOCATION PLAN 93049

The total transfers made from the General Revenue Fund by the 93050
Director of Budget and Management under this section shall not 93051
exceed the amounts transferred into the General Revenue Fund under 93052
section 126.12 of the Revised Code. 93053

The director of an agency may certify to the Director of 93054
Budget and Management the amount of expenses not allowed to be 93055
included in the Statewide Indirect Cost Allocation Plan under 93056
federal regulations, from any fund included in the Statewide 93057
Indirect Cost Allocation Plan, prepared as required by section 93058
126.12 of the Revised Code. 93059

Upon determining that no alternative source of funding is 93060
available to pay for such expenses, the Director of Budget and 93061
Management may transfer cash from the General Revenue Fund into 93062
the fund for which the certification is made, up to the amount of 93063
the certification. The director of the agency receiving such funds 93064
shall include, as part of the next budget submission prepared 93065

under section 126.02 of the Revised Code, a request for funding 93066
for such activities from an alternative source such that further 93067
federal disallowances would not be required. 93068

The director of an agency may certify to the Director of 93069
Budget and Management the amount of expenses paid in error from a 93070
fund included in the Statewide Indirect Cost Allocation Plan. The 93071
Director of Budget and Management may transfer cash from the fund 93072
from which the expenditure should have been made into the fund 93073
from which the expenses were erroneously paid, up to the amount of 93074
the certification. 93075

The director of an agency may certify to the Director of 93076
Budget and Management the amount of expenses or revenues not 93077
allowed to be included in the Statewide Indirect Cost Allocation 93078
Plan under federal regulations, for any fund included in the 93079
Statewide Indirect Cost Allocation Plan, for which the federal 93080
government requires payment. If the Director of Budget and 93081
Management determines that an appropriation made to a state agency 93082
from a fund of the state is insufficient to pay the amount 93083
required by the federal government, the amount required for such 93084
purpose is hereby appropriated from the available receipts of such 93085
fund, up to the amount of the certification. 93086

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 93087

Notwithstanding any provision of law to the contrary, on or 93088
before the first day of September of each fiscal year, the 93089
Director of Budget and Management, in order to reduce the payment 93090
of adjustments to the federal government, as determined by the 93091
plan prepared under division (A) of section 126.12 of the Revised 93092
Code, may designate such funds as the Director considers necessary 93093
to retain their own interest earnings. 93094

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 93095

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 521.60. FISCAL STABILIZATION AND RECOVERY 93102

To ensure the level of accountability and transparency required by federal law, the Director of Budget and Management may issue guidelines to any agency applying for federal money made available to this state for fiscal stabilization and recovery purposes, and may prescribe the process by which agencies are to comply with any reporting requirements established by the federal government.

Section 610.01. That Section 755.40 of Sub. H.B. 53 of the 131st General Assembly be amended to read as follows:

Sec. 755.40. (A) There is hereby created the Joint Legislative Task Force on Department of Transportation Issues. The Task Force shall consist of three members of the House Finance and Appropriations Committee, one of whom is a member of the Minority party, all of whom shall be appointed by the Speaker of the House of Representatives; and three members of the Senate Transportation Committee, one of whom is a member of the Minority party, all of whom shall be appointed by the President of the Senate. In making Minority party appointments, the Speaker shall consult with the Minority Leader of the House of Representatives, and the President shall consult with the Minority Leader of the Senate.

(B)(1) The Task Force shall study methods for increasing the speed on, and access to, rural highways and freeways in Ohio. ~~The Task Force also shall study and~~ methods for saving money on

license plates, including specifically a single license plate requirement. 93126
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(2) In addition to the areas of study specified in division (B)(1) of this section, the Task Force shall study the cost and feasibility of establishing a limited driving privilege license that: 93128
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(a) Contains embedded information, accessible only to law enforcement officers, that specifies the period during which the license holder may exercise limited driving privileges and the purposes for which limited driving privileges have been granted; 93132
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(b) Is issued to any person to whom any of the following applies: 93136
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(i) The person's driver's license has been suspended and the person has been granted limited driving privileges under section 4510.021 of the Revised Code; 93138
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(ii) The person's driver's license was previously suspended, the period of suspension has ended, and the person is complying with a Bureau of Motor Vehicles fee installment plan under O.A.C. 4501:1-1-45 in order to pay the person's reinstatement fees; or 93141
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(iii) The person's driver's license was previously suspended, the period of suspension has ended, and the person has been issued a court order under division (D)(2) of section 4510.10 of the Revised Code that authorizes the person to operate a vehicle until the person can pay the reinstatement fees. 93145
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(3) Not later than December 15, 2015, the Task Force shall issue a report containing its findings and recommendations with regard to the areas of study specified in division (B)(1) and (2) of this section to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. 93150
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(C)(1) The Task Force shall examine the funding needs of the Ohio Department of Transportation and shall study specifically the issue of the effectiveness of the Ohio motor fuel tax in meeting those funding needs. The Task Force also shall study alternative methods for funding the construction and maintenance of Ohio's roadways and infrastructure.

(2) Not later than December 15, 2016, the Task Force shall issue a report containing its findings and recommendations with regard to the areas of study specified in division (C)(1) of this section to the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. At that time, the Task Force shall cease to exist.

Section 610.02. That existing Section 755.40 of Sub. H.B. 53 of the 131st General Assembly is hereby repealed.

Section 610.10. That Sections 125.10 and 125.11 of Am. Sub. H.B. 59 of the 130th General Assembly be amended to read as follows:

Sec. 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, ~~5168.12~~, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, ~~2015~~ 2017.

(B) Any Notwithstanding the repeal by this act of section 5168.12 of the Revised Code, any money remaining in the Legislative Budget Services Fund on ~~October 16, 2015~~, the effective date of the repeal of that section ~~5168.12 of the Revised Code is repealed by division (A) of this section~~, shall be used solely for the purposes stated in then former section 5168.12 of the Revised Code. When all money in the Legislative Budget Services Fund has been spent after then former section 5168.12 of

the Revised Code is repealed ~~under division (A) of this section,~~ 93186
the fund shall cease to exist. 93187

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 93188
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 93189
Code are hereby repealed, effective October 1, ~~2015~~ 2017. 93190

Section 610.11. That existing Sections 125.10 and 125.11 of 93191
Am. Sub. H.B. 59 of the 130th General Assembly are hereby 93192
repealed. 93193

Section 610.14. That Section 745.10 of Am. Sub. H.B. 483 of 93194
the 130th General Assembly be amended to read as follows: 93195

Sec. 745.10. (A) There is hereby created the Maritime Port 93196
Funding Study Committee. The committee shall consist of the 93197
following ten members who shall be appointed not later than thirty 93198
days after the effective date of this section: 93199

(1) Two members of the Senate, one of whom shall be a member 93200
of the majority party and one of whom shall be a member of the 93201
minority party, both appointed by the President of the Senate; 93202

(2) Two members of the House of Representatives, one of whom 93203
shall be a member of the majority party and one of whom shall be a 93204
member of the minority party, both appointed by the Speaker of the 93205
House of Representatives; 93206

(3) Two members appointed by the Governor, one of whom shall 93207
be from the Ohio Department of Transportation and be knowledgeable 93208
about maritime ports and one of whom shall be from the Development 93209
Services Agency; 93210

(4) Four members appointed jointly by the President of the 93211
Senate and the Speaker of the House of Representatives, each of 93212
whom shall represent maritime port interests on behalf of a major 93213

maritime port and none of whom shall represent the same maritime port. 93214
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(B) The Committee shall select a chairperson and 93216
vice-chairperson from among its members. The Committee first shall 93217
meet within one month after the effective date of this section at 93218
the call of the President of the Senate. Thereafter, the Committee 93219
shall meet at the call of its chairperson as necessary to carry 93220
out its duties. Members of the Committee are not entitled to 93221
compensation for serving on the Committee, but may continue to 93222
receive the compensation and benefits accruing from their regular 93223
offices or employments. 93224

(C) The Committee shall study alternative funding mechanisms 93225
for maritime ports in Ohio that may be utilized beginning in 93226
fiscal year 2016-2017. Not later than January 1, ~~2015~~ 2016, the 93227
Study Committee shall issue a report of its findings and 93228
recommendations to the Governor, the President of the Senate, the 93229
Minority Leader of the Senate, the Speaker of the House of 93230
Representatives, and the Minority Leader of the House of 93231
Representatives. After submitting the report, the Study Committee 93232
shall cease to exist. 93233

Section 610.15. That existing Section 745.10 of Am. Sub. H.B. 93234
483 of the 130th General Assembly is hereby repealed. 93235

Section 610.20. That Sections 235.10, 245.10, and 259.10 of 93236
Am. H.B. 497 of the 130th General Assembly be amended to read as 93237
follows: 93238

Sec. 235.10. DEV DEVELOPMENT SERVICES AGENCY 93239
Coal Research and Development Fund (Fund 7046) 93240
C19505 Coal Research and Development \$ 3,000,000 93241
TOTAL Coal Research and Development Fund \$ 3,000,000 93242

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|---|----|-------------------|-------|
| <u>Service Station Cleanup Fund (Fund 7100)</u> | | | 93243 |
| <u>C19507 Service Station Cleanup</u> | \$ | <u>20,000,000</u> | 93244 |
| <u>TOTAL Service Station Cleanup Fund</u> | \$ | <u>20,000,000</u> | 93245 |
| TOTAL ALL FUNDS | \$ | <u>3,000,000</u> | 93246 |
| | | <u>23,000,000</u> | |

SERVICE STATION CLEANUP FUND 93247

(A) For purposes of this section: 93248

(1) "Political subdivision" means a county, municipal corporation, township, or port authority. 93249
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(2) "Class C release" has the same meaning as in section 3737.87 of the Revised Code. 93251
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(3) "Property Assessment" means a property assessment conducted in accordance with section 3746.04 of the Revised Code or a corrective action process or source investigation process under section 1301:7-9-13 of the Ohio Administrative Code. 93253
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(4) "Property owner" means a political subdivision as defined in this section. 93257
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(5) "Cleanup or remediation" means any action at a Class C release site to contain, remove, or dispose of petroleum or other hazardous substances or remove underground storage tanks used to store petroleum or other hazardous substances. 93259
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(B) The Abandoned Gas Station Cleanup Grant Program is established in the Development Services Agency for the purpose of cleanup and remediation of Class C release sites to provide for and enable the environmentally safe and productive reuse of publicly owned lands by the remediation or cleanup, or planning and assessment for that remediation or cleanup, of contamination or by addressing property conditions or circumstances that may be deleterious to public health and safety or the environment or that preclude or inhibit environmentally sound or economic reuse of the 93263
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property as authorized by Section 2o of Article VIII of the Ohio 93272
Constitution. Under this program, the Director of Development 93273
Services may do either or both of the following: 93274

(1) Award a grant of up to \$500,000 to a political 93275
subdivision for purposes of a property assessment on a Class C 93276
release site; 93277

(2) Award a grant of up to \$2,000,000 to a political 93278
subdivision for purposes of cleanup or remediation of a Class C 93279
release site. 93280

Grants under divisions (B)(1) and (2) of this section shall 93281
be used by a property owner to create a site that provides 93282
opportunities for economic impact through redevelopment. The 93283
Director of Development Services may consult with the 93284
Environmental Protection Agency, the State Fire Marshal, the Ohio 93285
Water Development Authority, and the Ohio Public Works Commission 93286
in connection with this program and the awarding of these grants. 93287
Sections 122.651 to 122.658 of the Revised Code do not apply to 93288
this program. 93289

(C) A property owner applying for a grant under division 93290
(B)(1) or (2) of this section shall submit an application for the 93291
grant on a form prescribed by the Director of Development 93292
Services. 93293

An authorized representative of the property owner shall sign 93294
and submit an affidavit with the application certifying that the 93295
property owner did not cause or contribute to any prior release of 93296
petroleum or other hazardous substances on the site. 93297

Upon receipt of an application, the Director shall examine 93298
the application and all accompanying information to determine if 93299
the application is complete. If the Director determines that the 93300
application is not complete, the Director shall promptly notify 93301
the property owner that the application is not complete, provide a 93302

description of the information that is missing from the 93303
application, and return the application and all accompanying 93304
information to the property owner. The property owner may resubmit 93305
the application. 93306

If the Director approves an application under this section, 93307
the Director may enter into an agreement with the property owner 93308
to award a grant to the property owner. The agreement shall be 93309
executed prior to paying or disbursing any grant funds approved by 93310
the Director under this section. 93311

(D) The Service Station Cleanup Fund (Fund 7100) is hereby 93312
created in the state treasury. The fund shall consist of moneys 93313
transferred to it pursuant to this section from the Clean Ohio 93314
Revitalization Fund (Fund 7003) created in section 122.658 of the 93315
Revised Code. Investment earnings of the fund shall be credited to 93316
the fund. Moneys in the fund shall be used to award grants 93317
pursuant to the Abandoned Gas Station Cleanup Grant Program 93318
established in this section. 93319

(E) At the request of the Director of Development Services 93320
the Director of Budget and Management may transfer up to 93321
\$20,000,000 cash from the Clean Ohio Revitalization Fund (Fund 93322
7003) to the Service Station Cleanup Fund (Fund 7100) as needed to 93323
provide for grants awarded by the Director of Development Services 93324
under this section. 93325

Sec. 245.10. PWC PUBLIC WORKS COMMISSION 93326

State Capital Improvements Fund (Fund 7038) 93327
C15000 Local Public Infrastructure/State CIP \$ 300,000,000 93328
TOTAL State Capital Improvements Fund \$ 300,000,000 93329
State Capital Improvements Revolving Loan Fund (Fund 7040) 93330
C15030 Revolving Loan \$ 69,000,000 93331
TOTAL State Capital Improvements Revolving Loan \$ 69,000,000 93332

Fund

| | | | |
|--|----|-------------|-------|
| Clean Ohio Conservation Fund (Fund 7056) | | | 93333 |
| C15060 Clean Ohio Conservation Program | \$ | 75,000,000 | 93334 |
| TOTAL Clean Ohio Conservation Fund | \$ | 75,000,000 | 93335 |
| TOTAL ALL FUNDS | \$ | 444,000,000 | 93336 |

LOCAL PUBLIC INFRASTRUCTURE 93337

The foregoing appropriation item C15000, Local Public 93338
Infrastructure/State CIP, shall be used in accordance with 93339
sections 164.01 to 164.12 of the Revised Code. The Director of the 93340
Public Works Commission may certify to the Director of Budget and 93341
Management that a need exists to appropriate investment earnings 93342
to be used in accordance with sections 164.01 to 164.12 of the 93343
Revised Code. If the Director of Budget and Management determines 93344
pursuant to division (D) of section 164.08 and section 164.12 of 93345
the Revised Code that investment earnings are available to support 93346
additional appropriations, such amounts are hereby appropriated. 93347

If the Public Works Commission receives refunds due to 93348
project overpayments that are discovered during a post-project 93349
audit, the Director of the Public Works Commission may certify to 93350
the Director of Budget and Management that refunds have been 93351
received. In certifying the refunds, the Director of the Public 93352
Works Commission shall provide the Director of Budget and 93353
Management information on the project refunds. The certification 93354
shall detail by project the source and amount of project 93355
overpayments received and include any supporting documentation 93356
required or requested by the Director of Budget and Management. 93357
Upon receipt of the certification, the Director of Budget and 93358
Management shall determine if the project refunds are necessary to 93359
support existing appropriations. If the project refunds are 93360
available to support additional appropriations, these amounts are 93361
hereby appropriated to appropriation item C15030, Revolving Loan. 93362

REVOLVING LOAN 93363

The foregoing appropriation item C15030, Revolving Loan, 93364
shall be used in accordance with sections 164.01 to 164.12 of the 93365
Revised Code. 93366

If the Public Works Commission receives refunds due to 93367
project overpayments that are discovered during a post-project 93368
audit, the Director of the Public Works Commission may certify to 93369
the Director of Budget and Management that refunds have been 93370
received. In certifying the refunds, the Director of the Public 93371
Works Commission shall provide the Director of Budget and 93372
Management information on the project refunds. The certification 93373
shall detail by project the source and amount of project 93374
overpayments received and include any supporting documentation 93375
required or requested by the Director of Budget and Management. 93376
Upon receipt of the certification, the Director of Budget and 93377
Management shall determine if the project refunds are necessary to 93378
support existing appropriations. If the project refunds are 93379
available to support additional appropriations, these amounts are 93380
hereby appropriated to appropriation item C15030, Revolving Loan. 93381

STATE CAPITAL IMPROVEMENTS REVOLVING LOAN FUND 93382

Revenues to the State Capital Improvements Revolving Loan 93383
Fund (Fund 7040) shall consist of all repayments of loans made to 93384
local subdivisions for capital improvements, investment earnings 93385
on moneys in the fund, and moneys obtained from federal or private 93386
grants or from other sources for the purpose of making loans for 93387
the purpose of financing or assisting in the financing of the cost 93388
of capital improvement projects of local subdivisions. 93389

If the Public Works Commission receives refunds due to 93390
project overpayments that are discovered during the post-project 93391
audit, the Director of the Public Works Commission may certify to 93392
the Director of Budget and Management that refunds have been 93393
received. If the Director of Budget and Management determines that 93394
the project refunds are available to support additional 93395

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| appropriations, such amounts are hereby appropriated. | 93396 |
| <u>CLEAN OHIO CONSERVATION GRANT REPAYMENTS</u> | 93397 |
| <u>Any amount in grant repayments received by the Public Works</u> | 93398 |
| <u>Commission and deposited into the Clean Ohio Conservation Fund</u> | 93399 |
| <u>pursuant to section 164.261 of the Revised Code is hereby</u> | 93400 |
| <u>appropriated through the foregoing appropriation item C15060,</u> | 93401 |
| <u>Clean Ohio Conservation.</u> | 93402 |

Reappropriations

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| Sec. 259.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES | 93403 |
| Administrative Building Fund (Fund 7026) | 93404 |
| C10000 Governor's Residence \$ 376,384 | 93405 |
| C10010 Office Services Building Renovation \$ 776,561 | 93406 |
| C10011 Statewide Communications System \$ 199,723 | 93407 |
| C10015 SOCC Renovations \$ 333,180 | 93408 |
| C10016 Hamilton St/Local Government Center - Plan \$ 57,500 | 93409 |
| C10019 25 S. Front Street Renovations \$ 367,932 | 93410 |
| C10020 North High Building Complex Renovations \$ 10,685,993 | 93411 |
| C10021 Office Space Planning \$ 4,796,323 | 93412 |
| C10022 Governor's Residence Security Upgrade \$ 24,250 | 93413 |
| C10023 eSecure Ohio \$ 160,043 | 93414 |
| C10025 eGovernment Infrastructure \$ 82,675 | 93415 |
| C10026 DAS Building Security \$ 11,067 | 93416 |
| C10031 Operations Facilities Improvement \$ 191,978 | 93417 |
| TOTAL Administrative Building Fund \$ 18,063,609 | 93418 |
| General Revenue Fund (GRF) | 93419 |
| C10008 Urban Areas Community Improvement \$ 20,000 | 93420 |
| TOTAL General Revenue Fund \$ 20,000 | 93421 |
| TOTAL ALL FUNDS \$ 18,083,609 | 93422 |
| MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM | 93423 |
| There is hereby continued a Multi-Agency Radio Communications | 93424 |

System (MARCS) Steering Committee consisting of the designees of 93425
the Directors of Administrative Services, Public Safety, Natural 93426
Resources, Transportation, Rehabilitation and Correction, and 93427
Budget and Management, and the State Fire Marshal or the State 93428
Fire Marshal's designee. The Director of Administrative Services 93429
or the Director's designee shall chair the Committee. The 93430
Committee shall provide assistance to the Director of 93431
Administrative Services for effective and efficient implementation 93432
of MARCS as well as develop policies for the ongoing management of 93433
the system. Upon dates prescribed by the Directors of 93434
Administrative Services and Budget and Management, the MARCS 93435
Steering Committee shall report to the Directors on the progress 93436
of MARCS implementation and the development of policies related to 93437
the system. 93438

The Committee may establish a subcommittee to represent MARCS 93439
users on the local government level. If the Committee establishes 93440
such a subcommittee, the chairperson of the subcommittee also may 93441
serve as a member of the MARCS Steering Committee. 93442

The foregoing appropriation item C10011, Statewide 93443
Communications System, shall be used to purchase or construct the 93444
components of MARCS that are not specific to any one agency. The 93445
equipment may include, but is not limited to, multi-agency 93446
equipment at the Emergency Operations Center/Joint Dispatch 93447
Facility, computer and telecommunications equipment used for the 93448
functioning and integration of the system, communications towers, 93449
tower sites, tower equipment, and linkages among towers and 93450
between towers and the State of Ohio Network for Integrated 93451
Communication (SONIC) system. The Director of Administrative 93452
Services shall, with the concurrence of the MARCS Steering 93453
Committee, determine the specific use of funds. 93454

The amount reappropriated for the foregoing appropriation 93455
item C10011, Statewide Communications System, is the unencumbered 93456

and unallotted balance as of June 30, 2014, in appropriation item 93457
C10011, Statewide Communications System, plus \$66,092. Prior to 93458
the expenditure of this reappropriation, the Director of 93459
Administrative Services shall certify to the Director of Budget 93460
and Management canceled encumbrances in the Administrative 93461
Building Fund (Fund 7026) in the amount of at least \$66,092. 93462
Spending from this appropriation item shall not be subject to 93463
Chapters 123. and 153. of the Revised Code. 93464

SOCC RENOVATIONS 93465

The amount reappropriated for the foregoing appropriation 93466
item C10015, SOCC Renovations, is the unencumbered and unallotted 93467
balance as of June 30, 2014, in appropriation item C10015, SOCC 93468
Renovations, plus \$36,166. Prior to the expenditure of this 93469
reappropriation, the Director of Administrative Services shall 93470
certify to the Director of Budget and Management canceled 93471
encumbrances in the Administrative Building Fund (Fund 7026) in 93472
the amount of at least \$36,166. 93473

NORTH HIGH BUILDING COMPLEX RENOVATIONS 93474

The amount reappropriated for the foregoing appropriation 93475
item C10020, North High Building Complex Renovations, is the 93476
unencumbered and unallotted balance as of June 30, 2014, in 93477
appropriation item C10020, North High Building Complex 93478
Renovations, plus \$845,454. Prior to the expenditure of this 93479
reappropriation, the Director of Administrative Services shall 93480
certify to the Director of Budget and Management canceled 93481
encumbrances in the Administrative Building Fund (Fund 7026) in 93482
the amount of at least \$845,454. 93483

OFFICE SPACE PLANNING 93484

The amount reappropriated for the foregoing appropriation 93485
item C10021, Office Space Planning, is the unencumbered and 93486
unallotted balance as of June 30, 2014, in appropriation item 93487

C10021, Office Space Planning, plus \$60,126. Prior to the 93488
expenditure of this reappropriation, the Director of 93489
Administrative Services shall certify to the Director of Budget 93490
and Management canceled encumbrances in the Administrative 93491
Building Fund (Fund 7026) in the amount of at least \$60,126. 93492

ESECURE OHIO 93493

The amount reappropriated for the foregoing appropriation 93494
item C10023, eSecure Ohio, is the unencumbered and unallotted 93495
balance as of June 30, 2014, in appropriation item C10023, eSecure 93496
Ohio, plus \$31,590. Prior to the expenditure of this 93497
reappropriation, the Director of Administrative Services shall 93498
certify to the Director of Budget and Management canceled 93499
encumbrances in the Administrative Building Fund (Fund 7026) in 93500
the amount of at least \$31,590. 93501

Section 610.21. That existing Sections 235.10, 245.10, and 93502
259.10 of Am. H.B. 497 of the 130th General Assembly are hereby 93503
repealed. 93504

Section 610.30. That Section 5 of Am. Sub. S.B. 314 of the 93505
129th General Assembly be amended to read as follows: 93506

Sec. 5. (A) There is hereby established a five-year pilot 93507
program to test a new funding mechanism for the state's travel and 93508
tourism marketing. The funding mechanism shall begin operation in 93509
fiscal year 2014 and be calculated as follows: 93510

(1)(a) Not later than the twentieth day of October of each 93511
year, starting in 2013 and ending in 2017, the Tax Commissioner 93512
shall calculate the growth in fiscal year sales tax revenue from 93513
certain defined categories that are related to tourism and certify 93514
that amount to the Director of Budget and Management. 93515

(b) Not later than the twentieth day of October of each year, 93516

starting in 2013 and ending in 2017, the Commissioner shall 93517
calculate and certify to the Director the difference, if greater 93518
than zero, between the revenue collected from the tax imposed 93519
under section 5739.02 of the Revised Code during the twelve-month 93520
period ending on the last day of the preceding June and the 93521
revenue collected during the same twelve-month period one year 93522
earlier, for all vendors classified under the industry codes 93523
identified in division (A)(2) of this section. On or before the 93524
last day of October of each year, starting in 2013 and ending in 93525
2017, the Director of Budget and Management shall transfer from 93526
the General Revenue Fund to the Tourism Fund created in section 93527
122.072 of the Revised Code the amount certified by the 93528
Commissioner under this division, except that the transfer shall 93529
not exceed ten million dollars for any fiscal year. 93530

(c) Each fiscal year, beginning in fiscal year 2015, the Tax 93531
Commissioner shall adjust the ten million annual dollar limit on 93532
transfers to the Tourism Fund. The adjustment shall be made by 93533
~~adding to the annual limit the product of~~ multiplying the limit 93534
for the preceding fiscal year by the sum of one plus the 93535
percentage ~~increase~~ change in the Consumer Price Index for all 93536
urban consumers for the Midwest region, as determined by the 93537
United States Bureau of Labor Statistics, for the twelve-month 93538
period corresponding to the preceding fiscal year. The result 93539
shall be rounded to the nearest one thousand dollars. The 93540
calculation of the percentage increase in the Consumer Price Index 93541
shall be done by taking the average index value over the twelve 93542
months of the last completed fiscal year and comparing that to the 93543
average index value over the twelve months of the immediately 93544
preceding fiscal year. 93545

(2) The following industries included in the industrial 93546
classification system used by the Tax Commissioner shall be used 93547
in the computations under division (A)(1) of this section: air 93548

transportation; water transportation; interurban and rural bus 93549
transportation; taxi service; limousine service; other transit and 93550
ground passenger transportation; scenic and sightseeing 93551
transportation; support activities for air transportation; 93552
automotive equipment rental and leasing; travel arrangement and 93553
reservation services; performing arts companies; spectator sports; 93554
independent artists, writers, and performers; museums, historical 93555
sites, and similar institutions; amusement parks and arcades; 93556
gambling industries; hotels and motels; casino hotels; 93557
bed-and-breakfast inns; other travel accommodations; recreational 93558
vehicle parks and recreational camps; full-service restaurants; 93559
limited-service eating places; drinking places (alcoholic 93560
beverages). 93561

(B) The pilot program shall terminate when the last transfer 93562
of funds made in accordance with division (A)(1)(b) of this 93563
section occurs in fiscal year 2018, specifically in October 2017. 93564
At that time, the Director of Development Services, the Director 93565
of Budget and Management, and the Tax Commissioner shall jointly 93566
review the pilot program and make recommendations to the Governor 93567
and the General Assembly on whether to make the funding mechanism 93568
permanent and, if so, whether any changes should be made to it. If 93569
the recommendation is to make the funding mechanism permanent, the 93570
Director of Development Services, the Director of Budget and 93571
Management, and the Tax Commissioner shall also study and make 93572
recommendations to the Governor and the General Assembly as to 93573
whether the Office of TourismOhio and its functions should be 93574
removed from the Development Services Agency and established as a 93575
private nonprofit corporation or a subsidiary corporation of 93576
JobsOhio. 93577

Section 610.31. That existing Section 5 of Am. Sub. S.B. 314 93578
of the 129th General Assembly is hereby repealed. 93579

Section 610.40. That Section 20.15 of H.B. 215 of the 122nd 93580
General Assembly be amended to read as follows: 93581

Sec. 20.15. Departmental MIS 93582

The foregoing appropriation item 100-603, Departmental MIS 93583
Services, may be used to pay operating expenses of Management 93584
Information Systems activities in the Department of Administrative 93585
Services. 93586

Notwithstanding any other language to the contrary, the 93587
Director of Budget and Management may transfer in total up to 93588
\$683,000 cash from any fund administered by the Department of 93589
Administrative Services in the General Services Fund Group or 93590
Intragovernmental Service Fund Group to the Departmental MIS 93591
Services Fund (Fund 4P3) to pay operating costs of the 93592
Departmental MIS program. 93593

After final payments are made from fiscal year 1997 93594
encumbrances in the Computer Services Fund, the Department of 93595
Administrative Services shall reconcile fiscal year 1997 financial 93596
activity in the Computer Services Fund and determine the amount of 93597
the fund cash balance due to Management Information System program 93598
operations. 93599

Not later than June 30, 1998, the Director of Administrative 93600
Services shall make a determination of any cash transfer which is 93601
required to finalize the transfer of Management Information 93602
Systems program operations from the Computer Services Fund to the 93603
Departmental MIS Services Fund. Upon concurrence with this 93604
determination, the Director of Budget and Management may transfer 93605
this amount between the Computer Services Fund and the 93606
Departmental MIS Fund. 93607

Notwithstanding any other language to the contrary, the 93608
Director of Budget and Management may transfer up to \$1,530,643 of 93609

fiscal year 1998 appropriations and up to \$1,837,860 of fiscal 93610
year 1999 appropriations from appropriation item 100-603 to any 93611
Department of Administrative Services appropriation item in the 93612
General Services or Intragovernmental Service Fund Groups. The 93613
appropriations transferred shall be used to make payments for 93614
Management Information Systems services. 93615

Notwithstanding any other language to the contrary, the 93616
Director of Budget and Management may transfer up to \$696,104 of 93617
fiscal year 1998 appropriations and up to \$715,287 of fiscal year 93618
1999 appropriations from appropriation item 100-409, Departmental 93619
Information Services, to any Department of Administrative Services 93620
appropriation item in the General Revenue Fund. The appropriations 93621
transferred shall be used to make payments for Management 93622
Information Systems services. The Department of Administrative 93623
Services shall establish charges for recovering the costs of 93624
Management Information Systems activities. These charges shall be 93625
deposited to the credit of the ~~Departmental MIS Information~~ 93626
Technology Fund (Fund ~~4P3 1330~~), which is hereby created in 93627
section 125.15 of the Revised Code. 93628

Section 610.41. That existing Section 20.15 of H.B. 215 of 93629
the 122nd General Assembly is hereby repealed. 93630

Section 610.50. That Sections 223.10 and 223.40 of Am. H.B. 93631
497 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 93632
of the 130th General Assembly, be amended to read as follows: 93633

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 93634
Wildlife Fund (Fund 7015) 93635
C725K9 Wildlife Area Building \$ 6,400,000 93636
Development/Renovations
TOTAL Wildlife Fund \$ 6,400,000 93637

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| Administrative Building Fund (Fund 7026) | | | 93638 |
| C725D5 | Fountain Square Telephone Improvements | \$ 2,250,000 | 93639 |
| C725D7 | MARCS Equipment | \$ 2,490,150 | 93640 |
| C725E0 | DNR Fairgrounds Areas Upgrading | \$ 485,000 | 93641 |
| C725N7 | District Office Renovations | \$ 2,000,000 | 93642 |
| TOTAL Administrative Building Fund | | \$ 7,225,150 | 93643 |
| Ohio Parks and Natural Resources Fund (Fund 7031) | | | 93644 |
| C72549 | Facilities Development | \$ 1,250,000 | 93645 |
| C725C2 | Canals Hydraulics Work and Support Facilities | \$ 200,000 | 93646 |
| C725E1 | Local Parks Projects Statewide | \$ 7,945,485 | 93647 |
| C725E5 | Project Planning | \$ 2,749,000 | 93648 |
| C725J0 | Natural Areas/Preserves Maintenance/Facilities | \$ 1,000,000 | 93649 |
| C725K0 | State Park Renovations/Upgrading | \$ 1,027,940 | 93650 |
| C725N5 | Wastewater/Water Systems Upgrades | \$ 12,055,000 | 93651 |
| C725N8 | Operations Facilities Development | \$ 2,500,000 | 93652 |
| C72501 | The Wilds | \$ 500,000 | 93653 |
| C725T3 | Healthy Lake Erie Initiative | \$ 10,000,000 | 93654 |
| C725U0 | Cleveland Zoological Society Savannah Ridge Project | \$ 500,000 | 93655 |
| TOTAL Ohio Parks and Natural Resources Fund | | \$ 39,727,425 | 93656 |
| Parks and Recreation Improvement Fund (Fund 7035) | | | 93657 |
| C725A0 | State Parks, Campgrounds, Lodges, Cabins | \$ 44,650,000 | 93658 |
| C725B2 | State Park Maintenance Facility Development | \$ 3,000,000 | 93659 |
| C725B5 | Buckeye Lake Dam Rehabilitation | \$ 4,000,000 <u>14,000,000</u> | 93660 |
| C725E2 | Local Parks Projects | \$ 47,006,120 | 93661 |
| C725E6 | Project Planning | \$ 5,901,000 | 93662 |
| C725M5 | Lake Erie Island State Park/Middle Bass Island State Park | \$ 6,000,000 | 93663 |

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| C725R3 | State Park Renovations Upgrades | \$ | 12,000,000 | 93664 |
| C725R4 | Dam Rehabilitation - Parks | \$ | 41,100,000 | 93665 |
| TOTAL Parks and Recreation Improvement Fund | | \$ | 163,657,120 | 93666 |
| | | | <u>173,657,120</u> | |
| Clean Ohio Trail Fund (Fund 7061) | | | | 93667 |
| C72514 | Clean Ohio Trail Fund | \$ | 12,500,000 | 93668 |
| TOTAL Clean Ohio Trail Fund | | \$ | 12,500,000 | 93669 |
| Waterways Safety Fund (Fund 7086) | | | | 93670 |
| C725A7 | Cooperative Funding for Boating Facilities | \$ | 9,200,000 | 93671 |
| C725N9 | Operations Facilities Development | \$ | 820,000 | 93672 |
| C725Q6 | Facilities Development | \$ | 5,363,274 | 93673 |
| TOTAL Waterways Safety Fund | | \$ | 15,383,274 | 93674 |
| TOTAL ALL FUNDS | | \$ | 244,892,969 | 93675 |
| | | | <u>254,892,969</u> | |

FEDERAL REIMBURSEMENT 93676

All reimbursements received from the federal government for 93677
any expenditures made pursuant to this section shall be deposited 93678
in the state treasury to the credit of the fund from which the 93679
expenditure originated. 93680

Of the foregoing appropriation item C725B5, Buckeye Lake Dam 93681
Rehabilitation, \$10,000,000 shall be used by the Director of 93682
Natural Resources for dam construction projects at Buckeye Lake. 93683
The Director may enter into contracts with qualified construction 93684
companies to complete dam construction projects. Any such contract 93685
shall include incentives for the early completion of construction 93686
projects. 93687

LOCAL PARKS PROJECTS 93688

Of the foregoing appropriation item C725E2, Local Parks 93689
Projects, an amount equal to two per cent of the projects listed 93690
may be used by the Department of Natural Resources for the 93691

administration of local projects, \$15,000,000 shall be used for 93692
the Veterans Memorial, \$5,000,000 shall be used for the City of 93693
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 93694
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 93695
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 93696
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami 93697
Scenic Trail- Bridge Construction, \$500,000 shall be used for the 93698
Shaker Heights Van Aken District, \$500,000 shall be used for the 93699
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy 93700
Greenway Trail Highbanks Connector, \$500,000 shall be used for 93701
Hilliard Station Park, \$500,000 shall be used for the MidPointe 93702
Crossing - Swift Park, \$500,000 shall be used for the Smale 93703
Riverfront Park, \$500,000 shall be used for the Green Township 93704
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used 93705
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall 93706
be used for the City of Sylvania River Trail, \$285,545 shall be 93707
used for the Celina Westview Park Quad, \$250,000 shall be used for 93708
the New Bremen Lions Park Development, \$250,000 shall be used for 93709
the Montgomery County Agricultural Facility Improvements, \$250,000 93710
shall be used for Northam Park, \$250,000 shall be used for the 93711
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for 93712
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel 93713
Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike 93714
Path, \$150,000 shall be used for the Logan County Agricultural 93715
Facility Improvements, \$150,000 shall be used for the Help All 93716
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used 93717
for York Township Park, \$150,000 shall be used for Eastview Park, 93718
\$120,000 shall be used for the Shelby County Agricultural Facility 93719
Improvements, \$100,000 shall be used for the Ohio to Erie Trail, 93720
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 93721
shall be used for the Shanes Park Expansion, \$92,000 shall be used 93722
for the Defiance County Agricultural Facility Improvements, 93723
\$50,000 shall be used for the Moonville Rail Trail Bridges and 93724

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| Construction, \$50,000 shall be used for the All-Pro Freight | 93725 |
| Stadium Improvements, \$50,000 shall be used for the Bowling Green | 93726 |
| Nature Center, \$49,000 shall be used for the Lynchburg Old School | 93727 |
| Park, \$45,000 shall be used for the Bruce L. Chapin Bridge - | 93728 |
| Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill | 93729 |
| Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, | 93730 |
| \$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 | 93731 |
| shall be used for the Round Town Bike Trail, and \$27,750 shall be | 93732 |
| used for the Shalersville Park Walking Trail, \$3,500,000 shall be | 93733 |
| used for the Flats East Gateway and Riverfront Park, \$1,000,000 | 93734 |
| shall be used for the City of Celina Boardwalk, \$1,000,000 shall | 93735 |
| be used for the Middletown River Center, \$1,000,000 shall be used | 93736 |
| for the Voice of America Multi-Purpose Field and Athletic Complex, | 93737 |
| \$1,000,000 shall be used for the Euclid Waterfront Improvements | 93738 |
| Plan - Phase II Implementation, \$875,000 shall be used for the | 93739 |
| Preble County Agricultural Facility Improvements, \$500,000 shall | 93740 |
| be used for the New Economy Neighborhood - Phase II, \$500,000 | 93741 |
| shall be used for the Nimisila Spillway Replacement Project, | 93742 |
| \$350,000 shall be used for the Perry Township Park Lakeshore | 93743 |
| Stabilization, \$300,000 shall be used for the Fairfield Sports | 93744 |
| Complex Entrance, \$250,000 shall be used for the Riverfront | 93745 |
| Enhancement, \$250,000 shall be used for the Earl Thomas Conley | 93746 |
| Riverside Park Campground <u>Waterpark</u> , \$150,000 shall be used for | 93747 |
| the Treasure Island River Corridor Improvement, \$150,000 shall be | 93748 |
| used for the Russ Nature Reserve, \$100,000 shall be used for the | 93749 |
| Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall | 93750 |
| be used for the PASA Field Lighting, \$100,000 shall be used for | 93751 |
| the Gallipolis Riverfront Project - Phase I, \$80,000 shall be used | 93752 |
| for the Black River Landing Pavilion, \$50,000 shall be used for | 93753 |
| the Loudonville Public Swimming Pool, \$35,000 shall be used for | 93754 |
| the A.S.K. Playground, \$30,000 shall be used for the Medina | 93755 |
| Community Recreation Center, \$25,000 shall be used for the Newbury | 93756 |
| Veterans' Memorial Park, and \$21,525 shall be used for the Black | 93757 |

Swamp Education Center Parking Lot. 93758

Sec. 223.40. The Treasurer of State is hereby authorized to 93759
issue and sell, in accordance with Section 2i of Article VIII, 93760
Ohio Constitution, and Chapter 154. of the Revised Code, 93761
particularly section 154.22 of the Revised Code, original 93762
obligations in an aggregate principal amount not to exceed 93763
~~\$165,000,000~~ \$175,000,000, in addition to the original issuance of 93764
obligations heretofore authorized by prior acts of the General 93765
Assembly. These authorized obligations shall be issued, subject to 93766
applicable constitutional and statutory limitations, as needed to 93767
provide sufficient moneys to the credit of the Parks and 93768
Recreation Improvement Fund (Fund 7035) to pay the costs of 93769
capital facilities for parks and recreation as defined in section 93770
154.01 of the Revised Code. 93771

Section 610.51. That existing Sections 223.10 and 223.40 of 93772
Am. H.B. 497 of the 130th General Assembly, as amended by Am. Sub. 93773
H.B. 483 of the 130th General Assembly, are hereby repealed. 93774

Section 690.10. That Sections 701.10 and 701.61 of Am. Sub. 93775
H.B. 59 of the 130th General Assembly and Sections 551.10 and 93776
733.20 of Am. Sub. H.B. 483 of the 130th General Assembly are 93777
hereby repealed. 93778

Section 701.20. CLASSIFICATION PLAN RULE RESCISSION 93779

The following Ohio Administrative Code rules in effect on 93780
June 30, 2015, are hereby permanently rescinded upon the effective 93781
date of the amendments to sections 124.14 and 124.15 of the 93782
Revised Code: 93783

Ohio Administrative Code rule 123:1-7-15 (State managerial 93784
and supervisory classifications); 93785

Ohio Administrative Code rule 123:1-7-21 (Classifications for the office of the Attorney General); 93786
93787

Ohio Administrative Code rule 123:1-7-24 (Classifications for the office of the Secretary of State); 93788
93789

Ohio Administrative Code rule 123:1-7-25 (Classifications for the Auditor of State); 93790
93791

Ohio Administrative Code rule 123:1-7-26 (Classifications for the office of the Treasurer of State). 93792
93793

Section 701.30. TORT LIABILITY SELF-INSURANCE STUDY 93794

The Department of Administrative Services shall conduct a study of the state's current liability insurance program to determine, generally, whether its statutory framework is protecting and maintaining the financial integrity of the state's assets compared to similar programs in other states. The study shall examine the possibility of expanding the state's self-insurance program to include non-vehicle tort liability claims, including those for which private insurance is either unavailable or is cost-prohibitive, in addition to identifying which types of claims should be covered by a self-insured tort liability program. The study may include an analysis of the current practice by which state agencies pay for unplanned losses from operating funds. Additionally, the study shall include an actuarial analysis of the Risk Management Reserve Fund to determine required reserves should additional tort liability claims be investigated, settled, and paid through the fund. The analysis shall include estimated premium allocations to be paid by state agencies based on each agency's history of paid losses. The study may recommend changes to the current statutory framework to allow the Office of Risk Management to settle or compromise non-vehicle tort liability claims. 93795
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Section 701.40. The Ohio Geographically Referenced Information Program Council, as revised by the amendments of this act to section 125.901 of the Revised Code, constitutes a continuation of the Ohio Geographically Referenced Information Program Council established by section 125.901 of the Revised Code as that section existed prior to the effective date of those amendments.

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Section 701.50. (A) As used in this section:

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(1) "Public depository" has the same meaning as in section 135.01 of the Revised Code.

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(2) "Retirement system governing authority" means the public employees retirement board, the board of trustees of the Ohio police and fire pension fund, the state teachers retirement board, the school employees retirement board, or the state highway patrol retirement board.

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(3) "Retirement system" means the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, or the state highway patrol retirement system.

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(B) Any contract entered into between the treasurer of state and a public depository before the effective date of this section for the deposit of the funds of a retirement system remains in effect until the contract expires on its terms but cannot be renewed.

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Section 701.60. There is the Ohio Expenditure Committee, a joint committee of the General Assembly, to review all expenditures of the state government for fiscal year 2015. The committee shall:

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(A) Identify opportunities for increased efficiency and

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reduced costs achievable by executive action or legislation; 93845

(B) Determine areas where managerial accountability can be 93846
enhanced and administrative controls improved; 93847

(C) Suggest short-term and long-term managerial operating 93848
improvements; and 93849

(D) Specify areas where further study can be justified by 93850
potential savings. 93851

The committee shall present its findings not later than eight 93852
months after the effective date of this section, in a written 93853
report to the General Assembly and to the Governor. 93854

(E) The committee shall consist of three members of the 93855
Senate and three members of the House of Representatives. The 93856
President of the Senate shall appoint the Senate members, two from 93857
the majority party and one from the minority party. The Speaker of 93858
the House of Representatives shall appoint the members from the 93859
House of Representatives, two from the majority party and one from 93860
the minority party. The Speaker of the House of Representatives 93861
shall select a chairperson. 93862

Members shall be appointed not later than one month after the 93863
effective date of this section. 93864

The committee shall convene as summoned by the chairperson. 93865
The first meeting of the committee shall occur within two months 93866
after the effective date of this section. Thereafter, the task 93867
force shall meet not less often than once per month. 93868

The House of Representatives shall provide the committee with 93869
meeting space and clerical staff support. 93870

Section 717.10. (A) The Agricultural Society Facilities Grant 93871
Program is hereby created for fiscal years 2016 and 2017 to 93872
provide grants to county agricultural societies established under 93873
section 1711.01 of the Revised Code and independent agricultural 93874

societies established under section 1711.02 of the Revised Code to support capital projects that enhance the use and enjoyment of agricultural society facilities by individuals. Agricultural societies may apply to the Director of Agriculture for monetary assistance for the acquisition, construction, reconstruction, expansion, improvement, planning, and equipping of such facilities.

(B) Not later than ninety days after the effective date of this section and subject to division (C) of this section, the Director of Agriculture or the Director's designee shall establish requirements and procedures for the administration of the Agricultural Society Facilities Grant Program, including establishing a grant application form, procedures for reviewing an application, procedures for awarding grant money, and any other requirements and procedures the Director or the Director's designee determines to be necessary to administer this section.

(C) An agricultural society that applies for a grant under the Program established in division (A) of this section shall only be awarded an amount that is not more than twice the amount the agricultural society obtains as a matching grant from an individual or other entity. The matching grant may be any combination of funding, materials, and donated labor. Documentation of the matching grant shall be submitted with the grant application.

(D) An agricultural society that applies for a grant under the Program established in division (A) of this section shall submit the grant application and matching grant documentation to the Director or the Director's designee not later than July 1, 2016, in accordance with the requirements and procedures established by the Director or the Director's designee.

(E) After reviewing a grant application and matching grant

documentation, the Director or the Director's designee shall 93906
approve or disapprove the application. The Director or the 93907
Director's designee shall award all grants not later than August 93908
1, 2016, and shall so notify each grant recipient. 93909

Section 733.10. Not later than six months after the effective 93910
date of this section, the Department of Higher Education and the 93911
Ohio Department of Health shall develop a model policy regarding 93912
the use of tobacco at state institutions of higher education as 93913
defined in section 3345.011 of the Revised Code. Not later than 93914
twelve months after the model policy is developed, each state 93915
institution of higher education shall adopt policies that are not 93916
less stringent than the model policy. 93917

Section 733.20. (A) The STEM Public-Private Partnership Pilot 93918
Program is hereby created. The program shall operate for fiscal 93919
years 2016 and 2017 to encourage public-private partnerships 93920
between high schools, colleges, and the community to provide high 93921
school students the opportunity to receive education and training 93922
in a targeted industry, as defined by JobsOhio established under 93923
section 187.01 of the Revised Code, while simultaneously earning 93924
high school and college credit for the course. The Director of 93925
Higher Education shall administer the program and select five 93926
partnerships, one from each quadrant of the state and one from the 93927
central part of the state, each to receive a grant of \$200,000 per 93928
fiscal year. 93929

(B) The Director shall adopt rules for the implementation of 93930
the STEM Public-Private Partnership Pilot Program, including the 93931
requirements for applying for program approval. The rules also 93932
shall include, but not be limited to, all of the following 93933
operational requirements for the program: 93934

(1) Partnerships shall consist of one community college or 93935

state community college, one or more private companies, and one or more high schools, either public or private. 93936
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(2) For purposes of the program, the partnering community college or state community college shall pursue one targeted industry during the pilot period. However, the college may partner with multiple private companies within that industry. 93938
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(3) Students that take courses offered under the program shall earn college credit for that class from the community or state community college. 93942
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(4) Students, high schools, and colleges that participate in this program shall do so under the College Credit Plus Program established under Chapter 3365. of the Revised Code. 93945
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(5) The curriculum offered by the program shall be developed by and agreed upon by all members of the partnership. 93948
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(6) The private company or companies that are part of the partnership shall provide full- or part-time facilities to be used as classroom space. 93950
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(C) The Director shall develop an application and review process to select the five partnerships to receive grants under the program. The community college or state community college shall be responsible for submitting the application for the partnership to the Director. The application shall include a proposed budget for the program. 93953
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(D) The Director shall select the five partnerships for the program based on the following considerations: 93959
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(1) Whether the partnership existed before the application was submitted; 93961
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(2) Whether the program is oriented toward a targeted industry; 93963
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(3) The likelihood of a student gaining employment upon 93965

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| graduating from high school or upon completing a two-year degree | 93966 |
| in the industry to which the program is oriented in relation to | 93967 |
| its geographic region; | 93968 |
| (4) The number of students projected to be served; | 93969 |
| (5) The program's cost-per-student; | 93970 |
| (6) The sustainability of the program beyond the duration of | 93971 |
| the two-year pilot program; | 93972 |
| (7) The level of investment made by the private company | 93973 |
| partner or partners in the program, including use of facilities, | 93974 |
| equipment, and staff and financially. | 93975 |
| (E) The partnerships selected may use the grants awarded | 93976 |
| under this section for only the following: | 93977 |
| (1) Transportation; | 93978 |
| (2) Classroom supplies, including, but not limited to, | 93979 |
| textbooks, furniture, and technology; | 93980 |
| (3) Primary instructors for a course offered under the | 93981 |
| program, including, but not limited to, faculty from participating | 93982 |
| high schools and community colleges or state community colleges, | 93983 |
| including adjunct faculty. | 93984 |
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| Section 733.30. (A) The Competency-Based Education Pilot | 93985 |
| Program is hereby established. Under the Program, the Department | 93986 |
| of Education shall provide grants to city, local, and exempted | 93987 |
| village school districts, including municipal school districts as | 93988 |
| defined in section 3311.71 of the Revised Code, joint vocational | 93989 |
| school districts, community schools established under Chapter | 93990 |
| 3314. of the Revised Code, and STEM schools established under | 93991 |
| Chapter 3326. of the Revised Code, and consortia of one or more | 93992 |
| school districts, community schools, and STEM schools led by one | 93993 |
| or more educational service centers for designing and implementing | 93994 |
| competency-based models of education for their students during the | 93995 |

2016-2017, 2017-2018, and 2018-2019 school years. 93996

(B)(1) A district, community school, STEM school, or 93997
consortium shall submit an application to participate in the 93998
Competency-Based Education Pilot Program to the Department not 93999
later than November 1, 2015. The application shall be submitted in 94000
a form and manner prescribed by the Department. 94001

(2) Not later than March 1, 2016, the Department shall select 94002
not more than ten districts, schools, or consortia to participate 94003
in the Program. The Department shall require a district, school, 94004
or consortium to agree to an annual performance review conducted 94005
by the Department as a condition of participating in the Program. 94006

(C) The competency-based education offered by a district, 94007
school, or consortium selected to participate in the Program under 94008
division (B) of this section shall satisfy all of the following 94009
requirements: 94010

(1) Students shall advance upon mastery. 94011

(2) Competencies shall include clear, measurable, 94012
transferable learning objectives that empower students. 94013

(3) Assessments shall be meaningful and a positive learning 94014
experience for students. 94015

(4) Students shall receive timely, differentiated support 94016
based on their individual learning needs. 94017

(5) Learning outcomes shall emphasize competencies that 94018
include application and creation of knowledge, along with the 94019
development of work-ready skills. 94020

(6) It shall incorporate partnerships with post-secondary 94021
institutions and members of industry. 94022

(D) A district, school, or consortium selected to participate 94023
in the Program under division (B) of this section shall remain 94024
subject to all accountability requirements in state and federal 94025

law that are applicable to that district, school, or consortium. 94026

(E)(1) If a district is selected to participate in the 94027
Program or is selected to participate in the Program as part of a 94028
consortium under division (B) of this section, each student 94029
enrolled in the district who is participating in competency-based 94030
education shall be considered to be a full-time equivalent student 94031
while participating in competency-based education for purposes of 94032
funding under Chapter 3317. of the Revised Code, as determined by 94033
the Department. 94034

(2) If a community school is selected to participate in the 94035
Program or is selected to participate in the Program as part of a 94036
consortium under division (B) of this section, each student 94037
enrolled in the school who is participating in competency-based 94038
education shall be considered to be a full-time equivalent student 94039
while participating in competency-based education for purposes of 94040
funding under Chapter 3314. of the Revised Code, as determined by 94041
the Department. 94042

(3) If a STEM school is selected to participate in the 94043
Program or is selected to participate in the Program as part of a 94044
consortium under division (B) of this section, each student 94045
enrolled in the school who is participating in competency-based 94046
education shall be considered to be a full-time equivalent student 94047
while participating in competency-based education for purposes of 94048
funding under Chapter 3326. of the Revised Code, as determined by 94049
the Department. 94050

(F)(1) Not later than January 31, 2017, the Department shall 94051
post on its web site a preliminary report that examines the 94052
planning and implementation of competency-based education in the 94053
districts, schools, and consortia selected to participate in the 94054
Program under division (B) of this section. 94055

(2) Not later than December 31, 2018, the Department shall 94056

post on its web site a report that includes all of the following: 94057

(a) A review of the competency-based education offered by the 94058
districts, schools, and consortia selected to participate in the 94059
Program under division (B) of this section; 94060

(b) An evaluation of the implementation of competency-based 94061
education by the districts, schools, and consortia selected to 94062
participate in the Program and student outcomes resulting from 94063
that competency-based education; 94064

(c) A determination of the feasibility of a funding model 94065
that reflects student achievement outcomes as demonstrated through 94066
competency-based education. 94067

Section 749.10. (A) Not later than ninety days after the 94068
effective date of this section, the Public Utilities Commission 94069
shall establish a collaborative process with all of the following, 94070
to address the internet-protocol-network transition: 94071

(1) Incumbent local exchange carriers; 94072

(2) Any competitive local exchange carriers that are affected 94073
by the transition; 94074

(3) The Office of the Ohio Consumers' Counsel; 94075

(4) Cable operators, as defined in section 1332.21 of the 94076
Revised Code; 94077

(5) At the invitation of the Commission, other interested 94078
parties and members of the General Assembly. 94079

(B) The collaborative process shall focus on the 94080
internet-protocol-network transition processes underway at the 94081
Federal Communications Commission and the issues of universal 94082
connectivity, consumer protection, public safety, reliability, 94083
expanded availability of advanced services, affordability, and 94084
competition, including wholesale competition. The collaborative 94085

process shall ensure that public education concerning the 94086
transition is thorough. 94087

(C) The collaborative process shall include a review of the 94088
number and characteristics of basic-local-exchange-service 94089
customers in Ohio, an evaluation of what alternatives are 94090
available to them, including both wireline and wireless 94091
alternatives, and the prospect for the availability of 94092
alternatives where none currently exist. The collaborative process 94093
shall embark on an education campaign plan for those customers' 94094
eventual transition to advanced services. If the collaborative 94095
process identifies residential basic-local-exchange-service 94096
customers who will be unable to obtain voice service upon the 94097
withdrawal or abandonment of basic local exchange service, the 94098
Public Utilities Commission may find those customers to be 94099
eligible for the process under division (B) of section 4927.10 of 94100
the Revised Code, regardless of whether they have filed petitions 94101
under that division. 94102

(D) The collaborative process shall, pursuant to the rules of 94103
the Public Utilities Commission, respect the confidentiality of 94104
any data shared with those involved in the process. 94105

(E) All officers, boards, or commissions of this state and 94106
any political subdivision of this state shall furnish to the 94107
Public Utilities Commission, upon request, any data or information 94108
that will assist the commission in carrying out this section. 94109

Section 751.10. INDEPENDENT PROVIDER STUDY 94110

(A) As used in this section, "independent provider" means a 94111
provider who provides any of the following services on a 94112
self-employed basis and does not employ, directly or through 94113
contract, another person to provide those services: 94114

(1) Aide services, as defined in section 5164.77 of the 94115

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| Revised Code; | 94116 |
| (2) Nursing services, as defined in section 5164.77 of the Revised Code; | 94117 94118 |
| (3) Services covered by a home and community-based services Medicaid waiver component, as defined in section 5166.01 of the Revised Code; | 94119 94120 94121 |
| (4) Services covered by the Helping Ohioans Move, Expanding (HOME) Choice demonstration component, as authorized by section 5164.90 of the Revised Code. | 94122 94123 94124 |
| (B) It is the intent of the General Assembly to study the issue of Medicaid provider agreements with independent providers and to resolve the issue not later than December 31, 2015. | 94125 94126 94127 |
| Section 751.20. Not later than January 1, 2017, the Ohio Department of Medicaid shall submit to the General Assembly, in accordance with section 101.68 of the Revised Code, a report evaluating the Medicaid program's effect on clinical care and outcomes for the group described in section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A)(i)(VIII), including the effects on physical and mental health, health care utilization and access, and financial hardship. | 94128 94129 94130 94131 94132 94133 94134 94135 94136 |
| Section 755.10. On the effective date of this section, the Executive Director of the Emergency Management Agency shall terminate the Safe Room Rebate Program. On and after the effective date of this section, the Emergency Management Agency shall not select any new applicants for the Safe Room Rebate Program and shall not issue any rebates under the Program to any person, except that the Emergency Management Agency may issue a rebate to a person who was selected for the Program prior to the effective date of this section and who complied with all applicable | 94137 94138 94139 94140 94141 94142 94143 94144 94145 |

requirements established by the Emergency Management Agency. 94146

Section 757.10. For the purpose of division (A)(18)(d) of 94147
section 5709.93 of the Revised Code as enacted by this act, the 94148
county auditor of each county shall certify to the Tax 94149
Commissioner not later than July 31, 2015, the amount distributed 94150
from the county library fund in 2014 to each public library that 94151
received a distribution under section 5727.86 or 5751.21 of the 94152
Revised Code in 2014. 94153

Section 757.20. For the purpose of sections 5709.92 and 94154
5709.93 of the Revised Code as enacted by this act, a school 94155
district, joint vocational school district, public library, or 94156
local taxing unit may appeal a levy classification or any amount 94157
used in the calculation of total resources as defined under those 94158
sections. Such an appeal shall be filed in writing, including via 94159
electronic mail, with the Tax Commissioner. Upon receiving such an 94160
appeal, the Tax Commissioner shall make a determination of the 94161
merits of the appeal and, if the appeal is upheld, make necessary 94162
changes within the classifications or calculations. The 94163
determination of the Tax Commissioner is final and not subject to 94164
appeal. After June 30, 2016, no changes shall be made in the 94165
classifications or calculations. 94166

Section 757.40. The Tax Commissioner shall evaluate the 94167
effectiveness of any measures the Commissioner uses to reduce 94168
fraud with respect to the tax levied under section 5747.02 of the 94169
Revised Code by requiring a taxpayer to verify information about 94170
the taxpayer for the purpose of verifying the taxpayer's identity. 94171
On or before August 30, 2016, the Commissioner shall submit a 94172
report of that evaluation and recommended improvements to such 94173
measures to the Speaker of the House of Representatives, the 94174
President of the Senate, and each member of the House of 94175

Representatives and Senate standing committees dealing primarily 94176
with issues related to taxation. 94177

Section 757.50. (A) There is hereby created the Ohio 2020 Tax 94178
Policy Study Commission to review the state's tax structure and 94179
policies and make recommendations to the General Assembly on how 94180
to maximize Ohio's competitiveness by the year 2020. The 94181
Commission shall consist of the following members: 94182

(1) Three members of the House of Representatives appointed 94183
by the Speaker of the House of Representatives who meet the 94184
following requirements: 94185

(a) Two shall be members of the majority party, one of whom 94186
shall be the Chairperson of the House Ways and Means Committee; 94187

(b) One shall be a member of the minority party. 94188

(2) Three members of the Senate appointed by the President of 94189
the Senate who meet the following requirements: 94190

(a) Two shall be members of the majority party, one of whom 94191
shall be the Chairperson of the Senate Ways and Means Committee; 94192

(b) One shall be a member of the minority party. 94193

(B)(1) The Speaker of the House of Representatives shall 94194
designate the Chairperson of the House Ways and Means Committee to 94195
serve as Chairperson of the Commission. 94196

(2) Members of the Commission shall serve without 94197
compensation or reimbursement. 94198

(3) Vacancies on the Commission shall be filled in the same 94199
manner as original appointments. 94200

(C) The Legislative Service Commission shall provide 94201
necessary services to the Commission. 94202

(D) To aid in its review, the Commission shall utilize 94203
dynamic analytical tools. Not later than October 1, 2017, the 94204

Commission shall publish its findings and recommendations and 94205
submit its report to the members of the General Assembly. Upon 94206
submission of the report, the Commission shall cease to exist. 94207

Section 757.60. The Director of Transportation, in 94208
collaboration with the aviation industry and other interested 94209
parties, shall prepare draft legislation to exempt sales of 94210
aviation fuel from the state sales and use tax and, instead, tax 94211
such sales under a new, separate excise tax levied solely on sales 94212
of aviation fuel. Such legislation shall require that the new tax 94213
be levied for the purpose of funding aviation and aerospace 94214
infrastructure and economic development. The Director shall submit 94215
the draft legislation to the Ohio Aerospace and Aviation 94216
Technology Committee not later than June 30, 2016. 94217

Section 759.10. (A) The Director of Veterans Services shall 94218
adopt rules as required by section 5101.98 (5902.05) of the 94219
Revised Code as amended by this act. Upon the taking effect of 94220
those rules, rules 5101:10-2-01 and 5101:10-2-02 of the 94221
Administrative Code are void. 94222

(B) Pending the taking effect of rules adopted by the 94223
Director of Veterans Services under division (A) of this section, 94224
rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code 94225
remain in effect, but the Director and Department of Veterans 94226
Services, rather than the Director and Department of Job and 94227
Family Services, shall administer the rules, and references in the 94228
rules to the Director of Job and Family Services shall be read as 94229
if they referred to the Director or Department of Veterans 94230
Services. In applying the rules, the Director of Veterans Services 94231
shall read the eligibility of an individual for a grant from the 94232
Military Injury Relief Fund as if it had been expanded to include 94233
individuals who served after October 7, 2001. 94234

Section 803.01. The amendment by this act of section 718.01 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2016.

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Section 803.03. The amendment by this act of section 718.05 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2016.

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Section 803.05. The amendment of section 5124.67 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section.

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Section 803.70. The amendment by this act of sections 5733.40, 5747.01, 5747.05, 5747.055, 5747.08, 5747.71, and 5747.98 of the Revised Code applies to taxable years beginning on or after January 1, 2015.

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Section 803.130. The repeal by this act of section 5747.29 of the Revised Code applies to taxable years beginning on or after January 1, 2015.

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Section 803.140. The amendment by this act of section 5713.30 of the Revised Code applies to tax year 2015 and every tax year thereafter.

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Section 803.160. The amendment by this act of section 718.05 of the Revised Code is not intended to accelerate the application of the amendment of that section by H.B. 5 of the 130th General Assembly as provided by Section 3 of that act.

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Section 803.170. The repeal by this act of section 5739.212 of the Revised Code applies to any tax or rate increase imposed under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or

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5741.023 of the Revised Code on or after July 1, 2015. 94261

Section 803.180. The amendment or enactment by this act of 94262
sections 5703.057, 5703.36, and 5703.361 of the Revised Code apply 94263
on and after January 1, 2016. 94264

Section 806.10. The items of law contained in this act, and 94265
their applications, are severable. If any item of law contained in 94266
this act, or if any application of any item of law contained in 94267
this act, is held invalid, the invalidity does not affect other 94268
items of law contained in this act and their applications that can 94269
be given effect without the invalid item of law or application. 94270

Section 809.10. An item of law, other than an amending, 94271
enacting, or repealing clause, that composes the whole or part of 94272
an uncodified section contained in this act has no effect after 94273
June 30, 2017, unless its context clearly indicates otherwise. 94274

Section 812.10. Except as otherwise provided in this act, the 94275
amendment, enactment, or repeal by this act of a section is 94276
subject to the referendum under Ohio Constitution, Article II, 94277
section 1c and therefore takes effect on the ninety-first day 94278
after this act is filed with the Secretary of State or, if a later 94279
effective date is specified below, on that date. 94280

The amendment of sections 173.47, 5165.15, 5165.151, and 94281
5165.23 of the Revised Code takes effect July 1, 2016. 94282

The enactment of new section 5165.25 of the Revised Code 94283
takes effect July 1, 2016. 94284

The repeal of sections 5165.25 and 5165.26 of the Revised 94285
Code takes effect July 1, 2016. 94286

Section 812.20. The amendment, enactment, or repeal by this 94287

act of the sections listed below is exempt from the referendum 94288
under Ohio Constitution, Article II, section 1d and section 1.471 94289
of the Revised Code and therefore takes effect immediately when 94290
this act becomes law or, if a later effective date is specified 94291
below, on that date. 94292

Section 5743.01 of the Revised Code. 94293

Sections 5709.92, 5709.93, 5727.84, 5727.85, 5727.86, 94294
5751.20, 5751.21, and 5751.22 of the Revised Code and Sections 94295
757.10 and 757.20 of this act take effect July 1, 2015. 94296

Sections of this act prefixed with section numbers in the 94297
200s, 300s, 400s, 500s, and 600s. 94298

Section 812.30. The sections that are listed in the left-hand 94299
column of the following table combine amendments by this act that 94300
are and that are not exempt from the referendum under Ohio 94301
Constitution, Article II, sections 1c and 1d and section 1.471 of 94302
the Revised Code. 94303

The middle column identifies the amendments to the listed 94304
sections that are subject to the referendum under Ohio 94305
Constitution, Article II, section 1c and therefore take effect on 94306
the ninety-first day after this act is filed with the Secretary of 94307
State or, if a later effective date is specified, on that date. 94308

The right-hand column identifies the amendments to the listed 94309
sections that are exempt from the referendum under Ohio 94310
Constitution, Article II, section 1d and section 1.471 of the 94311
Revised Code and therefore take effect immediately when this act 94312
becomes law or, if a later effective date is specified, on that 94313
date. 94314

| Section of law | Amendments subject to referendum | Amendments exempt from referendum | |
|----------------|----------------------------------|-----------------------------------|----------------|
| 1509.01 | All amendments except | The amendments to division | 94315 94316 |

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| | as described in the right-hand column | (D) take effect July 1, 2015 | |
| 1509.11 | The amendments to divisions (A)(1)(a) and (A)(2) | All amendments except as described in the middle column take effect July 1, 2015 | 94317 |
| | Section 812.40. Section 340.034 of the Revised Code takes effect September 15, 2016. | | 94318 94319 |
| | Section 815.10. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: | | 94320 94321 94322 94323 94324 94325 94326 94327 |
| | Section 109.572 of the Revised Code as amended by both Am. Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly. | | 94328 94329 |
| | Section 122.85 of the Revised Code as amended by both Am. Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly. | | 94330 94331 |
| | Section 124.181 of the Revised Code as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. | | 94332 94333 |
| | Section 124.392 of the Revised Code as amended by both Am. Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. | | 94334 94335 |
| | Section 125.48 of the Revised Code as amended by both Am. Sub. H.B. 649 and Am. Sub. S.B. 144 of the 122nd General Assembly. | | 94336 94337 |
| | Section 2151.421 of the Revised Code as amended by both Am. Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly. | | 94338 94339 |
| | Section 3314.03 of the Revised Code as amended by Sub. H.B. 264, Sub. H.B. 362, Sub. H.B. 393, and Am. Sub. H.B. 487, all of | | 94340 94341 |

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| the 130th General Assembly. | 94342 |
| Section 3314.08 of the Revised Code as amended by both Am. | 94343 |
| Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly. | 94344 |
| Section 3319.22 of the Revised Code as amended by both Am. | 94345 |
| Sub. H.B. 487 and Am. Sub. S.B. 3 of the 130th General Assembly. | 94346 |
| Section 3326.11 of the Revised Code as amended by Sub. H.B. | 94347 |
| 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th | 94348 |
| General Assembly. | 94349 |
| Section 3328.24 of the Revised Code as amended by Sub. H.B. | 94350 |
| 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th | 94351 |
| General Assembly. | 94352 |
| Section 3333.048 of the Revised Code as amended by both Sub. | 94353 |
| H.B. 484 and Am. Sub. S.B. 3 of the 130th General Assembly. | 94354 |
| Section 3333.0411 of the Revised Code as amended by both Am. | 94355 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. | 94356 |
| Section 4301.102 of the Revised Code as amended by both Am. | 94357 |
| Sub. S.B. 162 and Am. Sub. S.B. 188 of the 121st General Assembly. | 94358 |
| Section 5104.09 of the Revised Code as amended by both Am. | 94359 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. | 94360 |
| Section 5104.38 of the Revised Code as amended by both Am. | 94361 |
| Sub. S.B. 316 of the 129th General Assembly and Am. Sub. H.B. 483 | 94362 |
| of the 130th General Assembly. | 94363 |
| Section 5739.99 of the Revised Code as amended by both Am. | 94364 |
| Sub. H.B. 143 and Sub. S.B. 200 of the 124th General Assembly. | 94365 |
| Section 5747.113 of the Revised Code as amended by both Am. | 94366 |
| Sub. H.B. 59 and Am. H.B. 112 of the 130th General Assembly. | 94367 |