

Substitute Version as Presented to the Senate Finance and Financial Institutions

long-term operation costs or matching share for actions taken 23308
under the "Comprehensive Environmental Response, Compensation, and 23309
Liability Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, as 23310
amended; paying the costs of measures for proper clean-up of sites 23311
where polychlorinated biphenyls and substances, equipment, and 23312
devices containing or contaminated with polychlorinated biphenyls 23313
have been stored or disposed of; paying the costs of conducting 23314
surveys or investigations of solid waste facilities or other 23315
locations where it is believed that significant quantities of 23316
hazardous waste were disposed of and for conducting enforcement 23317
actions arising from the findings of such surveys or 23318
investigations; paying the costs of acquiring and cleaning up, or 23319
providing financial assistance for cleaning up, any hazardous 23320
waste facility or solid waste facility containing significant 23321
quantities of hazardous waste, that constitutes an imminent and 23322
substantial threat to public health or safety or the environment; 23323
and, from July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004, for the 23324
purposes of paying the costs of administering and enforcing the 23325
laws pertaining to solid wastes, infectious wastes, and 23326
construction and demolition debris, including, without limitation, 23327
ground water evaluations related to solid wastes, infectious 23328
wastes, and construction and demolition debris, under this chapter 23329
and Chapter 3714. of the Revised Code and any rules adopted under 23330
them, and paying a share of the administrative costs of the 23331
environmental protection agency pursuant to section 3745.014 of 23332
the Revised Code, the following fees are hereby levied on the 23333
disposal of solid wastes in this state: 23334

(1) One dollar per ton on and after July 1, 1993; 23335

(2) An additional seventy-five cents per ton on and after 23336
July 1, ~~1999~~ 2001, through June 30, ~~2001~~ 2004. 23337

The owner or operator of a solid waste disposal facility 23338
shall collect the fees levied under this division as a trustee for 23339

Substitute Version as Presented to the Senate Finance and Financial Institutions

the state and shall prepare and file with the director of
environmental protection monthly returns indicating the total
tonnage of solid wastes received for disposal at the gate of the
facility and the total amount of the fees collected under this
division. Not later than thirty days after the last day of the
month to which such a return applies, the owner or operator shall
mail to the director the return for that month together with the
fees collected during that month as indicated on the return. The
owner or operator may request an extension of not more than thirty
days for filing the return and remitting the fees, provided that
the owner or operator has submitted such a request in writing to
the director together with a detailed description of why the
extension is requested, the director has received the request not
later than the day on which the return is required to be filed,
and the director has approved the request. If the fees are not
remitted within sixty days after the last day of the month during
which they were collected, the owner or operator shall pay an
additional fifty per cent of the amount of the fees for each month
that they are late.

One-half of the moneys remitted to the director under
division (A)(1) of this section shall be credited to the hazardous
waste facility management fund created in section 3734.18 of the
Revised Code, and one-half shall be credited to the hazardous
waste clean-up fund created in section 3734.28 of the Revised
Code. The moneys remitted to the director under division (A)(2) of
this section shall be credited to the solid waste fund, which is
hereby created in the state treasury. The environmental protection
agency shall use moneys in the solid waste fund only to pay the
costs of administering and enforcing the laws pertaining to solid
wastes, infectious wastes, and construction and demolition debris,
including, without limitation, ground water evaluations related to
solid wastes, infectious wastes, and construction and demolition

Substitute Version as Presented to the Senate Finance and Financial Institutions

debris, under this chapter and Chapter 3714. of the Revised Code 23372
and rules adopted under them and to pay a share of the 23373
administrative costs of the environmental protection agency 23374
pursuant to section 3745.014 of the Revised Code. 23375
23376

The fees levied under this division and divisions (B) and (C) 23377
of this section are in addition to all other applicable fees and 23378
taxes and shall be added to any other fee or amount specified in a 23379
contract that is charged by the owner or operator of a solid waste 23380
disposal facility or to any other fee or amount that is specified 23381
in a contract entered into on or after March 4, 1992, and that is 23382
charged by a transporter of solid wastes. 23383

(B) For the purpose of preparing, revising, and implementing 23384
the solid waste management plan of the county or joint solid waste 23385
management district, including, without limitation, the 23386
development and implementation of solid waste recycling or 23387
reduction programs; providing financial assistance to boards of 23388
health within the district, if solid waste facilities are located 23389
within the district, for the enforcement of this chapter and rules 23390
adopted and orders and terms and conditions of permits, licenses, 23391
and variances issued under it, other than the hazardous waste 23392
provisions of this chapter and rules adopted and orders and terms 23393
and conditions of permits issued under those provisions; providing 23394
financial assistance to the county to defray the added costs of 23395
maintaining roads and other public facilities and of providing 23396
emergency and other public services resulting from the location 23397
and operation of a solid waste facility within the county under 23398
the district's approved solid waste management plan; paying the 23399
costs incurred by boards of health for collecting and analyzing 23400
water samples from public or private wells on lands adjacent to 23401
solid waste facilities that are contained in the approved or 23402
amended plan of the district; paying the costs of developing and 23403

Substitute Version as Presented to the Senate Finance and Financial Institutions

implementing a program for the inspection of solid wastes 23404
generated outside the boundaries of this state that are disposed 23405
of at solid waste facilities included in the district's approved 23406
solid waste management plan or amended plan; providing financial 23407
assistance to boards of health within the district for enforcing 23408
laws prohibiting open dumping; providing financial assistance to 23409
local law enforcement agencies within the district for enforcing 23410
laws and ordinances prohibiting littering; providing financial 23411
assistance to boards of health of health districts within the 23412
district that are on the approved list under section 3734.08 of 23413
the Revised Code for the training and certification required for 23414
their employees responsible for solid waste enforcement by rules 23415
adopted under division (L) of section 3734.02 of the Revised Code; 23416
providing financial assistance to individual municipal 23417
corporations and townships within the district to defray their 23418
added costs of maintaining roads and other public facilities and 23419
of providing emergency and other public services resulting from 23420
the location and operation within their boundaries of a 23421
composting, energy or resource recovery, incineration, or 23422
recycling facility that either is owned by the district or is 23423
furnishing solid waste management facility or recycling services 23424
to the district pursuant to a contract or agreement with the board 23425
of county commissioners or directors of the district; and payment 23426
of any expenses that are agreed to, awarded, or ordered to be paid 23427
under section 3734.35 of the Revised Code and of any 23428
administrative costs incurred pursuant to that section, the solid 23429
waste management policy committee of a county or joint solid waste 23430
management district may levy fees upon the following activities: 23431

(1) The disposal at a solid waste disposal facility located 23432
in the district of solid wastes generated within the district; 23433

(2) The disposal at a solid waste disposal facility within 23434
the district of solid wastes generated outside the boundaries of 23435

Substitute Version as Presented to the Senate Finance and Financial Institutions

the district, but inside this state;

23436

(3) The disposal at a solid waste disposal facility within the district of solid wastes generated outside the boundaries of this state.

23437

23438

23439

If any such fees are levied prior to January 1, 1994, fees levied under division (B)(1) of this section always shall be equal to one-half of the fees levied under division (B)(2) of this section, and fees levied under division (B)(3) of this section, which shall be in addition to fees levied under division (B)(2) of this section, always shall be equal to fees levied under division (B)(1) of this section, except as otherwise provided in this division. The solid waste management plan of the county or joint district approved under section 3734.521 or 3734.55 of the Revised Code and any amendments to it, or the resolution adopted under this division, as appropriate, shall establish the rates of the fees levied under divisions (B)(1), (2), and (3) of this section, if any, and shall specify whether the fees are levied on the basis of tons or cubic yards as the unit of measurement. Although the fees under divisions (A)(1) and (2) of this section are levied on the basis of tons as the unit of measurement, the solid waste management plan of the district and any amendments to it or the solid waste management policy committee in its resolution levying fees under this division may direct that the fees levied under those divisions be levied on the basis of cubic yards as the unit of measurement based upon a conversion factor of three cubic yards per ton generally or one cubic yard per ton for baled wastes if the fees under divisions (B)(1) to (3) of this section are being levied on the basis of cubic yards as the unit of measurement under the plan, amended plan, or resolution.

23440

23441

23442

23443

23444

23445

23446

23447

23448

23449

23450

23451

23452

23453

23454

23455

23456

23457

23458

23459

23460

23461

23462

23463

23464

On and after January 1, 1994, the fee levied under division (B)(1) of this section shall be not less than one dollar per ton nor more than two dollars per ton, the fee levied under division

23465

23466

23467

Substitute Version as Presented to the Senate Finance and Financial Institutions

(B)(2) of this section shall be not less than two dollars per ton
nor more than four dollars per ton, and the fee levied under
division (B)(3) of this section shall be not more than the fee
levied under division (B)(1) of this section, except as otherwise
provided in this division and notwithstanding any schedule of
those fees established in the solid waste management plan of a
county or joint district approved under section 3734.55 of the
Revised Code or a resolution adopted and ratified under this
division that is in effect on that date. If the fee that a
district is levying under division (B)(1) of this section on that
date under its approved plan or such a resolution is less than one
dollar per ton, the fee shall be one dollar per ton on and after
January 1, 1994, and if the fee that a district is so levying
under that division exceeds two dollars per ton, the fee shall be
two dollars per ton on and after that date. If the fee that a
district is so levying under division (B)(2) of this section is
less than two dollars per ton, the fee shall be two dollars per
ton on and after that date, and if the fee that the district is so
levying under that division exceeds four dollars per ton, the fee
shall be four dollars per ton on and after that date. On that
date, the fee levied by a district under division (B)(3) of this
section shall be equal to the fee levied under division (B)(1) of
this section. Except as otherwise provided in this division, the
fees established by the operation of this amendment shall remain
in effect until the district's resolution levying fees under this
division is amended or repealed in accordance with this division
to amend or abolish the schedule of fees, the schedule of fees is
amended or abolished in an amended plan of the district approved
under section 3734.521 or division (A) or (D) of section 3734.56
of the Revised Code, or the schedule of fees is amended or
abolished through an amendment to the district's plan under
division (E) of section 3734.56 of the Revised Code; the
notification of the amendment or abolishment of the fees has been

Substitute Version as Presented to the Senate Finance and Financial Institutions

given in accordance with this division; and collection of the 23501
amended fees so established commences, or collection of the fees 23502
ceases, in accordance with this division. 23503

The solid waste management policy committee of a district 23504
levying fees under divisions (B)(1) to (3) of this section on 23505
October 29, 1993, under its solid waste management plan approved 23506
under section 3734.55 of the Revised Code or a resolution adopted 23507
and ratified under this division that are within the ranges of 23508
rates prescribed by this amendment, by adoption of a resolution 23509
not later than December 1, 1993, and without the necessity for 23510
ratification of the resolution under this division, may amend 23511
those fees within the prescribed ranges, provided that the 23512
estimated revenues from the amended fees will not substantially 23513
exceed the estimated revenues set forth in the district's budget 23514
for calendar year 1994. Not later than seven days after the 23515
adoption of such a resolution, the committee shall notify by 23516
certified mail the owner or operator of each solid waste disposal 23517
facility that is required to collect the fees of the adoption of 23518
the resolution and of the amount of the amended fees. Collection 23519
of the amended fees shall take effect on the first day of the 23520
first month following the month in which the notification is sent 23521
to the owner or operator. The fees established in such a 23522
resolution shall remain in effect until the district's resolution 23523
levying fees that was adopted and ratified under this division is 23524
amended or repealed, and the amendment or repeal of the resolution 23525
is ratified, in accordance with this division, to amend or abolish 23526
the fees, the schedule of fees is amended or abolished in an 23527
amended plan of the district approved under section 3734.521 or 23528
division (A) or (D) of section 3734.56 of the Revised Code, or the 23529
schedule of fees is amended or abolished through an amendment to 23530
the district's plan under division (E) of section 3734.56 of the 23531
Revised Code; the notification of the amendment or abolishment of 23532

Substitute Version as Presented to the Senate Finance and Financial Institutions

the fees has been given in accordance with this division; and 23533
collection of the amended fees so established commences, or 23534
collection of the fees ceases, in accordance with this division. 23535

Prior to the approval of the solid waste management plan of 23536
the district under section 3734.55 of the Revised Code, the solid 23537
waste management policy committee of a district may levy fees 23538
under this division by adopting a resolution establishing the 23539
proposed amount of the fees. Upon adopting the resolution, the 23540
committee shall deliver a copy of the resolution to the board of 23541
county commissioners of each county forming the district and to 23542
the legislative authority of each municipal corporation and 23543
township under the jurisdiction of the district and shall prepare 23544
and publish the resolution and a notice of the time and location 23545
where a public hearing on the fees will be held. Upon adopting the 23546
resolution, the committee shall deliver written notice of the 23547
adoption of the resolution; of the amount of the proposed fees; 23548
and of the date, time, and location of the public hearing to the 23549
director and to the fifty industrial, commercial, or institutional 23550
generators of solid wastes within the district that generate the 23551
largest quantities of solid wastes, as determined by the 23552
committee, and to their local trade associations. The committee 23553
shall make good faith efforts to identify those generators within 23554
the district and their local trade associations, but the 23555
nonprovision of notice under this division to a particular 23556
generator or local trade association does not invalidate the 23557
proceedings under this division. The publication shall occur at 23558
least thirty days before the hearing. After the hearing, the 23559
committee may make such revisions to the proposed fees as it 23560
considers appropriate and thereafter, by resolution, shall adopt 23561
the revised fee schedule. Upon adopting the revised fee schedule, 23562
the committee shall deliver a copy of the resolution doing so to 23563
the board of county commissioners of each county forming the 23564

Substitute Version as Presented to the Senate Finance and Financial Institutions

district and to the legislative authority of each municipal
corporation and township under the jurisdiction of the district.
Within sixty days after the delivery of a copy of the resolution
adopting the proposed revised fees by the policy committee, each
such board and legislative authority, by ordinance or resolution,
shall approve or disapprove the revised fees and deliver a copy of
the ordinance or resolution to the committee. If any such board or
legislative authority fails to adopt and deliver to the policy
committee an ordinance or resolution approving or disapproving the
revised fees within sixty days after the policy committee
delivered its resolution adopting the proposed revised fees, it
shall be conclusively presumed that the board or legislative
authority has approved the proposed revised fees.

In the case of a county district or a joint district formed
by two or three counties, the committee shall declare the proposed
revised fees to be ratified as the fee schedule of the district
upon determining that the board of county commissioners of each
county forming the district has approved the proposed revised fees
and that the legislative authorities of a combination of municipal
corporations and townships with a combined population within the
district comprising at least sixty per cent of the total
population of the district have approved the proposed revised
fees, provided that in the case of a county district, that
combination shall include the municipal corporation having the
largest population within the boundaries of the district, and
provided further that in the case of a joint district formed by
two or three counties, that combination shall include for each
county forming the joint district the municipal corporation having
the largest population within the boundaries of both the county in
which the municipal corporation is located and the joint district.
In the case of a joint district formed by four or more counties,
the committee shall declare the proposed revised fees to be

Substitute Version as Presented to the Senate Finance and Financial Institutions

ratified as the fee schedule of the joint district upon 23597
determining that the boards of county commissioners of a majority 23598
of the counties forming the district have approved the proposed 23599
revised fees; that, in each of a majority of the counties forming 23600
the joint district, the proposed revised fees have been approved 23601
by the municipal corporation having the largest population within 23602
the county and the joint district; and that the legislative 23603
authorities of a combination of municipal corporations and 23604
townships with a combined population within the joint district 23605
comprising at least sixty per cent of the total population of the 23606
joint district have approved the proposed revised fees. 23607

For the purposes of this division, only the population of the 23608
unincorporated area of a township shall be considered. For the 23609
purpose of determining the largest municipal corporation within 23610
each county under this division, a municipal corporation that is 23611
located in more than one solid waste management district, but that 23612
is under the jurisdiction of one county or joint solid waste 23613
management district in accordance with division (A) of section 23614
3734.52 of the Revised Code shall be considered to be within the 23615
boundaries of the county in which a majority of the population of 23616
the municipal corporation resides. 23617

The committee may amend the schedule of fees levied pursuant 23618
to a resolution or amended resolution adopted and ratified under 23619
this division by adopting a resolution establishing the proposed 23620
amount of the amended fees. The committee may abolish the fees 23621
levied pursuant to such a resolution or amended resolution by 23622
adopting a resolution proposing to repeal them. Upon adopting such 23623
a resolution, the committee shall proceed to obtain ratification 23624
of the resolution in accordance with this division. 23625

Not later than fourteen days after declaring the fees or 23626
amended fees to be ratified under this division, the committee 23627
shall notify by certified mail the owner or operator of each solid 23628

Substitute Version as Presented to the Senate Finance and Financial Institutions

waste disposal facility that is required to collect the fees of
the ratification and the amount of the fees. Collection of any
fees or amended fees ratified on or after March 24, 1992, shall
commence on the first day of the second month following the month
in which notification is sent to the owner or operator.

Not later than fourteen days after declaring the repeal of
the district's schedule of fees to be ratified under this
division, the committee shall notify by certified mail the owner
or operator of each facility that is collecting the fees of the
repeal. Collection of the fees shall cease on the first day of the
second month following the month in which notification is sent to
the owner or operator.

Not later than fourteen days after the director issues an
order approving a district's solid waste management plan under
section 3734.55 of the Revised Code or amended plan under division
(A) or (D) of section 3734.56 of the Revised Code that establishes
or amends a schedule of fees levied by the district, or the
ratification of an amendment to the district's approved plan or
amended plan under division (E) of section 3734.56 of the Revised
Code that establishes or amends a schedule of fees, as
appropriate, the committee shall notify by certified mail the
owner or operator of each solid waste disposal facility that is
required to collect the fees of the approval of the plan or
amended plan, or the amendment to the plan, as appropriate, and
the amount of the fees or amended fees. In the case of an initial
or amended plan approved under section 3734.521 of the Revised
Code in connection with a change in district composition, other
than one involving the withdrawal of a county from a joint
district, that establishes or amends a schedule of fees levied
under divisions (B)(1) to (3) of this section by a district
resulting from the change, the committee, within fourteen days
after the change takes effect pursuant to division (G) of that

Substitute Version as Presented to the Senate Finance and Financial Institutions

section, shall notify by certified mail the owner or operator of
each solid waste disposal facility that is required to collect the
fees that the change has taken effect and of the amount of the
fees or amended fees. Collection of any fees set forth in a plan
or amended plan approved by the director on or after April 16,
1993, or an amendment of a plan or amended plan under division (E)
of section 3734.56 of the Revised Code that is ratified on or
after April 16, 1993, shall commence on the first day of the
second month following the month in which notification is sent to
the owner or operator.

Not later than fourteen days after the director issues an
order approving a district's plan under section 3734.55 of the
Revised Code or amended plan under division (A) or (D) of section
3734.56 of the Revised Code that abolishes the schedule of fees
levied under divisions (B)(1) to (3) of this section, or an
amendment to the district's approved plan or amended plan
abolishing the schedule of fees is ratified pursuant to division
(E) of section 3734.56 of the Revised Code, as appropriate, the
committee shall notify by certified mail the owner or operator of
each facility that is collecting the fees of the approval of the
plan or amended plan, or the amendment of the plan or amended
plan, as appropriate, and the abolishment of the fees. In the case
of an initial or amended plan approved under section 3734.521 of
the Revised Code in connection with a change in district
composition, other than one involving the withdrawal of a county
from a joint district, that abolishes the schedule of fees levied
under divisions (B)(1) to (3) of this section by a district
resulting from the change, the committee, within fourteen days
after the change takes effect pursuant to division (G) of that
section, shall notify by certified mail the owner or operator of
each solid waste disposal facility that is required to collect the
fees that the change has taken effect and of the abolishment of

Substitute Version as Presented to the Senate Finance and Financial Institutions

the fees. Collection of the fees shall cease on the first day of
the second month following the month in which notification is sent
to the owner or operator.

Except as otherwise provided in this division, if the
schedule of fees that a district is levying under divisions (B)(1)
to (3) of this section pursuant to a resolution or amended
resolution adopted and ratified under this division, the solid
waste management plan of the district approved under section
3734.55 of the Revised Code, an amended plan approved under
division (A) or (D) of section 3734.56 of the Revised Code, or an
amendment to the district's approved plan or amended plan under
division (E) of section 3734.56 of the Revised Code, is amended by
the adoption and ratification of an amendment to the resolution or
amended resolution or an amendment of the district's approved plan
or amended plan, the fees in effect immediately prior to the
approval of the plan or the amendment of the resolution, amended
resolution, plan, or amended plan, as appropriate, shall continue
to be collected until collection of the amended fees commences
pursuant to this division.

If, in the case of a change in district composition involving
the withdrawal of a county from a joint district, the director
completes the actions required under division (G)(1) or (3) of
section 3734.521 of the Revised Code, as appropriate, forty-five
days or more before the beginning of a calendar year, the policy
committee of each of the districts resulting from the change that
obtained the director's approval of an initial or amended plan in
connection with the change, within fourteen days after the
director's completion of the required actions, shall notify by
certified mail the owner or operator of each solid waste disposal
facility that is required to collect the district's fees that the
change is to take effect on the first day of January immediately
following the issuance of the notice and of the amount of the fees

Substitute Version as Presented to the Senate Finance and Financial Institutions

or amended fees levied under divisions (B)(1) to (3) of this
section pursuant to the district's initial or amended plan as so
approved or, if appropriate, the abolishment of the district's
fees by that initial or amended plan. Collection of any fees set
forth in such a plan or amended plan shall commence on the first
day of January immediately following the issuance of the notice.
If such an initial or amended plan abolishes a schedule of fees,
collection of the fees shall cease on that first day of January.

If, in the case of a change in district composition involving
the withdrawal of a county from a joint district, the director
completes the actions required under division (G)(1) or (3) of
section 3734.521 of the Revised Code, as appropriate, less than
forty-five days before the beginning of a calendar year, the
director, on behalf of each of the districts resulting from the
change that obtained the director's approval of an initial or
amended plan in connection with the change proceedings, shall
notify by certified mail the owner or operator of each solid waste
disposal facility that is required to collect the district's fees
that the change is to take effect on the first day of January
immediately following the mailing of the notice and of the amount
of the fees or amended fees levied under divisions (B)(1) to (3)
of this section pursuant to the district's initial or amended plan
as so approved or, if appropriate, the abolishment of the
district's fees by that initial or amended plan. Collection of any
fees set forth in such a plan or amended plan shall commence on
the first day of the second month following the month in which
notification is sent to the owner or operator. If such an initial
or amended plan abolishes a schedule of fees, collection of the
fees shall cease on the first day of the second month following
the month in which notification is sent to the owner or operator.

In the case of a change in district composition, the schedule
of fees that the former districts that existed prior to the change

Substitute Version as Presented to the Senate Finance and Financial Institutions

were levying under divisions (B)(1) to (3) of this section 23757
pursuant to a resolution or amended resolution adopted and 23758
ratified under this division, the solid waste management plan of a 23759
former district approved under section 3734.521 or 3734.55 of the 23760
Revised Code, an amended plan approved under section 3734.521 or 23761
division (A) or (D) of section 3734.56 of the Revised Code, or an 23762
amendment to a former district's approved plan or amended plan 23763
under division (E) of section 3734.56 of the Revised Code, and 23764
that were in effect on the date that the director completed the 23765
actions required under division (G)(1) or (3) of section 3734.521 23766
of the Revised Code shall continue to be collected until the 23767
collection of the fees or amended fees of the districts resulting 23768
from the change is required to commence, or if an initial or 23769
amended plan of a resulting district abolishes a schedule of fees, 23770
collection of the fees is required to cease, under this division. 23771
Moneys so received from the collection of the fees of the former 23772
districts shall be divided among the resulting districts in 23773
accordance with division (B) of section 343.012 of the Revised 23774
Code and the agreements entered into under division (B) of section 23775
343.01 of the Revised Code to establish the former and resulting 23776
districts and any amendments to those agreements. 23777

For the purposes of the provisions of division (B) of this 23778
section establishing the times when newly established or amended 23779
fees levied by a district are required to commence and the 23780
collection of fees that have been amended or abolished is required 23781
to cease, "fees" or "schedule of fees" includes, in addition to 23782
fees levied under divisions (B)(1) to (3) of this section, those 23783
levied under section 3734.573 or 3734.574 of the Revised Code. 23784

(C) For the purposes of defraying the added costs to a 23785
municipal corporation or township of maintaining roads and other 23786
public facilities and of providing emergency and other public 23787
services, and compensating a municipal corporation or township for 23788

Substitute Version as Presented to the Senate Finance and Financial Institutions

reductions in real property tax revenues due to reductions in real 23789
property valuations resulting from the location and operation of a 23790
solid waste disposal facility within the municipal corporation or 23791
township, a municipal corporation or township in which such a 23792
solid waste disposal facility is located may levy a fee of not 23793
more than twenty-five cents per ton on the disposal of solid 23794
wastes at a solid waste disposal facility located within the 23795
boundaries of the municipal corporation or township regardless of 23796
where the wastes were generated. 23797

The legislative authority of a municipal corporation or 23798
township may levy fees under this division by enacting an 23799
ordinance or adopting a resolution establishing the amount of the 23800
fees. Upon so doing the legislative authority shall mail a 23801
certified copy of the ordinance or resolution to the board of 23802
county commissioners or directors of the county or joint solid 23803
waste management district in which the municipal corporation or 23804
township is located or, if a regional solid waste management 23805
authority has been formed under section 343.011 of the Revised 23806
Code, to the board of trustees of that regional authority, the 23807
owner or operator of each solid waste disposal facility in the 23808
municipal corporation or township that is required to collect the 23809
fee by the ordinance or resolution, and the director of 23810
environmental protection. Although the fees levied under this 23811
division are levied on the basis of tons as the unit of 23812
measurement, the legislative authority, in its ordinance or 23813
resolution levying the fees under this division, may direct that 23814
the fees be levied on the basis of cubic yards as the unit of 23815
measurement based upon a conversion factor of three cubic yards 23816
per ton generally or one cubic yard per ton for baled wastes. 23817

Not later than five days after enacting an ordinance or 23818
adopting a resolution under this division, the legislative 23819
authority shall so notify by certified mail the owner or operator 23820

Substitute Version as Presented to the Senate Finance and Financial Institutions

of each solid waste disposal facility that is required to collect 23821
the fee. Collection of any fee levied on or after March 24, 1992, 23822
shall commence on the first day of the second month following the 23823
month in which notification is sent to the owner or operator. 23824

(D)(1) The fees levied under divisions (A), (B), and (C) of 23825
this section do not apply to the disposal of solid wastes that: 23826

(a) Are disposed of at a facility owned by the generator of 23827
the wastes when the solid waste facility exclusively disposes of 23828
solid wastes generated at one or more premises owned by the 23829
generator regardless of whether the facility is located on a 23830
premises where the wastes are generated; 23831

(b) Are disposed of at facilities that exclusively dispose of 23832
wastes that are generated from the combustion of coal, or from the 23833
combustion of primarily coal in combination with scrap tires, that 23834
is not combined in any way with garbage at one or more premises 23835
owned by the generator. 23836

(2) Except as provided in section 3734.571 of the Revised 23837
Code, any fees levied under division (B)(1) of this section apply 23838
to solid wastes originating outside the boundaries of a county or 23839
joint district that are covered by an agreement for the joint use 23840
of solid waste facilities entered into under section 343.02 of the 23841
Revised Code by the board of county commissioners or board of 23842
directors of the county or joint district where the wastes are 23843
generated and disposed of. 23844

(3) When solid wastes, other than solid wastes that consist 23845
of scrap tires, are burned in a disposal facility that is an 23846
incinerator or energy recovery facility, the fees levied under 23847
divisions (A), (B), and (C) of this section shall be levied upon 23848
the disposal of the fly ash and bottom ash remaining after burning 23849
of the solid wastes and shall be collected by the owner or 23850
operator of the sanitary landfill where the ash is disposed of. 23851

Substitute Version as Presented to the Senate Finance and Financial Institutions

(4) When solid wastes are delivered to a solid waste transfer facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of solid wastes transported off the premises of the transfer facility for disposal and shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of.

(5) The fees levied under divisions (A), (B), and (C) of this section do not apply to sewage sludge that is generated by a waste water treatment facility holding a national pollutant discharge elimination system permit and that is disposed of through incineration, land application, or composting or at another resource recovery or disposal facility that is not a landfill.

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation

Substitute Version as Presented to the Senate Finance and Financial Institutions

or township where the wastes are disposed of. Moneys from the fees
levied under division (B) of this section shall be forwarded to
the board of county commissioners or board of directors of the
district in accordance with rules adopted under division (H) of
this section. Moneys from the fees levied under division (C) of
this section shall be forwarded to the treasurer or such other
officer of the municipal corporation as, by virtue of the charter,
has the duties of the treasurer or to the clerk of the township,
as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or such other officer of
the municipal corporation under division (E) of this section shall
be paid into the general fund of the municipal corporation. Moneys
received by the clerk of the township under that division shall be
paid into the general fund of the township. The treasurer or such
other officer of the municipal corporation or the clerk, as
appropriate, shall maintain separate records of the moneys
received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or
board of directors under division (E) of this section or section
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code
shall be paid to the county treasurer, or other official acting in
a similar capacity under a county charter, in a county district or
to the county treasurer or other official designated by the board
of directors in a joint district and kept in a separate and
distinct fund to the credit of the district. If a regional solid
waste management authority has been formed under section 343.011
of the Revised Code, moneys received by the board of trustees of
that regional authority under division (E) of this section shall
be kept by the board in a separate and distinct fund to the credit
of the district. Moneys in the special fund of the county or joint
district arising from the fees levied under division (B) of this

Substitute Version as Presented to the Senate Finance and Financial Institutions

section and the fee levied under division (A) of section 3734.573 23916
of the Revised Code shall be expended by the board of county 23917
commissioners or directors of the district in accordance with the 23918
district's solid waste management plan or amended plan approved 23919
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 23920
exclusively for the following purposes: 23921

(1) Preparation of the solid waste management plan of the 23922
district under section 3734.54 of the Revised Code, monitoring 23923
implementation of the plan, and conducting the periodic review and 23924
amendment of the plan required by section 3734.56 of the Revised 23925
Code by the solid waste management policy committee; 23926

(2) Implementation of the approved solid waste management 23927
plan or amended plan of the district, including, without 23928
limitation, the development and implementation of solid waste 23929
recycling or reduction programs; 23930

(3) Providing financial assistance to boards of health within 23931
the district, if solid waste facilities are located within the 23932
district, for enforcement of this chapter and rules, orders, and 23933
terms and conditions of permits, licenses, and variances adopted 23934
or issued under it, other than the hazardous waste provisions of 23935
this chapter and rules adopted and orders and terms and conditions 23936
of permits issued under those provisions; 23937

(4) Providing financial assistance to each county within the 23938
district to defray the added costs of maintaining roads and other 23939
public facilities and of providing emergency and other public 23940
services resulting from the location and operation of a solid 23941
waste facility within the county under the district's approved 23942
solid waste management plan or amended plan; 23943

(5) Pursuant to contracts entered into with boards of health 23944
within the district, if solid waste facilities contained in the 23945
district's approved plan or amended plan are located within the 23946

Substitute Version as Presented to the Senate Finance and Financial Institutions

district, for paying the costs incurred by those boards of health 23947
for collecting and analyzing samples from public or private water 23948
wells on lands adjacent to those facilities; 23949

(6) Developing and implementing a program for the inspection 23950
of solid wastes generated outside the boundaries of this state 23951
that are disposed of at solid waste facilities included in the 23952
district's approved solid waste management plan or amended plan; 23953

(7) Providing financial assistance to boards of health within 23954
the district for the enforcement of section 3734.03 of the Revised 23955
Code or to local law enforcement agencies having jurisdiction 23956
within the district for enforcing anti-littering laws and 23957
ordinances; 23958

(8) Providing financial assistance to boards of health of 23959
health districts within the district that are on the approved list 23960
under section 3734.08 of the Revised Code to defray the costs to 23961
the health districts for the participation of their employees 23962
responsible for enforcement of the solid waste provisions of this 23963
chapter and rules adopted and orders and terms and conditions of 23964
permits, licenses, and variances issued under those provisions in 23965
the training and certification program as required by rules 23966
adopted under division (L) of section 3734.02 of the Revised Code; 23967

(9) Providing financial assistance to individual municipal 23968
corporations and townships within the district to defray their 23969
added costs of maintaining roads and other public facilities and 23970
of providing emergency and other public services resulting from 23971
the location and operation within their boundaries of a 23972
composting, energy or resource recovery, incineration, or 23973
recycling facility that either is owned by the district or is 23974
furnishing solid waste management facility or recycling services 23975
to the district pursuant to a contract or agreement with the board 23976
of county commissioners or directors of the district; 23977

Substitute Version as Presented to the Senate Finance and Financial Institutions

(10) Payment of any expenses that are agreed to, awarded, or 23978
ordered to be paid under section 3734.35 of the Revised Code and 23979
of any administrative costs incurred pursuant to that section. In 23980
the case of a joint solid waste management district, if the board 23981
of county commissioners of one of the counties in the district is 23982
negotiating on behalf of affected communities, as defined in that 23983
section, in that county, the board shall obtain the approval of 23984
the board of directors of the district in order to expend moneys 23985
for administrative costs incurred. 23986

Prior to the approval of the district's solid waste 23987
management plan under section 3734.55 of the Revised Code, moneys 23988
in the special fund of the district arising from the fees shall be 23989
expended for those purposes in the manner prescribed by the solid 23990
waste management policy committee by resolution. 23991

Notwithstanding division (G)(6) of this section as it existed 23992
prior to October 29, 1993, or any provision in a district's solid 23993
waste management plan prepared in accordance with division 23994
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 23995
prior to that date, any moneys arising from the fees levied under 23996
division (B)(3) of this section prior to January 1, 1994, may be 23997
expended for any of the purposes authorized in divisions (G)(1) to 23998
(10) of this section. 23999

(H) The director shall adopt rules in accordance with Chapter 24000
119. of the Revised Code prescribing procedures for collecting and 24001
forwarding the fees levied under divisions (B) and (C) of this 24002
section to the boards of county commissioners or directors of 24003
county or joint solid waste management districts and to the 24004
treasurers or other officers of municipal corporations or to the 24005
clerks of townships. The rules also shall prescribe the dates for 24006
forwarding the fees to the boards and officials and may prescribe 24007
any other requirements the director considers necessary or 24008
appropriate to implement and administer divisions (A), (B), and 24009

Substitute Version as Presented to the Senate Finance and Financial Institutions

(C) of this section. Collection of the fees levied under division 24010
 (A)(1) of this section shall commence on July 1, 1993. Collection 24011
 of the fees levied under division (A)(2) of this section shall 24012
 commence on January 1, 1994. 24013

Sec. 3734.82. (A) The annual fee for a scrap tire recovery 24014
 facility license issued under section 3734.81 of the Revised Code 24015
 shall be in accordance with the following schedule: 24016

Daily Design	Annual	24017
Input Capacity	License	24018
(Tons)	Fee	24019
1 or less	\$ 100	24020
2 to 25	500	24021
26 to 50	1,000	24022
51 to 100	1,500	24023
101 to 200	2,500	24024
201 to 500	3,500	24025
501 or more	5,500	24026

For the purpose of determining the applicable license fee 24027
 under this division, the daily design input capacity shall be the 24028
 quantity of scrap tires the facility is designed to process daily 24029
 as set forth in the registration certificate or permit for the 24030
 facility, and any modifications to the permit, if applicable, 24031
 issued under section 3734.78 of the Revised Code. 24032

(B) The annual fee for a scrap tire monocell or monofill 24033
 facility license shall be in accordance with the following 24034
 schedule: 24035

Authorized Maximum	Annual	24036
Daily Waste Receipt	License	24037
(Tons)	Fee	24038
100 or less	\$ 5,000	24039
101 to 200	12,500	24040

Substitute Version as Presented to the Senate Finance and Financial Institutions

201 to 500	30,000	24041
501 or more	60,000	24042

For the purpose of determining the applicable license fee 24043
under this division, the authorized maximum daily waste receipt 24044
shall be the maximum amount of scrap tires the facility is 24045
authorized to receive daily that is established in the permit for 24046
the facility, and any modification to that permit, issued under 24047
section 3734.77 of the Revised Code. 24048

(C)(1) Except as otherwise provided in division (C)(2) of 24049
this section, the annual fee for a scrap tire storage facility 24050
license shall equal one thousand dollars times the number of acres 24051
on which scrap tires are to be stored at the facility during the 24052
license year, as set forth on the application for the annual 24053
license, except that the total annual license fee for any such 24054
facility shall not exceed three thousand dollars. 24055

(2) The annual fee for a scrap tire storage facility license 24056
for a storage facility that is owned or operated by a motor 24057
vehicle salvage dealer licensed under Chapter 4738. of the Revised 24058
Code is one hundred dollars. 24059

(D)(1) Except as otherwise provided in division (D)(2) of 24060
this section, the annual fee for a scrap tire collection facility 24061
license is two hundred dollars. 24062

(2) The annual fee for a scrap tire collection facility 24063
license for a collection facility that is owned or operated by a 24064
motor vehicle salvage dealer licensed under Chapter 4738. of the 24065
Revised Code is fifty dollars. 24066

(E) Except as otherwise provided in divisions (C)(2) and 24067
(D)(2) of this section, the same fees apply to private operators 24068
and to the state and its political subdivisions and shall be paid 24069
within thirty days after the issuance of a license. The fees 24070
include the cost of licensing, all inspections, and other costs 24071

Substitute Version as Presented to the Senate Finance and Financial Institutions

associated with the administration of the scrap tire provisions of
this chapter and rules adopted under them. Each license shall
specify that it is conditioned upon payment of the applicable fee
to the board of health or the director of environmental
protection, as appropriate, within thirty days after the issuance
of the license.

(F) The board of health shall retain fifteen thousand dollars
of each license fee collected by the board under division (B) of
this section, or the entire amount of any such fee that is less
than fifteen thousand dollars, and the entire amount of each
license fee collected by the board under divisions (A), (C), and
(D) of this section. The moneys retained shall be paid into a
special fund, which is hereby created in each health district, and
used solely to administer and enforce the scrap tire provisions of
this chapter and rules adopted under them. The remainder, if any,
of each license fee collected by the board under division (B) of
this section shall be transmitted to the director within
forty-five days after receipt of the fee.

(G) The director shall transmit the moneys received by the
director from license fees collected under division (B) of this
section to the treasurer of state to be credited to the scrap tire
management fund, which is hereby created in the state treasury.
The fund shall consist of all federal moneys received by the
environmental protection agency for the scrap tire management
program; all grants, gifts, and contributions made to the director
for that program; and all other moneys that may be provided by law
for that program. The director shall use moneys in the fund as
follows:

(1) Expend not more than seven hundred fifty thousand dollars
during each fiscal year to implement, administer, and enforce the
scrap tire provisions of this chapter and rules adopted under
them;

Substitute Version as Presented to the Senate Finance and Financial Institutions

~~(2) For fiscal years 1998 and 1999, grant not more than one hundred fifty thousand dollars during each fiscal year to the polymer institute at the university of Akron for the purpose of expediting research concerning and evaluation of alternative methods of recycling scrap tires. The institute shall report to the director annually concerning research programs under review, and the results of scrap tire recycling experiments conducted, by or in conjunction with the institute. The university shall report to the director biennially concerning the expenditures of moneys received by the institute under division (G)(2) of this section.~~

~~(3) During each fiscal year, request the director of budget and management to, and the director of budget and management shall, transfer one million dollars to the scrap tire loans and grants grant fund created in section 166.032 1502.12 of the Revised Code for the purposes specified in that section;~~

~~(4) Annually transfer to the central support indirect fund created in section 3745.014 of the Revised Code an amount equal to not more than twelve per cent of each fiscal year's appropriation to the scrap tire management fund.~~

~~(H)(1) If, during a fiscal year, more than three million five hundred thousand dollars are credited to the scrap tire management fund, the director, at the conclusion of the fiscal year, shall request the director of budget and management to, and the director of budget and management shall, transfer to the scrap tire loans and grants fund one half of the moneys credited to the scrap tire management fund in excess of that amount.~~

~~(2) In each fiscal year, if more than three million five hundred thousand dollars are credited to the scrap tire management fund during the preceding fiscal year, the director shall expend during the current fiscal year one half of that excess amount to conduct removal operations under section 3734.85 of the Revised Code.~~

Substitute Version as Presented to the Senate Finance and Financial Institutions

(3) Expend not more than three million dollars per year 24136
during fiscal years 2002 and 2003 to conduct removal actions under 24137
section 3734.85 of the Revised Code and to make grants to boards 24138
of health under section 3734.042 of the Revised Code. However, 24139
more than three million dollars may be expended in fiscal years 24140
2002 and 2003 for the purposes of division (G)(3) of this section 24141
if more moneys are collected from the fee levied under division 24142
(A)(2) of section 3734.901 of the Revised Code. During each 24143
subsequent fiscal year the director shall expend not more than 24144
four million five hundred thousand dollars to conduct removal 24145
actions under section 3734.85 of the Revised Code and to make 24146
grants to boards of health under section 3734.042 of the Revised 24147
Code. However, more than four million five hundred thousand 24148
dollars may be expended in a fiscal year for the purposes of 24149
division (G)(3) of this section if more moneys are collected from 24150
the fee levied under division (A)(2) of section 3734.901 of the 24151
Revised Code. The director shall request the approval of the 24152
controlling board prior to the use of the moneys to conduct 24153
removal actions under section 3734.85 of the Revised Code. The 24154
request shall be accompanied by a plan describing the removal 24155
actions to be conducted during the fiscal year and an estimate of 24156
the costs of conducting them. The controlling board shall approve 24157
the plan only if it finds that the proposed removal actions are in 24158
accordance with the priorities set forth in division (B) of 24159
section 3734.85 of the Revised Code and that the costs of 24160
conducting them are reasonable. Controlling board approval is not 24161
required for grants made to boards of health under section 24162
3734.042 of the Revised Code. 24163

(H) If, during a fiscal year, more than seven million dollars 24164
are credited to the scrap tire management fund, the director, at 24165
the conclusion of the fiscal year, shall request the director of 24166
budget and management to, and the director of budget and 24167

Substitute Version as Presented to the Senate Finance and Financial Institutions

management shall, transfer one-half of those excess moneys to the
scrap tire grant fund. The director shall expend the remaining
excess moneys in the scrap tire management fund to conduct removal
actions under section 3734.85 of the Revised Code in accordance
with the procedures established under division (I) of this
section.

(I) After the actions in divisions (G)(1) to ~~(4)~~(3) and (H)
of this section are completed during each prior fiscal year, the
director may expend up to the balance remaining from prior fiscal
years in the scrap tire management fund to conduct removal actions
under section 3734.85 of the Revised Code. Prior to using any
moneys in the fund for that purpose in a fiscal year, the director
shall request the approval of the controlling board for that use
of the moneys. The request shall be accompanied by a plan
describing the removal actions to be conducted during the fiscal
year and an estimate of the costs of conducting them. The
controlling board shall approve the plan only if the board finds
that the proposed removal actions are in accordance with the
priorities set forth in division (B) of section 3734.85 of the
Revised Code and that the costs of conducting them are reasonable.

Sec. 3734.901. (A)(1) For the purpose of providing revenue to
defray the cost of administering and enforcing the scrap tire
provisions of this chapter, rules adopted under those provisions,
and terms and conditions of orders, variances, and licenses issued
under those provisions; to abate accumulations of scrap tires; to
make grants to promote research regarding alternative methods of
recycling scrap tires and loans to promote the recycling or
recovery of energy from scrap tires; and to defray the costs of
administering and enforcing sections 3734.90 to 3734.9014 of the
Revised Code, a fee of fifty cents per tire is hereby levied on
the sale of tires. The fee is levied from the first day of the
calendar month that begins next after thirty days from October 29,

Substitute Version as Presented to the Senate Finance and Financial Institutions

1993, through June 30, 2006.

24200

(2) There is hereby levied an additional fee of fifty cents per tire on the sale of tires the proceeds of which shall be deposited in the scrap tire management fund created in section 3734.82 of the Revised Code and be used exclusively for the purposes specified in division (G)(3) of that section.

24201

24202

24203

24204

24205

(B) Only one sale of the same article shall be used in computing the amount of the fee due.

24206

24207

Sec. 3734.904. (A) By the twentieth day of each month, each person required to pay the fee imposed by section 3734.901 of the Revised Code shall file with the ~~treasurer of state tax commissioner~~ a return as prescribed by the tax commissioner and shall make payment of the full amount of the fee due for the preceding month after deduction of any discount provided for under division (E) of this section. The return shall be signed by the person required to file it, or an authorized employee, officer, or agent. ~~The treasurer shall mark on the return the date it was received and indicate payment or nonpayment of the fee shown to be due on the return. The treasurer immediately shall transmit all returns to the tax commissioner.~~ The return shall be deemed filed when received by the ~~treasurer of state tax commissioner~~.

24208

24209

24210

24211

24212

24213

24214

24215

24216

24217

24218

24219

24220

(B) Any person required by this section to file a return who fails to file such a return within the period prescribed may be required to pay an additional charge of fifty dollars or ten per cent of the fee required to be paid for the reporting period, whichever is greater. The commissioner may collect the additional charge by assessment pursuant to section 3734.907 of the Revised Code. The commissioner may remit all or a portion of the additional charge and may adopt rules relating thereto.

24221

24222

24223

24224

24225

24226

24227

24228

(C) If any fee due is not paid timely in accordance with this section, the person liable for the fee shall pay interest,

24229

24230

Substitute Version as Presented to the Senate Finance and Financial Institutions

calculated at the rate per annum as prescribed by section 5703.47
of the Revised Code, from the date the fee payment was due to the
date of payment or to the date an assessment is issued, whichever
occurs first. Interest shall be paid in the same manner as the
fee, and the commissioner may collect the interest by assessment
pursuant to section 3734.907 of the Revised Code.

(D) If, in the estimation of the tax commissioner, the
average liability of the person liable for the fee is such as not
to merit monthly filing, the commissioner may authorize the person
to file and pay at less frequent intervals. Returns are due by the
twentieth day of the month following the close of the applicable
reporting period authorized under this division.

(E) If a return is filed and the amount of the fee shown to
be due on the return is paid on or before the date that the return
is required to be filed under division (A) of this section or
pursuant to division (D) of this section, whichever is applicable,
the person liable for the fee is entitled to a discount of four
per cent of the amount shown to be due on the return.

(F) All money collected by the tax commissioner under this
section shall be paid to the treasurer of state as revenue arising
from the fee imposed by section 3734.901 of the Revised Code.

Sec. 3735.27. (A) Whenever the director of development has
determined that there is need for a housing authority in any
portion of any county that comprises two or more political
subdivisions or portions thereof but is less than all the
territory within the county, a metropolitan housing authority
shall be declared to exist and the territorial limits thereof
shall be defined by a letter from the director. The director shall
issue a determination from the department of development declaring
that there is need for a housing authority within such territorial
limits ~~if he finds~~ after finding either:

Substitute Version as Presented to the Senate Finance and Financial Institutions

(1) Unsanitary or unsafe inhabited housing accommodations 24262
exist in such area; 24263

(2) There is a shortage of safe and sanitary housing 24264
accommodations in such area available to persons who lack the 24265
amount of income which is necessary, as determined by the 24266
director, to enable them, without financial assistance, to live in 24267
decent, safe, and sanitary dwellings without congestion. 24268

In determining whether dwelling accommodations are unsafe or 24269
unsanitary the director may take into consideration the degree of 24270
congestion, the percentage of land coverage, the light, air, 24271
space, and access available to the inhabitants of such dwelling 24272
accommodations, the size and arrangement of the rooms, the 24273
sanitary facilities, and the extent to which conditions exist in 24274
such buildings which endanger life or property by fire or other 24275
causes. 24276

The territorial limits of a housing authority, defined by the 24277
director, shall be fixed for such authority upon proof of a letter 24278
from the director declaring the need for such authority to 24279
function in those territorial limits. Any such letter from the 24280
director, any certificate of determination issued by the director, 24281
and any certificate of appointment of members of the authority 24282
shall be admissible in evidence in any suit, action, or 24283
proceeding. 24284

A certified copy of the letter from the director, declaring 24285
the existence and boundaries of a housing authority district, 24286
shall be immediately forwarded to each appointing authority. A 24287
housing authority shall consist of five members, who shall be 24288
residents of the territory embraced in such metropolitan housing 24289
authority district. 24290

(B) Except as otherwise provided in division (C) of this 24291
section, one member shall be appointed by the probate court, one 24292

Substitute Version as Presented to the Senate Finance and Financial Institutions

member by the court of common pleas, one member by the board of
county commissioners, and two members by the chief executive
officer of the most populous city in the territory included in the
district, in accordance with the last preceding federal census. At
the time of the initial appointment of the authority, the member
appointed by the probate court shall be appointed for a period of
four years, the appointee of the court of common pleas for three
years, the appointee of the board of county commissioners for two
years, one appointee of the chief executive officer for one year
and one appointee of the chief executive officer for five years.
Thereafter, all members of the authority shall be appointed for
five-year terms and vacancies due to expired terms shall be filled
by the same appointing powers.

(C) For any metropolitan housing authority district that
~~contains~~ contained, as of the 1990 federal census, a population of
at least one million, two members of the authority shall be
appointed by the municipal legislative authority of the most
populous city in the territory included in the district, two
members by the chief executive officer of the most populous city
in the territory included in the district, and one member by the
chief executive officer, with the approval of the municipal
legislative authority, of the city in the district which has the
second highest number of housing units owned or managed by the
authority.

At the time of the initial appointment of the authority, one
member appointed by the municipal legislative authority of the
most populous city in the territory included in the district shall
be appointed for three years, and one for one year; the appointee
of the chief executive officer of the city with the second highest
number of housing units owned or managed by the authority shall be
appointed, with the approval of the municipal legislative
authority, for three years; one appointee of the chief executive

Substitute Version as Presented to the Senate Finance and Financial Institutions

officer of the most populous city in the district shall be
appointed for three years, and one for one year. Thereafter, all
members of the authority shall be appointed for three-year terms,
and any vacancy shall be filled by the same appointing power that
made the initial appointment. At the expiration of the term of any
member appointed by the chief executive officer of the most
populous city in the territory included in the district prior to
March 15, 1983, the chief executive officer of the most populous
city in the district shall fill the vacancy by appointment for a
three-year term. At the expiration of the term of any member
appointed by the board of county commissioners prior to March 15,
1983, the chief executive officer of the city in the district with
the second highest number of housing units owned or managed by the
authority shall, with the approval of the municipal legislative
authority, fill the vacancy by appointment for a three-year term.
At the expiration of the term of any member appointed prior to
March 15, 1983 by the court of common pleas or the probate court,
the legislative authority of the most populous city in the
territory included in the district shall fill the vacancy by
appointment for a three-year term.

After March 15, 1983, at least one of the members appointed
by the chief executive officer of the most populous city shall be
a resident of a dwelling unit owned or managed by the housing
authority. At least one of the initial appointments by the chief
executive officer of the most populous city, after March 15, 1983,
shall be a resident of a dwelling unit owned or managed by the
housing authority. Thereafter, any member appointed by the chief
executive officer for the term established by this initial
appointment, or for any succeeding term thereof, shall be a person
who resides in a dwelling unit owned or managed by the housing
authority. If there is an elected, representative body of all
residents of the housing authority, then the chief executive

Substitute Version as Presented to the Senate Finance and Financial Institutions

officer shall, whenever there is a vacancy in this resident term, 24357
provide written notice of the vacancy to the representative body. 24358
If the representative body submits to the chief executive officer, 24359
in writing and within sixty days after the date on which it was 24360
notified of the vacancy, the names of at least five residents of 24361
the housing authority who are willing and qualified to serve as a 24362
member, then the chief executive officer shall appoint to the 24363
resident term one of the residents recommended by the 24364
representative body. At no time shall residents constitute a 24365
majority of the members of the authority. 24366

(D) Public officials, other than the officers having the 24367
appointing power under this section, shall be eligible to serve as 24368
members, officers, or employees of the housing authority 24369
notwithstanding any statute, charter, or law to the contrary. Not 24370
more than two such public officials shall be members of the 24371
authority at any one time. 24372

All members of such housing authority shall serve without 24373
compensation but shall be entitled to be reimbursed for all 24374
necessary expenses incurred. After such district has been formed, 24375
the director may enlarge the territory within such district to 24376
include other political subdivisions, or portions thereof, but the 24377
territorial limits of which shall be less than that of the county. 24378

Sec. 3745.014. There is hereby created in the state treasury 24379
the central support indirect fund, which shall be administered by 24380
the director of environmental protection. Money credited to the 24381
fund shall be used for administrative costs of the environmental 24382
protection agency ~~that are related to expenditures by the agency~~ 24383
~~from funds of the general services fund group and the state~~ 24384
~~special revenue fund group.~~ The director may assess any operating 24385
funds of from which the agency ~~within the general services fund~~ 24386
~~group or the state special revenue fund group receives~~ 24387

Substitute Version as Presented to the Senate Finance and Financial Institutions

appropriations, except the central support indirect fund, for a 24388
share of the administrative costs of the agency. The ~~assessments~~ 24389
~~shall be paid from the general services funds and state special~~ 24390
~~revenue funds designated by the director and~~ amounts assessed 24391
shall be transferred to the central support indirect fund by means 24392
of intrastate transfer vouchers. The director, with the approval 24393
of the director of budget and management, shall determine the rate 24394
of assessments, ~~which shall not exceed twelve per cent of the~~ 24395
~~total fiscal year appropriation from any such fund for the fiscal~~ 24396
~~year unless the controlling board approves a request from the~~ 24397
~~director for a higher rate.~~ 24398

Sec. 3745.04. As used in this section, "any person" means any 24399
individual, any partnership, corporation, association, or other 24400
legal entity, or any political subdivision, instrumentality, or 24401
agency of a state, whether or not the individual or legal entity 24402
is an applicant for or holder of a license, permit, or variance 24403
from the environmental protection agency, and includes any 24404
department, agency, or instrumentality of the federal government 24405
that is an applicant for or holder of a license, permit, or 24406
variance from the environmental protection agency. 24407

As used in this section, "action" or "act" includes the 24408
adoption, modification, or repeal of a rule or standard, the 24409
issuance, modification, or revocation of any lawful order other 24410
than an emergency order, and the issuance, denial, modification, 24411
or revocation of a license, permit, lease, variance, or 24412
certificate, or the approval or disapproval of plans and 24413
specifications pursuant to law or rules adopted thereunder. 24414

Any person who was a party to a proceeding before the 24415
director of environmental protection may participate in an appeal 24416
to the environmental review appeals commission for an order 24417
vacating or modifying the action of the director ~~of environmental~~ 24418
~~protection~~ or a local board of health, or ordering the director or 24419

Substitute Version as Presented to the Senate Finance and Financial Institutions

board of health to perform an act. The environmental review 24420
appeals commission has exclusive original jurisdiction over any 24421
matter that may, under this section, be brought before it. 24422

The person so appealing to the commission shall be known as 24423
appellant, and the director and any party to a proceeding 24424
substantially supporting the finding from which the appeal is 24425
taken shall be known as appellee, except that when an appeal 24426
involves a license to operate a disposal site or facility, the 24427
local board of health or the director of environmental protection, 24428
and any party to a proceeding substantially supporting the finding 24429
from which the appeal is taken, shall, as appropriate, be known as 24430
the appellee. Appellant and appellee shall be deemed to be parties 24431
to the appeal. 24432

The appeal shall be in writing and shall set forth the action 24433
complained of and the grounds upon which the appeal is based. 24434

The appeal shall be filed with the commission within thirty 24435
days after notice of the action. Notice of the filing of the 24436
appeal shall be filed with the appellee within three days after 24437
the appeal is filed with the commission. 24438

The appeal shall be accompanied by a filing fee of ~~forty~~ 24439
sixty dollars, which the commission, in its discretion, may waive 24440
in cases of extreme hardship. 24441

Within seven days after receipt of the notice of appeal, the 24442
director or local board of health shall prepare and certify to the 24443
commission a record of the proceedings out of which the appeal 24444
arises, including all documents and correspondence, and a 24445
transcript of all testimony. 24446

Upon the filing of the appeal, the commission shall fix the 24447
time and place at which the hearing on the appeal will be held. 24448
The commission shall give the appellant and the appellee at least 24449
ten days' written notice thereof by certified mail. The commission 24450

Substitute Version as Presented to the Senate Finance and Financial Institutions

shall hold the hearing within thirty days after the notice of
appeal is filed. The commission may postpone or continue any
hearing upon its own motion or upon application of the appellant
or of the appellee.

The filing of an appeal does not automatically suspend or
stay execution of the action appealed from. Upon application by
the appellant, the commission may suspend or stay ~~such~~ the
execution pending immediate determination of the appeal without
interruption by continuances, other than for unavoidable
circumstances.

As used in this section and sections 3745.05 and 3745.06 of
the Revised Code, "director of environmental protection" and
"director" are deemed to include the director of agriculture and
"environmental protection agency" is deemed to include the
department of agriculture with respect to actions that are
appealable to the commission under Chapter 903. of the Revised
Code.

Sec. 3745.10. (A) Not later than ten business days after
receipt of an application for a permit to install under rules
adopted under section 3704.03 of the Revised Code or for the
approval of plans under section 6111.44, 6111.45, or 6111.46 of
the Revised Code, the director of environmental protection shall
send to the applicant written acknowledgement of receipt of the
application. The written acknowledgement shall contain a statement
indicating either that the application contains all of the
information that is necessary to perform a technical review or
that the application is incomplete. If the application is
incomplete, the written acknowledgement also shall provide a
description of the information that is missing from the
application.

(B) If the director fails to make the completeness

Substitute Version as Presented to the Senate Finance and Financial Institutions

determination and provide written notice of that determination not
later than ten business days after receipt of the application, the
application shall be deemed to be complete in all material
respects on the eleventh business day after receipt of the
application by the director or the director's agent or authorized
representative.

(C) If, during the processing of an application, the director
determines, either before or after it has been determined or
deemed to be complete under this section, that additional
information is necessary in order to evaluate or take final action
on the application, the director may request the information in
writing.

Sec. 3745.11. (A) Applicants for and holders of permits,
licenses, variances, plan approvals, and certifications issued by
the director of environmental protection pursuant to Chapters
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee
to the environmental protection agency for each such issuance and
each application for an issuance as provided by this section. No
fee shall be charged for any issuance for which no application has
been submitted to the director.

(B) Prior to January 1, 1994, each person issued a permit to
operate, variance, or permit to install under section 3704.03 of
the Revised Code shall pay the fees specified in the following
schedule:

(1) Fuel-Burning Equipment				24506
Input capacity	Permit		Permit	24507
(million British	to		to	24508
thermal units per hour)	operate	Variance	install	24509
0 or more, but less than 10	\$ 75	\$225	\$ 100	24510
10 or more, but less than 100	210	450	390	24511
100 or more, but less than 300	270	675	585	24512

Substitute Version as Presented to the Senate Finance and Financial Institutions

300 or more, but less than 500	330	900	780	24513
500 or more	500	975	1000	24514

Any fuel-burning equipment using only natural gas, propane, 24515
 liquefied petroleum gas, or number two or lighter fuel oil shall 24516
 be assessed a fee one-half of that shown. 24517

(2) Incinerators 24518

	Permit		Permit	24519
Input capacity	to		to	24520
(pounds per hour)	operate	Variance	install	24521
0 to 50	\$ 50	\$225	\$ 65	24522
51 to 500	210	450	390	24523
501 to 2000	270	675	585	24524
2001 to 30,000	330	900	780	24525
more than 30,000	500	975	1000	24526

(3) Process 24527

	Permit		Permit	24528
Process weight rate	to		to	24529
(pounds per hour)	operate	Variance	install	24530
0 to 1000	\$100	\$225	\$ 200	24531
1001 to 5000	210	450	390	24532
5001 to 10,000	270	675	585	24533
10,001 to 50,000	330	900	780	24534
more than 50,000	500	975	1000	24535

In any process where process weight rate cannot be 24536
 ascertained, the minimum fee shall be assessed. 24537

(4) Storage tanks 24538

	Permit		Permit	24539
Gallons	to	variance	to	24540
(capacity)	operate	<u>Variance</u>	install	24541
less <u>Less</u> than 40,000	\$150	\$225	\$ 195	24542
40,000 or more, but less				24543
than 100,000	210	450	390	24544

Substitute Version as Presented to the Senate Finance and Financial Institutions

100,000 or more, but less				24545
than 400,000	270	675	585	24546
400,000 or more, but less				24547
than 1,000,000	330	900	780	24548
1,000,000 or more	500	975	1000	24549
(5) Gasoline				24550
	Permit		Permit	24551
Gasoline dispensing	to		to	24552
facilities	operate	Variance	install	24553
For each gasoline				24554
dispensing facility	\$20	\$100	\$50	24555
(6) Dry cleaning				24556
	Permit		Permit	24557
Dry cleaning	to		to	24558
facilities	operate	Variance	install	24559
For each dry cleaning				24560
facility	\$50	\$200	\$100	24561
(7) Coal mining operations regulated under Chapter 1513. of				24562
the Revised Code shall be assessed a fee of two hundred fifty				24563
dollars per mine or location.				24564
(C)(1) Except as otherwise provided in division (C)(2) of				24565
this section, beginning July 1, 1994, each person who owns or				24566
operates an air contaminant source and who is required to apply				24567
for and obtain a Title V permit under section 3704.036 of the				24568
Revised Code shall pay the fees set forth in division (C)(1) of				24569
this section. For the purposes of that division, total emissions				24570
of air contaminants may be calculated using engineering				24571
calculations, emissions factors, material balance calculations, or				24572
performance testing procedures, as authorized by the director.				24573
The following fees shall be assessed on the total actual				24574
emissions from a source in tons per year of the regulated				24575
pollutants particulate matter, sulfur dioxide, nitrogen oxides,				24576

Substitute Version as Presented to the Senate Finance and Financial Institutions

organic compounds, and lead: 24577

(a) Fifteen dollars per ton on the total actual emissions of 24578
each such regulated pollutant during the period July through 24579
December 1993, to be collected no sooner than July 1, 1994; 24580

(b) Twenty dollars per ton on the total actual emissions of 24581
each such regulated pollutant during calendar year 1994, to be 24582
collected no sooner than April 15, 1995; 24583

(c) Twenty-five dollars per ton on the total actual emissions 24584
of each such regulated pollutant in calendar year 1995, and each 24585
subsequent calendar year, to be collected no sooner than the 24586
fifteenth day of April of the year next succeeding the calendar 24587
year in which the emissions occurred. 24588

The fees levied under division (C)(1) of this section do not 24589
apply to that portion of the emissions of a regulated pollutant at 24590
a facility that exceed four thousand tons during a calendar year. 24591

(2) The fees assessed under division (C)(1) of this section 24592
are for the purpose of providing funding for the Title V permit 24593
program. 24594

(3) The fees assessed under division (C)(1) of this section 24595
do not apply to emissions from any electric generating unit 24596
designated as a Phase I unit under Title IV of the federal Clean 24597
Air Act prior to calendar year 2000. Those fees shall be assessed 24598
on the emissions from such a generating unit commencing in 24599
calendar year 2001 based upon the total actual emissions from the 24600
generating unit during calendar year 2000 and shall continue to be 24601
assessed each subsequent calendar year based on the total actual 24602
emissions from the generating unit during the preceding calendar 24603
year. 24604

(4) The director shall issue invoices to owners or operators 24605
of air contaminant sources who are required to pay a fee assessed 24606
under division (C) or (D) of this section. Any such invoice shall 24607

Substitute Version as Presented to the Senate Finance and Financial Institutions

be issued no sooner than the applicable date when the fee first
may be collected in a year under the applicable division, shall
identify the nature and amount of the fee assessed, and shall
indicate that the fee is required to be paid within thirty days
after the issuance of the invoice.

(D)(1) Except as provided in division (D)(2) of this section,
beginning January 1, 1994, each person who owns or operates an air
contaminant source; who is required to apply for a permit to
operate pursuant to rules adopted under division (G), or a
variance pursuant to division (H), of section 3704.03 of the
Revised Code; and who is not required to apply for and obtain a
Title V permit under section 3704.036 of the Revised Code shall
pay a single fee based upon the sum of the actual annual emissions
from the facility of the regulated pollutants particulate matter,
sulfur dioxide, nitrogen oxides, organic compounds, and lead in
accordance with the following schedule:

Total tons per year		
of regulated pollutants	Annual fee	
emitted	per facility	
More than 0, but less than 50	\$ 75	
50 or more, but less than 100	300	
100 or more	700	

(2)(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, ~~2001~~ 2004,
each person who owns or operates a synthetic minor facility shall
pay an annual fee based on the sum of the actual annual emissions

Substitute Version as Presented to the Senate Finance and Financial Institutions

from the facility of particulate matter, sulfur dioxide, nitrogen 24640
 dioxide, organic compounds, and lead in accordance with the 24641
 following schedule: 24642

Combined total tons		24643
per year of all regulated	Annual fee	24644
pollutants emitted	per facility	24645
Less than 10	\$ 170	24646
10 or more, but less than 20	340	24647
20 or more, but less than 30	670	24648
30 or more, but less than 40	1,010	24649
40 or more, but less than 50	1,340	24650
50 or more, but less than 60	1,680	24651
60 or more, but less than 70	2,010	24652
70 or more, but less than 80	2,350	24653
80 or more, but less than 90	2,680	24654
90 or more, but less than 100	3,020	24655
100 or more	3,350	24656

(3) The fees assessed under division (D)(1) of this section 24657
 shall be collected annually no sooner than the fifteenth day of 24658
 April, commencing in 1995. The fees assessed under division (D)(2) 24659
 of this section shall be collected no sooner than the fifteenth 24660
 day of April, commencing in 2000, ~~and shall continue through June~~ 24661
~~30, 2001.~~ The fees assessed under division (D) of this section in 24662
 a calendar year shall be based upon the sum of the actual 24663
 emissions of those regulated pollutants during the preceding 24664
 calendar year. For the purpose of division (D) of this section, 24665
 emissions of air contaminants may be calculated using engineering 24666
 calculations, emission factors, material balance calculations, or 24667
 performance testing procedures, as authorized by the director. The 24668
 director, by rule, may require persons who are required to pay the 24669
 fees assessed under division (D) of this section to pay those fees 24670
 biennially rather than annually. 24671

Substitute Version as Presented to the Senate Finance and Financial Institutions

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (C)(1) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (C)(1) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after January 1, 1994, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers)		24696
Input capacity (maximum)		24697
(million British thermal units per hour)	Permit to install	24698
Greater than 0, but less than 10	\$ 200	24699
10 or more, but less than 100	400	24700
100 or more, but less than 300	800	24701
300 or more, but less than 500	1500	24702

Substitute Version as Presented to the Senate Finance and Financial Institutions

500 or more, but less than 1000	2500	24703
1000 or more, but less than 5000	4000	24704
5000 or more	6000	24705

Units burning exclusively natural gas, number two fuel oil, 24706
or both shall be assessed a fee that is one-half the applicable 24707
amount shown in division (F)(1) of this section. 24708

(2) Incinerators 24709

Input capacity (pounds per hour)	Permit to install	24710
0 to 100	\$ 100	24711
101 to 500	400	24712
501 to 2000	750	24713
2001 to 20,000	1000	24714
more than 20,000	2500	24715

(3)(a) Process 24716

Process weight rate (pounds per hour)	Permit to install	24717
0 to 1000	\$ 200	24718
1001 to 5000	400	24719
5001 to 10,000	600	24720
10,001 to 50,000	800	24721
more than 50,000	1000	24722

In any process where process weight rate cannot be 24723
ascertained, the minimum fee shall be assessed. 24724

(b) Notwithstanding division (F)(3)(a) of this section, any 24725
person issued a permit to install pursuant to rules adopted under 24726
division (F) of section 3704.03 of the Revised Code shall pay the 24727
fees set forth in division (F)(3)(c) of this section for a process 24728
used in any of the following industries, as identified by the 24729
applicable four-digit standard industrial classification code 24730
according to the Standard Industrial Classification Manual 24731
published by the United States office of management and budget in 24732
the executive office of the president, 1972, as revised: 24733

Substitute Version as Presented to the Senate Finance and Financial Institutions

1211 Bituminous coal and lignite mining;		24734
1213 Bituminous coal and lignite mining services;		24735
1411 Dimension stone;		24736
1422 Crushed and broken limestone;		24737
1427 Crushed and broken stone, not elsewhere classified;		24738
1442 Construction sand and gravel;		24739
1446 Industrial sand;		24740
3281 Cut stone and stone products;		24741
3295 Minerals and earth, ground or otherwise treated.		24742
(c) The fees set forth in the following schedule apply to the		24743
issuance of a permit to install pursuant to rules adopted under		24744
division (F) of section 3704.03 of the Revised Code for a process		24745
identified in division (F)(3)(b) of this section:		24746
Gallons (maximum		24747
useful capacity)	Permit to install	24748
0 to 20,000	\$ 100	24749
20,001 to 40,000	150	24750
40,001 to 100,000	200	24751
100,001 to 250,000	250	24752
250,001 to 500,000	350	24753
500,001 to 1,000,000	500	24754
1,000,001 or greater	750	24755
(4) Storage tanks		24756
Gallons (maximum useful capacity)	Permit to install	24757
0 to 20,000	\$100	24758
20,001 to 40,000	150	24759
40,001 to 100,000	200	24760
100,001 to 250,000	250	24761
250,001 to 500,000	350	24762
500,001 to 1,000,000	500	24763

Substitute Version as Presented to the Senate Finance and Financial Institutions

1,000,001 or greater	750	24764
(5) Gasoline/fuel dispensing facilities		24765
For each gasoline/fuel	Permit to install	24766
dispensing facility	\$ 100	24767
(6) Dry cleaning facilities		24768
For each dry cleaning		24769
facility (includes all units	Permit to install	24770
at the facility)	\$ 100	24771
(7) Registration status		24772
For each source covered	Permit to install	24773
by registration status	\$ 75	24774
(G) An owner or operator who is responsible for an asbestos		24775
demolition or renovation project pursuant to rules adopted under		24776
section 3704.03 of the Revised Code shall pay the fees set forth		24777
in the following schedule:		24778
Action	Fee	24779
Each notification	\$75	24780
Asbestos removal	\$3/unit	24781
Asbestos cleanup	\$4/cubic yard	24782
For purposes of this division, "unit" means any combination of		24783
linear feet or square feet equal to fifty.		24784
(H) A person who is issued an extension of time for a permit		24785
to install an air contaminant source pursuant to rules adopted		24786
under division (F) of section 3704.03 of the Revised Code shall		24787
pay a fee equal to one-half the fee originally assessed for the		24788
permit to install under this section, except that the fee for such		24789
an extension shall not exceed two hundred dollars.		24790
(I) A person who is issued a modification to a permit to		24791
install an air contaminant source pursuant to rules adopted under		24792
section 3704.03 of the Revised Code shall pay a fee equal to		24793
one-half of the fee that would be assessed under this section to		24794

Substitute Version as Presented to the Senate Finance and Financial Institutions

obtain a permit to install the source. The fee assessed by this
division only applies to modifications that are initiated by the
owner or operator of the source and shall not exceed two thousand
dollars.

(J) Notwithstanding division (B) or (F) of this section, a
person who applies for or obtains a permit to install pursuant to
rules adopted under division (F) of section 3704.03 of the Revised
Code after the date actual construction of the source began shall
pay a fee for the permit to install that is equal to twice the fee
that otherwise would be assessed under the applicable division
unless the applicant received authorization to begin construction
under division (W) of section 3704.03 of the Revised Code. This
division only applies to sources for which actual construction of
the source begins on or after July 1, 1993. The imposition or
payment of the fee established in this division does not preclude
the director from taking any administrative or judicial
enforcement action under this chapter, Chapter 3704., 3714.,
3734., or 6111. of the Revised Code, or a rule adopted under any
of them, in connection with a violation of rules adopted under
division (F) of section 3704.03 of the Revised Code.

As used in this division, "actual construction of the source"
means the initiation of physical on-site construction activities
in connection with improvements to the source that are permanent
in nature, including, without limitation, the installation of
building supports and foundations and the laying of underground
pipework.

(K) Fifty cents per ton of each fee assessed under division
(C) of this section on actual emissions from a source and received
by the environmental protection agency pursuant to that division
shall be deposited into the state treasury to the credit of the
small business assistance fund created in section 3706.19 of the
Revised Code. The remainder of the moneys received by the division

Substitute Version as Presented to the Senate Finance and Financial Institutions

pursuant to that division and moneys received by the agency 24827
 pursuant to divisions (D), (F), (G), (H), (I), and (J) of this 24828
 section shall be deposited in the state treasury to the credit of 24829
 the clean air fund created in section 3704.035 of the Revised 24830
 Code. 24831

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 24832
 or (c) of this section, a person issued a water discharge permit 24833
 or renewal of a water discharge permit pursuant to Chapter 6111. 24834
 of the Revised Code shall pay a fee based on each point source to 24835
 which the issuance is applicable in accordance with the following 24836
 schedule: 24837

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	24839
1,001 to 5000	100	24840
5,001 to 50,000	200	24841
50,001 to 100,000	300	24842
100,001 to 300,000	525	24843
over 300,000	750	24844

(b) Notwithstanding the fee schedule specified in division 24845
 (L)(1)(a) of this section, the fee for a water discharge permit 24846
 that is applicable to coal mining operations regulated under 24847
 Chapter 1513. of the Revised Code shall be two hundred fifty 24848
 dollars per mine. 24849

(c) Notwithstanding the fee schedule specified in division 24850
 (L)(1)(a) of this section, the fee for a water discharge permit 24851
 for a public discharger identified by I in the third character of 24852
 the permittee's NPDES permit number shall not exceed seven hundred 24853
 fifty dollars. 24854

(2) A person applying for a plan approval for a wastewater 24855
 treatment works pursuant to section 6111.44, 6111.45, or 6111.46 24856
 of the Revised Code shall pay a fee of one hundred dollars plus 24857
 sixty-five one-hundredths of one per cent of the estimated project 24858

Substitute Version as Presented to the Senate Finance and Financial Institutions

cost through June 30, ~~2002~~ 2004, and one hundred dollars plus
two-tenths of one per cent of the estimated project cost on and
after July 1, ~~2002~~ 2004, except that the total fee shall not
exceed fifteen thousand dollars through June 30, ~~2002~~ 2004, and
five thousand dollars on and after July 1, ~~2002~~ 2004. The fee
shall be paid at the time the application is submitted.

(3) A person issued a modification of a water discharge
permit shall pay a fee equal to one-half the fee that otherwise
would be charged for a water discharge permit, except that the fee
for the modification shall not exceed four hundred dollars.

(4) A person who has entered into an agreement with the
director under section 6111.14 of the Revised Code shall pay an
administrative service fee for each plan submitted under that
section for approval that shall not exceed the minimum amount
necessary to pay administrative costs directly attributable to
processing plan approvals. The director annually shall calculate
the fee and shall notify all persons who have entered into
agreements under that section, or who have applied for agreements,
of the amount of the fee.

(5)(a)(i) Not later than January 30, ~~2000~~ 2002, and January
30, ~~2001~~ 2003, a person holding an NPDES discharge permit issued
pursuant to Chapter 6111. of the Revised Code with an average
daily discharge flow of five thousand gallons or more shall pay a
nonrefundable annual discharge fee. Any person who fails to pay
the fee at that time shall pay an additional amount that equals
ten per cent of the required annual discharge fee.

(ii) The billing year for the annual discharge fee
established in division (L)(5)(a)(i) of this section shall consist
of a twelve-month period beginning on the first day of January of
the year preceding the date when the annual discharge fee is due.
In the case of an existing source that permanently ceases to
discharge during a billing year, the director shall reduce the

Substitute Version as Presented to the Senate Finance and Financial Institutions

annual discharge fee, including the surcharge applicable to
certain industrial facilities pursuant to division (L)(5)(c) of
this section, by one-twelfth for each full month during the
billing year that the source was not discharging, but only if the
person holding the NPDES discharge permit for the source notifies
the director in writing, not later than the first day of October
of the billing year, of the circumstances causing the cessation of
discharge.

(iii) The annual discharge fee established in division
(L)(5)(a)(i) of this section, except for the surcharge applicable
to certain industrial facilities pursuant to division (L)(5)(c) of
this section, shall be based upon the average daily discharge flow
in gallons per day calculated using first day of May through
thirty-first day of October flow data for the period two years
prior to the date on which the fee is due. In the case of NPDES
discharge permits for new sources, the fee shall be calculated
using the average daily design flow of the facility until actual
average daily discharge flow values are available for the time
period specified in division (L)(5)(a)(iii) of this section. The
annual discharge fee may be prorated for a new source as described
in division (L)(5)(a)(ii) of this section.

(b) An NPDES permit holder that is a public discharger shall
pay the fee specified in the following schedule:

Average daily	Fee due by	Fee due by	
discharge flow	January 30, 2000	January 30, 2001	
		<u>2002, and</u>	
		<u>January 30, 2003</u>	
5,000 to 49,999	\$ 180	\$ 200	
50,000 to 100,000	450	500	
100,001 to 250,000	900	1,050	
250,001 to 1,000,000	2,250	2,600	
1,000,001 to 5,000,000	4,500	5,200	

Substitute Version as Presented to the Senate Finance and Financial Institutions

5,000,001 to 10,000,000	9,000	10,350	24923
10,000,001 to 20,000,000	13,500	15,550	24924
20,000,001 to 50,000,000	22,500	25,900	24925
50,000,001 to 100,000,000	36,000	41,400	24926
100,000,001 or more	54,000	62,100	24927

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

~~(C)~~(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily	Fee due by	Fee due by	
discharge flow	January 30, 2000	January 30, 2001	
		<u>2002, and</u>	
		<u>January 30, 2003</u>	
5,000 to 49,999	\$ 180	\$ 250	24944
50,000 to 250,000	900	1,200	24945
250,001 to 1,000,000	2,250	2,950	24946
1,000,001 to 5,000,000	4,500	5,850	24947
5,000,001 to 10,000,000	6,750	8,800	24948
10,000,001 to 20,000,000	9,000	11,700	24949
20,000,001 to 100,000,000	10,800	14,050	24950
100,000,001 to 250,000,000	12,600	16,400	24951
250,000,001 or more	14,400	18,700	24952

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as

Substitute Version as Presented to the Senate Finance and Financial Institutions

a major discharger during all or part of the annual discharge fee 24955
billing year specified in division (L)(5)(a)(ii) of this section 24956
shall pay a nonrefundable annual surcharge of ~~six thousand seven~~ 24957
~~hundred fifty dollars not later than January 30, 2000, and a~~ 24958
~~nonrefundable annual surcharge of~~ seven thousand five hundred 24959
dollars not later than January 30, ~~2001~~ 2002, and not later than 24960
January 30, 2003. Any person who fails to pay the surcharge at 24961
that time shall pay an additional amount that equals ten per cent 24962
of the amount of the surcharge. 24963

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 24964
section, a public discharger identified by I in the third 24965
character of the permittee's NPDES permit number and an industrial 24966
discharger identified by I, J, L, V, W, X, Y, or Z in the third 24967
character of the permittee's NPDES permit number shall pay a 24968
nonrefundable annual discharge fee of one hundred eighty dollars 24969
not later than January 30, ~~2000~~ 2002, and not later than January 24970
30, ~~2001~~ 2003. Any person who fails to pay the fee at that time 24971
shall pay an additional amount that equals ten per cent of the 24972
required fee. 24973

(6) Each person obtaining a national pollutant discharge 24974
elimination system general or individual permit for municipal 24975
storm water discharge shall pay a nonrefundable storm water 24976
discharge fee of one hundred dollars per square mile of area 24977
permitted. The fee shall not exceed ten thousand dollars and shall 24978
be payable on or before January 30, 2004, and the thirtieth day of 24979
January of each year thereafter. Any person who fails to pay the 24980
fee on the date specified in division (L)(6) of this section shall 24981
pay an additional amount per year equal to ten per cent of the 24982
annual fee that is unpaid. 24983

(7) The director shall transmit all moneys collected under 24984
division (L) of this section to the treasurer of state for deposit 24985
into the state treasury to the credit of the surface water 24986

Substitute Version as Presented to the Senate Finance and Financial Institutions

protection fund created in section 6111.038 of the Revised Code. 24987

~~(7)~~(8) As used in division (L) of this section: 24988

(a) "NPDES" means the federally approved national pollutant 24989
discharge elimination system program for issuing, modifying, 24990
revoking, reissuing, terminating, monitoring, and enforcing 24991
permits and imposing and enforcing pretreatment requirements under 24992
Chapter 6111. of the Revised Code and rules adopted under it. 24993

(b) "Public discharger" means any holder of an NPDES permit 24994
identified by P in the second character of the NPDES permit number 24995
assigned by the director. 24996

(c) "Industrial discharger" means any holder of an NPDES 24997
permit identified by I in the second character of the NPDES permit 24998
number assigned by the director. 24999

(d) "Major discharger" means any holder of an NPDES permit 25000
classified as major by the regional administrator of the United 25001
States environmental protection agency in conjunction with the 25002
director. 25003

(M) Through June 30, ~~2002~~ 2004, a person applying for a 25004
license or license renewal to operate a public water system under 25005
section 6109.21 of the Revised Code shall pay the appropriate fee 25006
established under this division at the time of application to the 25007
director. Any person who fails to pay the fee at that time shall 25008
pay an additional amount that equals ten per cent of the required 25009
fee. The director shall transmit all moneys collected under this 25010
division to the treasurer of state for deposit into the drinking 25011
water protection fund created in section 6109.30 of the Revised 25012
Code. 25013

Fees required under this division shall be calculated and 25014
paid in accordance with the following schedule: 25015

(1) For the initial license required under division (A)(1) of 25016
section 6109.21 of the Revised Code for any public water system 25017

Substitute Version as Presented to the Senate Finance and Financial Institutions

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, ~~2002~~ 2004, the fee is:

Number of service connections	Fee amount	
Not more than 49	\$56	
50 to 99	88	
Number of service connections	Average cost per connection	
100 to 2,499	\$.96	
2,500 to 4,999	.92	
5,000 to 7,499	.88	
7,500 to 9,999	.84	
10,000 to 14,999	.80	
15,000 to 24,999	.76	
25,000 to 49,999	.72	
50,000 to 99,999	.68	
100,000 to 149,999	.64	
150,000 to 199,999	.60	
200,000 or more	.56	

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.

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
main to any building outlet.

(2) For the initial license required under division (A)(2) of
section 6109.21 of the Revised Code for any public water system
that is not a community water system and serves a nontransient
population, and for each license renewal required for such a
system prior to January 31, ~~2002~~ 2004, the fee is:

Population served	Fee amount	
-------------------	------------	--

Substitute Version as Presented to the Senate Finance and Financial Institutions

Fewer than 150	\$ 56	25050
150 to 299	88	25051
300 to 749	192	25052
750 to 1,499	392	25053
1,500 to 2,999	792	25054
3,000 to 7,499	1,760	25055
7,500 to 14,999	3,800	25056
15,000 to 22,499	6,240	25057
22,500 to 29,999	8,576	25058
30,000 or more	11,600	25059

As used in division (M)(2) of this section, "population
served" means the total number of individuals receiving water from
the water supply during a twenty-four-hour period for at least
sixty days during any calendar year. In the absence of a specific
population count, that number shall be calculated at the rate of
three individuals per service connection.

(3) For the initial license required under division (A)(3) of
section 6109.21 of the Revised Code for any public water system
that is not a community water system and serves a transient
population, and for each license renewal required for such a
system prior to January 31, ~~2002~~ 2004, the fee is:

Number of wells supplying system	Fee amount	25071
1	\$ 56	25072
2	56	25073
3	88	25074
4	192	25075
5	392	25076
System supplied by surface		25077
water, springs, or dug wells	792	25078

As used in division (M)(3) of this section, "number of wells
supplying system" means those wells that are physically connected
to the plumbing system serving the public water system.

Substitute Version as Presented to the Senate Finance and Financial Institutions

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred dollars plus two-tenths of one per cent of the estimated project cost, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2002~~ 2004, and five thousand dollars on and after July 1, ~~2002~~ 2004. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2002~~ 2004, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological	\$1,650	
organic chemical	3,500	
inorganic chemical	3,500	
standard chemistry	1,800	
limited chemistry	1,000	

On and after July 1, ~~2002~~ 2004, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$250	
chemical/radiological	250	
nitrate/turbidity (only)	150	

Substitute Version as Presented to the Senate Finance and Financial Institutions

The fee for those services shall be paid at the time the request 25114
for the survey is made. Through June 30, ~~2002~~ 2004, an individual 25115
laboratory shall not be assessed a fee under this division more 25116
than once in any three-year period. 25117

The director shall transmit all moneys collected under this 25118
division to the treasurer of state for deposit into the drinking 25119
water protection fund created in section 6109.30 of the Revised 25120
Code. 25121

(O) Any person applying to the director for examination for 25122
certification as an operator of a water supply system or 25123
wastewater system under Chapter 6109. or 6111. of the Revised 25124
Code, at the time the application is submitted, shall pay an 25125
application fee of twenty-five dollars through June 30, ~~2002~~ 2004, 25126
and ten dollars on and after July 1, ~~2002~~ 2004. Upon approval from 25127
the director that the applicant is eligible to take the 25128
examination therefor, the applicant shall pay a fee in accordance 25129
with the following schedule through June 30, ~~2002~~ 2004: 25130

Class I operator	\$45	25131
Class II operator	55	25132
Class III operator	65	25133
Class IV operator	75	25134

On and after July 1, ~~2002~~ 2004, the applicant shall pay a fee 25135
in accordance with the following schedule: 25136

Class I operator	\$25	25137
Class II operator	35	25138
Class III operator	45	25139
Class IV operator	55	25140

The director shall transmit all moneys collected under this 25141
division to the treasurer of state for deposit into the drinking 25142
water protection fund created in section 6109.30 of the Revised 25143
Code. 25144

Substitute Version as Presented to the Senate Finance and Financial Institutions

(P) Through June 30, ~~2002~~ 2004, any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The

Substitute Version as Presented to the Senate Finance and Financial Institutions

increases in the permit fees under this division resulting from
the amendments made by Amended Substitute House Bill 592 of the
117th general assembly do not apply to any person who submitted an
application for a permit to install a new, or modify an existing,
solid waste disposal facility under that chapter prior to
September 1, 1987; any such person shall pay the permit fee
established in this division as it existed prior to June 24, 1988.
In addition to the applicable permit fee under this division, a
person issued a permit to install or modify a solid waste facility
or an infectious waste treatment facility under that chapter who
fails to pay the permit fee to the director in compliance with
division (V) of this section shall pay an additional ten per cent
of the amount of the fee for each week that the permit fee is
late.

Permit and late payment fees paid to the director under this
division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap
tire collection facility under section 3734.75 of the Revised Code
shall pay a fee of two hundred dollars, except that if the
facility is owned or operated by a motor vehicle salvage dealer
licensed under Chapter 4738. of the Revised Code, the person shall
pay a fee of twenty-five dollars.

(2) A person issued a registration certificate for a new
scrap tire storage facility under section 3734.76 of the Revised
Code shall pay a fee of three hundred dollars, except that if the
facility is owned or operated by a motor vehicle salvage dealer
licensed under Chapter 4738. of the Revised Code, the person shall
pay a fee of twenty-five dollars.

(3) A person issued a permit for a scrap tire storage
facility under section 3734.76 of the Revised Code shall pay a fee
of one thousand dollars, except that if the facility is owned or
operated by a motor vehicle salvage dealer licensed under Chapter

Substitute Version as Presented to the Senate Finance and Financial Institutions

4738. of the Revised Code, the person shall pay a fee of fifty 25209
dollars. 25210

(4) A person issued a permit for a scrap tire monocell or 25211
monofill facility under section 3734.77 of the Revised Code shall 25212
pay a fee of ten dollars per thousand cubic yards of disposal 25213
capacity or one thousand dollars, whichever is greater, except 25214
that the total fee for any such permit shall not exceed eighty 25215
thousand dollars. 25216

(5) A person issued a registration certificate for a scrap 25217
tire recovery facility under section 3734.78 of the Revised Code 25218
shall pay a fee of one hundred dollars. 25219

(6) A person issued a permit for a scrap tire recovery 25220
facility under section 3734.78 of the Revised Code shall pay a fee 25221
of one thousand dollars. 25222

(7) In addition to the applicable registration certificate or 25223
permit fee under divisions (R)(1) to (6) of this section, a person 25224
issued a registration certificate or permit for any such scrap 25225
tire facility who fails to pay the registration certificate or 25226
permit fee to the director in compliance with division (V) of this 25227
section shall pay an additional ten per cent of the amount of the 25228
fee for each week that the fee is late. 25229

(8) The registration certificate, permit, and late payment 25230
fees paid to the director under divisions (R)(1) to (7) of this 25231
section shall be credited to the scrap tire management fund 25232
created in section 3734.82 of the Revised Code. 25233

(S)(1) Except as provided by divisions (L), (M), (N), (O), 25234
(P), and (S)(2) of this section, division (A)(2) of section 25235
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 25236
and rules adopted under division (T)(1) of this section, any 25237
person applying for a registration certificate under section 25238
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 25239

Substitute Version as Presented to the Senate Finance and Financial Institutions

variance, or plan approval under Chapter 3734. of the Revised Code 25240
shall pay a nonrefundable fee of fifteen dollars at the time the 25241
application is submitted. 25242

Except as otherwise provided, any person applying for a 25243
permit, variance, or plan approval under Chapter 6109. or 6111. of 25244
the Revised Code shall pay a nonrefundable fee of one hundred 25245
dollars at the time the application is submitted through June 30, 25246
~~2002~~ 2004, and a nonrefundable fee of fifteen dollars at the time 25247
the application is submitted on and after July 1, ~~2002~~ 2004. 25248
Through June 30, ~~2002~~ 2004, any person applying for a national 25249
pollutant discharge elimination system permit under Chapter 6111. 25250
of the Revised Code shall pay a nonrefundable fee of two hundred 25251
dollars at the time of application for the permit. On and after 25252
July 1, ~~2002~~ 2004, such a person shall pay a nonrefundable fee of 25253
fifteen dollars at the time of application. 25254

In addition to the application fee established under division 25255
(S)(1) of this section, any person applying for a national 25256
pollutant discharge elimination system general storm water 25257
construction permit shall pay a nonrefundable fee of twenty 25258
dollars per acre for each acre that is permitted above five acres 25259
at the time the application is submitted. However, the per acreage 25260
fee shall not exceed three hundred dollars. In addition, any 25261
person applying for a national pollutant discharge elimination 25262
system general storm water industrial permit shall pay a 25263
nonrefundable fee of one hundred fifty dollars at the time the 25264
application is submitted. 25265

The director shall transmit all moneys collected under 25266
division (S)(1) of this section pursuant to Chapter 6109. of the 25267
Revised Code to the treasurer of state for deposit into the 25268
drinking water protection fund created in section 6109.30 of the 25269
Revised Code. 25270

The director shall transmit all moneys collected under 25271

Substitute Version as Presented to the Senate Finance and Financial Institutions

division (S)(1) of this section pursuant to Chapter 6111. of the
Revised Code to the treasurer of state for deposit into the
surface water protection fund created in section 6111.038 of the
Revised Code.

If a registration certificate is issued under section
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of
the application fee paid shall be deducted from the amount of the
registration certificate fee due under division (R)(1), (2), or
(5) of this section, as applicable.

(2) Division (S)(1) of this section does not apply to an
application for a registration certificate for a scrap tire
collection or storage facility submitted under section 3734.75 or
3734.76 of the Revised Code, as applicable, if the owner or
operator of the facility or proposed facility is a motor vehicle
salvage dealer licensed under Chapter 4738. of the Revised Code.

(T) The director may adopt, amend, and rescind rules in
accordance with Chapter 119. of the Revised Code that do all of
the following:

(1) Prescribe fees to be paid by applicants for and holders
of any license, permit, variance, plan approval, or certification
required or authorized by Chapter 3704., 3734., 6109., or 6111. of
the Revised Code that are not specifically established in this
section. The fees shall be designed to defray the cost of
processing, issuing, revoking, modifying, denying, and enforcing
the licenses, permits, variances, plan approvals, and
certifications.

The director shall transmit all moneys collected under rules
adopted under division (T)(1) of this section pursuant to Chapter
6109. of the Revised Code to the treasurer of state for deposit
into the drinking water protection fund created in section 6109.30
of the Revised Code.

Substitute Version as Presented to the Senate Finance and Financial Institutions

The director shall transmit all moneys collected under rules adopted under division (T)(1) of this section pursuant to Chapter 6111. of the Revised Code to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code.

(2) Exempt the state and political subdivisions thereof, including education facilities or medical facilities owned by the state or a political subdivision, or any person exempted from taxation by section 5709.07 or 5709.12 of the Revised Code, from any fee required by this section;

(3) Provide for the waiver of any fee, or any part thereof, otherwise required by this section whenever the director determines that the imposition of the fee would constitute an unreasonable cost of doing business for any applicant, class of applicants, or other person subject to the fee;

(4) Prescribe measures that the director considers necessary to carry out this section.

(U) When the director reasonably demonstrates that the direct cost to the state associated with the issuance of a permit to install, license, variance, plan approval, or certification exceeds the fee for the issuance or review specified by this section, the director may condition the issuance or review on the payment by the person receiving the issuance or review of, in addition to the fee specified by this section, the amount, or any portion thereof, in excess of the fee specified under this section. The director shall not so condition issuances for which fees are prescribed in divisions (B)(7) and (L)(1)(b) of this section.

(V) Except as provided in divisions (L), (M), and (P) of this section or unless otherwise prescribed by a rule of the director adopted pursuant to Chapter 119. of the Revised Code, all fees

Substitute Version as Presented to the Senate Finance and Financial Institutions

required by this section are payable within thirty days after the
issuance of an invoice for the fee by the director or the
effective date of the issuance of the license, permit, variance,
plan approval, or certification. If payment is late, the person
responsible for payment of the fee shall pay an additional ten per
cent of the amount due for each month that it is late.

(W) As used in this section, "fuel-burning equipment,"
"fuel-burning equipment input capacity," "incinerator,"
"incinerator input capacity," "process," "process weight rate,"
"storage tank," "gasoline dispensing facility," "dry cleaning
facility," "design flow discharge," and "new source treatment
works" have the meanings ascribed to those terms by applicable
rules or standards adopted by the director under Chapter 3704. or
6111. of the Revised Code.

(X) As used in divisions (B), (C), (D), (E), (F), (H), (I),
and (J) of this section, and in any other provision of this
section pertaining to fees paid pursuant to Chapter 3704. of the
Revised Code:

(1) "Facility," "federal Clean Air Act," "person," and "Title
V permit" have the same meanings as in section 3704.01 of the
Revised Code.

(2) "Title V permit program" means the following activities
as necessary to meet the requirements of Title V of the federal
Clean Air Act and 40 C.F.R. part 70, including at least:

(a) Preparing and adopting, if applicable, generally
applicable rules or guidance regarding the permit program or its
implementation or enforcement;

(b) Reviewing and acting on any application for a Title V
permit, permit revision, or permit renewal, including the
development of an applicable requirement as part of the processing
of a permit, permit revision, or permit renewal;

Substitute Version as Presented to the Senate Finance and Financial Institutions

(c) Administering the permit program, including the	25365
supporting and tracking of permit applications, compliance	25366
certification, and related data entry;	25367
(d) Determining which sources are subject to the program and	25368
implementing and enforcing the terms of any Title V permit, not	25369
including any court actions or other formal enforcement actions;	25370
(e) Emission and ambient monitoring;	25371
(f) Modeling, analyses, or demonstrations;	25372
(g) Preparing inventories and tracking emissions;	25373
(h) Providing direct and indirect support to small business	25374
stationary sources to determine and meet their obligations under	25375
the federal Clean Air Act pursuant to the small business	25376
stationary source technical and environmental compliance	25377
assistance program required by section 507 of that act and	25378
established in sections 3704.18, 3704.19, and 3706.19 of the	25379
Revised Code.	25380
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	25381
of this section, each sewage sludge facility shall pay a	25382
nonrefundable annual sludge fee equal to three dollars and fifty	25383
cents per dry ton of sewage sludge, including the dry tons of	25384
sewage sludge in materials derived from sewage sludge, that the	25385
sewage sludge facility treats or disposes of in this state. The	25386
annual volume of sewage sludge treated or disposed of by a sewage	25387
sludge facility shall be calculated using the first day of January	25388
through the thirty-first day of December of the calendar year	25389
preceding the date on which payment of the fee is due.	25390
(2)(a) Except as provided in division (Y)(2)(d) of this	25391
section, each sewage sludge facility shall pay a minimum annual	25392
sewage sludge fee of one hundred dollars.	25393
(b) The annual sludge fee required to be paid by a sewage	25394

Substitute Version as Presented to the Senate Finance and Financial Institutions

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
exceptions:

(i) Except as provided in division (Y)(2)(d) of this section,
a sewage sludge facility that treats or disposes of exceptional
quality sludge shall pay a minimum annual sewage sludge fee of one
hundred dollars.

(ii) A sewage sludge facility that treats or disposes of
exceptional quality sludge shall not be required to pay the annual
sludge fee for treatment or disposal in this state of exceptional
quality sludge generated outside of this state and contained in
bags or other containers not greater than one hundred pounds in
capacity.

A thirty-five per cent reduction for exceptional quality
sludge applies to the maximum annual fees established under
division (Y)(3) of this section.

(c) A sewage sludge facility that transfers sewage sludge to
another sewage sludge facility in this state for further treatment
prior to disposal in this state shall not be required to pay the
annual sludge fee for the tons of sewage sludge that have been
transferred. In such a case, the sewage sludge facility that
disposes of the sewage sludge shall pay the annual sludge fee.
However, the facility transferring the sewage sludge shall pay the
one-hundred-dollar minimum fee required under division (Y)(2)(a)
of this section.

In the case of a sewage sludge facility that treats sewage
sludge in this state and transfers it out of this state to another
entity for disposal, the sewage sludge facility in this state
shall be required to pay the annual sludge fee for the tons of

Substitute Version as Presented to the Senate Finance and Financial Institutions

sewage sludge that have been transferred. 25426

(d) A sewage sludge facility that generates sewage sludge 25427
resulting from an average daily discharge flow of less than five 25428
thousand gallons per day is not subject to the fees assessed under 25429
division (Y) of this section. 25430

(3) No sewage sludge facility required to pay the annual 25431
sludge fee shall be required to pay more than the maximum annual 25432
fee for each disposal method that the sewage sludge facility uses. 25433
The maximum annual fee does not include the additional amount that 25434
may be charged under division (Y)(5) of this section for late 25435
payment of the annual sludge fee. The maximum annual fee for the 25436
following methods of disposal of sewage sludge is as follows: 25437

(a) Incineration: five thousand dollars; 25438

(b) Preexisting land reclamation project or disposal in a 25439
landfill: five thousand dollars; 25440

(c) Land application, land reclamation, surface disposal, or 25441
any other disposal method not specified in division (Y)(3)(a) or 25442
(b) of this section: twenty thousand dollars. 25443

(4)(a) In the case of an entity that generates sewage sludge 25444
or a sewage sludge facility that treats sewage sludge and 25445
transfers the sewage sludge to an incineration facility for 25446
disposal, the incineration facility, and not the entity generating 25447
the sewage sludge or the sewage sludge facility treating the 25448
sewage sludge, shall pay the annual sludge fee for the tons of 25449
sewage sludge that are transferred. However, the entity or 25450
facility generating or treating the sewage sludge shall pay the 25451
one-hundred-dollar minimum fee required under division (Y)(2)(a) 25452
of this section. 25453

(b) In the case of an entity that generates sewage sludge and 25454
transfers the sewage sludge to a landfill for disposal or to a 25455
sewage sludge facility for land reclamation or surface disposal, 25456

Substitute Version as Presented to the Senate Finance and Financial Institutions

the entity generating the sewage sludge, and not the landfill or
sewage sludge facility, shall pay the annual sludge fee for the
tons of sewage sludge that are transferred.

(5) Not later than the first day of April of the calendar
year following ~~the effective date of this amendment~~ March 17,
2000, and each first day of April thereafter, the director shall
issue invoices to persons who are required to pay the annual
sludge fee. The invoice shall identify the nature and amount of
the annual sludge fee assessed and state the first day of May as
the deadline for receipt by the director of objections regarding
the amount of the fee and the first day of July as the deadline
for payment of the fee.

Not later than the first day of May following receipt of an
invoice, a person required to pay the annual sludge fee may submit
objections to the director concerning the accuracy of information
regarding the number of dry tons of sewage sludge used to
calculate the amount of the annual sludge fee or regarding whether
the sewage sludge qualifies for the exceptional quality sludge
discount established in division (Y)(2)(b) of this section. The
director may consider the objections and adjust the amount of the
fee to ensure that it is accurate.

If the director does not adjust the amount of the annual
sludge fee in response to a person's objections, the person may
appeal the director's determination in accordance with Chapter
119. of the Revised Code.

Not later than the first day of June, the director shall
notify the objecting person regarding whether the director has
found the objections to be valid and the reasons for the finding.
If the director finds the objections to be valid and adjusts the
amount of the annual sludge fee accordingly, the director shall
issue with the notification a new invoice to the person
identifying the amount of the annual sludge fee assessed and

Substitute Version as Presented to the Senate Finance and Financial Institutions

stating the first day of July as the deadline for payment. 25489

Not later than the first day of July, any person who is 25490
required to do so shall pay the annual sludge fee. Any person who 25491
is required to pay the fee, but who fails to do so on or before 25492
that date shall pay an additional amount that equals ten per cent 25493
of the required annual sludge fee. 25494

(6) The director shall transmit all moneys collected under 25495
division (Y) of this section to the treasurer of state for deposit 25496
into the surface water protection fund created in section 6111.038 25497
of the Revised Code. The moneys shall be used to defray the costs 25498
of administering and enforcing provisions in Chapter 6111. of the 25499
Revised Code and rules adopted under it that govern the use, 25500
storage, treatment, or disposal of sewage sludge. 25501

(7) Beginning in fiscal year 2001, and every two years 25502
thereafter, the director shall review the total amount of moneys 25503
generated by the annual sludge fees to determine if that amount 25504
~~exceeds~~ exceeded six hundred thousand dollars in either of the two 25505
preceding fiscal years. If the total amount of moneys in the fund 25506
exceeded six hundred thousand dollars in either fiscal year, the 25507
director, after review of the fee structure and consultation with 25508
affected persons, shall issue an order reducing the amount of the 25509
fees levied under division (Y) of this section so that the 25510
estimated amount of moneys resulting from the fees will not exceed 25511
six hundred thousand dollars in any fiscal year. 25512

If, upon review of the fees under division (Y)(7) of this 25513
section and after the fees have been reduced, the director 25514
determines that the total amount of moneys collected and 25515
accumulated is less than six hundred thousand dollars, the 25516
director, after review of the fee structure and consultation with 25517
affected persons, may issue an order increasing the amount of the 25518
fees levied under division (Y) of this section so that the 25519
estimated amount of moneys resulting from the fees will be 25520

Substitute Version as Presented to the Senate Finance and Financial Institutions

approximately six hundred thousand dollars. Fees shall never be 25521
increased to an amount exceeding the amount specified in division 25522
(Y)(7) of this section. 25523

Notwithstanding section 119.06 of the Revised Code, the 25524
director may issue an order under division (Y)(7) of this section 25525
without the necessity to hold an adjudicatory hearing in 25526
connection with the order. The issuance of an order under this 25527
division is not an act or action for purposes of section 3745.04 25528
of the Revised Code. 25529

(8) As used in division (Y) of this section: 25530

(a) "Sewage sludge facility" means an entity that performs 25531
treatment on or is responsible for the disposal of sewage sludge. 25532

(b) "Sewage sludge" means a solid, semi-solid, or liquid 25533
residue generated during the treatment of domestic sewage in a 25534
treatment works as defined in section 6111.01 of the Revised Code. 25535
"Sewage sludge" includes, but is not limited to, scum or solids 25536
removed in primary, secondary, or advanced wastewater treatment 25537
processes. "Sewage sludge" does not include ash generated during 25538
the firing of sewage sludge in a sewage sludge incinerator, grit 25539
and screenings generated during preliminary treatment of domestic 25540
sewage in a treatment works, animal manure, residue generated 25541
during treatment of animal manure, or domestic septage. 25542

(c) "Exceptional quality sludge" means sewage sludge that 25543
meets all of the following qualifications: 25544

(i) Satisfies the class A pathogen standards in 40 C.F.R. 25545
503.32(a); 25546

(ii) Satisfies one of the vector attraction reduction 25547
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 25548

(iii) Does not exceed the ceiling concentration limitations 25549
for metals listed in table one of 40 C.F.R. 503.13; 25550

Substitute Version as Presented to the Senate Finance and Financial Institutions

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	25551 25552
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	25553 25554 25555
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	25556 25557 25558
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	25559 25560 25561 25562 25563
(g) "Land reclamation" means the returning of disturbed land to productive use.	25564 25565
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	25566 25567 25568 25569
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	25570 25571 25572 25573
(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway.	25574 25575 25576 25577
(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section.	25578 25579
(l) "Landfill" means a sanitary landfill facility, as defined	25580

Substitute Version as Presented to the Senate Finance and Financial Institutions

in rules adopted under section 3734.02 of the Revised Code, that
is licensed under section 3734.05 of the Revised Code.

(m) "Preexisting land reclamation project" means a
property-specific land reclamation project that has been in
continuous operation for not less than five years pursuant to
approval of the activity by the director and includes the
implementation of a community outreach program concerning the
activity.

Sec. 3745.15. Not later than one hundred fifty days after
receipt of a complete application for a permit to install under
rules adopted under section 3704.03 of the Revised Code or for the
approval of plans under section 6111.44, 6111.45, or 6111.46 of
the Revised Code, the director of environmental protection shall
either issue or deny, or propose to deny, the permit or approve or
disapprove the plans, whichever is applicable. The director shall
send written notification to the applicant of the issuance or
denial or the approval or disapproval, whichever is applicable. If
the director fails to issue or deny or propose to deny the permit
or approve or disapprove the plans, whichever is applicable, not
later than one hundred fifty days after receipt of a complete
application, the director and the director's authorized
representatives shall not collect the permit to install fee under
Chapter 3704. of the Revised Code or an applicable application fee
under Chapter 6111. of the Revised Code, whichever is applicable.

Sec. 3745.22. (A) As used in this section, "eligible
institution of higher education" means any of the state
universities listed in section 3345.011 of the Revised Code, or a
community college, technical college, university branch, state
community college, or an institution that is nonprofit and holds a
certificate of authorization issued under section 1713.02 of the
Revised Code.

Substitute Version as Presented to the Senate Finance and Financial Institutions

(B) There is hereby created in the state treasury the
environmental education fund consisting of moneys credited to the
fund pursuant to sections 3704.06 and 6111.09 of the Revised Code
and any gifts, grants, or contributions received by the director
of environmental protection for the purposes of the fund. The fund
shall be administered by the director with the advice and
assistance of the environmental education council created in
section 3745.21 of the Revised Code. Moneys in the fund shall be
used exclusively to develop, implement, and administer a program
to enhance public awareness and the objective understanding within
this state of issues affecting environmental quality. Toward that
end, moneys in the fund may be used for purposes that include,
without limitation, developing elementary and secondary school and
collegiate curricula on environmental issues; providing training
for this state's elementary and secondary school teachers on
environmental issues; providing educational seminars for concerned
members of the public regarding the scientific and technical
aspects of environmental issues; providing educational seminars
regarding pollution prevention and waste minimization for persons
regulated by the environmental protection agency; providing
educational seminars for persons regulated by the environmental
protection agency, including, without limitation, small
businesses, regarding the regulatory requirements of the agency
and the means of achieving and maintaining compliance with them;
and providing one or more scholarships in environmental sciences
or environmental engineering ~~at one or more state colleges or
universities, as "state college or university" is defined in
section 3345.27 of the Revised Code~~ for students enrolled at an
eligible institution of higher education.

The director may expend not more than one million five
hundred thousand dollars of the moneys credited to the
environmental education fund under sections 3704.06 and 6111.09 of

Substitute Version as Presented to the Senate Finance and Financial Institutions

the Revised Code in any fiscal year for the purposes specified in 25644
this division. The director may request authority from the 25645
controlling board to expend any moneys credited to that fund in 25646
any fiscal year in excess of that amount. 25647

~~(B)~~(C) Not later than the first day of April each year, the 25648
director, with the advice and assistance of the council, shall 25649
prepare and submit to the governor, the president of the senate, 25650
and the speaker of the house of representatives an environmental 25651
education agenda that describes the proposed uses of the 25652
environmental education fund during the following fiscal year. 25653
Prior to submitting the agenda the director, in conjunction with 25654
the council, shall hold a public hearing in Franklin county to 25655
receive comments on the agenda. After the public hearing and 25656
before submitting the agenda to the governor, the president, and 25657
the speaker, the director, with the advice and assistance of the 25658
council, may make any modifications to the agenda that the 25659
director considers appropriate based upon the comments received at 25660
the public hearing. 25661

~~(C)~~(D) Not later than the first day of September each year, 25662
the director, with the advice and assistance of the council, shall 25663
prepare and submit to the governor, the president of the senate, 25664
and the speaker of the house of representatives a report on the 25665
revenues credited to and expenditures from the environmental 25666
education fund during the immediately preceding fiscal year. 25667

Sec. 3748.07. (A) Every facility that proposes to handle 25668
radioactive material or radiation-generating equipment for which 25669
licensure or registration, respectively, by its handler is 25670
required shall apply in writing to the director of health on forms 25671
prescribed and provided by the director for licensure or 25672
registration. Terms and conditions of licenses and certificates of 25673
registration may be amended in accordance with rules adopted under 25674

Substitute Version as Presented to the Senate Finance and Financial Institutions

section 3748.04 of the Revised Code or orders issued by the 25675
director pursuant to section 3748.05 of the Revised Code. 25676

(B) Until rules are adopted under section 3748.04 of the 25677
Revised Code, and except as provided in section 3748.08 or the 25678
Revised Code, an application for a certificate of registration 25679
shall be accompanied by a biennial registration fee of one hundred 25680
~~sixty~~ seventy-six dollars. On and after the effective date of 25681
those rules, an applicant for a license, registration certificate, 25682
or renewal of either shall pay the appropriate fee established in 25683
those rules. 25684

All fees collected under this section shall be deposited in 25685
the state treasury to the credit of the general operations fund 25686
created in section 3701.83 of the Revised Code. The fees shall be 25687
used solely to administer and enforce this chapter and rules 25688
adopted under it. 25689

Any fee required under this section that has not been paid 25690
within ninety days after the invoice date shall be assessed at two 25691
times the original invoiced fee. Any fee that has not been paid 25692
within one hundred eighty days after the invoice date shall be 25693
assessed at five times the original invoiced fee. 25694

(C) The director shall grant a license or registration to any 25695
applicant who has paid the required fee and is in compliance with 25696
this chapter and rules adopted under it. 25697

Until rules are adopted under section 3748.04 of the Revised 25698
Code, certificates of registration shall be effective for two 25699
years from the date of issuance. On and after the effective date 25700
of those rules, licenses and certificates of registration shall be 25701
effective for the applicable period established in those rules. 25702
Licenses and certificates of registration shall be renewed in 25703
accordance with the standard renewal procedure established in 25704
Chapter 4745. of the Revised Code. 25705

Substitute Version as Presented to the Senate Finance and Financial Institutions

Sec. 3748.08. Each time an amendment to section 124.152 of the Revised Code is enacted that increases compensation of exempt employees effective on or after July 1, 2002, the director of health shall increase the fees provided in division (B) of section 3748.07 and division (B) of section 3748.13 of the Revised Code by a percentage equal to the highest percentage increase in compensation required by the amendment. Not later than thirty days after the effective date of the fee increase, the department of health shall notify each registrant of the amount of fee increase.

Sec. 3748.13. (A) The director of health shall inspect sources of radiation for which licensure or registration by the handler is required, and the sources' shielding and surroundings, according to the schedule established in rules adopted under division (D) of section 3748.04 of the Revised Code. In accordance with rules adopted under that section, the director shall inspect all records and operating procedures of handlers that install sources of radiation and all sources of radiation for which licensure of radioactive material or registration of radiation-generating equipment by the handler is required. The director may make other inspections upon receiving complaints or other evidence of violation of this chapter or rules adopted under it.

The director shall require any hospital registered under division (A) of section 3701.07 of the Revised Code to develop and maintain a quality assurance program for all sources of radiation-generating equipment. A certified radiation expert shall conduct oversight and maintenance of the program and shall file a report of audits of the program with the director on forms prescribed by the director. The audit reports shall become part of the inspection record.

Substitute Version as Presented to the Senate Finance and Financial Institutions

(B) <u>As used in this division, "health care facility" means a</u>		25738
<u>freestanding diagnostic imaging center or freestanding or mobile</u>		25739
<u>radiation therapy center, as those terms are defined in rules</u>		25740
<u>adopted under division (B) of section 3702.30 of the Revised Code.</u>		25741
Until rules are adopted under division (A)(8) of section 3748.04		25742
of the Revised Code <u>and except as provided in section 3748.08 of</u>		25743
<u>the Revised Code</u> , a facility shall pay inspection fees according		25744
to the following schedule and categories:		25745
First dental x-ray tube	\$ 94.00	25746
Each additional dental x-ray tube	\$ 47.00 <u>71.00</u>	25747
at the same a location		
First medical x-ray tube	\$187.00	25748
Each additional medical x-ray tube	\$ 94.00 <u>187.00</u>	25749
at the same a location		
<u>Each unit of ionizing</u>	<u>\$210.00</u>	25750
<u>radiation-generating equipment at</u>		
<u>a health care facility, that is</u>		
<u>not capable of operating at or</u>		
<u>above 250 kilovoltage peak</u>		
Each unit of ionizing	\$373.00 <u>435.00</u>	25751
radiation-generating equipment <u>at</u>		
<u>a health care facility</u> capable of		
operating at or above 250		
kilovoltage peak		
First nonionizing	\$187.00	25752
radiation-generating equipment of		
any kind		
Each additional nonionizing	\$ 94.00 <u>187.00</u>	25753
radiation-generating equipment of		
any kind at the same a location		
Assembler-maintainer inspection	\$233.00 <u>256.00</u>	25754
consisting of an inspection of		
records and operating procedures		

Substitute Version as Presented to the Senate Finance and Financial Institutions

of handlers that install sources
of radiation

Until rules are adopted under division (A)(8) of section 25755
3748.04 of the Revised Code and except as provided in section 25756
3748.08 of the Revised Code, the fee for an inspection to 25757
determine whether violations cited in a previous inspection have 25758
been corrected is fifty per cent of the fee applicable under the 25759
schedule in this division. Until those rules are adopted, the fee 25760
for the inspection of a facility that is not licensed or 25761
registered and for which no license or registration application is 25762
pending at the time of inspection is ~~two~~ three hundred ~~ninety~~ 25763
thirty-four dollars plus the fee applicable under the schedule in 25764
this division. 25765

The director may conduct a review of shielding plans or the 25766
adequacy of shielding on the request of a licensee or registrant 25767
or an applicant for licensure or registration or during an 25768
inspection when the director considers a review to be necessary. 25769
Until rules are adopted under division (A)(8) of section 3748.04 25770
of the Revised Code and except as provided in section 3748.08 of 25771
the Revised Code, the fee for the review is ~~four~~ five hundred 25772
~~sixty-six~~ thirty-six dollars for each room where a source of 25773
radiation is used and is in addition to any other fee applicable 25774
under the schedule in this division. 25775

All fees shall be paid to the department of health no later 25776
than thirty days after the invoice for the fee is mailed. Fees 25777
shall be deposited in the general operations fund created in 25778
section 3701.83 of the Revised Code. The fees shall be used solely 25779
to administer and enforce this chapter and rules adopted under it. 25780
25781

Any fee required under this section that has not been paid 25782
within ninety days after the invoice date shall be assessed at two 25783
times the original invoiced fee. Any fee that has not been paid 25784

Substitute Version as Presented to the Senate Finance and Financial Institutions

within one hundred eighty days after the invoice date shall be 25785
assessed at five times the original invoiced fee. 25786

(C) If the director determines that a board of health of a 25787
city or general health district is qualified to conduct 25788
inspections of radiation-generating equipment, the director may 25789
delegate to the board, by contract, the authority to conduct such 25790
inspections. In making a determination of the qualifications of a 25791
board of health to conduct those inspections, the director shall 25792
evaluate the credentials of the individuals who are to conduct the 25793
inspections of radiation-generating equipment and the radiation 25794
detection and measuring equipment available to them for that 25795
purpose. If a contract is entered into, the board shall have the 25796
same authority to make inspections of radiation-generating 25797
equipment as the director has under this chapter and rules adopted 25798
under it. The contract shall stipulate that only individuals 25799
approved by the director as qualified shall be permitted to 25800
inspect radiation-generating equipment under the contract's 25801
provisions. The contract shall provide for such compensation for 25802
services as is agreed to by the director and the board of health 25803
of the contracting health district. The director may reevaluate 25804
the credentials of the inspection personnel and their radiation 25805
detecting and measuring equipment as often as the director 25806
considers necessary and may terminate any contract with the board 25807
of health of any health district that, in the director's opinion, 25808
is not satisfactorily performing the terms of the contract. 25809

(D) The director may enter at all reasonable times upon any 25810
public or private property to determine compliance with this 25811
chapter and rules adopted under it. 25812

Sec. 3750.02. (A) There is hereby created the emergency 25813
response commission consisting of the directors of environmental 25814
protection and health, the ~~chairpersons~~ chairperson of the public 25815

Substitute Version as Presented to the Senate Finance and Financial Institutions

utilities commission, ~~industrial commission, and state and local~~ 25816
~~government commission,~~ the fire marshal, the director of public 25817
safety, the director of ~~job and family services~~ transportation, 25818
the director of natural resources, the superintendent of the 25819
highway patrol, and the attorney general as members ex officio, or 25820
their designees; notwithstanding section 101.26 of the Revised 25821
Code, the chairpersons of the respective standing committees of 25822
the senate and house of representatives that are primarily 25823
responsible for considering environmental issues who may 25824
participate fully in all the commission's deliberations and 25825
activities, except that they shall serve as nonvoting members; and 25826
ten members to be appointed by the governor with the advice and 25827
consent of the senate. The appointed members, to the extent 25828
practicable, shall have technical expertise in the field of 25829
emergency response. Of the appointed members, two shall represent 25830
environmental advocacy organizations, one shall represent the 25831
interests of petroleum refiners or marketers or chemical 25832
manufacturers, one shall represent the interests of another 25833
industry subject to this chapter, one shall represent the 25834
interests of municipal corporations, one shall represent the 25835
interests of counties, one shall represent the interests of chiefs 25836
of fire departments, one shall represent the interests of 25837
professional firefighters, one shall represent the interests of 25838
volunteer firefighters, and one shall represent the interests of 25839
local emergency management agencies. 25840

An appointed member of the commission also may serve as a 25841
member of the local emergency planning committee of an emergency 25842
planning district. An appointed member of the commission who is 25843
also a member of a local emergency planning committee shall not 25844
participate as a member of the commission in the appointment of 25845
members of the local emergency planning committee of which the 25846
member is a member, in the review of the chemical emergency 25847
response and preparedness plan submitted by the local emergency 25848

Substitute Version as Presented to the Senate Finance and Financial Institutions

planning committee of which the member is a member, in any vote to 25849
approve a grant to the member's district, or in any vote of the 25850
commission on any motion or resolution pertaining specifically to 25851
the member's district or the local emergency planning committee on 25852
which the member serves. A commission member who is also a member 25853
of a local emergency planning committee shall not lobby or 25854
otherwise act as an advocate for the member's district to other 25855
members of the commission to obtain from the commission anything 25856
of value for the member's district or the local emergency planning 25857
committee of which the member is a member. A member of the 25858
commission who is also a member of a local emergency planning 25859
committee may vote on resolutions of the commission that apply 25860
uniformly to all local emergency planning committees and districts 25861
in the state and do not provide a grant or other pecuniary benefit 25862
to the member's district or the committee of which the member is a 25863
member. 25864

The governor shall make the initial appointments to the 25865
commission within thirty days after December 14, 1988. Of the 25866
initial appointments to the commission, five shall be for a term 25867
of two years and five shall be for a term of one year. Thereafter, 25868
terms of office of the appointed members of the commission shall 25869
be for two years, with each term ending on the same day of the 25870
same month as did the term that it succeeds. Each member shall 25871
hold office from the date of appointment until the end of the term 25872
for which the member was appointed. Members may be reappointed. 25873
Vacancies shall be filled in the manner provided for original 25874
appointments. Any member appointed to fill a vacancy occurring 25875
prior to the expiration of the term for which the member's 25876
predecessor was appointed shall hold office for the remainder of 25877
that term. A member shall continue in office subsequent to the 25878
expiration date of the member's term until the member's successor 25879
takes office or until a period of sixty days has elapsed, 25880

Substitute Version as Presented to the Senate Finance and Financial Institutions

whichever occurs first. The commission may at any time by a vote
of two-thirds of all the members remove any appointed member of
the commission for misfeasance, nonfeasance, or malfeasance.
Members of the commission shall serve without compensation, but
shall be reimbursed for the reasonable expenses incurred by them
in the discharge of their duties as members of the commission.

The commission shall meet at least annually and shall hold
such additional meetings as are necessary to implement and
administer this chapter. Additional meetings may be held at the
behest of either a co-chairperson or a majority of the members.
The commission shall, by adoption of internal management rules
under division (B)(9) of this section, establish an executive
committee and delegate to it the performance of such of the
commission's duties and powers under this chapter as are required
or authorized to be so delegated by that division. The commission
may organize itself into such additional committees as it
considers necessary or convenient to implement and administer this
chapter. The director of environmental protection and the director
of public safety or their designees shall serve as co-chairpersons
of the commission and the executive committee. Except as otherwise
provided in this chapter, a majority of the voting members of the
commission constitutes a quorum and the affirmative vote of a
majority of the voting members of the commission is necessary for
any action taken by the commission. Meetings of the executive
committee conducted for the purpose of determining whether to
issue an enforcement order or request that a civil action, civil
penalty action, or criminal action be brought to enforce this
chapter or rules adopted or orders issued under it are not subject
to section 121.22 of the Revised Code pursuant to division (D) of
that section.

Except for the purposes of Chapters 102. and 2921. and
sections 9.86 and 109.36 to 109.366 of the Revised Code, serving

Substitute Version as Presented to the Senate Finance and Financial Institutions

as an appointed member of the commission does not constitute 25913
holding a public office or position of employment under the laws 25914
of this state and does not constitute grounds for removal of 25915
public officers or employees from their offices or positions of 25916
employment. 25917

(B) The commission shall: 25918

(1) Adopt rules in accordance with Chapter 119. of the 25919
Revised Code that are consistent with and equivalent in scope, 25920
content, and coverage to the "Emergency Planning and Community 25921
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and 25922
applicable regulations adopted under it: 25923

(a) Identifying or listing extremely hazardous substances and 25924
establishing a threshold planning quantity for each such 25925
substance. To the extent consistent with that act and applicable 25926
regulations adopted under it, the rules may establish threshold 25927
planning quantities based upon classes of those substances or 25928
categories of facilities at which such substances are present. 25929

(b) Listing hazardous chemicals, establishing threshold 25930
quantities for those chemicals, establishing categories of health 25931
and physical hazards of those chemicals, establishing criteria or 25932
procedures for identifying those chemicals and the appropriate 25933
hazard categories of those chemicals, and establishing ranges of 25934
quantities for those chemicals to be used in preparing emergency 25935
and hazardous chemical inventory forms under section 3750.08 of 25936
the Revised Code. To the extent consistent with that act and 25937
applicable regulations adopted under it, the rules may establish 25938
threshold quantities based upon classes of those chemicals or 25939
categories of facilities where those chemicals are present. 25940

To the extent consistent with that act, the threshold 25941
quantities for purposes of the submission of lists of hazardous 25942
chemicals under section 3750.07 and the submission of emergency 25943

Substitute Version as Presented to the Senate Finance and Financial Institutions

and hazardous chemical inventory forms under section 3750.08 of 25944
the Revised Code may differ. 25945

(c) Identifying or listing hazardous substances and 25946
establishing reportable quantities of each of those substances and 25947
each extremely hazardous substance. In addition to being 25948
consistent with and equivalent in scope, content, and coverage to 25949
that act and applicable regulations adopted under it, the rules 25950
shall be consistent with and equivalent in scope, content, and 25951
coverage to regulations identifying or listing hazardous 25952
substances and reportable quantities of those substances adopted 25953
under the "Comprehensive Environmental Response, Compensation, and 25954
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as 25955
amended. 25956

(d) Prescribing the information to be included in the lists 25957
of hazardous chemicals required to be submitted under section 25958
3750.07 of the Revised Code; 25959

(e) Prescribing the information to be included in the 25960
emergency and hazardous chemical inventory forms required to be 25961
submitted under section 3750.08 of the Revised Code. If the 25962
commission establishes its own emergency and hazardous chemical 25963
inventory form, the rules shall authorize owners and operators of 25964
facilities who also have one or more facilities located outside 25965
the state for which they are required to submit inventory forms 25966
under the federal act and regulations adopted under it to submit 25967
their annual inventories on forms prescribed by the administrator 25968
of the United States environmental protection agency under that 25969
act instead of on forms prescribed by the commission and shall 25970
require those owners or operators to submit any additional 25971
information required by the commission's inventory form on an 25972
attachment to the federal form. 25973

(f) Establishing procedures for giving verbal notice of 25974
releases under section 3750.06 of the Revised Code and prescribing 25975

Substitute Version as Presented to the Senate Finance and Financial Institutions

the information to be provided in such a notice and in the
follow-up written notice required by that section;

(g) Establishing standards for determining valid needs for
the release of tier II information under division (B)(4) of
section 3750.10 of the Revised Code;

(h) Identifying the types or categories of information
submitted or obtained under this chapter and rules adopted under
it that constitute confidential business information;

(i) Establishing criteria and procedures to protect trade
secret and confidential business information from unauthorized
disclosure;

(j) Establishing other requirements or authorizations that
the commission considers necessary or appropriate to implement,
administer, and enforce this chapter.

(2) Adopt rules in accordance with Chapter 119. of the
Revised Code to implement and administer this chapter that may be
more stringent than the "Emergency Planning and Community
Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and
regulations adopted under it. Rules adopted under division (B)(2)
of this section shall not be inconsistent with that act or the
regulations adopted under it. The rules shall:

(a) Prescribe the information to be included in the chemical
emergency response and preparedness plans prepared and submitted
by local emergency planning committees under section 3750.04 of
the Revised Code;

(b) Establish criteria and procedures for reviewing the
chemical emergency response and preparedness plans of local
emergency planning committees required by section 3750.04 of the
Revised Code and the annual exercise of those plans and for
providing concurrence or requesting modifications in the plans and
the exercise of those plans. The criteria shall include, without

Substitute Version as Presented to the Senate Finance and Financial Institutions

limitation, the requirement that each exercise of a committee's
plan involve, in addition to local emergency response and medical
personnel, either a facility that is subject to the plan or a
transporter of materials that are identified or listed as
hazardous materials by regulations adopted under the "Hazardous
Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A.
1801, as amended.

(c) Establish policies and procedures for maintaining
information submitted to the commission and local emergency
planning committees under this chapter, and for receiving and
fulfilling requests from the public for access to review and to
obtain copies of that information. The criteria and procedures
shall include the following requirements and authorizations
regarding that information and access to it:

(i) Information that is protected as trade secret information
or confidential business information under this chapter and rules
adopted under it shall be kept in files that are separate from
those containing information that is not so protected.

(ii) The original copies of information submitted to the
commission or committee shall not be removed from the custody and
control of the commission or committee.

(iii) A person who, either in person or by mail, requests to
obtain a copy of a material safety data sheet submitted under this
chapter by a facility owner or operator shall submit a separate
application for each facility for which a material safety data
sheet is being requested.

(iv) A person who requests to receive by mail a copy of
information submitted under this chapter by a facility owner or
operator shall submit a separate application for each facility for
which information is being requested and shall specify both the

Substitute Version as Presented to the Senate Finance and Financial Institutions

facility for which information is being requested and the 26038
particular types of documents requested. 26039

(v) Only employees of the commission or committee shall copy 26040
information in the files of the commission or committee. 26041

(vi) The commission or committee may require any person who 26042
requests to review or obtain a copy of information in its files to 26043
schedule an appointment for that purpose with the information 26044
coordinator of the commission or committee at least twenty-four 26045
hours before arriving at the office of the commission or committee 26046
for the review or copy. 26047

(vii) Any person who seeks access to information in the files 26048
of the commission or a local emergency planning committee shall 26049
submit a written application, either in person or by mail, to the 26050
information coordinator on a form provided by the commission or 26051
committee. The person also shall provide the person's name and 26052
current mailing address on the application and may be requested by 26053
the commission or committee to provide basic demographic 26054
information on the form to assist in the evaluation of the 26055
information access provisions of this chapter and rules adopted 26056
under it. Application forms may be obtained by mail or in person 26057
or by request by telephone at the office of the commission or 26058
committee during regular business hours. Upon receipt of a request 26059
for an application by telephone or mail, the information 26060
coordinator shall promptly mail an application to the person who 26061
requested it. 26062

(viii) The application form shall provide the applicant with 26063
a means of indicating that the applicant's name and address are to 26064
be kept confidential. If the applicant so indicates, that 26065
information is not a public record under section 149.43 of the 26066
Revised Code and shall not be disclosed to any person who is not a 26067
member or employee of the commission or committee or an employee 26068
of the environmental protection agency. When a name and address 26069

Substitute Version as Presented to the Senate Finance and Financial Institutions

are to be kept confidential, they also shall be deleted from the
copy of the application required to be placed in the file of the
facility under division (B)(2)(c)(xii) of this section and shall
be withheld from any log of information requests kept by the
commission or committee pursuant to that division.

(ix) Neither the commission nor a local emergency planning
committee shall charge any fee for access to review information in
its files when no copies or computer searches of that information
are requested.

(x) An applicant shall be informed of the cost of copying,
mailing, or conducting a computer search of information on file
with the commission or committee before such a copy or search is
made, and the commission or committee shall collect the
appropriate fees as established under section 3750.13 of the
Revised Code. Each applicant shall acknowledge on the application
form that the applicant is aware that the applicant will be
charged for copies and computer searches of that information the
applicant requests and for the costs of mailing copies of the
information to the applicant.

(xi) The commission or committee may require a person
requesting copies of information on file with it to take delivery
of them in the office of the commission or committee whenever it
considers the volume of the information to be large enough to make
mailing or delivery by a parcel or package delivery service
impractical.

(xii) When the commission or committee receives a request for
access to review or obtain copies of information in its files, it
shall not routinely notify the owner or operator of the facility
involved, but instead shall either keep a log or file of requests
for the information or shall place a copy of each completed
application form in the file for the facility to which the
application pertains. Such a log or file shall be available for

Substitute Version as Presented to the Senate Finance and Financial Institutions

review by the public and by the owners and operators of facilities 26102
required to submit information to the commission or committee 26103
under this chapter and rules adopted under it. 26104

(d) Require that claims for the protection, as a trade 26105
secret, of information obtained under this chapter regarding 26106
extremely hazardous substances identified or listed in rules 26107
adopted under division (B)(1)(a) of this section and hazardous 26108
chemicals identified or listed in rules adopted under division 26109
(B)(1)(b) of this section be submitted to the administrator of the 26110
United States environmental protection agency for determination 26111
under section 322 of the the "Emergency Planning and Community 26112
Right-To-Know Act of 1986," 100 Stat. 1747, 42 U.S.C.A. 11042, and 26113
regulations adopted under that section; 26114

(e) Establish criteria and procedures for the issuance of 26115
variances under divisions (B) and (C) of section 3750.11 of the 26116
Revised Code. The rules shall require that, before approval of an 26117
application for a variance, the commission or committee find by a 26118
preponderance of the scientific evidence based upon generally 26119
accepted scientific principles or laboratory tests that the 26120
extremely hazardous substances, hazardous chemicals, or hazardous 26121
substances that would be subject to the reporting requirement pose 26122
a substantial risk of catastrophic injury to public health or 26123
safety or to the environment, or pose an extraordinary risk of 26124
injury to emergency management personnel responding to a release 26125
of the chemicals or substances, when the substances or chemicals 26126
are present at a facility in an amount equal to or exceeding the 26127
quantity for which reporting would be required under the reporting 26128
requirement for which the variance is sought. The rules shall also 26129
require that before approval of an application for a variance, the 26130
commission or committee find by a preponderance of the evidence 26131
that the development and implementation of a local emergency 26132
response plan for releases of the substances or chemicals covered 26133

Substitute Version as Presented to the Senate Finance and Financial Institutions

by the reporting requirement will reduce the risk of catastrophic
injury to public health or safety or to the environment, or will
reduce the extraordinary risk of injury to responding emergency
management personnel, in the event of a release of the substances
or chemicals and find by a preponderance of the evidence that the
reporting requirement is necessary for the development of such a
local emergency response plan. The rules shall require that when
determining whether the substances or chemicals that would be
subject to the reporting requirement pose a substantial risk of
catastrophic injury to public health or safety or to the
environment, or pose an extraordinary risk of injury to emergency
management personnel responding to a release of the substance or
chemical, the commission or committee consider all of the
following factors:

(i) The specific characteristics and degree and nature of the
hazards posed by a release of the extremely hazardous substances,
hazardous chemicals, or hazardous substances;

(ii) The proximity of the facilities that would be subject to
the reporting requirement to residential areas, to areas where
significantly large numbers of people are employed or otherwise
congregate, and to environmental resources that are subject to
injury;

(iii) The quantities of the extremely hazardous substances,
hazardous chemicals, or hazardous substances that are routinely
present at facilities that would be subject to the reporting
requirement;

(iv) The frequency with which the extremely hazardous
substances, hazardous chemicals, or hazardous substances are
present at the facilities that would be subject to the reporting
requirement in quantities for which reporting would be required
thereunder.

Substitute Version as Presented to the Senate Finance and Financial Institutions

(f) Establish criteria and procedures for the issuance of orders under division (D) of section 3750.11 of the Revised Code requiring the placement of emergency response lock box units. The rules shall require that before approval of an application for issuance of such an order, the commission or committee find by a preponderance of the scientific evidence based upon generally accepted scientific principles or laboratory tests that the presence of the extremely hazardous substances, hazardous chemicals, or hazardous substances in the quantities in which they are routinely or intermittently present at the facility for which the order is sought pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility. The rules shall require that before approval of an application for issuance of such an order, the commission or committee also find by a preponderance of the evidence that the placement of an emergency response lock box unit at the facility is necessary to protect against the substantial risk of catastrophic injury to public health or safety or the environment, or to protect against an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of the extremely hazardous substances, hazardous chemicals, or hazardous substances routinely or intermittently present at the facility. The rules shall require that when determining whether the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility pose a substantial risk of catastrophic injury to public health or safety or to the environment, or pose an extraordinary risk of injury to responding emergency management personnel, in the event of a release of any of those substances or chemicals from the facility, the commission or committee consider all of the following factors:

Substitute Version as Presented to the Senate Finance and Financial Institutions

- (i) The specific characteristics and the degree and nature of the hazards posed by a release of the extremely hazardous substances, hazardous chemicals, or hazardous substances present at the facility; 26197
26198
26199
26200
- (ii) The proximity of the facility to residential areas, to areas where significantly large numbers of people are employed or otherwise congregate, and to environmental resources that are subject to injury; 26201
26202
26203
26204
- (iii) The quantities of the extremely hazardous substances, hazardous chemicals, or hazardous substances that are routinely present at the facility; 26205
26206
26207
- (iv) The frequency with which the extremely hazardous substances, hazardous chemicals, or hazardous substances are present at the facility. 26208
26209
26210
- (g) Establish procedures to be followed by the commission and the executive committee of the commission for the issuance of orders under this chapter. 26211
26212
26213
- (3) In accordance with Chapter 119. of the Revised Code adopt rules establishing reportable quantities for releases of oil that are consistent with and equivalent in scope, content, and coverage to section 311 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 862, 33 U.S.C.A. 1321, as amended, and applicable regulations adopted under it; 26214
26215
26216
26217
26218
26219
- (4) Adopt rules in accordance with Chapter 119. of the Revised Code establishing criteria and procedures for identifying or listing extremely hazardous substances in addition to those identified or listed in rules adopted under division (B)(1)(a) of this section and for establishing threshold planning quantities and reportable quantities for the added extremely hazardous substances; for identifying or listing hazardous chemicals in addition to those identified or listed in rules adopted under 26220
26221
26222
26223
26224
26225
26226
26227

Substitute Version as Presented to the Senate Finance and Financial Institutions

division (B)(1)(b) of this section and for establishing threshold
quantities and categories of health and physical hazards for the
added hazardous chemicals; and for identifying or listing
hazardous substances in addition to those identified or listed in
rules adopted under division (B)(1)(c) of this section and for
establishing reportable quantities for the added hazardous
substances. The criteria for identifying or listing additional
extremely hazardous substances and establishing threshold planning
quantities and reportable quantities therefor and for identifying
or listing additional hazardous chemicals and establishing
threshold quantities and categories of health and physical hazards
for the added hazardous chemicals shall be consistent with and
equivalent to applicable criteria therefor under the "Emergency
Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729,
42 U.S.C.A. 11001, and regulations adopted under it. The criteria
for identifying additional hazardous substances and for
establishing reportable quantities of the added hazardous
substances shall be consistent with and equivalent to the
applicable criteria for identifying or listing hazardous
substances and establishing reportable quantities therefor under
the "Comprehensive Environmental Response, Compensation, and
Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9602, as
amended, and regulations adopted under it.

The rules shall require that, before identifying or listing
any such additional extremely hazardous substance, hazardous
chemical, or hazardous substance and establishing a threshold
planning quantity, threshold quantity, or reportable quantity
therefor, the commission find by a preponderance of the scientific
evidence based on generally accepted scientific principles or
laboratory tests that the substance or chemical poses a
substantial risk of catastrophic injury to public health or safety
or to the environment, or poses an extraordinary risk of injury to

Substitute Version as Presented to the Senate Finance and Financial Institutions

emergency management personnel responding to a release of the
chemical or substance, when the chemical or substance is present
at a facility in an amount equal to the proposed threshold
planning quantity or threshold quantity or, in the instance of a
proposed additional extremely hazardous substance or hazardous
substance, poses a substantial risk of catastrophic injury to
public health or safety or to the environment if a release of the
proposed reportable quantity of the substance occurs. The rules
shall further require that, before so identifying or listing a
substance or chemical, the commission find by a preponderance of
the evidence that the development and implementation of state or
local emergency response plans for releases of the substance or
chemical will reduce the risk of a catastrophic injury to public
health or safety or to the environment, or will reduce the
extraordinary risk of injury to responding emergency response
personnel, in the event of a release of the substance or chemical
and find by a preponderance of the evidence that the
identification or listing of the substance or chemical is
necessary for the development of state or local emergency response
plans for releases of the substance or chemical. The rules shall
require that the commission consider the toxicity of the substance
or chemical in terms of both the short-term and long-term health
effects resulting from exposure to it and its reactivity,
volatility, dispersibility, combustibility, and flammability when
determining the risks posed by a release of the substance or
chemical and, as appropriate, when establishing a threshold
planning quantity, threshold quantity, reportable quantity, or
category of health or physical hazard for it.

(5) Adopt rules in accordance with Chapter 119. of the
Revised Code establishing criteria and procedures for receiving
and deciding claims for protection of information as a trade
secret that are applicable only to extremely hazardous substances

Substitute Version as Presented to the Senate Finance and Financial Institutions

and hazardous chemicals identified or listed in rules adopted 26292
under division (C)(5) of this section. The rules shall be 26293
equivalent in scope, content, and coverage to section 322 of the 26294
"Emergency Planning and Community Right-To-Know Act of 1986," 100 26295
Stat. 1747, 42 U.S.C.A. 11042, and regulations adopted under it. 26296

(6)(a) After consultation with the fire marshal, adopt rules 26297
in accordance with Chapter 119. of the Revised Code establishing 26298
standards for the construction, placement, and use of emergency 26299
response lock box units at facilities that are subject to this 26300
chapter. The rules shall establish all of the following: 26301

(i) Specific standards of construction for lock box units; 26302

(ii) The specific types of information that shall be placed 26303
in the lock box units required to be placed at a facility by an 26304
order issued under division (D) of section 3750.11 of the Revised 26305
Code, which shall include the location of on-site emergency 26306
fire-fighting and spill cleanup equipment; a diagram of the public 26307
and private water supply and sewage systems serving the facility 26308
that are known to the owner or operator of the facility; a copy of 26309
the emergency and hazardous chemical inventory form for the 26310
facility most recently required to be submitted under section 26311
3750.08 of the Revised Code from which the owner or operator may 26312
withhold information claimed or determined to be trade secret 26313
information pursuant to rules adopted under division (B)(2)(d) of 26314
this section, or pursuant to division (B)(14) of this section and 26315
rules adopted under division (B)(5) of this section, and 26316
confidential business information identified in rules adopted 26317
under division (B)(1)(h) of this section; a copy of the local fire 26318
department's and facility's emergency management plans for the 26319
facility, if any; a current list of the names, positions, 26320
addresses, and telephone numbers of all key facility personnel 26321
knowledgeable in facility safety procedures and the locations at 26322
the facility where extremely hazardous substances, hazardous 26323

Substitute Version as Presented to the Senate Finance and Financial Institutions

chemicals, and hazardous substances are produced, used, or stored. 26324
The rules shall stipulate that, in the instance of lock box units 26325
placed voluntarily at facilities by the owners or operators of the 26326
facilities, such information shall be maintained in them as is 26327
prescribed by agreement by the owner or operator and the fire 26328
department having jurisdiction over the facility. 26329

(iii) The conditions that shall be met in order to provide 26330
safe and expedient access to a lock box unit during a release or 26331
threatened release of an extremely hazardous substance, hazardous 26332
chemical, or hazardous substance. 26333

(b) Unless the owner or operator of a facility is issued an 26334
order under division (D) of section 3750.11 of the Revised Code 26335
requiring the owner or operator to place a lock box unit at the 26336
facility, the owner or operator may place a lock box unit at the 26337
facility at the owner's or operator's discretion. If the owner or 26338
operator chooses to place a lock box unit at the facility, the 26339
responsibility to deposit information in the lock box unit is in 26340
addition to any other obligations established in this chapter. 26341

(c) Any costs associated with the purchase, construction, or 26342
placement of a lock box unit shall be paid by the owner or 26343
operator of the facility. 26344

(7) In accordance with Chapter 119. of the Revised Code, 26345
adopt rules governing the application for and awarding of grants 26346
under division (C) of section 3750.14 and division (B) of section 26347
3750.15 of the Revised Code; 26348

(8) Adopt rules in accordance with Chapter 119. of the 26349
Revised Code establishing reasonable maximum fees that may be 26350
charged by the commission and local emergency planning committees 26351
for copying information in the commission's or committee's files 26352
to fulfill requests from the public for that information; 26353

(9) Adopt internal management rules governing the operations 26354

Substitute Version as Presented to the Senate Finance and Financial Institutions

of the commission. The internal management rules shall establish
an executive committee of the commission consisting of the
director of environmental protection or the director's designee,
the director of public safety or the director's designee, the
attorney general or the attorney general's designee, one of the
appointed members of the commission representing industries
subject to this chapter to be appointed by the commission, one of
the appointed members of the commission representing the interests
of environmental advocacy organizations to be appointed by the
commission, and one other appointed member or member ex officio of
the commission to be appointed by the commission. The executive
committee has exclusive authority to issue enforcement orders
under section 3750.18 of the Revised Code and to request the
attorney general to bring a civil action, civil penalty action, or
criminal action under section 3750.20 of the Revised Code in the
name of the commission regarding violations of this chapter, rules
adopted under it, or orders issued under it. The internal
management rules may set forth the other specific powers and
duties of the commission that the executive committee may exercise
and carry out and the conditions under which the executive
committee may do so. The internal management rules shall not
authorize the executive committee to issue variances under
division (B) or (C) of section 3750.11 of the Revised Code or
orders under division (D) of that section.

(10) Oversee and coordinate the implementation and
enforcement of this chapter and make such recommendations to the
director of environmental protection and the director of public
safety as it considers necessary or appropriate to improve the
implementation and enforcement of this chapter;

(11) Make allocations of moneys under division (B) of section
3750.14 of the Revised Code and make grants under division (C) of
section 3750.14 and division (B) of section 3750.15 of the Revised

Substitute Version as Presented to the Senate Finance and Financial Institutions

Code; 26387

(12) Designate an officer of the environmental protection 26388
agency to serve as the commission's information coordinator under 26389
this chapter; 26390

(13) Not later than December 14, 1989, develop and distribute 26391
a state emergency response plan that defines the emergency 26392
response roles and responsibilities of the state agencies that are 26393
represented on the commission and that provides appropriate 26394
coordination with the national contingency plan and the regional 26395
contingency plan required by section 105 of the "Comprehensive 26396
Environmental Response, Compensation, and Liability Act of 1980," 26397
94 Stat. 2767, 42 U.S.C.A. 9601, as amended. The plan shall ensure 26398
a well-coordinated response by state agencies that may be involved 26399
in assisting local emergency responders during a major release of 26400
oil or a major sudden and accidental release of a hazardous 26401
substance or extremely hazardous substance. The plan may 26402
incorporate existing state emergency response plans by reference. 26403
At least annually, the commission and the state agencies that are 26404
represented on it shall jointly exercise the state plan in 26405
conjunction with the exercise of a local emergency response plan 26406
by a local emergency planning committee under section 3750.04 of 26407
the Revised Code. After any such exercise, the commission shall 26408
review the state plan and make such revisions in it as the 26409
commission considers necessary or appropriate. 26410

(14) Receive and decide claims for the protection of 26411
information as a trade secret that pertain only to extremely 26412
hazardous substances and hazardous chemicals identified or listed 26413
by rules adopted under division (C)(5) of this section. If the 26414
commission determines that the claim meets the criteria 26415
established in rules adopted under division (B)(5) of this 26416
section, it shall issue an order to that effect in accordance with 26417
section 3750.18 of the Revised Code. If the commission determines 26418

Substitute Version as Presented to the Senate Finance and Financial Institutions

that the claim does not meet the criteria established in those
rules, it shall issue an order to that effect in accordance with
section 3750.18 of the Revised Code.

(15) Annually compile, make available to the public, and
submit to the president of the senate and the speaker of the house
of representatives a summary report on the number of facilities
estimated to be subject to regulation under sections 3750.05,
3750.07, and 3750.08 of the Revised Code, the number of facilities
reporting to the commission, an estimate of the percentage of
facilities in compliance with those sections, and recommendations
regarding the types of activities the commission considers
necessary to improve such compliance. The commission shall base
its estimate of the number of facilities that are subject to
regulation under those sections on the current estimates provided
by the local emergency planning committees under division (D)(6)
of section 3750.03 of the Revised Code.

(C) The commission may:

(1) Procure by contract the temporary or intermittent
services of experts or consultants when those services are to be
performed on a part-time or fee-for-service basis and do not
involve the performance of administrative duties;

(2) Enter into contracts or agreements with political
subdivisions or emergency planning districts for the purposes of
this chapter;

(3) Accept on behalf of the state any gift, grant, or
contribution from any governmental or private source for the
purposes of this chapter;

(4) Enter into contracts, agreements, or memoranda of
understanding with any state department, agency, board,
commission, or institution to obtain the services of personnel
thereof or utilize resources thereof for the purposes of this

Substitute Version as Presented to the Senate Finance and Financial Institutions

chapter. Employees of a state department, agency, board,
commission, or institution providing services to the commission
under any such contract, agreement, or memorandum shall perform
only those functions and provide only the services provided for in
the contract, agreement, or memorandum.

(5) Identify or list extremely hazardous substances in
addition to those identified or listed in rules adopted under
division (B)(1)(a) of this section and establish threshold
planning quantities and reportable quantities for the additional
extremely hazardous substances, identify or list hazardous
chemicals in addition to those identified or listed in rules
adopted under division (B)(1)(b) of this section and establish
threshold quantities and categories or health and physical hazards
for the added chemicals, and identify or list hazardous substances
in addition to those identified or listed in rules adopted under
division (B)(1)(c) of this section and establish reportable
quantities for the added hazardous substances. The commission may
establish threshold planning quantities for the additional
extremely hazardous substances based upon classes of those
substances or categories of facilities at which they are present
and may establish threshold quantities for the additional
hazardous chemicals based upon classes of those chemicals or
categories of facilities where they are present. The commission
shall identify or list such additional substances or chemicals and
establish threshold planning quantities, threshold quantities,
reportable quantities, and hazard categories therefor in
accordance with the criteria and procedures established in rules
adopted under division (B)(4) of this section and, after
compliance with those criteria and procedures, by the adoption of
rules in accordance with Chapter 119. of the Revised Code. The
commission shall not adopt rules under division (C)(5) of this
section modifying any threshold planning quantity established in

Substitute Version as Presented to the Senate Finance and Financial Institutions

rules adopted under division (B)(1)(a) of this section, any
threshold quantity established in rules adopted under division
(B)(1)(b) of this section, or any reportable quantity established
in rules adopted under division (B)(1)(c) of this section.

If, after the commission has adopted rules under division
(C)(5) of this section identifying or listing an extremely
hazardous substance, hazardous chemical, or hazardous substance,
the administrator of the United States environmental protection
agency identifies or lists the substance or chemical as an
extremely hazardous substance or hazardous chemical under the
"Emergency Planning and Community Right-To-Know Act of 1986," 100
Stat. 1729, 42 U.S.C.A. 11001, or identifies or lists a substance
as a hazardous substance under the "Comprehensive Environmental
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779,
42 U.S.C.A. 9602, as amended, the commission shall rescind its
rules adopted under division (C)(5) of this section pertaining to
the substance or chemical and adopt the appropriate rules under
division (B)(1)(a), (b), or (c) of this section.

(6) From time to time, request the director of environmental
protection and the executive director of the emergency management
agency to review implementation, administration, and enforcement
of the chemical emergency response planning and reporting programs
created by this chapter and rules adopted under it regarding their
effectiveness in preparing for response to releases of extremely
hazardous substances, hazardous chemicals, and hazardous
substances. After completion of any such review, the director of
environmental protection and the director of public safety shall
report their findings to the commission. Upon receipt of their
findings, the commission may make such recommendations for
legislative and administrative action as the commission finds
necessary or appropriate to promote achievement of the purposes of
this chapter.

Substitute Version as Presented to the Senate Finance and Financial Institutions

(D) Except as provided in section 3750.06 of the Revised Code, nothing in this chapter applies to the transportation, including the storage incident to transportation, of any substance or chemical subject to the requirements of this chapter, including the transportation and distribution of natural gas.

(E) This chapter authorizes the state, through the emergency response commission, the department of public safety, and the environmental protection agency, to establish and maintain chemical emergency response planning and preparedness, community right-to-know, and hazardous substance and extremely hazardous substance release reporting programs that are consistent with and equivalent in scope, coverage, and content to the "Emergency Planning and Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 11001, and regulations adopted under it, except as otherwise specifically required or authorized in this chapter. The commission, department, and agencies may do all things necessary, incidental, or appropriate to implement, administer, and enforce this chapter and to perform the duties and exercise the powers of the state emergency response commission under that act and regulations adopted under it and under this chapter.

Sec. 3750.081. (A) Notwithstanding any provision in this chapter to the contrary, an owner or operator of a facility that is regulated under Chapter 1509. of the Revised Code who has filed a log in accordance with section 1509.10 of the Revised Code and a production statement in accordance with section 1509.11 of the Revised Code shall be deemed to have satisfied all of the inventory, notification, listing, and other submission and filing requirements established under this chapter, except for the release reporting requirements established under section 3750.06 of the Revised Code.

(B) The emergency response commission and every local

Substitute Version as Presented to the Senate Finance and Financial Institutions

emergency planning committee and fire department in this state 26545
shall establish a means by which to access, view, and retrieve 26546
information, through the use of the internet or a computer disk, 26547
from the electronic database maintained by the division of mineral 26548
resources management in the department of natural resources in 26549
accordance with section 1509.23 of the Revised Code. With respect 26550
to facilities regulated under Chapter 1509. of the Revised Code, 26551
the database shall be the means of providing and receiving the 26552
information described in division (A) of this section. 26553

Sec. 3750.13. (A)(1) Except as provided in division (A)(3) or 26554
(4) of this section, the owner or operator of a facility required 26555
to annually file an emergency and hazardous chemical inventory 26556
form under section 3750.08 of the Revised Code shall submit with 26557
the inventory form a filing fee of one hundred fifty dollars. In 26558
addition to the filing fee, the owner or operator shall submit 26559
with the inventory form the following additional fees for 26560
reporting inventories of the individual hazardous chemicals and 26561
extremely hazardous substances produced, used, or stored at the 26562
facility: 26563

(a) Except as provided in division (A)(1)(b) of this section, 26564
an additional fee of ~~ten~~ twenty dollars per hazardous chemical 26565
enumerated on the inventory form ~~in excess of five~~; 26566

(b) An additional fee of one hundred fifty dollars per 26567
extremely hazardous substance enumerated on the inventory form. 26568
The fee established in division (A)(1)(a) of this section does not 26569
apply to the reporting of the inventory of a hazardous chemical 26570
that is also an extremely hazardous substance to which the 26571
inventory reporting fee established in division (A)(1)(b) of this 26572
section applies. 26573

The total fees required to accompany any inventory form shall 26574
not exceed twenty-five hundred dollars. 26575

Substitute Version as Presented to the Senate Finance and Financial Institutions

(2) An owner or operator of a facility who fails to submit such an inventory form within thirty days after the applicable filing date prescribed in section 3750.08 of the Revised Code shall submit with the inventory form a late filing fee in the amount of fifteen ten per cent per year of the total fees due under division (A)(1) or (4) of this section, in addition to the fees due under division (A)(1) or (4) of this section. ~~The late filing fee shall be compounded every three months until the total fees due under division (A)(1) or (4) of this section are submitted to the emergency response commission.~~

(3) The owner or operator of a facility who, during the preceding year, was required to pay a fee to a municipal corporation pursuant to an ordinance, rule, or requirement that was in effect on the effective date of this section for the reporting or providing of the names or amounts of extremely hazardous substances or hazardous chemicals produced, used, or stored at the facility may claim a credit against the fees due under division (A)(1) or (4) of this section for the fees paid to the municipal corporation pursuant to its reporting requirement. 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 inventory forms~~ information under section 1509.11 of the Revised Code for not more than

Substitute Version as Presented to the Senate Finance and Financial Institutions

~~thirty-five~~ twenty-five facilities ~~that meet all of the following~~ 26608
~~conditions~~ shall submit ~~with the forms to the emergency response~~ 26609
commission on or before the first day of March a flat fee of 26610
~~twenty-five~~ fifty dollars if the facilities meet all of the 26611
following conditions: 26612

(a) The facility exclusively stores crude oil or liquid 26613
hydrocarbons or other fluids resulting, obtained, or produced in 26614
connection with the production or storage of crude oil or natural 26615
gas. 26616

(b) The crude oil, liquid hydrocarbons, or other fluids 26617
stored at the facility are conveyed directly to it through piping 26618
or tubing. 26619

(c) The facility is located on the same site as, or on a site 26620
adjacent to, the well from which the crude oil, liquid 26621
hydrocarbons, or other fluids are produced or obtained. 26622

(d) The facility is used for the storage of the crude oil, 26623
liquid hydrocarbons, or other fluids prior to their transportation 26624
off the premises of the facility for sale, use, or disposal. 26625

An owner or operator who submits ~~inventory forms~~ information 26626
for more than ~~thirty-five~~ twenty-five facilities that meet all of 26627
the conditions prescribed in divisions (A)(4)(a) to (d) of this 26628
section shall submit to the commission a base fee of ~~twenty-five~~ 26629
fifty dollars ~~in addition to a~~ and an additional filing fee of ten 26630
dollars for each facility reported in excess of ~~thirty-five~~ 26631
twenty-five, but not exceeding a total fee of ~~seven~~ nine hundred 26632
dollars. ~~An owner or operator of such facilities shall submit the~~ 26633
~~forms for all such facilities owned or operated by him in this~~ 26634
~~state to the commission at the same time together with the~~ 26635
~~applicable fee under division (A)(4) of this section.~~ 26636

As used in division (A)(4) of this section, "owner or 26637
operator" means the person who actually owns or operates any such 26638

Substitute Version as Presented to the Senate Finance and Financial Institutions

facility and any other person who controls, is controlled by, or
is under common control with the person who actually owns or
operates the facility.

(B) The emergency response commission and the local emergency
planning committee of an emergency planning district may establish
fees to be paid by persons, other than public officers or
employees, obtaining copies of documents or information submitted
to the commission or a committee under this chapter. The fees
shall be established at a level calculated to defray the costs to
the commission or committee for copying the documents or
information, but shall not exceed the maximum fees established in
rules adopted under division (B)(8) of section 3750.02 of the
Revised Code.

(C) Except as provided in this division and division (B) of
this section, and except for fees authorized by section 3737.22 of
the Revised Code or rules adopted under sections 3737.82 to
3737.882 of the Revised Code and collected exclusively for either
of those purposes, no committee or political subdivision shall
levy any fee, tax, excise, or other charge to carry out the
purposes of this chapter. A committee may charge the actual costs
involved in accessing any computerized data base established by
the commission under this chapter or by the United States
environmental protection agency under the "Emergency Planning and
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A.
11001.

(D) Moneys collected by the commission under this section
shall be credited to the emergency planning and community
right-to-know fund created in section 3750.14 of the Revised Code.

Sec. 3769.08. (A) Any person holding a permit to conduct a
horse-racing meeting may provide a place in the race meeting
grounds or enclosure at which the permit holder may conduct and

Substitute Version as Presented to the Senate Finance and Financial Institutions

supervise the pari-mutuel system of wagering by patrons of legal 26670
age on the live racing programs and simulcast racing programs 26671
conducted by ~~such~~ the permit holder. 26672

~~Such~~ The pari-mutuel method of wagering upon the live racing 26673
programs and simulcast racing programs held at or conducted within 26674
such race track, and at the time of such horse-racing meeting, or 26675
at other times authorized by the state racing commission, shall 26676
not be unlawful. No other place, except that provided and 26677
designated by the permit holder and except as provided in section 26678
3769.26 of the Revised Code, nor any other method or system of 26679
betting or wagering, except the pari-mutuel system, shall be used 26680
or permitted by the permit holder; nor, except as provided in 26681
section 3769.089 or 3769.26 of the Revised Code, shall the 26682
pari-mutuel system of wagering be conducted by the permit holder 26683
on any races except the races at the race track, grounds, or 26684
enclosure for which the person holds a permit. Each permit holder 26685
may retain as a commission an amount not to exceed eighteen per 26686
cent of the total of all moneys wagered. 26687

The pari-mutuel wagering authorized by this section is 26688
subject to sections 3769.25 to ~~3769.27~~ 3769.28 of the Revised 26689
Code. 26690

(B) At the close of each racing day, each permit holder 26691
authorized to conduct thoroughbred racing, out of the amount 26692
retained on that day by the permit holder, shall pay by check, 26693
draft, or money order to the tax commissioner, as a tax, a sum 26694
equal to the following percentages of the total of all moneys 26695
wagered on live racing programs on that day and shall separately 26696
compute and pay by check, draft, or money order to the tax 26697
commissioner, as a tax, a sum equal to the following percentages 26698
of the total of all money wagered on simulcast racing programs on 26699
that day: 26700

Substitute Version as Presented to the Senate Finance and Financial Institutions

(1) One per cent of the first two hundred thousand dollars 26701
wagered, or any part ~~thereof~~ of that amount; 26702

(2) Two per cent of the next one hundred thousand dollars 26703
wagered, or any part ~~thereof~~ of that amount; 26704

(3) Three per cent of the next one hundred thousand dollars 26705
wagered, or any part ~~thereof~~ of that amount; 26706

(4) Four per cent of all sums over four hundred thousand 26707
dollars wagered. 26708

Except as otherwise provided in section 3769.089 of the 26709
Revised Code, each permit holder authorized to conduct 26710
thoroughbred racing shall use for purse money a sum equal to fifty 26711
per cent of the pari-mutuel revenues retained by the permit holder 26712
as a commission after payment of the state tax. This fifty per 26713
cent payment shall be in addition to the purse distribution from 26714
breakage specified in this section. 26715

Subject to division (M) of this section, from the moneys paid 26716
to the tax commissioner by ~~thoroughbred racing~~ thoroughbred racing 26717
permit holders, one-half of one per cent of the total of all 26718
moneys so wagered on a racing day shall be paid into the Ohio 26719
fairs fund created by section 3769.082 of the Revised Code, one 26720
and one-eighth per cent of the total of all moneys so wagered on a 26721
racing day shall be paid into the Ohio thoroughbred race fund 26722
created by section 3769.083 of the Revised Code, and one-quarter 26723
of one per cent of the total of all moneys wagered on a racing day 26724
by each permit holder shall be paid into the state racing 26725
commission operating fund created by section 3769.03 of the 26726
Revised Code. The required payment to the state racing commission 26727
operating fund does not apply to county and independent fairs and 26728
agricultural societies. The remaining moneys may be retained by 26729
the permit holder, except as provided in this section with respect 26730
to the odd cents redistribution. Amounts paid into the PASSPORT 26731

Substitute Version as Presented to the Senate Finance and Financial Institutions

fund shall be used solely for the support of the PASSPORT program 26732
as determined in appropriations made by the general assembly. If 26733
the PASSPORT program is abolished, the amount that would have been 26734
paid to the PASSPORT fund under this chapter shall be paid to the 26735
general revenue fund of the state. As used in this chapter, 26736
"PASSPORT program" means the PASSPORT program created under 26737
section 173.40 of the Revised Code. 26738

~~During calendar year 1994, the~~ The total amount paid to the 26739
Ohio thoroughbred race fund under this section and section 26740
3769.087 of the Revised Code ~~shall not exceed by more than six per~~ 26741
~~cent the total amount paid to this fund under this section and~~ 26742
~~that section during calendar year 1990. During each calendar year~~ 26743
~~after calendar year 1994, the total amount paid to this fund under~~ 26744
~~this section and that section shall not exceed by more than six~~ 26745
~~per cent the total amount paid to this fund under this section and~~ 26746
~~that section during the immediately preceding calendar year.~~ 26747

Each year, the total amount calculated for payment into the 26748
Ohio fairs fund under this division, division (C) of this section, 26749
and section 3769.087 of the Revised Code shall be an amount 26750
calculated using the percentages specified in this division, 26751
division (C) of this section, and section 3769.087 of the Revised 26752
Code. ~~Until January 1, 1996, the total amount actually paid into~~ 26753
~~the Ohio fairs fund under this division, division (C) of this~~ 26754
~~section, and section 3769.087 of the Revised Code during each~~ 26755
~~calendar year shall not exceed the total amount that was actually~~ 26756
~~paid into that fund under this division, division (C) of this~~ 26757
~~section, and section 3769.087 of the Revised Code during calendar~~ 26758
~~year 1990, plus five hundred thousand dollars. Beginning on~~ 26759
~~January 1, 1996, and continuing through December 31, 1998, the~~ 26760
~~total amount actually paid into the Ohio fairs fund during each~~ 26761
~~calendar year under this division, division (C) of this section,~~ 26762
~~and section 3769.087 of the Revised Code shall not exceed by more~~ 26763

Substitute Version as Presented to the Senate Finance and Financial Institutions

~~than five per cent an amount equal to the total amount actually~~ 26764
~~paid into the Ohio fairs fund during the immediately preceding~~ 26765
~~calendar year.~~ 26766

A permit holder may contract with a thoroughbred horsemen's 26767
organization for the organization to act as a representative of 26768
all thoroughbred owners and trainers participating in a 26769
horse-racing meeting conducted by the permit holder. A 26770
"thoroughbred horsemen's organization" is any corporation or 26771
association that represents, through membership or otherwise, more 26772
than one-half of the aggregate of all thoroughbred owners and 26773
trainers who were licensed and actively participated in racing 26774
within this state during the preceding calendar year. Except as 26775
otherwise provided in this paragraph, any moneys received by a 26776
thoroughbred horsemen's organization shall be used exclusively for 26777
the benefit of thoroughbred owners and trainers racing in this 26778
state through the administrative purposes of the organization, 26779
benevolent activities on behalf of the horsemen, promotion of the 26780
horsemen's rights and interests, and promotion of equine research. 26781
A thoroughbred horsemen's organization may expend not more than an 26782
aggregate of five per cent of its annual gross receipts, or a 26783
larger amount as approved by the organization, for dues, 26784
assessments, and other payments to all other local, national, or 26785
international organizations having as their primary purposes the 26786
promotion of thoroughbred horse racing, thoroughbred horsemen's 26787
rights, and equine research. 26788

(C) Except as otherwise provided in division (B) of this 26789
section, at the close of each racing day, each permit holder 26790
authorized to conduct harness or quarter horse racing, out of the 26791
amount retained that day by the permit holder, shall pay by check, 26792
draft, or money order to the tax commissioner, as a tax, a sum 26793
equal to the following percentages of the total of all moneys 26794
wagered on live racing programs and shall separately compute and 26795

Substitute Version as Presented to the Senate Finance and Financial Institutions

pay by check, draft, or money order to the tax commissioner, as a
tax, a sum equal to the following percentages of the total of all
money wagered on simulcast racing programs on that day:

(1) One per cent of the first two hundred thousand dollars
wagered, or any part ~~thereof~~ of that amount;

(2) Two per cent of the next one hundred thousand dollars
wagered, or any part ~~thereof~~ of that amount;

(3) Three per cent of the next one hundred thousand dollars
wagered, or any part ~~thereof~~ of that amount;

(4) Four per cent of all sums over four hundred thousand
dollars wagered.

Except as otherwise provided in division (B) and subject to
division (M) of this section, from the moneys paid to the tax
commissioner by permit holders authorized to conduct harness or
quarter horse racing, one-half of one per cent of all moneys
wagered on that racing day shall be paid into the Ohio fairs fund;
from the moneys paid to the tax commissioner by permit holders
authorized to conduct harness racing, five-eighths of one per cent
of all moneys wagered on that racing day shall be paid into the
Ohio standardbred development fund; and from the moneys paid to
the tax commissioner by permit holders authorized to conduct
quarter horse racing, five-eighths of one per cent of all moneys
wagered on that racing day shall be paid into the Ohio quarter
horse development fund.

(D) In addition, subject to division (M) of this section,
beginning on January 1, 1996, from the money paid to the tax
commissioner as a tax under this section and section 3769.087 of
the Revised Code by harness horse permit holders, one-half of one
per cent of the amount wagered on a racing day shall be paid into
the Ohio standardbred development fund. Beginning January 1, 1998,
the payment to the Ohio standardbred development fund required

Substitute Version as Presented to the Senate Finance and Financial Institutions

under this division ~~(D) of this section~~ does not apply to county 26827
agricultural societies or independent agricultural societies. 26828
26829

~~During calendar year 1994, the~~ The total amount paid to the 26830
Ohio standardbred development fund under this division, division 26831
(C) of this section, and section 3769.087 of the Revised Code and 26832
the total amount paid to the Ohio quarter horse development fund 26833
under this division and that section ~~shall not exceed by more than~~ 26834
~~six per cent the total amount paid to each of these funds under~~ 26835
~~this division and that section during calendar year 1990. During~~ 26836
~~each calendar year after calendar year 1994, the total amount paid~~ 26837
~~to each of these funds~~ shall not exceed by more than six per cent 26838
the total amount paid into the fund under this division, division 26839
(C) of this section, and section 3769.087 of the Revised Code in 26840
the immediately preceding calendar year. 26841

(E) Subject to division (M) of this section, from the money 26842
paid as a tax under this chapter by harness and quarter horse 26843
permit holders, one-quarter of one per cent of the total of all 26844
moneys wagered on a racing day by each permit holder shall be paid 26845
into the state racing commission operating fund created by section 26846
3769.03 of the Revised Code. This division does not apply to 26847
county and independent fairs and agricultural societies. 26848

(F) Except as otherwise provided in section 3769.089 of the 26849
Revised Code, each permit holder authorized to conduct harness 26850
racing shall ~~pay~~ pay to the harness horsemen's purse pool a sum 26851
equal to fifty per cent of the pari-mutuel revenues retained by 26852
the permit holder as a commission after payment of the state tax. 26853
This fifty per cent payment is to be in addition to the purse 26854
distribution from breakage specified in this section. 26855

(G) In addition, each permit holder authorized to conduct 26856
harness racing shall be allowed to retain the odd cents of all 26857
redistribution to be made on all mutual contributions exceeding a 26858

Substitute Version as Presented to the Senate Finance and Financial Institutions

sum equal to the next lowest multiple of ten.

26859

Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for purse money for Ohio sired, bred, and owned colts, for purse money for Ohio bred horses, and for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a harness horsemen's health and retirement fund, twenty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to ~~such~~ that corporation to establish and fund the health and retirement fund. Until ~~such~~ that corporation is formed, ~~such~~ that twenty-five per cent shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the permit holder operates race meetings. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

26860

26861

26862

26863

26864

26865

26866

26867

26868

26869

26870

26871

26872

26873

26874

26875

(H) In addition, each permit holder authorized to conduct thoroughbred racing shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten. Twenty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a thoroughbred horsemen's health and retirement fund, forty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to ~~such~~ that corporation to establish and fund the health and retirement fund. Until ~~such~~ that corporation is formed, ~~such~~ that forty-five per cent shall be paid by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the

26876

26877

26878

26879

26880

26881

26882

26883

26884

26885

26886

26887

26888

26889

26890

Substitute Version as Presented to the Senate Finance and Financial Institutions

permit holder operates race meetings, at the close of each racing 26891
day. The remaining thirty-five per cent of that portion of that 26892
total sum of odd cents shall be retained by the permit holder. 26893

(I) In addition, each permit holder authorized to conduct 26894
quarter horse racing shall be allowed to retain the odd cents of 26895
all redistribution to be made on all mutuel contributions 26896
exceeding a sum equal to the next lowest multiple of ten, subject 26897
to a tax of twenty-five per cent on that portion of the total sum 26898
of such odd cents that is in excess of two thousand dollars during 26899
a calendar year, which tax shall be paid at the close of each 26900
racing day by the permit holder to the tax commissioner or the tax 26901
commissioner's agent in the county seat of the county within which 26902
the permit holder operates race meetings. Forty per cent of that 26903
portion of that total sum of such odd cents shall be used by the 26904
permit holder for increased purse money for horse races. The 26905
remaining thirty-five per cent of that portion of that total sum 26906
of odd cents shall be retained by the permit holder. 26907

(J)(1) To encourage the improvement of racing facilities for 26908
the benefit of the public, breeders, and horse owners, and to 26909
increase the revenue to the state from the increase in pari-mutuel 26910
wagering resulting from ~~such~~ those improvements, the taxes paid by 26911
a permit holder to the state as provided for in this chapter shall 26912
be reduced by three-fourths of one per cent of the total amount 26913
wagered for those permit holders who make capital improvements to 26914
existing race tracks or construct new race tracks. The percentage 26915
of the reduction that may be taken each racing day shall equal 26916
seventy-five per cent of the tax levied under divisions (B) and 26917
(C) of this section and section 3769.087 of the Revised Code, and 26918
division (F)(2) of section 3769.26 of the Revised Code, as 26919
applicable, divided by the calculated amount each fund should 26920
receive under divisions (B) and (C) of this section and section 26921
3769.087 of the Revised Code, and division (F)(2) of section 26922

Substitute Version as Presented to the Senate Finance and Financial Institutions

3769.26 of the Revised Code and the reduction provided for in this 26923
 division. If the resulting percentage is less than one, that 26924
 percentage shall be multiplied by the amount of the reduction 26925
 provided for in this division. Otherwise, the permit holder shall 26926
 receive the full reduction provided for in this division. The 26927
 amount of the allowable reduction not received shall be carried 26928
 forward and applied against future tax liability. After any 26929
 reductions expire, any reduction carried forward shall be treated 26930
 as a reduction as provided for in this division. ~~If~~ 26931

If more than one permit holder is authorized to conduct 26932
 racing at the facility that is being built or improved, the cost 26933
 of the new race track or capital improvement shall be allocated 26934
 between or among all the permit holders in the ratio that the 26935
 permit holders' number of racing days bears to the total number of 26936
 racing days conducted at the facility. ~~Such~~ 26937

A reduction for a new race track or a capital improvement 26938
 shall start from the day racing is first conducted following the 26939
 date actual construction of the new race track or each capital 26940
 improvement is completed and the construction cost has been 26941
~~certified~~ approved by the racing commission, unless otherwise 26942
 provided in this section. ~~Such~~ A reduction for a new race track or 26943
a capital improvement shall continue for a period of twenty-five 26944
 years for new race tracks and for fifteen years for ~~new~~ capital 26945
 improvements if the construction of the capital improvement or new 26946
 race track commenced prior to March 29, 1988, and for a period of 26947
 ten years for new race tracks or ~~new~~ capital improvements if the 26948
 construction of the capital improvement or new race track 26949
 commenced on or after March 29, 1988, but before the effective 26950
date of this amendment, or until the total tax reduction reaches 26951
 seventy per cent of the approved cost of the new race track or ~~new~~ 26952
 capital improvement, as allocated to each permit holder, whichever 26953
 occurs first. ~~The tax~~ A reduction for a new race track or a 26954

Substitute Version as Presented to the Senate Finance and Financial Institutions

capital improvement approved after the effective date of this 26955
amendment shall continue until the total tax reduction reaches one 26956
hundred per cent of the approved cost of the new race track or 26957
capital improvement, as allocated to each permit holder. 26958

A reduction granted for ~~any~~ a new race track or a capital 26959
improvement, the application for which was approved by the racing 26960
commission after March 29, 1988, but before the effective date of 26961
this amendment, shall not commence nor shall the ten-year period 26962
begin to run until all prior tax reductions with respect to the 26963
same race track have ended. The total tax reduction because of 26964
capital improvements shall not during any one year exceed for all 26965
permit holders using any one track three-fourths of one per cent 26966
of the total amount wagered, regardless of the number of capital 26967
improvements made. Several capital improvements to a race track 26968
may be consolidated in an application if the racing commission 26969
approved the application prior to March 29, 1988. No permit holder 26970
may receive a tax reduction for a capital improvement approved by 26971
the racing commission on or after March 29, 1988, at a race track 26972
until all tax reductions have ended for all prior capital 26973
improvements approved by the racing commission under this section 26974
or section 3769.20 of the Revised Code at that race track. If 26975
there are two or more permit holders operating meetings at the 26976
same track, they may consolidate their applications. The racing 26977
commission shall notify the tax commissioner when the ~~diminution~~ 26978
reduction of tax begins and when it ends. ~~Each~~ 26979

Each fiscal year the racing commission shall submit a report 26980
to the tax commissioner, the office of budget and management, and 26981
the ~~legislative budget office of the~~ legislative service 26982
commission. The report shall identify each capital improvement 26983
project undertaken under this division and in progress at each 26984
race track, indicate the total cost of each ~~such~~ project, state 26985
the tax reduction that resulted from each ~~such~~ project during the 26986

Substitute Version as Presented to the Senate Finance and Financial Institutions

immediately preceding fiscal year, estimate the tax reduction that
will result from each ~~such~~ project during the current fiscal year,
state the total tax reduction that resulted from all such projects
at all race tracks during the immediately preceding fiscal year,
and estimate the total tax reduction that will result from all
such projects at all race tracks during the current fiscal year.

(2) In order to qualify for the reduction in tax, a permit
holder shall apply to the racing commission in such form as the
commission may require and shall provide full details of the new
~~racing~~ race track or capital improvement, including a schedule for
its construction and completion, and set forth the costs and
expenses incurred in connection ~~therewith~~ with it. The ~~racing~~
commission shall not approve an application unless the permit
holder shows that a contract for the new race track or capital
improvement has been let under an unrestricted competitive bidding
procedure, unless the contract is exempted by the controlling
board because of its unusual nature. In determining whether to
approve an application, the ~~racing~~ commission shall consider
whether the new race track or capital improvement will promote the
safety, convenience, and comfort of the racing public and horse
owners and generally tend towards the improvement of racing in
this state.

(3) If a new race track or capital improvement is approved by
the ~~racing~~ commission and construction has started, the tax
~~adjustment~~ reduction may be authorized by the commission upon
presentation of copies of paid bills in excess of one hundred
thousand dollars or ten per cent of the approved cost, whichever
is greater. After the initial authorization, the permit holder
shall present copies of paid bills. If the permit holder is in
substantial compliance with the schedule for construction and
completion of the new race track or capital improvement, the
~~racing~~ commission may authorize the continuation of the tax

Substitute Version as Presented to the Senate Finance and Financial Institutions

~~adjustment reduction~~ upon the presentation of ~~such the~~ additional 27019
paid bills. The total amount of the tax ~~adjustment reduction~~ 27020
authorized shall not exceed ~~seventy per cent~~ the percentage of the 27021
approved cost of the new race track or capital improvement 27022
specified in division (J)(1) of this section. The racing 27023
commission may terminate any tax ~~adjustment reduction~~ immediately 27024
if a permit holder fails to complete the new race track or capital 27025
improvement, or to substantially comply with the schedule for 27026
construction and completion of the new race track or capital 27027
improvement. If a permit holder fails to complete a new race track 27028
or capital improvement, the racing commission shall order the 27029
permit holder to repay to the state the total amount of tax 27030
reduced. The normal tax paid by the permit holder shall be 27031
increased by three-fourths of one per cent of the total amount 27032
wagered until the total amount of the additional tax collected 27033
equals the total amount of tax reduced. 27034

(4) As used in this section, ~~"capital:~~ 27035

(a) "Capital improvement" means an addition, replacement, or 27036
remodeling of a structural unit of a race track facility costing 27037
at least one hundred thousand dollars, including, but not limited 27038
to, the construction of barns used exclusively for ~~such the~~ race 27039
track facility, backstretch facilities for horsemen, paddock 27040
facilities, new pari-mutuel and totalizator equipment and 27041
appurtenances ~~thereto~~ to that equipment purchased by the track, 27042
new access roads, new parking areas, the complete reconstruction, 27043
reshaping, and leveling of the ~~race-track~~ racing surface and 27044
appurtenances, the installation of permanent new heating or air 27045
conditioning, ~~and~~ roof replacement or restoration, installations 27046
of a permanent nature forming a part of the track structure, and 27047
construction of buildings that are located on a permit holder's 27048
premises. "Capital improvement" does not include the cost of 27049
replacement of equipment that is not permanently installed, 27050

Substitute Version as Presented to the Senate Finance and Financial Institutions

ordinary repairs, painting, and maintenance required to keep a 27051
race track facility in ordinary operating condition. ~~"New~~ 27052

(b) "New race track" or ~~"new racing track"~~ includes the 27053
reconstruction of a race track damaged by fire or other cause that 27054
has been declared by the racing commission, as a result of the 27055
damage, to be an inadequate facility for the safe operation of 27056
horse racing. 27057

(c) "Approved cost" includes all debt service and interest 27058
costs that are associated with a capital improvement or new race 27059
track and that the racing commission approves for a tax reduction 27060
under division (J) of this section. 27061

(5) The racing commission shall not approve an application 27062
for a tax reduction under this section if it has reasonable cause 27063
to believe that the actions or negligence of the permit holder 27064
substantially contributed to the damage suffered by the track due 27065
to fire or other cause. The racing commission shall obtain any 27066
data or information available from a fire marshal, law enforcement 27067
official, or insurance company concerning any fire or other damage 27068
suffered by a track, prior to approving an application for a tax 27069
reduction. 27070

(6) The approved cost and expenses to which a tax reduction 27071
applies shall be determined by generally accepted accounting 27072
principles and verified by an audit of the permit holder's records 27073
upon completion of the project by the racing commission, or by an 27074
independent certified public accountant selected by the permit 27075
holder and approved by the commission. 27076

~~The tax reductions for capital improvements and new tracks~~ 27077
~~provided for in this division apply only to tax reductions~~ 27078
~~approved by the state racing commission prior to the effective~~ 27079
~~date of this amendment.~~ 27080

(K) No other license or excise tax or fee, except as provided 27081

Substitute Version as Presented to the Senate Finance and Financial Institutions

in sections 3769.01 to 3769.14 of the Revised Code, shall be
assessed or collected from such licensee by any county, township,
district, municipal corporation, or other body having power to
assess or collect a tax or fee. That portion of the tax paid under
this section by permit holders for racing conducted at and during
the course of an agricultural exposition or fair, and that portion
of the tax that would have been paid by eligible permit holders
into the PASSPORT fund as a result of racing conducted at and
during the course of an agricultural exposition or fair, shall be
deposited into the state treasury to the credit of the horse
racing tax fund, which is hereby created for the use of the
agricultural societies of the several counties in which the taxes
originate. The state racing commission shall determine eligible
permit holders for purposes of the preceding sentence, taking into
account the breed of horse, the racing dates, the geographic
proximity to the fair, and the best interests of Ohio racing. On
the first day of any month on which there is money in the fund,
the ~~director of budget and management~~ tax commissioner shall
provide for payment to the treasurer of each agricultural society
the amount of the taxes collected under this section upon racing
conducted at and during the course of any exposition or fair
conducted by ~~such~~ the society.

(L) From the tax paid under this section by harness track
permit holders, the tax commissioner shall pay into the Ohio
thoroughbred race fund a sum equal to a percentage of the amount
wagered upon which ~~such~~ the tax is paid. The percentage shall be
determined by the tax commissioner and shall be rounded to the
nearest one-hundredth. The percentage shall be such that, when
multiplied by the amount wagered upon which tax was paid by the
harness track permit holders in the most recent year for which
final figures are available, it results in a sum that
substantially equals the same amount of tax paid by the tax

Substitute Version as Presented to the Senate Finance and Financial Institutions

commissioner during that year into the Ohio fairs fund from taxes 27114
paid by thoroughbred permit holders. This division does not apply 27115
to county and independent fairs and agricultural societies. 27116

(M) Twenty-five per cent of the taxes levied on 27117
~~thoroughbred-racing~~ thoroughbred racing permit holders, 27118
~~harness-racing~~ harness racing permit holders, and quarter horse 27119
racing permit holders under this section, section 3769.087 of the 27120
Revised Code, and division (F)(2) of section 3769.26 of the 27121
Revised Code shall be paid ~~to~~ into the PASSPORT fund. The tax 27122
commissioner shall pay any money remaining, after the payment ~~to~~ 27123
into the PASSPORT fund and the reductions provided for in division 27124
(J) of this section and in section 3769.20 of the Revised Code, into 27125
the Ohio fairs fund, Ohio thoroughbred race fund, Ohio 27126
standardbred development fund, Ohio quarter horse fund, and state 27127
racing commission operating fund as prescribed in this section and 27128
section 3769.087 of the Revised Code; ~~except that the state racing~~ 27129
~~commission operating fund shall not receive more than two million~~ 27130
~~five hundred thousand dollars in any calendar year.~~ The tax 27131
commissioner shall thereafter use and apply the balance of the 27132
money paid as a tax by any permit holder to cover any shortage in 27133
the accounts of such funds resulting from an insufficient payment 27134
as a tax by any other permit holder. The moneys received by the 27135
tax commissioner shall be deposited weekly and paid by the tax 27136
commissioner into the funds to cover the total aggregate amount 27137
due from all permit holders to the funds, as calculated under this 27138
section and section 3769.087 of the Revised Code, as applicable. 27139
If, after the payment ~~to~~ into the PASSPORT fund, sufficient funds 27140
are not available from the tax deposited by the tax commissioner 27141
to pay the required ~~amount~~ amounts into the Ohio fairs fund, Ohio 27142
standardbred development fund, Ohio thoroughbred race fund, Ohio 27143
quarter horse fund, and the state racing commission operating 27144
fund, the tax commissioner shall prorate on a proportional basis 27145
the amount paid to each of the funds. Any shortage to the funds as 27146

Substitute Version as Presented to the Senate Finance and Financial Institutions

a result of a proration shall be applied against future deposits 27147
for the same calendar year when funds are available. After this 27148
application, the tax commissioner shall pay any remaining money 27149
paid as a tax by all permit holders into the PASSPORT fund. ~~If the~~ 27150
~~Ohio fairs fund does not receive two million five hundred thousand~~ 27151
~~dollars in calendar year 1997 or 1998, the tax commissioner shall~~ 27152
~~pay into the Ohio fairs fund, on a prorated basis, money that~~ 27153
~~would have been paid into the Ohio thoroughbred race fund, Ohio~~ 27154
~~standardbred development fund, Ohio quarter horse development~~ 27155
~~fund, and state racing commission operating fund and the portion~~ 27156
~~that was retained by the tracks the previous calendar year as a~~ 27157
~~reduction provided for in division (J) of this section and section~~ 27158
~~3769.20 of the Revised Code until the previous year's deficiency~~ 27159
~~is met. Each track that has an existing reduction shall increase~~ 27160
~~its reduction credit balance by the amount determined by the tax~~ 27161
~~commissioner that is needed to meet its prorated portion of the~~ 27162
~~Ohio fairs fund deficiency. The credit balance increase shall be~~ 27163
~~paid to the tax commissioner as a tax. This division does not~~ 27164
apply to permit holders conducting racing at the course of an 27165
agricultural exposition or fair as described in division (K) of 27166
this section. 27167

Sec. 3769.085. There is hereby created in the state treasury 27168
the Ohio standardbred development fund, to consist of moneys paid 27169
into it pursuant to section 3769.08 of the Revised Code and any 27170
fees assessed for or on behalf of the Ohio sires stakes races. All 27171
investment earnings on the cash balance in the fund shall be 27172
credited to the fund. Moneys to the credit of the ~~Ohio~~ 27173
~~standardbred development~~ fund shall be distributed on order of the 27174
state racing commission with the approval of the Ohio standardbred 27175
development commission. 27176

The development commission shall consist of three members, 27177
all to be residents of this state knowledgeable in breeding and 27178

Substitute Version as Presented to the Senate Finance and Financial Institutions

27179 racing, to be appointed by the governor with the advice and
27180 consent of the senate. One member shall be a standardbred breeder,
27181 and one shall be a standardbred owner. Of the initial
27182 appointments, one member shall be appointed for a term ending June
27183 30, 1977, and two members shall be appointed for terms ending June
27184 30, 1979. Thereafter, appointments for other than unexpired terms
27185 shall be for four years. Terms shall begin the first day of July
27186 and end the thirtieth day of June. Any member appointed to fill a
27187 vacancy occurring prior to the expiration of the term for which
27188 the member's predecessor was appointed shall hold office for the
27189 remainder of ~~such~~ that term. Any member shall continue in office
27190 subsequent to the expiration date of the member's term until a
27191 successor takes office. Members shall receive no compensation,
27192 except they shall be paid actual and necessary expenses from the
27193 Ohio standardbred development fund. The state racing commission
27194 shall also be reimbursed for actual expense approved by the
27195 development commission. The development commission may elect one
27196 member to serve as secretary.

27197 Upon application not later than the first day of December
27198 from the harness tracks conducting races with pari-mutuel
27199 wagering, other than agricultural expositions and fairs, the
27200 development commission shall, after a hearing and not later than
27201 the twentieth day of January, allocate and approve all available
27202 moneys for colt races for two-year-old and three-year-old colts
27203 and fillies, both trotting and pacing. Separate races for fillies
27204 shall be provided at each age and gait. At least five races and a
27205 championship race shall be scheduled for each of the eight
27206 categories of age, sex, and gait. The allocations shall take into
27207 account the time of year that racing colts is feasible, the equity
27208 and continuity of the proposed dates for racing the events, and
27209 the amounts to be added by the tracks, looking to the maximum
27210 benefit for those participating in the races. Representatives of

Substitute Version as Presented to the Senate Finance and Financial Institutions

the tracks and the Ohio harness horsemen's association shall be
given an opportunity to be heard before the allocations are made.
No races shall be contested earlier than the first day of May or
later than the first day of November; all permit holders operating
extended pari-mutuel meetings between ~~such~~ those dates shall be
entitled to at least three races. No funds for a race shall be
allocated to and paid to a permit holder by the development
commission unless the permit holder adds at least twenty-five per
cent to the amount allocated by the development commission, and
not less than five thousand dollars to each race.

Colts and fillies eligible to the races shall be only those
sired by a standardbred stallion that was registered with the
state racing commission and stood in ~~Ohio~~ the state the entire
breeding season of the year the colt or filly was conceived and
fillies foaled before November 1, 1979, that are not so qualified
but wholly owned by a resident or residents of ~~Ohio~~ the state on
the first day of January of the year that such filly would be
eligible to race as a two-year-old and also wholly owned by a
resident or residents of ~~Ohio~~ the state on the date the race is
contested.

If the development commission concludes that sufficient funds
are available to add aged races without reducing purse levels of
the colt and filly races, the development commission may allocate
funds to four-year-old and five-year-old races of each sex and
gait with Ohio eligibility required as set forth in this section.

The state racing commission may allocate an amount not to
exceed five per cent of the total Ohio standardbred development
fund available in any one calendar year to research projects
directed toward improving the breeding, raising, racing, and
health and soundness of horses in the state and toward education
or promotion of the industry.

Substitute Version as Presented to the Senate Finance and Financial Institutions

Sec. 3769.20. (A) To encourage the renovation of existing racing facilities for the benefit of the public, breeders, and horse owners and to increase the revenue to the state from the increase in pari-mutuel wagering resulting from such improvement, the taxes paid by a permit holder to the state, in excess of the amount paid ~~to~~ into the PASSPORT fund, shall be reduced by one per cent of the total amount wagered for those permit holders who carry out a major capital improvement project. The percentage of the reduction that may be taken each racing day shall equal seventy-five per cent of the amount of the tax levied under divisions (B) and (C) of section 3769.08, section 3769.087, and division (F)(2) of section 3769.26 of the Revised Code, as applicable, divided by the calculated amount each fund should receive under divisions (B) and (C) of section 3769.08, section 3769.087, and division (F)(2) of section 3769.26 of the Revised Code and the reduction provided for in this section. If the resulting percentage is less than one, that percentage shall be multiplied by the amount of the reduction provided for in this section. Otherwise, the permit holder shall receive the full reduction provided for in this section. The amount of the allowable reduction not received shall be carried forward and added to any other reduction balance and applied against future tax liability. After any reductions expire, any reduction carried forward shall be treated as a reduction as provided for in this section. If the amount of allowable ~~abatement~~ reduction exceeds the amount of taxes derived from a permit holder, the amount of the allowable ~~abatement~~ reduction not used may be carried forward and applied against future tax liability. ~~ff~~

If more than one permit holder is authorized to conduct racing at the facility that is being improved, the cost of the major capital improvement project shall be allocated between or among all the permit holders in the ratio that each permit

Substitute Version as Presented to the Senate Finance and Financial Institutions

holder's number of racing days bears to the total number of racing 27274
days conducted at the facility. Such 27275

A reduction for a major capital improvement project shall 27276
start from the day racing is first conducted following the date on 27277
which the major capital improvement project is completed and the 27278
construction cost has been ~~certified~~ approved by the state racing 27279
commission, except as otherwise provided in division (E) of this 27280
section, and shall continue until the total tax reduction equals 27281
the cost of the major capital improvement project plus debt 27282
service applicable to the project. In no event, however, shall any 27283
tax reduction, excluding any reduction balances, be permitted 27284
under this section after December 31, 2014. The total tax 27285
reduction because of the major capital improvement project shall 27286
not during any one year exceed for all permit holders using any 27287
one track, one per cent of the total amount wagered. The racing 27288
commission shall notify the tax commissioner when the ~~diminution~~ 27289
reduction of tax begins and when it ends. 27290

(B) Each fiscal year, the racing commission shall submit a 27291
report to the tax commissioner, the office of budget and 27292
management, and the ~~legislative budget office of the~~ legislative 27293
service commission. The report shall identify each capital 27294
improvement project undertaken under this section and in progress 27295
at each race track, indicate the total cost of each ~~such~~ project, 27296
state the tax reduction that resulted from each ~~such~~ project 27297
during the immediately preceding fiscal year, estimate the tax 27298
reduction that will result from each ~~such~~ project during the 27299
current fiscal year, state the total tax reduction that resulted 27300
from all such projects at all race tracks during the immediately 27301
preceding fiscal year, and estimate the total tax reduction that 27302
will result from all such projects at all race tracks during the 27303
current fiscal year. 27304

(C) The tax reduction granted pursuant to this section shall 27305

Substitute Version as Presented to the Senate Finance and Financial Institutions

be in addition to any tax reductions for capital improvements and
new race tracks provided for in section 3769.08 of the Revised
Code and approved by the racing commission ~~prior to March 29,~~
~~1988.~~

(D) In order to qualify for the reduction in tax, a permit
holder shall apply to the racing commission in such form as the
commission may require and shall provide full details of the major
capital improvement project, including plans and specifications, a
schedule for the project's construction and completion, and a
breakdown of proposed costs. In addition, the permit holder shall
have commenced construction of the major capital improvement
project or shall have had the application for the project approved
by the racing commission prior to March 29, 1988. The racing
commission shall not approve an application unless the permit
holder shows that a contract for the major capital improvement
project has been let under an unrestricted competitive bidding
procedure, unless the contract is exempted by the controlling
board because of its unusual nature. In determining whether to
approve an application, the racing commission shall consider
whether the major capital improvement project will promote the
safety, convenience, and comfort of the racing public and horse
owners and generally tend toward the improvement of racing in this
state.

(E) If the major capital improvement project is approved by
the racing commission and construction has started, the tax
~~adjustment~~ reduction may be authorized by the commission upon
presentation of copies of paid bills in excess of five hundred
thousand dollars. After the initial authorization, the permit
holder shall present copies of paid bills in the amount of not
less than five hundred thousand dollars. If the permit holder is
in substantial compliance with the schedule for construction and
completion of the major capital improvement project, the racing

Substitute Version as Presented to the Senate Finance and Financial Institutions

commission may authorize the continuance of the tax ~~adjustment~~ 27338
reduction upon the presentation of ~~such the~~ additional paid bills 27339
in increments of five hundred thousand dollars. The racing 27340
commission may terminate the tax ~~adjustment~~ reduction if a permit 27341
holder fails to complete the major capital improvement project or 27342
fails to comply substantially with the schedule for construction 27343
and completion of the major capital improvement project. If the 27344
time for completion of the major capital improvement project is 27345
delayed by acts of God, strikes, or the unavailability of labor or 27346
materials, the time for completion as set forth in the schedule 27347
shall be extended by the period of the delay. If a permit holder 27348
fails to complete the major capital improvement project, the 27349
racing commission shall order the permit holder to repay to the 27350
state the total amount of tax reduced, unless the permit holder 27351
has spent at least six million dollars on the project. The normal 27352
tax paid by the permit holder under section 3769.08 of the Revised 27353
Code shall be increased by one per cent of the total amount 27354
wagered until the total amount of the additional tax collected 27355
equals the total amount of tax reduced. Any action taken by the 27356
racing commission pursuant to this section in terminating the tax 27357
adjustment or requiring repayment of the amount of tax reduced 27358
shall be subject to Chapter 119. of the Revised Code. 27359

(F) As used in this section, "major capital improvement 27360
project" means the renovation, reconstruction, or remodeling, 27361
costing at least six million dollars, of a race track facility, 27362
including, but not limited to, the construction of barns used 27363
exclusively for that race track facility, backstretch facilities 27364
for horsemen, paddock facilities, pari-mutuel and totalizator 27365
equipment and appurtenances to that equipment purchased by the 27366
track, new access roads, new parking areas, the complete 27367
reconstruction, reshaping, and leveling of the ~~race-track~~ racing 27368
surface and appurtenances, grandstand enclosure, installation of 27369
permanent new heating or air conditioning, roof replacement, and 27370

Substitute Version as Presented to the Senate Finance and Financial Institutions

installations of a permanent nature forming a part of the track 27371
structure. 27372

(G) The cost and expenses to which the tax reduction granted 27373
under this section applies shall be determined by generally 27374
accepted accounting principles and be verified by an audit of the 27375
permit holder's records, upon completion of the major capital 27376
improvement project, either by the racine commission or by an 27377
independent certified public accountant selected by the permit 27378
holder and approved by the commission. 27379

(H) This section and section 3769.201 of the Revised Code 27380
govern any tax reduction granted to a permit holder for the cost 27381
to the permit holder of any cleanup, repair, or improvement 27382
required as a result of damage caused by the 1997 Ohio river flood 27383
to the place, track, or enclosure for which the permit is issued. 27384

Sec. 3770.06. (A) There is hereby created the state lottery 27385
gross revenue fund, which shall be in the custody of the treasurer 27386
of state but shall not be part of the state treasury. All gross 27387
revenues received from sales of lottery tickets, fines, fees, and 27388
related proceeds shall be deposited into the fund. The treasurer 27389
of state shall invest any portion of the fund not needed for 27390
immediate use in the same manner as, and subject to all provisions 27391
of law with respect to the investment of, state funds. The 27392
treasurer of state shall disburse money from the fund on order of 27393
the director of the state lottery commission or the director's 27394
designee. All revenues of the state lottery gross revenue fund 27395
that are not paid to holders of winning lottery tickets, that are 27396
not required to meet short-term prize liabilities, that are not 27397
paid to lottery sales agents in the form of ~~agent~~ bonuses, 27398
commissions, or reimbursements, and that are not paid to financial 27399
institutions to reimburse ~~such~~ those institutions for sales agent 27400
nonsufficient funds shall be transferred to the state lottery 27401
fund, which is hereby created in the state treasury. All 27402

Substitute Version as Presented to the Senate Finance and Financial Institutions

investment earnings of the fund shall be credited to the fund. 27403
Moneys shall be disbursed from the ~~state lottery~~ fund pursuant to 27404
vouchers approved by the director ~~of the state lottery commission~~. 27405
Total disbursements for monetary prize awards to holders of 27406
winning lottery tickets and purchases of goods and services 27407
awarded as prizes to holders of winning lottery tickets shall be 27408
of an amount equal to at least fifty per cent of the total revenue 27409
accruing from the sale of lottery tickets. 27410

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 27411
there is hereby established in the state treasury the lottery 27412
profits education fund. Whenever, in the judgment of the director 27413
of budget and management, the amount to the credit of the state 27414
lottery fund is in excess of that needed to meet the maturing 27415
obligations of the commission and as working capital for its 27416
further operations, the director shall transfer the excess to the 27417
lottery profits education fund, ~~provided that the amount to be~~ 27418
~~transferred into the lottery profits education fund shall equal no~~ 27419
~~less than thirty per cent of the total revenue accruing from the~~ 27420
~~sale of lottery tickets~~. Investment earnings of the lottery 27421
profits education fund shall be credited to the fund. There shall 27422
also be credited to the fund any repayments of moneys loaned from 27423
the educational excellence investment fund. The lottery profits 27424
education fund shall be used solely for the support of elementary, 27425
secondary, vocational, and special education programs as 27426
determined in appropriations made by the general assembly, or as 27427
provided in applicable bond proceedings for the payment of debt 27428
service on obligations issued to pay costs of capital facilities, 27429
including those for a system of common schools throughout the 27430
state pursuant to section 2n of Article VIII, Ohio Constitution. 27431
When determining the availability of money in the lottery profits 27432
education fund, the director of budget and management may consider 27433
all balances and estimated revenues of the fund. 27434

Substitute Version as Presented to the Senate Finance and Financial Institutions

From the amounts that the director of budget and management 27435
transfers in any fiscal year from the state lottery fund to the 27436
lottery profits education fund, the director shall transfer the 27437
initial ten million dollars of ~~such~~ those amounts from the lottery 27438
profits education fund to the school building program bond service 27439
fund created in division (Q) of section 3318.26 of the Revised 27440
Code to be pledged for the purpose of paying bond service charges 27441
as defined in division (C) of section 3318.21 of the Revised Code 27442
on one or more issuances of obligations, which obligations are 27443
issued to provide moneys for the school building program 27444
assistance fund created in section 3318.25 of the Revised Code. 27445

(C) There is hereby established in the state treasury the 27446
deferred prizes trust fund. With the approval of the director of 27447
budget and management, an amount sufficient to fund annuity prizes 27448
shall be transferred from the state lottery fund and credited to 27449
the trust fund. The treasurer of state shall credit all earnings 27450
arising from investments purchased under this division to the 27451
fund. Within sixty days after the end of each fiscal year, the 27452
director of budget and management shall certify the amount of 27453
investment earnings necessary to have been credited to the trust 27454
fund during the fiscal year just ending to provide for continued 27455
funding of deferred prizes. Any earnings credited in excess of 27456
this certified amount shall be transferred to the lottery profits 27457
education fund. To provide all or a part of the amounts necessary 27458
to fund deferred prizes awarded by the commission, the treasurer 27459
of state, in consultation with the commission, may invest moneys 27460
contained in the deferred prizes trust fund in obligations of the 27461
type permitted for the investment of state funds but whose 27462
maturities are thirty years or less. Investments of the deferred 27463
prizes trust fund are not subject to the provisions of division 27464
(A)(10) of section 135.143 of the Revised Code limiting to five 27465
per cent the amount of the state's total average portfolio that 27466

Substitute Version as Presented to the Senate Finance and Financial Institutions

may be invested in debt interests and limiting to one-half of one 27467
per cent the amount that may be invested in debt interests of a 27468
single issuer. 27469

All purchases made under this division shall be effected on a 27470
delivery versus payment method and shall be in the custody of the 27471
treasurer of state. 27472

The treasurer of state may retain an investment advisor, if 27473
necessary. The commission shall pay any costs incurred by the 27474
treasurer of state in retaining an investment advisor. 27475

(D) The auditor of state shall conduct annual audits of all 27476
funds and ~~such~~ any other audits as the auditor of state or the 27477
general assembly considers necessary. The auditor of state may 27478
examine all records, files, and other documents of the commission, 27479
and ~~such~~ records of lottery sales agents ~~as~~ that pertain to their 27480
activities as agents, for purposes of conducting authorized 27481
audits. 27482

The state lottery commission shall establish an internal 27483
audit program before the beginning of each fiscal year, subject to 27484
the approval of the auditor of state. At the end of each fiscal 27485
year, the commission shall prepare and submit an annual report to 27486
the auditor of state for the auditor of state's review and 27487
approval, specifying the internal audit work completed by the end 27488
of that fiscal year and reporting on compliance with the annual 27489
internal audit program. The form and content of the report shall 27490
be prescribed by the auditor of state under division (C) of 27491
section 117.20 of the Revised Code. 27492

(E) Whenever, in the judgment of the director of budget and 27493
management, an amount of net state lottery proceeds is necessary 27494
to be applied to the payment of debt service on obligations, all 27495
as defined in sections 151.01 and 151.03 of the Revised Code, the 27496
director shall transfer that amount directly from the state 27497

Substitute Version as Presented to the Senate Finance and Financial Institutions

lottery fund or from the lottery profits education fund to the
bond service fund defined in those sections. The provisions of
~~this division (E) of this section~~ are subject to any prior pledges
or obligation of those amounts to the payment of bond service
charges as defined in division (C) of section 3318.21 of the
Revised Code, as referred to in division (B) of this section.

Sec. 3793.04. The department of alcohol and drug addiction
services shall develop, administer, and revise as necessary a
comprehensive statewide alcohol and drug addiction services plan
for the implementation of this chapter. The plan shall emphasize
abstinence from the use of alcohol and drugs of abuse as the
primary goal of alcohol and drug addiction services. The council
on alcohol and drug addiction services shall advise the department
in the development and implementation of the plan.

The plan shall provide for the allocation of state and
federal funds for service furnished by alcohol and drug addiction
programs under contract with boards of alcohol, drug addiction,
and mental health services and for distribution of the funds to
such boards. The plan shall specify the methodology that the
department will use for determining how funds will be allocated
and distributed. A portion of the funds shall be allocated on the
basis of the ratio of the population of each alcohol, drug
addiction, and mental health service district to the total
population of the state ~~as~~. The portion of the funds allocated on
that basis for a fiscal year shall be not less than the average of
the amount that was allocated on that basis the three previous
fiscal years. The ratio shall be determined from the most recent
federal census or the most recent official estimate made by the
United States census bureau, whichever is more recent.

The plan shall ensure that alcohol and drug addiction
services of a high quality are accessible to, and responsive to

Substitute Version as Presented to the Senate Finance and Financial Institutions

the needs of, all persons, especially those who are members of
underserved groups, including, but not limited to, African
Americans, Hispanics, native Americans, Asians, juvenile and adult
offenders, women, and persons with special services needs due to
age or disability. The plan shall include a program to promote and
protect the rights of those who receive services.

To aid in formulating the plan and in evaluating the
effectiveness and results of alcohol and drug addiction services,
the department, in consultation with the department of mental
health, shall establish and maintain an information system. The
department of alcohol and drug addiction services shall specify
the information that must be provided by boards of alcohol, drug
addiction, and mental health services and by alcohol and drug
addiction programs for inclusion in the system. The department
shall not collect any information for the purpose of identifying
by name any person who receives a service through a board, except
as required by the state or federal law to validate appropriate
reimbursement.

In consultation with boards, programs, and persons receiving
services, the department shall establish guidelines for the use of
state and federal funds and for the boards' development of plans
for services required by sections 340.033 and 3793.05 of the
Revised Code.

In any fiscal year, the department shall spend, or allocate
to boards, for methadone maintenance programs or any similar
programs not more than eight per cent of the total amount
appropriated to the department for the fiscal year.

Sec. 3902.23. Beginning one hundred eighty days after rules
adopted under section 3902.22 of the Revised Code take effect, no
third-party payer shall fail to use the standard claim form and
proof of loss prescribed in those rules, ~~except as provided in~~

Substitute Version as Presented to the Senate Finance and Financial Institutions

~~section 3729.15 of the Revised Code.~~

27560

Sec. 3923.28. (A) Every policy of group sickness and accident insurance providing hospital, surgical, or medical expense coverage for other than specific diseases or accidents only, and delivered, issued for delivery, or renewed in this state on or after January 1, 1979, and that provides coverage for mental or emotional disorders, shall provide benefits for services on an outpatient basis for each eligible person under the policy who resides in this state for mental or emotional disorders, or for evaluations, that are at least equal to five hundred fifty dollars in any calendar year or twelve-month period. The services shall be legally performed by or under the clinical supervision of a licensed physician or licensed psychologist, whether performed in an office, in a hospital, or in a community mental health facility so long as the hospital or community mental health facility is approved by the joint commission on accreditation of healthcare organizations, the council on accreditation for children and family services, or ~~certified by the department of mental health as being in compliance with standards established under division (I) of section 5119.01 of the Revised Code~~ the commission on accreditation of rehabilitation facilities.

27561

27562

27563

27564

27565

27566

27567

27568

27569

27570

27571

27572

27573

27574

27575

27576

27577

27578

27579

27580

(B) For purposes of this section "community mental health facility" means a facility approved by a regional health planning agency or a facility providing services under a board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code, except that where a board provides direct community mental health service, the approval of such a board, as to the adequacy of a specific program of such services that it provides as a community mental health facility shall be by the director of mental health.

27581

27582

27583

27584

27585

27586

27587

27588

27589

(C) Outpatient benefits offered under division (A) of this section shall be subject to reasonable contract limitations and

27590

27591

Substitute Version as Presented to the Senate Finance and Financial Institutions

may be subject to reasonable deductibles and co-insurance costs. 27592
Persons entitled to such benefit under more than one service or 27593
insurance contract may be limited to a single 27594
five-hundred-fifty-dollar outpatient benefit for services under 27595
all contracts. 27596

(D) In order to qualify for participation under division (A) 27597
of this section, every facility specified in such division shall 27598
have in effect a plan for utilization review and a plan for peer 27599
review and every person specified in such division shall have in 27600
effect a plan for peer review. Such plans shall have the purpose 27601
of ensuring high quality patient care and effective and efficient 27602
utilization of available health facilities and services. 27603

(E) Nothing in this section shall be construed to require an 27604
insurer to pay benefits which are greater than usual, customary, 27605
and reasonable. 27606

(F)(1) Services performed under the clinical supervision of a 27607
licensed physician or licensed psychologist, in order to be 27608
reimbursable under the coverage required in division (A) of this 27609
section, shall meet both of the following requirements: 27610

(a) The services shall be performed in accordance with a 27611
treatment plan that describes the expected duration, frequency, 27612
and type of services to be performed; 27613

(b) The plan shall be reviewed and approved by a licensed 27614
physician or licensed psychologist every three months. 27615

(2) Payment of benefits for services reimbursable under 27616
division (F)(1) of this section shall not be restricted to 27617
services described in the treatment plan or conditioned upon 27618
standards of clinical supervision that are more restrictive than 27619
standards of a licensed physician or licensed psychologist, which 27620
at least equal the requirements of division (F)(1) of this 27621
section. 27622

Substitute Version as Presented to the Senate Finance and Financial Institutions

Sec. 3923.30. Every person, the state and any of its 27623
instrumentalities, any county, township, school district, or other 27624
political subdivisions and any of its instrumentalities, and any 27625
municipal corporation and any of its instrumentalities, which 27626
provides payment for health care benefits for any of its employees 27627
resident in this state, which benefits are not provided by 27628
contract with an insurer qualified to provide sickness and 27629
accident insurance, or a health insuring corporation, shall 27630
include the following benefits in its plan of health care benefits 27631
commencing on or after January 1, 1979: 27632

(A) If such plan of health care benefits provides payment for 27633
the treatment of mental or nervous disorders, then such plan shall 27634
provide benefits for services on an outpatient basis for each 27635
eligible employee and dependent for mental or emotional disorders, 27636
or for evaluations, that are at least equal to the following: 27637
27638

(1) Payments not less than five hundred fifty dollars in a 27639
twelve-month period, for services legally performed by or under 27640
the clinical supervision of a licensed physician or a licensed 27641
psychologist, whether performed in an office, in a hospital, or in 27642
a community mental health facility so long as the hospital or 27643
community mental health facility is approved by the joint 27644
commission on accreditation of ~~hospitals or certified by the~~ 27645
~~department of mental health as being in compliance with standards~~ 27646
~~established under division (I) of section 5119.01 of the Revised~~ 27647
~~Code~~ healthcare organizations, the council on accreditation for 27648
children and family services, or the commission on accreditation 27649
of rehabilitation facilities; 27650

(2) Such benefit shall be subject to reasonable limitations, 27651
and may be subject to reasonable deductibles and co-insurance 27652
costs. 27653

Substitute Version as Presented to the Senate Finance and Financial Institutions

(3) In order to qualify for participation under this 27654
division, every facility specified in this division shall have in 27655
effect a plan for utilization review and a plan for peer review 27656
and every person specified in this division shall have in effect a 27657
plan for peer review. Such plans shall have the purpose of 27658
ensuring high quality patient care and effective and efficient 27659
utilization of available health facilities and services. 27660

(4) Such payment for benefits shall not be greater than 27661
usual, customary, and reasonable. 27662

(5) For purposes of this division, "community mental health 27663
facility" means a facility as defined in section 3923.28 of the 27664
Revised Code. 27665

(6)(a) Services performed under the clinical supervision of a 27666
licensed physician or licensed psychologist, in order to be 27667
reimbursable under the coverage required in division (A) of this 27668
section, shall meet both of the following requirements: 27669

(i) The services shall be performed in accordance with a 27670
treatment plan that describes the expected duration, frequency, 27671
and type of services to be performed; 27672

(ii) The plan shall be reviewed and approved by a licensed 27673
physician or licensed psychologist every three months. 27674

(b) Payment of benefits for services reimbursable under 27675
division (A)(6)(a) of the section shall not be restricted to 27676
services described in the treatment plan or conditioned upon 27677
standards of a licensed physician or licensed psychologist, which 27678
at least equal the requirements of division (A)(6)(a) of this 27679
section. 27680

(B) Payment for benefits for alcoholism treatment for 27681
outpatient, inpatient, and intermediate primary care for each 27682
eligible employee and dependent that are at least equal to the 27683
following: 27684

Substitute Version as Presented to the Senate Finance and Financial Institutions

(1) Payments not less than five hundred fifty dollars in a 27685
twelve-month period for services legally performed by or under the 27686
clinical supervision of a licensed physician or licensed 27687
psychologist, whether performed in an office, or in a hospital or 27688
a community mental health facility or alcoholism treatment 27689
facility so long as the hospital, community mental health 27690
facility, or alcoholism treatment facility is approved by the 27691
joint commission on accreditation of hospitals or certified by the 27692
department of health; 27693

(2) The benefits provided under this division shall be 27694
subject to reasonable limitations and may be subject to reasonable 27695
deductibles and co-insurance costs. 27696

(3) A licensed physician or licensed psychologist shall every 27697
three months certify a patient's need for continued services 27698
performed by such facilities. 27699

(4) In order to qualify for participation under this 27700
division, every facility specified in this division shall have in 27701
effect a plan for utilization review and a plan for peer review 27702
and every person specified in this division shall have in effect a 27703
plan for peer review. Such plans shall have the purpose of 27704
ensuring high quality patient care and efficient utilization of 27705
available health facilities and services. Such person or 27706
facilities shall also have in effect a program of rehabilitation 27707
or a program of rehabilitation and detoxification. 27708

(5) Nothing in this section shall be construed to require 27709
reimbursement for benefits which is greater than usual, customary, 27710
and reasonable. 27711

Sec. 4105.17. (A) The fee for any inspection, or attempted 27712
inspection that, due to no fault of a general inspector or the 27713
division of industrial compliance, is not successfully completed, 27714
by a general inspector of an elevator required to be inspected 27715

Substitute Version as Presented to the Senate Finance and Financial Institutions

under this chapter is thirty dollars plus five dollars for each 27716
floor where the elevator stops. The superintendent of the division 27717
of industrial compliance may assess a fee of ~~thirty one hundred~~ 27718
twenty-five dollars plus five dollars for each floor where an 27719
elevator stops for the reinspection of an elevator when a previous 27720
attempt to inspect that elevator has been unsuccessful through no 27721
fault of a general inspector or the division of industrial 27722
compliance. The fee for issuing or renewing a certificate of 27723
operation under section 4105.15 of the Revised Code is thirty-five 27724
dollars. 27725

(B) All other fees to be charged for any examination given or 27726
other service performed by the division of industrial compliance 27727
pursuant to this chapter shall be prescribed by the board of 27728
building standards established by section 3781.07 of the Revised 27729
Code. The fees shall be reasonably related to the costs of such 27730
examination or other service. 27731

(C) The board of building standards, subject to the approval 27732
of the controlling board, may establish fees in excess of the fees 27733
provided in division (A) of this section, provided that the fees 27734
do not exceed the amounts established in division (A) of this 27735
section by more than fifty per cent. Any moneys collected under 27736
this section shall be paid into the state treasury to the credit 27737
of the industrial compliance operating fund created in section 27738
121.084 of the Revised Code. 27739

(D) Any person who fails to pay an inspection fee required 27740
for any inspection conducted by the division pursuant to this 27741
chapter within forty-five days after the inspection is conducted 27742
shall pay a late payment fee equal to twenty-five per cent of the 27743
inspection fee. 27744

(E) In addition to the fee assessed in division (A) of this 27745
section, the board of building standards shall assess a fee of 27746
three dollars and twenty-five cents for each certificate of 27747

Substitute Version as Presented to the Senate Finance and Financial Institutions

operation or renewal thereof issued under division (A) of this
section and for each permit issued under section 4105.16 of the
Revised Code. The board shall adopt rules, in accordance with
Chapter 119. of the Revised Code, specifying the manner by which
the superintendent of the division of industrial compliance shall
collect and remit to the board the fees assessed under this
division and requiring that remittance of the fees be made at
least quarterly.

Sec. 4115.10. (A) No person, firm, corporation, or public
authority that constructs a public improvement with its own
forces, the total overall project cost of which is fairly
estimated to be more than the amounts set forth in division (B)(1)
or (2) of section 4115.03 of the Revised Code, adjusted biennially
by the director of commerce pursuant to section 4115.034 of the
Revised Code, shall violate the wage provisions of sections
4115.03 to 4115.16 of the Revised Code, or suffer, permit, or
require any employee to work for less than the rate of wages so
fixed, or violate the provisions of section 4115.07 of the Revised
Code. Any employee upon any public improvement, except an employee
to whom or on behalf of whom restitution is made pursuant to
division (C) of section 4115.13 of the Revised Code, who is paid
less than the fixed rate of wages applicable thereto may recover
from such person, firm, corporation, or public authority that
constructs a public improvement with its own forces the difference
between the fixed rate of wages and the amount paid to the
employee and in addition thereto a sum equal to twenty-five per
cent of that difference. The person, firm, corporation, or public
authority who fails to pay the rate of wages so fixed also shall
pay a penalty to the director of seventy-five per cent of the
difference between the fixed rate of wages and the amount paid to
the employees on the public improvement. The director shall
deposit all moneys received from penalties paid to the director

Substitute Version as Presented to the Senate Finance and Financial Institutions

pursuant to this section into the penalty enforcement fund, which 27780
is hereby created. ~~The penalty enforcement fund shall be in the~~ 27781
~~custody of the treasurer of state but shall not be part of the~~ 27782
state treasury. The director shall use the fund for the 27783
enforcement of sections 4115.03 to 4115.16 of the Revised Code. 27784
The employee may file suit for recovery within sixty days of the 27785
director's determination of a violation of sections 4115.03 to 27786
4115.16 of the Revised Code or is barred from further action under 27787
this division. Where the employee prevails in a suit, the employer 27788
shall pay the costs and reasonable attorney's fees allowed by the 27789
court. 27790

(B) Any employee upon any public improvement who is paid less 27791
than the prevailing rate of wages applicable thereto may file a 27792
complaint in writing with the director upon a form furnished by 27793
the director. At the written request of any employee paid less 27794
than the prevailing rate of wages applicable, the director shall 27795
take an assignment of a claim in trust for the assigning employee 27796
and bring any legal action necessary to collect the claim. The 27797
employer shall pay the costs and reasonable attorney's fees 27798
allowed by the court if the employer is found in violation of 27799
sections 4115.03 to 4115.16 of the Revised Code. 27800

(C) If after investigation pursuant to section 4115.13 of the 27801
Revised Code, the director determines there is a violation of 27802
sections 4115.03 to 4115.16 of the Revised Code and a period of 27803
sixty days has elapsed from the date of the determination, and if: 27804

(1) No employee has brought suit pursuant to division (A) of 27805
this section; 27806

(2) No employee has requested that the director take an 27807
assignment of a wage claim pursuant to division (B) of this 27808
section; 27809

The director shall bring any legal action necessary to 27810
collect any amounts owed to employees and the ~~bureau~~ director. The 27811

Substitute Version as Presented to the Senate Finance and Financial Institutions

director shall pay over to the affected employees the amounts 27812
collected to which the affected employees are entitled under 27813
division (A) of this section. In any action in which the director 27814
prevails, the employer shall pay the costs and reasonable 27815
attorney's fees allowed by the court. 27816

(D) Where persons are employed and their rate of wages has 27817
been determined as provided in section 4115.04 of the Revised 27818
Code, no person, either for self or any other person, shall 27819
request, demand, or receive, either before or after the person is 27820
engaged, that the person so engaged pay back, return, donate, 27821
contribute, or give any part or all of the person's wages, salary, 27822
or thing of value, to any person, upon the statement, 27823
representation, or understanding that failure to comply with such 27824
request or demand will prevent the procuring or retaining of 27825
employment, and no person shall, directly or indirectly, aid, 27826
request, or authorize any other person to violate this section. 27827
This division does not apply to any agent or representative of a 27828
duly constituted labor organization acting in the collection of 27829
dues or assessments of such organization. 27830

(E) The director shall enforce sections 4115.03 to 4115.16 of 27831
the Revised Code. 27832

(F) For the purpose of supplementing existing resources and 27833
to assist in enforcing division (E) of this section, the director 27834
may contract with a person registered as a public accountant under 27835
Chapter 4701. of the Revised Code to conduct an audit of a person, 27836
firm, corporation, or public authority. 27837

Sec. 4117.102. The state employment relations board shall 27838
compile a list of the school districts in the state that have 27839
filed with the board agreements entered into with teacher employee 27840
organizations under this chapter. The board shall annually update 27841
the list to reflect, for each district, for the current fiscal 27842

Substitute Version as Presented to the Senate Finance and Financial Institutions

year, the starting salary in the district for teachers with no 27843
prior teaching experience who hold bachelors degrees. The board 27844
shall send a copy of each annually updated list to the state board 27845
of education. 27846

Sec. 4121.44. (A) The administrator of workers' compensation 27847
shall oversee the implementation of the Ohio workers' compensation 27848
qualified health plan system as established under section 4121.442 27849
of the Revised Code. 27850

(B) The administrator shall direct the implementation of the 27851
health partnership program administered by the bureau as set forth 27852
in section 4121.441 of the Revised Code. To implement the health 27853
partnership program, the bureau: 27854

(1) Shall certify one or more external vendors, which shall 27855
be known as "managed care organizations," to provide medical 27856
management and cost containment services in the health partnership 27857
program for a period of two years beginning on the date of 27858
certification, consistent with the standards established under 27859
this section; 27860

(2) May recertify external vendors for additional periods of 27861
two years; and 27862

(3) May integrate the certified vendors with bureau staff and 27863
existing bureau services for purposes of operation and training to 27864
allow the bureau to assume operation of the health partnership 27865
program at the conclusion of the certification periods set forth 27866
in division (B)(1) or (2) of this section. 27867

(C) Any vendor selected shall demonstrate all of the 27868
following: 27869

(1) Arrangements and reimbursement agreements with a 27870
substantial number of the medical, professional and pharmacy 27871

Substitute Version as Presented to the Senate Finance and Financial Institutions

providers currently being utilized by claimants. 27872

(2) Ability to accept a common format of medical bill data in 27873
an electronic fashion from any provider who wishes to submit 27874
medical bill data in that form. 27875

(3) A computer system able to handle the volume of medical 27876
bills and willingness to customize that system to the bureau's 27877
needs and to be operated by the vendor's staff, bureau staff, or 27878
some combination of both staffs. 27879

(4) A prescription drug system where pharmacies on a 27880
statewide basis have access to the eligibility and pricing, at a 27881
discounted rate, of all prescription drugs. 27882

(5) A tracking system to record all telephone calls from 27883
claimants and providers regarding the status of submitted medical 27884
bills so as to be able to track each inquiry. 27885

(6) Data processing capacity to absorb all of the bureau's 27886
medical bill processing or at least that part of the processing 27887
which the bureau arranges to delegate. 27888

(7) Capacity to store, retrieve, array, simulate, and model 27889
in a relational mode all of the detailed medical bill data so that 27890
analysis can be performed in a variety of ways and so that the 27891
bureau and its governing authority can make informed decisions. 27892

(8) Wide variety of software programs which translate medical 27893
terminology into standard codes, and which reveal if a provider is 27894
manipulating the procedures codes, commonly called "unbundling." 27895
27896

(9) Necessary professional staff to conduct, at a minimum, 27897
authorizations for treatment, medical necessity, utilization 27898
review, concurrent review, post-utilization review, and have the 27899
attendant computer system which supports such activity and 27900
measures the outcomes and the savings. 27901

Substitute Version as Presented to the Senate Finance and Financial Institutions

(10) Management experience and flexibility to be able to 27902
react quickly to the needs of the bureau in the case of required 27903
change in federal or state requirements. 27904

(D)(1) Information contained in a vendor's application for 27905
certification in the health partnership program, and other 27906
information furnished to the bureau by a vendor for purposes of 27907
obtaining certification or to comply with performance and 27908
financial auditing requirements established by the administrator, 27909
is for the exclusive use and information of the bureau in the 27910
discharge of its official duties, and shall not be open to the 27911
public or be used in any court in any proceeding pending therein, 27912
unless the bureau is a party to the action or proceeding, but the 27913
information may be tabulated and published by the bureau in 27914
statistical form for the use and information of other state 27915
departments and the public. No employee of the bureau, except as 27916
otherwise authorized by the administrator, shall divulge any 27917
information secured by the employee while in the employ of the 27918
bureau in respect to a vendor's application for certification or 27919
in respect to the business or other trade processes of any vendor 27920
to any person other than the administrator or to the employee's 27921
superior. 27922

(2) Notwithstanding the restrictions imposed by division 27923
(D)(1) of this section, the governor, members of select or 27924
standing committees of the senate or house of representatives, the 27925
auditor of state, the attorney general, or their designees, 27926
pursuant to the authority granted in this chapter and Chapter 27927
4123. of the Revised Code, may examine any vendor application or 27928
other information furnished to the bureau by the vendor. None of 27929
those individuals shall divulge any information secured in the 27930
exercise of that authority in respect to a vendor's application 27931
for certification or in respect to the business or other trade 27932
processes of any vendor to any person. 27933

Substitute Version as Presented to the Senate Finance and Financial Institutions

(E) On and after January 1, 2001, a vendor shall not be any insurance company holding a certificate of authority issued pursuant to Title XXXIX of the Revised Code or any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code.

(F) The administrator may limit freedom of choice of health care provider or supplier by requiring, beginning with the period set forth in division (B)(1) or (2) of this section, that claimants shall pay an appropriate out-of-plan copayment for selecting a medical provider not within the health partnership program as provided for in this section.

(G) The administrator, six months prior to the expiration of the bureau's certification or recertification of the vendor or vendors as set forth in division (B)(1) or (2) of this section, may certify and provide evidence to the governor, the speaker of the house of representatives, and the president of the senate that the existing bureau staff is able to match or exceed the performance and outcomes of the external vendor or vendors and that the bureau should be permitted to internally administer the health partnership program upon the expiration of the certification or recertification as set forth in division (B)(1) or (2) of this section.

(H) The administrator shall establish and operate a bureau of workers' compensation health care data program. ~~The administrator may contract with the Ohio health care data center for such purposes.~~ The administrator shall develop reporting requirements from all employees, employers and medical providers, medical vendors, and plans that participate in the workers' compensation system. The administrator shall do all of the following:

(1) Utilize the collected data to measure and perform comparison analyses of costs, quality, appropriateness of medical

Substitute Version as Presented to the Senate Finance and Financial Institutions

care, and effectiveness of medical care delivered by all 27966
components of the workers' compensation system. 27967

(2) Compile data to support activities of the selected vendor 27968
or vendors and to measure the outcomes and savings of the health 27969
partnership program. 27970

(3) Publish and report compiled data to the governor, the 27971
speaker of the house of representatives, and the president of the 27972
senate on the first day of each January and July, the measures of 27973
outcomes and savings of the health partnership program and the 27974
qualified health plan system. The administrator shall protect the 27975
confidentiality of all proprietary pricing data. 27976

(I) Any rehabilitation facility the bureau operates is 27977
eligible for inclusion in the Ohio workers' compensation qualified 27978
health plan system or the health partnership program under the 27979
same terms as other providers within health care plans or the 27980
program. 27981

(J) In areas outside the state or within the state where no 27982
qualified health plan or an inadequate number of providers within 27983
the health partnership program exist, the administrator shall 27984
permit employees to use a nonplan or nonprogram health care 27985
provider and shall pay the provider for the services or supplies 27986
provided to or on behalf of an employee for an injury or 27987
occupational disease that is compensable under this chapter or 27988
Chapter 4123., 4127., or 4131. of the Revised Code on a fee 27989
schedule the administrator adopts. 27990

(K) No certified health care provider shall charge, assess, 27991
or otherwise attempt to collect from an employee, employer, a 27992
managed care organization, or the bureau any amount for covered 27993
services or supplies that is in excess of the allowed amount paid 27994
by a managed care organization, the bureau, or a qualified health 27995
plan. 27996

Substitute Version as Presented to the Senate Finance and Financial Institutions

(L) The administrator shall permit any employer or group of employers who agree to abide by the rules adopted under this section and sections 4121.441 and 4121.442 of the Revised Code to provide services or supplies to or on behalf of an employee for an injury or occupational disease that is compensable under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code through qualified health plans of the Ohio workers' compensation qualified health plan system pursuant to section 4121.442 of the Revised Code or through the health partnership program pursuant to section 4121.441 of the Revised Code. No amount paid under the qualified health plan system pursuant to section 4121.442 of the Revised Code by an employer who is a state fund employer shall be charged to the employer's experience or otherwise be used in merit-rating or determining the risk of that employer for the purpose of the payment of premiums under this chapter, and if the employer is a self-insuring employer, the employer shall not include that amount in the paid compensation the employer reports under section 4123.35 of the Revised Code.

Sec. 4123.27. Information contained in the annual statement provided for in section 4123.26 of the Revised Code, and such other information as may be furnished to the bureau of workers' compensation by employers in pursuance of that section, is for the exclusive use and information of the bureau in the discharge of its official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the bureau is a party to the action or proceeding; but the information contained in the statement may be tabulated and published by the bureau in statistical form for the use and information of other state departments and the public. No person in the employ of the bureau, except those who are authorized by the administrator of workers' compensation, shall divulge any information secured by the person while in the employ of the

Substitute Version as Presented to the Senate Finance and Financial Institutions

bureau in respect to the transactions, property, claim files, 28029
records, or papers of the bureau or in respect to the business or 28030
mechanical, chemical, or other industrial process of any company, 28031
firm, corporation, person, association, partnership, or public 28032
utility to any person other than the administrator or to the 28033
superior of such employee of the bureau. 28034

Notwithstanding the restrictions imposed by this section, the 28035
governor, select or standing committees of the general assembly, 28036
the auditor of state, the attorney general, or their designees, 28037
pursuant to the authority granted in this chapter and Chapter 28038
4121. of the Revised Code, may examine any records, claim files, 28039
or papers in possession of the industrial commission or the 28040
bureau. They also are bound by the privilege that attaches to 28041
these papers. 28042

The administrator shall report to the director of job and 28043
family services or to the county director of job and family 28044
services the name, address, and social security number or other 28045
identification number of any person receiving workers' 28046
compensation whose name or social security number or other 28047
identification number is the same as that of a person required by 28048
a court or child support enforcement agency to provide support 28049
payments to a recipient or participant of public assistance, and 28050
whose name is submitted to the administrator by the director under 28051
section 5101.36 of the Revised Code. The administrator also shall 28052
inform the director of the amount of workers' compensation paid to 28053
the person during such period as the director specifies. 28054

Within fourteen days after receiving from the director of job 28055
and family services a list of the names and social security 28056
numbers of recipients or participants of public assistance 28057
pursuant to section 5101.181 of the Revised Code, the 28058
administrator shall inform the auditor of state of the name, 28059
current or most recent address, and social security number of each 28060

Substitute Version as Presented to the Senate Finance and Financial Institutions

person receiving workers' compensation pursuant to this chapter 28061
whose name and social security number are the same as that of a 28062
person whose name or social security number was submitted by the 28063
director. The administrator also shall inform the auditor of state 28064
of the amount of workers' compensation paid to the person during 28065
such period as the director specifies. 28066

The bureau and its employees, except for purposes of 28067
furnishing the auditor of state with information required by this 28068
section, shall preserve the confidentiality of recipients or 28069
participants of public assistance in compliance with division (A) 28070
of section 5101.181 of the Revised Code. 28071

For the purposes of this section, "public assistance" means 28072
medical assistance provided through the medical assistance program 28073
established under section 5111.01 of the Revised Code, Ohio works 28074
first provided under Chapter 5107. of the Revised Code, 28075
prevention, retention, and contingency ~~assistance~~ benefits and 28076
services provided under Chapter 5108. of the Revised Code, or 28077
disability assistance provided under Chapter 5115. of the Revised 28078
Code. 28079

Sec. 4301.12. The division of liquor control shall provide 28080
for the custody, safekeeping, and deposit of all moneys, checks, 28081
and drafts received by it or any of its employees or agents prior 28082
to paying them to the treasurer of state as provided by section 28083
113.08 of the Revised Code. 28084

A sum equal to three dollars and thirty-eight cents for each 28085
gallon of spirituous liquor sold by the division during the period 28086
covered by the payment shall be paid into the state treasury to 28087
the credit of the general revenue fund. All moneys received from 28088
permit fees shall be paid to the credit of the undivided liquor 28089
permit fund established by section 4301.30 of the Revised Code. 28090

Except as otherwise provided by law, all moneys collected 28091

Substitute Version as Presented to the Senate Finance and Financial Institutions

under Chapters 4301. and 4303. of the Revised Code shall be paid 28092
by the division into the state treasury to the credit of the 28093
liquor control fund, which is hereby created. Amounts in the 28094
liquor control fund may be used to pay the operating expenses of 28095
the liquor control commission. 28096

Whenever, in the judgment of the director of budget and 28097
management, the amount in ~~the custody of the treasurer of state to~~ 28098
~~the credit of~~ the liquor control fund is in excess of that needed 28099
to meet the maturing obligations of the division, as working 28100
capital for its further operations ~~and~~, to pay the operating 28101
expenses of the commission, and ~~as required~~ for the alcohol 28102
testing program under section 3701.143 of the Revised Code, the 28103
director shall transfer the excess to the ~~state treasury to the~~ 28104
credit of the general revenue fund. 28105

Sec. 4301.17. (A) Subject to local option as provided in 28106
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 28107
stores or agencies may be established in each county. One 28108
additional store may be established in any county for each thirty 28109
thousand of population of ~~such~~ that county or major fraction 28110
thereof in excess of the first forty thousand, according to the 28111
last preceding federal census. A person engaged in a mercantile 28112
business may act as the agent for the division of liquor control 28113
for the sale of spirituous liquor in a municipal corporation, in 28114
the unincorporated area of a township of not less than two 28115
thousand population, or in an area designated and approved as a 28116
resort area under section 4303.262 of the Revised Code, provided 28117
that not more than one agency contract shall be awarded in the 28118
unincorporated area of a county for each fifty thousand population 28119
of the county. The division shall fix the compensation for such an 28120
agent in ~~such~~ the manner ~~as~~ it ~~deems~~ considers best, but ~~such~~ the 28121
compensation shall not exceed seven per cent of the gross sales 28122
made by ~~such~~ the agent in any one year. 28123

Substitute Version as Presented to the Senate Finance and Financial Institutions

Except as otherwise provided in this section, no mercantile business that sells beer or intoxicating liquor for consumption on the premises under a permit issued by the division shall operate an agency store at ~~such~~ the premises or at any adjacent premises. An agency to which a D-1 permit has been issued may offer for sale tasting samples of beer, an agency to which a D-2 permit has been issued may offer for sale tasting samples of wine and mixed beverages, and an agency to which a D-5 permit has been issued may offer for sale tasting samples of beer, wine, and mixed beverages, but not spirituous liquor. A tasting sample shall not be sold for the purpose of general consumption. As used in this section, "tasting sample" means a small amount of beer, wine, or mixed beverages that is provided in not more than four servings of not more than two ounces each to an authorized purchaser and that allows the purchaser to determine, by tasting only, the quality and character of the beverage.

(B) When an agency contract is proposed or when an existing agency contract is assigned, before entering into any ~~such~~ contract or consenting to any assignment, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract or assignment, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the ~~agency~~ contract or consenting to the assignment. When the division sends notice to the legislative authority of the political subdivision, the department shall notify, by certified mail or by personal service, the chief peace officer of the political subdivision, who may

Substitute Version as Presented to the Senate Finance and Financial Institutions

appear and testify, either in person or through a representative, 28156
at any hearing held on the advisability of entering into the 28157
~~agency contract~~ or consenting to the assignment. 28158

~~On or after July 21, 1986, if~~ If the proposed agency store 28159
would be located within five hundred feet of a school, church, 28160
library, public playground, or township park, the division shall 28161
not enter into an agency contract until it has provided notice of 28162
the proposed contract to the authorities in control of the school, 28163
church, library, public playground, or township park and has 28164
provided ~~such officials~~ those authorities with an opportunity for 28165
a complete hearing upon the advisability of entering into the 28166
contract. If an agency store so located is operating under an 28167
agency contract, the division may consent to the assignment of 28168
that contract to operate an agency store at the same location, 28169
~~provided that~~ but the division shall not consent to an assignment 28170
until it has notified the authorities in control of the school, 28171
church, library, public playground, or township park and has 28172
provided ~~such officials~~ those authorities with an opportunity for 28173
a complete hearing upon the advisability of consenting to the 28174
assignment. 28175

Any hearing provided for in this division shall be held in 28176
the central office of the division, except that upon written 28177
request of the legislative authority of the municipal corporation, 28178
the board of county commissioners, or board of township trustees, 28179
the hearing shall be held in the county seat of the county where 28180
the proposed agency store is to be located. 28181

(C) All agency contracts entered into by the division 28182
pursuant to this section shall be in writing and shall contain a 28183
clause providing for the termination of the contract at will by 28184
the division upon its giving ninety days' notice in writing to 28185
~~such~~ the agent of its intention to do so. Any agency contract may 28186
include a clause requiring the agent to report to the appropriate 28187

Substitute Version as Presented to the Senate Finance and Financial Institutions

law enforcement agency the name and address of any individual 28188
under twenty-one years of age who attempts to make an illegal 28189
purchase. 28190

An agent may engage in the selling of beer, mixed beverages, 28191
and wine pursuant to permits issued to the agent under Chapter 28192
4303. of the Revised Code. 28193

The division shall issue a C-1 and C-2 permit to each agent 28194
who prior to November 1, 1994, had not been issued both of these 28195
permits, notwithstanding the population quota restrictions 28196
contained in section 4303.29 of the Revised Code or in any rule of 28197
the liquor control commission and notwithstanding the requirements 28198
of section 4303.31 of the Revised Code. The location of a C-1 or 28199
C-2 permit issued to such an agent shall not be transferred. The 28200
division shall revoke any C-1 or C-2 permit issued to an agent 28201
under this paragraph if the agent no longer operates an agency 28202
store. 28203

No person shall operate, or have any interest, directly or 28204
indirectly, in more than ~~four~~ eight state agencies in any one 28205
county or more than ~~eight~~ twelve state agencies in the state for 28206
the sale of spirituous liquor. For purposes of this section, a 28207
person has an interest in a state agency if the person is a 28208
partner, member, officer, or director of, or a shareholder owning 28209
ten per cent or more of the capital stock of, any legal entity 28210
with which the department has entered into an agency contract. 28211

The division may enter into agreements with the department of 28212
development to implement a minority loan program to provide 28213
low-interest loans to minority business enterprises, as defined in 28214
section 122.71 of the Revised Code, that are awarded liquor agency 28215
contracts or assignments. 28216

(D) If the division closes a state liquor store and replaces 28217
that store with an agency store, any employees of the division 28218
employed at that state liquor store who lose their jobs at that 28219

Substitute Version as Presented to the Senate Finance and Financial Institutions

store as a result shall be given preference by the agent who
operates the agency store in filling any vacancies that occur
among the agent's employees, if ~~such~~ that preference does not
conflict with the agent's obligations pursuant to a collective
bargaining agreement.

If the division closes a state liquor store and replaces the
store with an agency store, any employees of the division employed
at the state liquor store who lose their jobs at that store as a
result may displace other employees as provided in sections
124.321 to 124.328 of the Revised Code. If an employee cannot
displace other employees and is laid off, the employee shall be
reinstated in another job as provided in sections 124.321 to
124.328 of the Revised Code, except that the employee's rights of
reinstatement in a job at a state liquor store shall continue for
a period of two years after the date of the employee's layoff and
shall apply to jobs at state liquor stores located in the
employee's layoff jurisdiction and any layoff jurisdiction
adjacent to the employee's layoff jurisdiction.

(E) The division shall require every ~~such~~ agent to give bond
with surety to the satisfaction of the division, in ~~such~~ the
amount ~~as~~ the division fixes, conditioned for the faithful
performance of the agent's duties as prescribed by the division.

Sec. 4301.422. (A) Any person who makes sales of beer, cider,
wine, or mixed beverages to persons for resale at retail in a
county in which a tax has been enacted pursuant to section
4301.421 or 4301.424 of the Revised Code, and any manufacturer,
bottler, importer, or other person who makes sales at retail in
the county upon which the tax has not been paid, is liable for the
tax. Each person liable for the tax shall register with the tax
commissioner on a form prescribed by the commissioner and provide
whatever information the commissioner considers necessary.

Substitute Version as Presented to the Senate Finance and Financial Institutions

(B) Each person liable for the tax shall file a return and pay the tax to the ~~treasurer of state~~ tax commissioner by the last day of the month following the month in which the sale occurred. The return is considered to be filed when received by the ~~treasurer of state~~ tax commissioner. The return shall be prescribed by the commissioner, and no person filing such a return shall fail to provide the information specified on the return. If the return is filed and the amount of tax shown on the return to be due is paid on or before the date the return is required to be filed, the person required to file the return shall receive an administrative fee of two and one-half per cent of that person's total tax liability under section 4301.421 of the Revised Code for the purpose of offsetting additional costs incurred in collecting and remitting the tax. Any person required to file a return who fails to file timely may be required to forfeit and pay into the state treasury an amount not exceeding fifty dollars or ten per cent of the tax due, whichever is greater, as revenue arising from the tax. That amount may be collected by assessment in the manner specified in sections 4305.13 and 4305.131 of the Revised Code.

(C) A tax levied pursuant to section 4301.421 or 4301.424 of the Revised Code shall be administered by the tax commissioner. The commissioner shall have all powers and authority incident to such administration, including examination of records, audit, refund, assessment, and seizure and forfeiture of untaxed beverages. The procedures, rights, privileges, limitations, prohibitions, responsibilities, and duties specified in sections 4301.48 to 4301.52, 4305.13, 4305.131, and 4307.01 to 4307.12 of the Revised Code apply in the administration of the tax.

(D) Each person required to pay the tax levied pursuant to section 4301.421 or 4301.424 of the Revised Code who sells beer, cider, wine, or mixed beverages for resale at retail within a county in which the tax is levied shall clearly mark on all

Substitute Version as Presented to the Senate Finance and Financial Institutions

invoices, billings, and similar documents the amount of tax and 28283
the name of the county in which the tax is levied. 28284

(E) Each person required to pay the tax levied by section 28285
4301.421 or 4301.424 of the Revised Code shall maintain complete 28286
records of all sales for at least three years. The records shall 28287
be open to inspection by the tax commissioner. 28288

(F) All money collected by the tax commissioner under this 28289
section shall be paid to the treasurer of state as revenue arising 28290
from the tax imposed by section 4301.421 or 4301.424 of the 28291
Revised Code. 28292

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 28293
the Revised Code: 28294

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 28295
fluid ounces. 28296

(2) "Sale" or "sell" includes exchange, barter, gift, 28297
distribution, and, except with respect to A-4 permit holders, 28298
offer for sale. 28299

(B) For the purposes of providing revenues for the support of 28300
the state and encouraging the grape industries in the state, a tax 28301
is hereby levied on the sale or distribution of wine in Ohio, 28302
except for known sacramental purposes, at the rate of thirty cents 28303
per wine gallon for wine containing not less than four per cent of 28304
alcohol by volume and not more than fourteen per cent of alcohol 28305
by volume, ninety-eight cents per wine gallon for wine containing 28306
more than fourteen per cent but not more than twenty-one per cent 28307
of alcohol by volume, one dollar and eight cents per wine gallon 28308
for vermouth, and one dollar and forty-eight cents per wine gallon 28309
for sparkling and carbonated wine and champagne, the tax to be 28310
paid by the holders of A-2 and B-5 permits or by any other person 28311
selling or distributing wine upon which no tax has been paid. From 28312

Substitute Version as Presented to the Senate Finance and Financial Institutions

the tax paid under this section on wine, vermouth, and sparkling
and carbonated wine and champagne, the treasurer of state shall
credit to the Ohio grape industries fund created under section
924.54 of the Revised Code a sum equal to one cent per gallon for
each gallon upon which the tax is paid.

(C) For the purpose of providing revenues for the support of
the state, there is hereby levied a tax on prepared and bottled
highballs, cocktails, cordials, and other mixed beverages at the
rate of one dollar and twenty cents per wine gallon to be paid by
holders of A-4 permits or by any other person selling or
distributing those products upon which no tax has been paid. Only
one sale of the same article shall be used in computing the amount
of tax due. The tax on mixed beverages to be paid by holders of
A-4 permits under this section shall not attach until the
ownership of the mixed beverage is transferred for valuable
consideration to a wholesaler or retailer, and no payment of the
tax shall be required prior to that time.

(D) During the period ~~from June 30, 1995, until~~ of July 1,
2001, through June 30, 2003, from the tax paid under this section
on wine, vermouth, and sparkling and carbonated wine and
champagne, the treasurer of state shall credit to the Ohio grape
industries fund created under section 924.54 of the Revised Code a
sum equal to two cents per gallon upon which the tax is paid. The
amount credited under this division is in addition to the amount
credited to the Ohio grape industries fund under division (B) of
this section.

(E) For the purpose of providing revenues for the support of
the state, there is hereby levied a tax on cider at the rate of
twenty-four cents per wine gallon to be paid by the holders of A-2
and B-5 permits or by any other person selling or distributing
cider upon which no tax has been paid. Only one sale of the same
article shall be used in computing the amount of the tax due.

Substitute Version as Presented to the Senate Finance and Financial Institutions

Sec. 4303.33. (A) Every A-1 permit holder in this state, 28345
every bottler, importer, wholesale dealer, broker, producer, or 28346
manufacturer of beer outside this state and within the United 28347
States, and every B-1 permit holder and importer importing beer 28348
from any manufacturer, bottler, person, or group of persons 28349
however organized outside the United States for sale or 28350
distribution for sale in this state, on or before the eighteenth 28351
day of each month, shall make and file with the ~~treasurer of state~~ 28352
tax commissioner upon a form prescribed by the tax commissioner an 28353
advance tax payment in an amount estimated to equal the taxpayer's 28354
tax liability for the month in which the advance tax payment is 28355
made. If the advance tax payment credits claimed on the report are 28356
for advance tax payments received by the ~~treasurer of state tax~~ 28357
commissioner on or before the eighteenth day of the month covered 28358
by the report, the taxpayer is entitled to an additional credit of 28359
three per cent of the advance tax payment and a discount of three 28360
per cent shall be allowed the taxpayer at the time of filing the 28361
report if filed as provided in division (B) of this section on any 28362
amount by which the tax liability reflected in the report exceeds 28363
the advance tax payment estimate by not more than ten per cent. 28364
The additional three per cent credit and three per cent discount 28365
shall be in consideration for advancing the payment of the tax and 28366
other services performed by the permit holder and other taxpayers 28367
in the collection of the tax. ~~The treasurer of state shall stamp~~ 28368
~~or otherwise mark thereon the date the advance tax payment was~~ 28369
~~received by the treasurer and the amount of the advance tax~~ 28370
~~payment, and shall transmit that information to the tax~~ 28371
~~commissioner.~~ 28372

"Advance tax payment credit" means credit for payments made 28373
by an A-1 or B-1 permit holder and any other persons during the 28374
period covered by a report which was made in anticipation of the 28375
tax liability required to be reported on that report. 28376

Substitute Version as Presented to the Senate Finance and Financial Institutions

"Tax liability" as used in division (A) of this section means 28377
the total gross tax liability of an A-1 or B-1 permit holder and 28378
any other persons for the period covered by a report before any 28379
allowance for credits and discount. 28380

(B) Every A-1 permit holder in this state, every bottler, 28381
importer, wholesale dealer, broker, producer, or manufacturer of 28382
beer outside this state and within the United States, and every 28383
B-1 permit holder importing beer from any manufacturer, bottler, 28384
person, or group of persons however organized outside the United 28385
States, on or before the tenth day of each month, shall make and 28386
file a report for the preceding month upon a form prescribed by 28387
the tax commissioner which report shall show the amount of beer 28388
produced, sold, and distributed for sale in this state by the A-1 28389
permit holder, sold and distributed for sale in this state by each 28390
manufacturer, bottler, importer, wholesale dealer, or broker 28391
outside this state and within the United States, and the amount of 28392
beer imported into this state from outside the United States and 28393
sold and distributed for sale in this state by the B-1 permit 28394
holder or importer. 28395

The report shall be filed by mailing it to the ~~treasurer of~~ 28396
~~state tax commissioner~~, together with payment of the tax levied by 28397
sections 4301.42 and 4305.01 of the Revised Code shown to be due 28398
on the report after deduction of advance payment credits and any 28399
additional credits or discounts provided for under this section. 28400
~~The treasurer of state shall stamp or otherwise mark on each~~ 28401
~~report the date it was received by the treasurer, the amount of~~ 28402
~~the tax payment accompanying the report, and shall transmit the~~ 28403
~~report to the tax commissioner.~~ 28404

(C) Every A-2 and A-4, B-2, B-3, B-4, and B-5 permit holder 28405
in this state, on or before the eighteenth day of each month, 28406
shall make and file a report with the ~~treasurer of state tax~~ 28407
commissioner upon a form prescribed by the tax commissioner which 28408

Substitute Version as Presented to the Senate Finance and Financial Institutions

report shall show, on the report of each A-2 and A-4 permit holder 28409
the amount of wine, cider, and mixed beverages produced and sold, 28410
or sold in this state by each such A-2 and A-4 permit holder for 28411
the next preceding calendar month and such other information as 28412
the tax commissioner requires, and on the report of each such B-2, 28413
B-3, B-4, and B-5 permit holder the amount of wine, cider, and 28414
mixed beverages purchased from an importer, broker, wholesale 28415
dealer, producer, or manufacturer located outside this state and 28416
sold and distributed in this state by such B-2, B-3, B-4, and B-5 28417
permit holder, for the next preceding calendar month and such 28418
other information as the tax commissioner requires. 28419

Every such A-2, A-4, B-2, B-3, B-4, and B-5 permit holder in 28420
this state shall remit with the report the tax levied by sections 28421
4301.43 and, if applicable, 4301.432 of the Revised Code less a 28422
discount thereon of three per cent of the total tax so levied and 28423
paid, provided the return is filed together with remittance of the 28424
amount of tax shown to be due thereon, within the time prescribed. 28425
~~The treasurer of state shall stamp or otherwise mark on all~~ 28426
~~reports the date it was received by the treasurer and the amount~~ 28427
~~of tax payment accompanying all reports and shall transmit the~~ 28428
~~return to the commissioner.~~ Any permit holder or other persons who 28429
fail to file a report under this section, for each day the person 28430
so fails, may be required to forfeit and pay into the state 28431
treasury the sum of one dollar as revenue arising from the tax 28432
imposed by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the 28433
Revised Code, and that sum may be collected by assessment in the 28434
manner provided in section 4305.13 of the Revised Code. 28435

(D) Every B-1 permit holder and importer in this state 28436
importing beer from any manufacturer, bottler, person, or group of 28437
persons however organized, outside the United States, if required 28438
by the tax commissioner shall post a bond payable to the state in 28439
such form and amount as the commissioner prescribes with surety to 28440

Substitute Version as Presented to the Senate Finance and Financial Institutions

the satisfaction of the tax commissioner, conditioned upon the
payment to the ~~treasurer of state~~ tax commissioner of taxes levied
by sections 4301.42 and 4305.01 of the Revised Code.

(E) No such wine, beer, cider, or mixed beverages sold or
distributed in this state shall be taxed more than once under
sections 4301.42, 4301.43, and 4305.01 of the Revised Code.

(F) As used in this section:

(1) "Cider" has the same meaning as in section 4301.01 of the
Revised Code.

(2) "Wine" has the same meaning as in section 4301.01 of the
Revised Code, except that "wine" does not include cider.

(G) All money collected by the tax commissioner under this
section shall be paid to the treasurer of state as revenue arising
from the taxes levied by sections 4301.42, 4301.43, 4301.432, and
4305.01 of the Revised Code.

Sec. 4303.331. No permit holder shall purchase and import
into this state any beer from any manufacturer, bottler, importer,
wholesale dealer, or broker outside this state and within the
United States unless and until such manufacturer, bottler,
importer, wholesale dealer, or broker registers with the tax
commissioner and supplies such information as the commissioner may
require.

The commissioner may by rule require any registrant to file
with the commissioner a bond payable to the state in such form and
amount as the commissioner prescribes with surety to the
satisfaction of the tax commissioner conditioned upon the making
of the report to be made to the ~~treasurer of state~~ tax
commissioner and the payment to the ~~treasurer of state~~ tax
commissioner of taxes levied by sections 4301.42 and 4305.01 of
the Revised Code, all as provided in section 4303.33 of the

Substitute Version as Presented to the Senate Finance and Financial Institutions

Revised Code. 28471

Any such manufacturer, bottler, importer, wholesale dealer, 28472
or broker shall, as a part of such registration, make the 28473
secretary of state ~~his~~ its agent for the service of process or 28474
notice of any assessment, action, or proceedings instituted in the 28475
state against such person under sections 4303.33, 4301.42, and 28476
4305.01 of the Revised Code. 28477

Such process or notice shall be served, by the officer to 28478
whom it is directed or by the tax commissioner, or by the sheriff 28479
of Franklin county, who may be deputized for such purpose by the 28480
officer to whom the service is directed, upon the secretary of 28481
state by leaving at the office of the secretary of state, at least 28482
fifteen days before the return day of such process or notice, a 28483
true and attested copy thereof, and by sending to the defendant by 28484
certified mail, postage prepaid, a like and true attested copy, 28485
with an endorsement thereon of the service upon the secretary of 28486
state, addressed to such defendant at the address listed in the 28487
registration or at the defendant's last known address. 28488

Any B-1 permit holder who purchases beer from any 28489
manufacturer, bottler, importer, wholesale dealer, or broker 28490
outside this state and within the United States who has not 28491
registered with the tax commissioner and filed a bond as provided 28492
in this section shall be liable for any tax due on any beer 28493
purchased from such unregistered manufacturer, bottler, importer, 28494
wholesale dealer, or broker and shall be subject to any penalties 28495
provided in Chapters 4301., 4303., 4305., and 4307. of the Revised 28496
Code. 28497

Any B-1 permit holder who purchases beer from any 28498
manufacturer, bottler, importer, wholesale dealer, or broker 28499
outside this state and within the United States who has complied 28500
with this section shall not be liable for any tax due to the state 28501
on any beer purchased from any such manufacturer, bottler, 28502

Substitute Version as Presented to the Senate Finance and Financial Institutions

importer, wholesale dealer, or broker.

28503

All money collected by the tax commissioner under this section shall be paid to the treasurer of state as revenue arising from the taxes levied by sections 4301.42, 4301.43, 4301.432, and 4305.01 of the Revised Code.

28504

28505

28506

28507

Sec. 4503.10. (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff or chief of police of the municipal or township police with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in section 4503.103 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a deputy registrar, a written or electronic application or a preprinted registration renewal notice issued under section 4503.102 of the Revised Code, the form of which shall be prescribed by the registrar, for registration for the following registration year, which shall begin on the first day of January of every calendar year and end on the thirty-first day of December in the same year. Applications for registration and registration renewal notices shall be filed at the times established by the registrar pursuant to section 4503.101 of the

28508

28509

28510

28511

28512

28513

28514

28515

28516

28517

28518

28519

28520

28521

28522

28523

28524

28525

28526

28527

28528

28529

28530

28531

28532

28533

28534

Substitute Version as Presented to the Senate Finance and Financial Institutions

Revised Code. A motor vehicle owner also may elect to renew a 28535
motor vehicle registration by electronic means using electronic 28536
signature in accordance with rules adopted by the registrar. 28537

Except as provided in division (J) of this section, applications 28538
for registration shall be made on blanks furnished by the 28539
registrar for that purpose, containing the following information: 28540

(1) A brief description of the motor vehicle to be 28541
registered, including the name of the manufacturer, the factory 28542
number of the vehicle, the year's model, and, in the case of 28543
commercial cars, the gross weight of the vehicle fully equipped 28544
computed in the manner prescribed in section 4503.08 of the 28545
Revised Code; 28546

(2) The name and residence address of the owner, and the 28547
township and municipal corporation in which the owner resides; 28548

(3) The district of registration, which shall be determined 28549
as follows: 28550

(a) In case the motor vehicle to be registered is used for 28551
hire or principally in connection with any established business or 28552
branch business, conducted at a particular place, the district of 28553
registration is the municipal corporation in which that place is 28554
located or, if not located in any municipal corporation, the 28555
county and township in which that place is located. 28556

(b) In case the vehicle is not so used, the district of 28557
registration is the municipal corporation or county in which the 28558
owner resides at the time of making the application. 28559

(4) Whether the motor vehicle is a new or used motor vehicle; 28560
28561

(5) The date of purchase of the motor vehicle; 28562

(6) Whether the fees required to be paid for the registration 28563
or transfer of the motor vehicle, during the preceding 28564
registration year and during the preceding period of the current 28565

Substitute Version as Presented to the Senate Finance and Financial Institutions

registration year, have been paid. Each application for
registration shall be signed by the owner, either manually or by
electronic signature, or pursuant to obtaining a limited power of
attorney authorized by the registrar for registration, or other
document authorizing such signature. If the owner elects to renew
the motor vehicle registration with the registrar by electronic
means, the owner's manual signature is not required.

(7) The owner's social security number, if assigned, or,
where a motor vehicle to be registered is used for hire or
principally in connection with any established business, the
owner's federal taxpayer identification number.

(B) Each time the applicant first registers a motor vehicle
in the applicant's name, the applicant shall present for
inspection a certificate of title or a memorandum certificate
showing title to the motor vehicle to be registered in the
applicant. When a motor vehicle inspection and maintenance program
is in effect under section 3704.14 of the Revised Code and rules
adopted under it, each application for registration for a vehicle
required to be inspected under that section and those rules shall
be accompanied by an inspection certificate for the motor vehicle
issued in accordance with that section. The application shall be
refused if any of the following applies:

(1) The application is not in proper form.

(2) The application is prohibited from being accepted by
division (D) of section 2935.27, division (A) of section 2937.221,
division (A) of section 4503.13, division (B) of section 4507.168,
or division (B)(1) of section 4521.10 of the Revised Code.

(3) A certificate of title or memorandum certificate of title
does not accompany the application.

(4) All registration and transfer fees for the motor vehicle,
for the preceding year or the preceding period of the current

Substitute Version as Presented to the Senate Finance and Financial Institutions

registration year, have not been paid.

28597

(5) The owner or lessee does not have an inspection certificate for the motor vehicle as provided in section 3704.14 of the Revised Code, and rules adopted under it, if that section is applicable.

28598

28599

28600

28601

This section does not require the payment of license or registration taxes on a motor vehicle for any preceding year, or for any preceding period of a year, if the motor vehicle was not taxable for that preceding year or period under sections 4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. of the Revised Code. When a certificate of registration is issued upon the first registration of a motor vehicle by or on behalf of the owner, the official issuing the certificate shall indicate the issuance with a stamp on the certificate of title or memorandum certificate and on the inspection certificate for the motor vehicle, if any. The official also shall indicate, by a stamp or by such other means as the registrar prescribes, on the registration certificate issued upon the first registration of a motor vehicle by or on behalf of the owner the odometer reading of the motor vehicle as shown in the odometer statement included in or attached to the certificate of title. Upon each subsequent registration of the motor vehicle by or on behalf of the same owner, the official also shall so indicate the odometer reading of the motor vehicle as shown on the immediately preceding certificate of registration.

28602

28603

28604

28605

28606

28607

28608

28609

28610

28611

28612

28613

28614

28615

28616

28617

28618

28619

28620

28621

The registrar shall include in the permanent registration record of any vehicle required to be inspected under section 3704.14 of the Revised Code the inspection certificate number from the inspection certificate that is presented at the time of registration of the vehicle as required under this division.

28622

28623

28624

28625

28626

(C) In addition, a charge of twenty-five cents shall be made for each reflectorized safety license plate issued, and a single

28627

28628

Substitute Version as Presented to the Senate Finance and Financial Institutions

charge of twenty-five cents shall be made for each county
identification sticker or each set of county identification
stickers issued, as the case may be, to cover the cost of
producing the license plates and stickers, including material,
manufacturing, and administrative costs. Those fees shall be in
addition to the license tax. If the total cost of producing the
plates is less than twenty-five cents per plate, or if the total
cost of producing the stickers is less than twenty-five cents per
sticker or per set issued, any excess moneys accruing from the
fees shall be distributed in the same manner as provided by
section 4501.04 of the Revised Code for the distribution of
license tax moneys. If the total cost of producing the plates
exceeds twenty-five cents per plate, or if the total cost of
producing the stickers exceeds twenty-five cents per sticker or
per set issued, the difference shall be paid from the license tax
moneys collected pursuant to section 4503.02 of the Revised Code.

(D) Each deputy registrar shall be allowed a fee of ~~two~~
~~dollars and twenty-five cents~~ three dollars commencing on July 1,
2001, three dollars and twenty-five cents commencing on January 1,
2003, and three dollars and fifty cents commencing on January 1,
2004, for each application for registration and registration
renewal notice the deputy registrar receives, which shall be for
the purpose of compensating the deputy registrar for the deputy
registrar's services, and such office and rental expenses, as may
be necessary for the proper discharge of the deputy registrar's
duties in the receiving of applications and renewal notices and
the issuing of licenses.

(E) Upon the certification of the registrar, the county
sheriff or local police officials shall recover license plates
erroneously or fraudulently issued.

(F) Each deputy registrar, upon receipt of any application
for registration or registration renewal notice, together with the

Substitute Version as Presented to the Senate Finance and Financial Institutions

license fee and any local motor vehicle license tax levied
pursuant to Chapter 4504. of the Revised Code, shall transmit that
fee and tax, if any, in the manner provided in this section,
together with the original and duplicate copy of the application,
to the registrar. The registrar, subject to the approval of the
director of public safety, may deposit the funds collected by
those deputies in a local bank or depository to the credit of the
"state of Ohio, bureau of motor vehicles." Where a local bank or
depository has been designated by the registrar, each deputy
registrar shall deposit all moneys collected by the deputy
registrar into that bank or depository not more than one business
day after their collection and shall make reports to the registrar
of the amounts so deposited, together with any other information,
some of which may be prescribed by the treasurer of state, as the
registrar may require and as prescribed by the registrar by rule.
The registrar, within three days after receipt of notification of
the deposit of funds by a deputy registrar in a local bank or
depository, shall draw on that account in favor of the treasurer
of state. The registrar, subject to the approval of the director
and the treasurer of state, may make reasonable rules necessary
for the prompt transmittal of fees and for safeguarding the
interests of the state and of counties, townships, municipal
corporations, and transportation improvement districts levying
local motor vehicle license taxes. The registrar may pay service
charges usually collected by banks and depositories for such
service. If deputy registrars are located in communities where
banking facilities are not available, they shall transmit the fees
forthwith, by money order or otherwise, as the registrar, by rule
approved by the director and the treasurer of state, may
prescribe. The registrar may pay the usual and customary fees for
such service.

(G) This section does not prevent any person from making an

Substitute Version as Presented to the Senate Finance and Financial Institutions

application for a motor vehicle license directly to the registrar 28693
by mail, by electronic means, or in person at any of the 28694
registrar's offices, upon payment of a service fee of ~~two dollars~~ 28695
~~and twenty-five cents~~ three dollars commencing on July 1, 2001, 28696
three dollars and twenty-five cents commencing on January 1, 2003, 28697
and three dollars and fifty cents commencing on January 1, 2004, 28698
for each application. 28699

(H) No person shall make a false statement as to the district 28700
of registration in an application required by division (A) of this 28701
section. Violation of this division is falsification under section 28702
2921.13 of the Revised Code and punishable as specified in that 28703
section. 28704

(I)(1) Where applicable, the requirements of division (B) of 28705
this section relating to the presentation of an inspection 28706
certificate issued under section 3704.14 of the Revised Code and 28707
rules adopted under it for a motor vehicle, the refusal of a 28708
license for failure to present an inspection certificate, and the 28709
stamping of the inspection certificate by the official issuing the 28710
certificate of registration apply to the registration of and 28711
issuance of license plates for a motor vehicle under sections 28712
4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 28713
4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 28714
4503.47, and 4503.51 of the Revised Code. 28715

(2)(a) The registrar shall adopt rules ensuring that each 28716
owner registering a motor vehicle in a county where a motor 28717
vehicle inspection and maintenance program is in effect under 28718
section 3704.14 of the Revised Code and rules adopted under it 28719
receives information about the requirements established in that 28720
section and those rules and about the need in those counties to 28721
present an inspection certificate with an application for 28722
registration or preregistration. 28723

(b) Upon request, the registrar shall provide the director of 28724

Substitute Version as Presented to the Senate Finance and Financial Institutions

environmental protection, or any person that has been awarded a
contract under division (D) of section 3704.14 of the Revised
Code, an on-line computer data link to registration information
for all passenger cars, noncommercial motor vehicles, and
commercial cars that are subject to that section. The registrar
also shall provide to the director of environmental protection a
magnetic data tape containing registration information regarding
passenger cars, noncommercial motor vehicles, and commercial cars
for which a multi-year registration is in effect under section
4503.103 of the Revised Code or rules adopted under it, including,
without limitation, the date of issuance of the multi-year
registration, the registration deadline established under rules
adopted under section 4503.101 of the Revised Code that was
applicable in the year in which the multi-year registration was
issued, and the registration deadline for renewal of the
multi-year registration.

(J) Application for registration under the international
registration plan, as set forth in sections 4503.60 to 4503.66 of
the Revised Code, shall be made to the registrar on forms
furnished by the registrar. In accordance with international
registration plan guidelines and pursuant to rules adopted by the
registrar, the forms shall include the following:

(1) A uniform mileage schedule;

(2) The gross vehicle weight of the vehicle or combined gross
vehicle weight of the combination vehicle as declared by the
registrant;

(3) Any other information the registrar requires by rule.

Sec. 4503.102. (A) The registrar of motor vehicles shall
adopt rules to establish a centralized system of motor vehicle
registration renewal by mail or by electronic means. Any person
owning a motor vehicle that was registered in the person's name

Substitute Version as Presented to the Senate Finance and Financial Institutions

during the preceding registration year shall renew the 28756
registration of the motor vehicle not more than ninety days prior 28757
to the expiration date of the registration either by mail or by 28758
electronic means through the centralized system of registration 28759
established under this section, or in person at any office of the 28760
registrar or at a deputy registrar's office. 28761

(B)(1) No less than forty-five days prior to the expiration 28762
date of any motor vehicle registration, the registrar shall mail a 28763
renewal notice to the person in whose name the motor vehicle is 28764
registered. The renewal notice shall clearly state that the 28765
registration of the motor vehicle may be renewed by mail or 28766
electronic means through the centralized system of registration or 28767
in person at any office of the registrar or at a deputy 28768
registrar's office and shall be preprinted with information 28769
including, but not limited to, the owner's name and residence 28770
address as shown in the records of the bureau of motor vehicles, a 28771
brief description of the motor vehicle to be registered, notice of 28772
the license taxes and fees due on the motor vehicle, the toll-free 28773
telephone number of the registrar as required under division 28774
(D)(1) of section 4503.031 of the Revised Code, and any additional 28775
information the registrar may require by rule. The renewal notice 28776
shall be sent by regular mail to the owner's last known address as 28777
shown in the records of the bureau of motor vehicles. 28778

(2) If the application for renewal of the registration of a 28779
motor vehicle is prohibited from being accepted by the registrar 28780
or a deputy registrar by division (D) of section 2935.27, division 28781
(A) of section 2937.221, division (A) of section 4503.13, division 28782
(B) of section 4507.168, or division (B)(1) of section 4521.10 of 28783
the Revised Code, the registrar is not required to send a renewal 28784
notice to the vehicle owner or vehicle lessee. 28785

(C) The owner of the motor vehicle shall verify the 28786
information contained in the notice, sign it either manually or by 28787

Substitute Version as Presented to the Senate Finance and Financial Institutions

electronic means, and return it, either by mail or electronic 28788
means, or the owner may take it in person to any office of the 28789
registrar or of a deputy registrar, together with a financial 28790
transaction device number, when permitted by rule of the 28791
registrar, check, or money order in the amount of the registration 28792
taxes and fees payable on the motor vehicle and a mail fee of ~~two~~ 28793
~~dollars and twenty-five cents~~ three dollars commencing on July 1, 28794
2001, three dollars and twenty-five cents commencing on January 1, 28795
2003, and three dollars and fifty cents commencing on January 1, 28796
2004, plus postage as indicated on the notice, if the registration 28797
is renewed by mail, and an inspection certificate for the motor 28798
vehicle as provided in section 3704.14 of the Revised Code. If the 28799
motor vehicle owner chooses to renew the motor vehicle 28800
registration by electronic means, the owner shall proceed in 28801
accordance with the rules the registrar adopts. 28802

(D) If all registration and transfer fees for the motor 28803
vehicle for the preceding year or the preceding period of the 28804
current registration year have not been paid, if division (D) of 28805
section 2935.27, division (A) of section 2937.221, division (A) of 28806
section 4503.13, division (B) of section 4507.168, or division 28807
(B)(1) of section 4521.10 of the Revised Code prohibits acceptance 28808
of the renewal notice, or if the owner or lessee does not have an 28809
inspection certificate for the motor vehicle as provided in 28810
section 3704.14 of the Revised Code, if that section is 28811
applicable, the license shall be refused, and the registrar or 28812
deputy registrar shall so notify the owner. This section does not 28813
require the payment of license or registration taxes on a motor 28814
vehicle for any preceding year, or for any preceding period of a 28815
year, if the motor vehicle was not taxable for that preceding year 28816
or period under section 4503.02, 4503.04, 4503.11, 4503.12, or 28817
4503.16 or Chapter 4504. of the Revised Code. 28818

(E)(1) Failure to receive a renewal notice does not relieve a 28819

Substitute Version as Presented to the Senate Finance and Financial Institutions

motor vehicle owner from the responsibility to renew the
registration for the motor vehicle. Any person who has a motor
vehicle registered in this state and who does not receive a
renewal notice as provided in division (B) of this section prior
to the expiration date of the registration shall request an
application for registration from the registrar or a deputy
registrar and sign the application manually or by electronic means
and submit the application and pay any applicable license taxes
and fees to the registrar or deputy registrar.

(2) If the owner of a motor vehicle submits an application
for registration and the registrar is prohibited by division (D)
of section 2935.27, division (A) of section 2937.221, division (A)
of section 4503.13, division (B) of section 4507.168, or division
(B)(1) of section 4521.10 of the Revised Code from accepting the
application, the registrar shall return the application and the
payment to the owner. If the owner of a motor vehicle submits a
registration renewal application to the registrar by electronic
means and the registrar is prohibited from accepting the
application as provided in this division, the registrar shall
notify the owner of this fact and deny the application and return
the payment or give a credit on the financial transaction device
account of the owner in the manner the registrar prescribes by
rule adopted pursuant to division (A) of this section.

(F) Every deputy registrar shall post in a prominent place at
the deputy's office a notice informing the public of the mail
registration system required by this section and also shall post a
notice that every owner of a motor vehicle and every chauffeur
holding a certificate of registration is required to notify the
registrar in writing of any change of residence within ten days
after the change occurs. The notice shall be in such form as the
registrar prescribes by rule.

(G) The ~~two dollars and twenty-five cents~~ three dollars fee

Substitute Version as Presented to the Senate Finance and Financial Institutions

collected from July 1, 2001, through December 31, 2002, the three 28852
dollars and twenty-five cents fee collected from January 1, 2003, 28853
through December 31, 2003, and the three dollars and fifty cents 28854
fee collected after January 1, 2004, plus postage and any 28855
financial transaction device surcharge collected by the registrar 28856
for registration by mail, shall be paid to the credit of the state 28857
bureau of motor vehicles fund established by section 4501.25 of 28858
the Revised Code. 28859

(H) Pursuant to section 113.40 of the Revised Code, the 28860
registrar may implement a program permitting payment of motor 28861
vehicle registration taxes and fees, driver's license and 28862
commercial driver's license fees, and any other taxes, fees, 28863
penalties, or charges imposed or levied by the state by means of a 28864
financial transaction device. The registrar may adopt rules as 28865
necessary for this purpose. 28866

(I) For persons who reside in counties where tailpipe 28867
emissions inspections are required under the motor vehicle 28868
inspection and maintenance program, the notice required by 28869
division (B) of this section shall also include the toll-free 28870
telephone number maintained by the Ohio environmental protection 28871
agency to provide information concerning the locations of 28872
emissions testing centers. 28873

Sec. 4503.12. Upon the transfer of ownership of a motor 28874
vehicle, the registration of the motor vehicle expires and the 28875
original owner immediately shall remove the license plates from 28876
the motor vehicle, except that: 28877

(A) If a statutory merger or consolidation results in the 28878
transfer of ownership of a motor vehicle from a constituent 28879
corporation to the surviving corporation, or if the incorporation 28880
of a proprietorship or partnership results in the transfer of 28881
ownership of a motor vehicle from the proprietorship or 28882

Substitute Version as Presented to the Senate Finance and Financial Institutions

partnership to the corporation, the registration shall be
continued upon the filing by the surviving or new corporation,
within thirty days of such transfer, of an application for an
amended certificate of registration, unless such registration is
prohibited by division (D) of section 2935.27, division (A) of
section 2937.221, division (B) of section 4507.168, or division
(B)(1) of section 4521.10 of the Revised Code. The application
shall be accompanied by a service fee of ~~two dollars and~~
~~twenty-five cents~~ three dollars commencing on July 1, 2001, three
dollars and twenty-five cents commencing on January 1, 2003, and
three dollars and fifty cents commencing on January 1, 2004, a
transfer fee of one dollar, and the original certificate of
registration. Upon a proper filing, the registrar of motor
vehicles shall issue an amended certificate of registration in the
name of the new owner.

(B) If the death of the owner of a motor vehicle results in
the transfer of ownership of the motor vehicle to the surviving
spouse of the owner or if a motor vehicle is owned by two persons
under joint ownership with right of survivorship established under
section 2106.17 of the Revised Code and one of those persons dies,
the registration shall be continued upon the filing by the
surviving spouse of an application for an amended certificate of
registration, unless such registration is prohibited by division
(D) of section 2935.27, division (A) of section 2937.221, division
(A) of section 4503.13, division (B) of section 4507.168, or
division (B)(1) of section 4521.10 of the Revised Code. The
application shall be accompanied by a service fee of ~~two dollars~~
~~and twenty-five cents~~ three dollars commencing on July 1, 2001,
three dollars and twenty-five cents commencing on January 1, 2003,
and three dollars and fifty cents commencing on January 1, 2004, a
transfer fee of one dollar, the original certificate of
registration, and, in relation to a motor vehicle that is owned by

Substitute Version as Presented to the Senate Finance and Financial Institutions

two persons under joint ownership with right of survivorship 28915
established under section 2106.17 of the Revised Code, by a copy 28916
of the certificate of title that specifies that the vehicle is 28917
owned under joint ownership with right of survivorship. Upon a 28918
proper filing, the registrar shall issue an amended certificate of 28919
registration in the name of the surviving spouse. 28920

(C) If the original owner of a motor vehicle that has been 28921
transferred makes application for the registration of another 28922
motor vehicle at any time during the remainder of the registration 28923
period for which the transferred motor vehicle was registered, the 28924
owner, unless such registration is prohibited by division (D) of 28925
section 2935.27, division (A) of section 2937.221, division (A) of 28926
section 4503.13, division (E) of section 4503.234, division (B) of 28927
section 4507.168, or division (B)(1) of section 4521.10 of the 28928
Revised Code, may file an application for transfer of the 28929
registration and, where applicable, the license plates, 28930
accompanied by a service fee of ~~two dollars and twenty-five cents~~ 28931
three dollars commencing on July 1, 2001, three dollars and 28932
twenty-five cents commencing on January 1, 2003, and three dollars 28933
and fifty cents commencing on January 1, 2004, a transfer fee of 28934
one dollar, and the original certificate of registration. The 28935
transfer of the registration and, where applicable, the license 28936
plates from the motor vehicle for which they originally were 28937
issued to a succeeding motor vehicle purchased by the same person 28938
in whose name the original registration and license plates were 28939
issued shall be done within a period not to exceed thirty days. 28940
During that thirty-day period, the license plates from the motor 28941
vehicle for which they originally were issued may be displayed on 28942
the succeeding motor vehicle, and the succeeding motor vehicle may 28943
be operated on the public roads and highways in this state. 28944

At the time of application for transfer, the registrar shall 28945
compute and collect the amount of tax due on the succeeding motor 28946

Substitute Version as Presented to the Senate Finance and Financial Institutions

vehicle, based upon the amount that would be due on a new
registration as of the date on which the transfer is made less a
credit for the unused portion of the original registration
beginning on that date. If the credit exceeds the amount of tax
due on the new registration, no refund shall be made. In computing
the amount of tax due and credits to be allowed under this
division, the provisions of division (B)(1)(a) and (b) of section
4503.11 of the Revised Code shall apply. As to passenger cars,
noncommercial vehicles, motor homes, and motorcycles, transfers
within or between these classes of motor vehicles only shall be
allowed. If the succeeding motor vehicle is of a different class
than the motor vehicle for which the registration originally was
issued, new license plates also shall be issued upon the surrender
of the license plates originally issued and payment of the fees
provided in divisions (C) and (D) of section 4503.10 of the
Revised Code.

(D) The owner of a commercial car having a gross vehicle
weight or combined gross vehicle weight of more than ten thousand
pounds may transfer the registration of that commercial car to
another commercial car the owner owns without transferring
ownership of the first commercial car, unless registration of the
second commercial car is prohibited by division (D) of section
2935.27, division (A) of section 2937.221, division (A) of section
4503.13, division (B) of section 4507.168, or division (B)(1) of
section 4521.10 of the Revised Code. At any time during the
remainder of the registration period for which the first
commercial car was registered, the owner may file an application
for the transfer of the registration and, where applicable, the
license plates, accompanied by a service fee of ~~two dollars and
twenty-five cents~~ three dollars commencing on July 1, 2001, three
dollars and twenty-five cents commencing on January 1, 2003, and
three dollars and fifty cents commencing on January 1, 2004, a

Substitute Version as Presented to the Senate Finance and Financial Institutions

transfer fee of one dollar, and the certificate of registration of 28979
the first commercial car. The amount of any tax due or credit to 28980
be allowed for a transfer of registration under this division 28981
shall be computed in accordance with division (C) of this section. 28982

No commercial car to which a registration is transferred 28983
under this division shall be operated on a public road or highway 28984
in this state until after the transfer of registration is 28985
completed in accordance with this division. 28986

(E) Upon application to the registrar or a deputy registrar, 28987
a person who owns or leases a motor vehicle may transfer special 28988
license plates assigned to that vehicle to any other vehicle that 28989
the person owns or leases or that is owned or leased by the 28990
person's spouse. The application shall be accompanied by a service 28991
fee of ~~two dollars and twenty-five cents~~ three dollars commencing 28992
on July 1, 2001, three dollars and twenty-five cents commencing on 28993
January 1, 2003, and three dollars and fifty cents commencing on 28994
January 1, 2004, a transfer fee of one dollar, and the original 28995
certificate of registration. As appropriate, the application also 28996
shall be accompanied by a power of attorney for the registration 28997
of a leased vehicle and a written statement releasing the special 28998
plates to the applicant. Upon a proper filing, the registrar or 28999
deputy registrar shall assign the special license plates to the 29000
motor vehicle owned or leased by the applicant and issue a new 29001
certificate of registration for that motor vehicle. 29002

As used in division (E) of this section, "special license 29004
plates" means either of the following: 29005

(1) Any license plates for which the person to whom the 29006
license plates are issued must pay an additional fee in excess of 29007
the fees prescribed in section 4503.04 of the Revised Code, 29008
Chapter 4504. of the Revised Code, and the service fee prescribed 29009
in division (D) or (G) of section 4503.10 of the Revised Code; 29010

Substitute Version as Presented to the Senate Finance and Financial Institutions

(2) License plates issued under section 4503.44 of the Revised Code.

Sec. 4503.182. (A) A purchaser of a motor vehicle, upon application and proof of purchase of the vehicle, may be issued a temporary license placard or windshield sticker for the motor vehicle.

The purchaser of a vehicle applying for a temporary license placard or windshield sticker under this section shall execute an affidavit stating that the purchaser has not been issued previously during the current registration year a license plate that could legally be transferred to such vehicle.

Placards or windshield stickers shall be issued only for the applicant's use of the vehicle to enable the applicant to legally operate the motor vehicle while proper title, license plates, and a certificate of registration are being obtained, and shall be displayed on no other motor vehicle.

Placards or windshield stickers issued under this section are valid for a period of thirty days from date of issuance and are not transferable or renewable.

The fee for such placards or windshield stickers is two dollars plus a fee of ~~two dollars and twenty-five cents~~ three dollars commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for each such placard issued by a deputy registrar.

(B) The registrar of motor vehicles may issue to a motorized bicycle dealer or a licensed motor vehicle dealer temporary license placards to be issued to purchasers for use on vehicles sold by the licensed dealer, in accordance with rules prescribed by the registrar. The dealer shall notify the registrar within

Substitute Version as Presented to the Senate Finance and Financial Institutions

forty-eight hours of proof of issuance on a form prescribed by the registrar. 29041
29042

The fee for each such placard issued by the registrar to a 29043
licensed motor vehicle dealer is two dollars plus a fee of ~~two~~ 29044
~~dollars and twenty-five cents~~ three dollars commencing on July 1, 29045
2001, three dollars and twenty-five cents commencing on January 1, 29046
2003, and three dollars and fifty cents commencing on January 1, 29047
2004. 29048

(C) The registrar of motor vehicles, at the registrar's 29049
discretion, may issue a temporary license placard. Such a placard 29050
may be issued in the case of extreme hardship encountered by a 29051
citizen from this state or another state who has attempted to 29052
comply with all registration laws, but for extreme circumstances 29053
is unable to properly register the citizen's vehicle. 29054

(D) The registrar shall adopt rules, in accordance with 29055
division (B) of section 111.15 of the Revised Code, to specify the 29056
procedures for reporting the information from applications for 29057
temporary license placards and windshield stickers and for 29058
providing the information from these applications to law 29059
enforcement agencies. 29060

(E) Temporary license placards issued under this section 29061
shall bear a distinctive combination of seven letters, numerals, 29062
or letters and numerals, and shall incorporate a security feature 29063
that, to the greatest degree possible, prevents tampering with any 29064
of the information that is entered upon a placard when it is 29065
issued. 29066

(F) As used in this section, "motorized bicycle dealer" means 29067
any person engaged in the business of selling at retail, 29068
displaying, offering for sale, or dealing in motorized bicycles 29069
who is not subject to section 4503.09 of the Revised Code. 29070

Substitute Version as Presented to the Senate Finance and Financial Institutions

Sec. 4504.05. The moneys received from a county motor vehicle license tax shall be allocated and distributed as follows:

(A) First, for payment of the costs and expenses incurred by the county in the enforcement and administration of the tax;

(B) The remainder of such moneys shall be credited to funds as follows:

(1) With respect to county motor vehicle tax moneys received under section 4504.02 of the Revised Code, that part of the total amount which is in the same proportion to the total as the number of motor vehicles registered in the municipal corporations in the county that did not levy a municipal motor vehicle license tax immediately prior to the adoption of the county motor vehicle license tax is to the total number of motor vehicles registered in the county in the most recent registration year, shall be placed in a separate fund to be allocated and distributed as provided in section 4504.04 of the Revised Code.

The remaining portion shall be placed in the county motor vehicle license and gasoline tax fund and shall be allocated and disbursed only for the purposes specified in section 4504.02 of the Revised Code, other than paying all or part of the costs and expenses of municipal corporations in constructing, reconstructing, improving, maintaining, and repairing highways, roads, and streets designated as necessary and conducive to the orderly and efficient flow of traffic within and through the county pursuant to section 4504.03 of the Revised Code.

(2) With respect to county motor vehicle tax moneys received under section 4504.15 of the Revised Code:

(a) That arising from motor vehicles the district of registration of which is a municipal corporation within the county that is not levying the tax authorized by section 4504.17 of the Revised Code shall be allocated fifty per cent to the county and

Substitute Version as Presented to the Senate Finance and Financial Institutions

fifty per cent to such municipal corporation in an amount equal to the amount of the tax per motor vehicle registered during the preceding month in that part of the municipal corporation located within the county. Moneys allocated to a municipal corporation under this section shall be paid directly into the treasury of the municipal corporation as provided in section 4501.042 of the Revised Code and used only for the purposes described in section 4504.06 of the Revised Code. The first distribution shall be made to a municipal corporation under this division in the second month after the county motor vehicle license tax is imposed under section 4504.15 of the Revised Code.

(b) That arising from motor vehicles the district of registration of which is in an unincorporated area of the county shall be allocated seventy per cent to the county and thirty per cent to the townships in which the owners of the motor vehicles reside in an amount equal to the amount of the tax per motor vehicle owned by such a resident in each such township and registered during the preceding month in the county. The moneys allocated to townships shall be paid into the treasuries of the townships and shall be used only for the purposes described in section 4504.18 of the Revised Code. The first distribution shall be made under this division in the second month after the county motor vehicle license tax is imposed under section 4504.15 of the Revised Code.

(3) With respect to county motor vehicle tax moneys received under section 4504.16 of the Revised Code:

(a) That arising from motor vehicles the district of registration of which is a municipal corporation within the county that is not levying the tax authorized by section 4504.171 of the Revised Code shall be allocated to the county;

(b) ~~That~~ Except as otherwise provided in division (B)(3)(b) of this section, that arising from motor vehicles the district of

Substitute Version as Presented to the Senate Finance and Financial Institutions

registration of which is in an unincorporated area of the county 29134
shall be allocated seventy per cent to the county and thirty per 29135
cent to the townships in which the owners of the motor vehicles 29136
reside in an amount equal to the amount of the tax per motor 29137
vehicle owned by such a resident in each such township and 29138
registered during the preceding month in the county. ~~The~~ 29139

A board of township trustees may pass a resolution requesting 29140
an increase in the percentage of moneys allocated to the township 29141
under division (B)(3)(b) of this section and, upon passage, shall 29142
forward the resolution to the board of county commissioners. 29143
Within ninety days after receipt of a resolution from a township 29144
requesting an increase in the percentage of moneys allocated to 29145
it, a board of county commissioners shall consider and may pass a 29146
resolution increasing the percentage of moneys allocated to a 29147
township under division (B)(3)(b) of this section. A board of 29148
county commissioners also may initiate and pass a resolution 29149
increasing the percentage of moneys allocated to a township under 29150
division (B)(3)(b) of this section. If a board of county 29151
commissioners passes a resolution under division (B)(3)(b) of this 29152
section, it shall forward the resolution to the county treasurer, 29153
and the resolution shall continue until revoked by the board of 29154
county commissioners. The county treasurer shall make the first 29155
distribution under any new allocation in the second month after 29156
receiving the resolution. 29157

The moneys allocated to townships shall be paid into the 29158
treasuries of the townships and shall be used only for the 29159
purposes described in section 4504.18 of the Revised Code. The 29160
first distribution shall be made under this division in the second 29161
month after the county motor vehicle license tax is imposed under 29162
section 4504.16 of the Revised Code. 29163

Sec. 4505.061. If the application for a certificate of title 29164
refers to a motor vehicle last previously registered in another 29165

Substitute Version as Presented to the Senate Finance and Financial Institutions

state, the application shall be accompanied by a physical inspection certificate issued by the department of public safety verifying the make, body type, model, and manufacturer's vehicle identification number of the motor vehicle for which the certificate of title is desired. The physical inspection certificate shall be in such form as is designated by the registrar of motor vehicles. The physical inspection of the motor vehicle shall be made at a deputy registrar's office, or at an established place of business operated by a licensed motor vehicle dealer. Additionally, the physical inspection of a salvage vehicle owned by an insurance company may be made at an established place of business operated by a salvage motor vehicle dealer licensed under Chapter 4738. of the Revised Code. The deputy registrar, the motor vehicle dealer, or the salvage motor vehicle dealer may charge a maximum fee of ~~one dollar and fifty cents~~ three dollars commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, for conducting the physical inspection.

The clerk of the court of common pleas shall charge a fee of one dollar and fifty cents for the processing of each physical inspection certificate. The clerk shall retain fifty cents of the one dollar and fifty cents so charged and shall pay the remaining one dollar to the registrar by monthly returns, which shall be forwarded to the registrar not later than the fifth day of the month next succeeding that in which the certificate is received by the clerk. The registrar shall pay such remaining sums into the state bureau of motor vehicles fund established by section 4501.25 of the Revised Code.

Sec. 4506.08. (A) Each application for a commercial driver's license temporary instruction permit shall be accompanied by a fee of ten dollars; except as provided in division (B) of this

Substitute Version as Presented to the Senate Finance and Financial Institutions

section, each application for a commercial driver's license, 29198
restricted commercial driver's license, or renewal of such a 29199
license shall be accompanied by a fee of twenty-five dollars; and 29200
each application for a duplicate commercial driver's license shall 29201
be accompanied by a fee of ten dollars. In addition, the registrar 29202
of motor vehicles or deputy registrar may collect and retain an 29203
additional fee of no more than ~~two dollars and twenty-five cents~~ 29204
three dollars commencing on July 1, 2001, three dollars and 29205
twenty-five cents commencing on January 1, 2003, and three dollars 29206
and fifty cents commencing on January 1, 2004, for each 29207
application for a commercial driver's license temporary 29208
instruction permit, commercial driver's license, renewal of a 29209
commercial driver's license, or duplicate commercial driver's 29210
license received by the registrar or deputy. No fee shall be 29211
charged for the annual issuance of a waiver for farm-related 29212
service industries pursuant to section 4506.24 of the Revised 29213
Code. 29214

Each deputy registrar shall transmit the fees collected to 29215
the registrar at the time and in the manner prescribed by the 29216
registrar by rule. The registrar shall pay the fees into the state 29217
highway safety fund established in section 4501.06 of the Revised 29218
Code. 29219

(B) Information regarding the driving record of any person 29220
holding a commercial driver's license issued by this state shall 29221
be furnished by the registrar, upon request and payment of a fee 29222
of three dollars, to the employer or prospective employer of such 29223
a person and to any insurer. 29224

Sec. 4507.23. (A) Except as provided in division (H) of this 29225
section, each application for a temporary instruction permit and 29226
examination shall be accompanied by a fee of four dollars. 29227

(B) Except as provided in division (H) of this section, each 29228

Substitute Version as Presented to the Senate Finance and Financial Institutions

application for a driver's license made by a person who previously
held such a license and whose license has expired not more than
two years prior to the date of application, and who is required
under this chapter to give an actual demonstration of the person's
ability to drive, shall be accompanied by a fee of three dollars
in addition to any other fees.

(C) Except as provided in divisions (E) and (H) of this
section, each application for a driver's license, or motorcycle
operator's endorsement, or renewal of a driver's license shall be
accompanied by a fee of six dollars. Except as provided in
division (H) of this section, each application for a duplicate
driver's license shall be accompanied by a fee of two dollars and
fifty cents. The duplicate driver's licenses issued under this
section shall be distributed by the deputy registrar in accordance
with rules adopted by the registrar of motor vehicles.

(D) Except as provided in division (H) of this section, each
application for a motorized bicycle license or duplicate thereof
shall be accompanied by a fee of two dollars and fifty cents.

(E) Except as provided in division (H) of this section, each
application for a driver's license or renewal of a driver's
license that will be issued to a person who is less than
twenty-one years of age shall be accompanied by whichever of the
following fees is applicable:

(1) If the person is sixteen years of age or older, but less
than seventeen years of age, a fee of seven dollars and
twenty-five cents;

(2) If the person is seventeen years of age or older, but
less than eighteen years of age, a fee of six dollars;

(3) If the person is eighteen years of age or older, but less
than nineteen years of age, a fee of four dollars and seventy-five
cents;

Substitute Version as Presented to the Senate Finance and Financial Institutions

(4) If the person is nineteen years of age or older, but less than twenty years of age, a fee of three dollars and fifty cents;

(5) If the person is twenty years of age or older, but less than twenty-one years of age, a fee of two dollars and twenty-five cents.

(F) Neither the registrar nor any deputy registrar shall charge a fee in excess of one dollar and fifty cents for laminating a driver's license ~~or~~, motorized bicycle license, or temporary instruction permit as required by sections 4507.13 and 4511.521 of the Revised Code. A deputy registrar laminating a driver's license ~~or~~, motorized bicycle license, or temporary instruction permit shall retain the entire amount of the fee charged for lamination, less the actual cost to the registrar of the laminating materials used for that lamination, as specified in the contract executed by the bureau for the laminating materials and laminating equipment. The deputy registrar shall forward the amount of the cost of the laminating materials to the registrar for deposit as provided in this section.

(G) At the time and in the manner provided by section 4503.10 of the Revised Code, the deputy registrar shall transmit the fees collected under divisions (A), (B), (C), (D), and (E), and those portions of the fees specified in and collected under division (F) of this section to the registrar. The registrar shall pay two dollars and fifty cents of each fee collected under divisions (A), (B), (C), (D), and (E)(1) to (4) of this section, and the entire fee collected under division (E)(5) of this section, into the state highway safety fund established in section 4501.06 of the Revised Code, and such fees shall be used for the sole purpose of supporting driver licensing activities. The remaining fees collected by the registrar under this section shall be paid into the state bureau of motor vehicles fund established in section

Substitute Version as Presented to the Senate Finance and Financial Institutions

4501.25 of the Revised Code.	29292
(H) A disabled veteran who has a service-connected disability	29293
rated at one hundred per cent by the veterans' administration may	29294
apply to the registrar or a deputy registrar for the issuance to	29295
that veteran, without the payment of any fee prescribed in this	29296
section, of any of the following items:	29297
(1) A temporary instruction permit and examination;	29298
(2) A new, renewal, or duplicate driver's or commercial	29299
driver's license;	29300
(3) A motorcycle operator's endorsement;	29301
(4) A motorized bicycle license or duplicate thereof;	29302
(5) Lamination of a driver's license or motorized bicycle	29303
license as provided in division (F) of this section, if the	29304
circumstances specified in division (H)(5) of this section are	29305
met.	29306
If the driver's license or motorized bicycle license of a	29307
disabled veteran described in division (H) of this section is	29308
laminated by a deputy registrar who is acting as a deputy	29309
registrar pursuant to a contract with the registrar that is in	29310
effect on the effective date of this amendment <u>October 14, 1997</u> ,	29311
the disabled veteran shall be required to pay the deputy registrar	29312
the lamination fee provided in division (F) of this section. If	29313
the driver's license or motorized bicycle license of such a	29314
disabled veteran is laminated by a deputy registrar who is acting	29315
as a deputy registrar pursuant to a contract with the registrar	29316
that is executed after the effective date of this amendment	29317
<u>October 14, 1997</u> , the disabled veteran is not required to pay the	29318
deputy registrar the lamination fee provided in division (F) of	29319
this section.	29320
A disabled veteran whose driver's license or motorized	29321

Substitute Version as Presented to the Senate Finance and Financial Institutions

bicycle license is laminated by the registrar is not required to 29322
pay the registrar any lamination fee. 29323

An application made under division (H) of this section shall 29324
be accompanied by such documentary evidence of disability as the 29325
registrar may require by rule. 29326

Sec. 4507.24. (A) Except as provided in division (B) of this 29327
section, each deputy registrar may collect a fee not to exceed the 29328
following: 29329

(1) ~~Three dollars and twenty-five cents~~ Four dollars 29330
commencing on July 1, 2001, four dollars and twenty-five cents 29331
commencing on January 1, 2003, and four dollars and fifty cents 29332
commencing on January 1, 2004, for each application for renewal of 29333
a driver's license received by the deputy registrar, when the 29334
applicant is required to submit to a screening of the applicant's 29335
vision under section 4507.12 of the Revised Code; 29336

(2) ~~Two dollars and twenty-five cents~~ Three dollars 29337
commencing on July 1, 2001, three dollars and twenty-five cents 29338
commencing on January 1, 2003, and three dollars and fifty cents 29339
commencing on January 1, 2004, for each application for a driver's 29340
license, or motorized bicycle license, or for renewal of such a 29341
license, received by the deputy registrar, when the applicant is 29342
not required to submit to a screening of the applicant's vision 29343
under section 4507.12 of the Revised Code. 29344

(B) The fees prescribed by division (A) of this section shall 29345
be in addition to the fee for a temporary instruction permit and 29346
examination, a driver's license, a motorized bicycle license, or 29347
duplicates thereof, and shall compensate the deputy registrar for 29348
the deputy registrar's services, for office and rental expense, 29349
and for costs as provided in division (C) of this section, as are 29350
necessary for the proper discharge of the deputy registrar's 29351
duties under sections 4507.01 to 4507.39 of the Revised Code. 29352

Substitute Version as Presented to the Senate Finance and Financial Institutions

29353

A disabled veteran who has a service-connected disability
rated at one hundred per cent by the veterans' administration is
required to pay the applicable fee prescribed in division (A) of
this section if the disabled veteran submits an application for a
driver's license or motorized bicycle license or a renewal of
either of these licenses to a deputy registrar who is acting as a
deputy registrar pursuant to a contract with the registrar that is
in effect on the effective date of this amendment. The disabled
veteran also is required to submit with the disabled veteran's
application such documentary evidence of disability as the
registrar may require by rule.

29354

29355

29356

29357

29358

29359

29360

29361

29362

29363

29364

A disabled veteran who submits an application described in
this division is not required to pay either of the fees prescribed
in division (A) of this section if the disabled veteran submits
the application to a deputy registrar who is acting as a deputy
registrar pursuant to a contract with the registrar that is
executed after the effective date of this amendment. The disabled
veteran still is required to submit with the disabled veteran's
application such documentary evidence of disability as the
registrar may require by rule.

29365

29366

29367

29368

29369

29370

29371

29372

29373

A disabled veteran who submits an application described in
this division directly to the registrar is not required to pay
either of the fees prescribed in division (A) of this section if
the disabled veteran submits with the disabled veteran's
application such documentary evidence of disability as the
registrar may require by rule.

29374

29375

29376

29377

29378

29379

(C) Each deputy registrar shall transmit to the registrar of
motor vehicles, at such time and in such manner as the registrar
shall require by rule, an amount of each fee collected under
division (A)(1) of this section as shall be determined by the
registrar. The registrar shall pay all such moneys so received

29380

29381

29382

29383

29384

Substitute Version as Presented to the Senate Finance and Financial Institutions

into the state bureau of motor vehicles fund created in section 29385
4501.25 of the Revised Code. 29386

Sec. 4507.50. (A) The registrar of motor vehicles or a deputy 29387
registrar, upon receipt of an application filed in compliance with 29388
section 4507.51 of the Revised Code by any person who is a 29389
resident or a temporary resident of this state and, except as 29390
otherwise provided in this section, is not licensed as an operator 29391
of a motor vehicle in this state or another licensing 29392
jurisdiction, and, except as provided in division (B) of this 29393
section, upon receipt of a fee of three dollars and fifty cents, 29394
shall issue an identification card to that person. 29395

Any person who is a resident or temporary resident of this 29396
state whose Ohio driver's or commercial driver's license has been 29397
suspended or revoked, upon application in compliance with section 29398
4507.51 of the Revised Code and, except as provided in division 29399
(B) ~~if~~ of this section, payment of a fee of three dollars and 29400
fifty cents, may be issued a temporary identification card. The 29401
temporary identification card shall be identical to an 29402
identification card, except that it shall be printed on its face 29403
with a statement that the card is valid during the effective dates 29404
of the suspension or revocation of the cardholder's license, or 29405
until the birthday of the cardholder in the fourth year after the 29406
date on which it is issued, whichever is shorter. The cardholder 29407
shall surrender the identification card to the registrar or any 29408
deputy registrar before the cardholder's driver's or commercial 29409
driver's license is restored or reissued. 29410

Except as provided in division (B) of this section, the 29411
deputy registrar shall be allowed a fee of ~~two dollars and~~ 29412
~~twenty-five cents~~ three dollars commencing on July 1, 2001, three 29413
dollars and twenty-five cents commencing on January 1, 2003, and 29414
three dollars and fifty cents commencing on January 1, 2004, for 29415

Substitute Version as Presented to the Senate Finance and Financial Institutions

each identification card issued under this section. The fee 29416
allowed to the deputy registrar shall be in addition to the fee 29417
for issuing an identification card. 29418

Neither the registrar nor any deputy registrar shall charge a 29419
fee in excess of one dollar and fifty cents for laminating an 29420
identification card ~~or~~, temporary identification card, or 29421
temporary permit packet identification card. A deputy registrar 29422
laminating such a card shall retain the entire amount of the fee 29423
charged for lamination, less the actual cost to the registrar of 29424
the laminating materials used for that lamination, as specified in 29425
the contract executed by the bureau for the laminating materials 29426
and laminating equipment. The deputy registrar shall forward the 29427
amount of the cost of the laminating materials to the registrar 29428
for deposit as provided in this section. 29429

The fee collected for issuing an identification card under 29430
this section, except the fee allowed to the deputy registrar, 29431
shall be paid into the state treasury to the credit of the state 29432
bureau of motor vehicles fund created in section 4501.25 of the 29433
Revised Code. 29434

(B) A disabled veteran who has a service-connected disability 29435
rated at one hundred per cent by the veterans' administration may 29436
apply to the registrar or a deputy registrar for the issuance to 29437
that veteran of an identification card or a temporary 29438
identification card under this section without payment of any fee 29439
prescribed in division (A) of this section, including any 29440
lamination fee. 29441

If the identification card or temporary identification card 29442
of a disabled veteran described in this division is laminated by a 29443
deputy registrar who is acting as a deputy registrar pursuant to a 29444
contract with the registrar that is in effect on the effective 29445
date of this amendment, the disabled veteran shall pay the deputy 29446
registrar the lamination fee prescribed in division (A) of this 29447

Substitute Version as Presented to the Senate Finance and Financial Institutions

section. If the identification card or temporary identification
card is laminated by a deputy registrar who is acting as a deputy
registrar pursuant to a contract with the registrar that is
executed after ~~the effective date of this amendment~~ July 29, 1998,
the disabled veteran is not required to pay the deputy registrar
the lamination fee prescribed in division (A) of this section.

A disabled veteran whose identification card or temporary
identification card is laminated by the registrar is not required
to pay the registrar any lamination fee.

An application made under division (A) of this section shall
be accompanied by such documentary evidence of disability as the
registrar may require by rule.

Sec. 4507.52. Each identification card issued by the
registrar of motor vehicles or a deputy registrar shall display a
distinguishing number assigned to the cardholder, and shall
display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor
vehicle. It is provided solely for the purpose of establishing the
identity of the bearer described on the card, who currently is not
licensed to operate a motor vehicle in the state of Ohio."

The identification card shall display substantially the same
information as contained in the application and as described in
division (A)(1) of section 4507.51 of the Revised Code, including
the cardholder's social security number unless the cardholder
specifically requests that the cardholder's social security number
not be displayed on the card. If federal law requires the
cardholder's social security number to be displayed on the
identification card, the social security number shall be displayed
on the card notwithstanding a request to not display the number
pursuant to this section. The identification card also shall

Substitute Version as Presented to the Senate Finance and Financial Institutions

display the color photograph of the cardholder. If the cardholder
has executed a durable power of attorney for health care or a
declaration governing the use or continuation, or the withholding
or withdrawal, of life-sustaining treatment and has specified that
the cardholder wishes the identification card to indicate that the
cardholder has executed either type of instrument, the card also
shall display any symbol chosen by the registrar to indicate that
the cardholder has executed either type of instrument. The card
shall be sealed in transparent plastic or similar material and
shall be so designed as to prevent its reproduction or alteration
without ready detection.

The identification card for persons under twenty-one years of
age shall have characteristics prescribed by the registrar
distinguishing it from that issued to a person who is twenty-one
years of age or older, except that an identification card issued
to a person who applies no more than thirty days before the
applicant's twenty-first birthday shall have the characteristics
of an identification card issued to a person who is twenty-one
years of age or older.

Every identification card issued to a resident of this state
shall expire, unless canceled or surrendered earlier, on the
birthday of the cardholder in the fourth year after the date on
which it is issued. Every identification card issued to a
temporary resident shall expire in accordance with rules adopted
by the registrar and is nonrenewable, but may be replaced with a
new identification card upon the applicant's compliance with all
applicable requirements. A cardholder may renew the cardholder's
identification card within ninety days prior to the day on which
it expires by filing an application and paying the prescribed fee
in accordance with section 4507.50 of the Revised Code.

If a cardholder applies for a driver's or commercial driver's
license in this state or another licensing jurisdiction, the

Substitute Version as Presented to the Senate Finance and Financial Institutions

cardholder shall surrender the cardholder's identification card to 29511
the registrar or any deputy registrar before the license is 29512
issued. 29513

If a card is lost, destroyed, or mutilated, the person to 29514
whom the card was issued may obtain a duplicate by doing both of 29515
the following: 29516

(A) Furnishing suitable proof of the loss, destruction, or 29517
mutilation to the registrar or a deputy registrar; 29518

(B) Filing an application and presenting documentary evidence 29519
under section 4507.51 of the Revised Code. 29520

Any person who loses a card and, after obtaining a duplicate, 29521
finds the original, immediately shall surrender the original to 29522
the registrar or a deputy registrar. 29523

A cardholder may obtain a replacement identification card 29524
that reflects any change of the cardholder's name by furnishing 29525
suitable proof of the change to the registrar or a deputy 29526
registrar and surrendering the cardholder's existing card. 29527

When a cardholder applies for a duplicate or obtains a 29528
replacement identification card, the cardholder shall pay a fee of 29529
~~two dollars and fifty cents~~ three dollars commencing on July 1, 29530
2001, three dollars and twenty-five cents commencing on January 1, 29531
2003, and three dollars and fifty cents commencing on January 1, 29532
2004. A deputy registrar shall be allowed an additional fee of two 29533
dollars and twenty-five cents for issuing a duplicate or 29534
replacement identification card. A disabled veteran who is a 29535
cardholder and has a service-connected disability rated at one 29536
hundred per cent by the veterans' administration may apply to the 29537
registrar or a deputy registrar for the issuance of a duplicate or 29538
replacement identification card without payment of any fee 29539
prescribed in this section, and without payment of any lamination 29540
fee if the disabled veteran would not be required to pay a 29541

Substitute Version as Presented to the Senate Finance and Financial Institutions

lamination fee in connection with the issuance of an 29542
identification card or temporary identification card as provided 29543
in division (B) of section 4507.50 of the Revised Code. 29544

A duplicate or replacement identification card shall expire 29545
on the same date as the card it replaces. 29546

The registrar shall cancel any card upon determining that the 29547
card was obtained unlawfully, issued in error, or was altered. The 29548
registrar also shall cancel any card that is surrendered to the 29549
registrar or to a deputy registrar after the holder has obtained a 29550
duplicate, replacement, or driver's or commercial driver's 29551
license. 29552

No agent of the state or its political subdivisions shall 29553
condition the granting of any benefit, service, right, or 29554
privilege upon the possession by any person of an identification 29555
card. Nothing in this section shall preclude any publicly operated 29556
or franchised transit system from using an identification card for 29557
the purpose of granting benefits or services of the system. 29558

No person shall be required to apply for, carry, or possess 29560
an identification card. 29561

(C) Except in regard to an identification card issued to a 29562
person who applies no more than thirty days before the applicant's 29563
twenty-first birthday, neither the registrar nor any deputy 29564
registrar shall issue an identification card to a person under 29565
twenty-one years of age that does not have the characteristics 29566
prescribed by the registrar distinguishing it from the 29567
identification card issued to persons who are twenty-one years of 29568
age or older. 29569

Sec. 4511.81. (A) When any child who is in either or both of 29570
the following categories is being transported in a motor vehicle, 29571
other than a taxicab or public safety vehicle as defined in 29572

Substitute Version as Presented to the Senate Finance and Financial Institutions

section 4511.01 of the Revised Code, that is registered in this 29573
state and is required by the United States department of 29574
transportation to be equipped with seat belts at the time of 29575
manufacture or assembly, the operator of the motor vehicle shall 29576
have the child properly secured in accordance with the 29577
manufacturer's instructions in a child restraint system that meets 29578
federal motor vehicle safety standards: 29579

(1) A child who is less than four years of age; 29580

(2) A child who weighs less than forty pounds. 29581

(B) When any child who is in either or both of the following 29582
categories is being transported in a motor vehicle, other than a 29583
taxicab, that is registered in this state and is owned, leased, or 29584
otherwise under the control of a nursery school, kindergarten, or 29585
day-care center, the operator of the motor vehicle shall have the 29586
child properly secured in accordance with the manufacturer's 29587
instructions in a child restraint system that meets federal motor 29588
vehicle safety standards: 29589

(1) A child who is less than four years of age; 29590

(2) A child who weighs less than forty pounds. 29591

(C) The director of public safety shall adopt such rules as 29592
are necessary to carry out this section. 29593

(D) The failure of an operator of a motor vehicle to secure a 29594
child in a child restraint system as required by this section is 29595
not negligence imputable to the child, is not admissible as 29596
evidence in any civil action involving the rights of the child 29597
against any other person allegedly liable for injuries to the 29598
child, is not to be used as a basis for a criminal prosecution of 29599
the operator of the motor vehicle other than a prosecution for a 29600
violation of this section, and is not admissible as evidence in 29601
any criminal action involving the operator of the motor vehicle 29602
other than a prosecution for a violation of this section. 29603

Substitute Version as Presented to the Senate Finance and Financial Institutions

(E) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(F) If a person who is not a resident of this state is charged with a violation of division (A) or (B) of this section and does not prove to the court, by a preponderance of the evidence, that the person's use or nonuse of a child restraint system was in accordance with the law of the state of which the person is a resident, the court shall impose the fine levied by division (H)(2) of section 4511.99 of the Revised Code.

(G) There is hereby created in the state treasury the "child highway safety fund," consisting of fines imposed pursuant to divisions (H)(1) and (2) of section 4511.99 of the Revised Code for violations of divisions (A) and (B) of this section. The money in the fund shall be used by the department of health only to defray the cost of ~~verifying~~ designating hospitals as pediatric trauma centers under section ~~3702.161~~ 3727.081 of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems generally and the importance of their proper use. The program also shall include a process for providing child restraint systems to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and their proper use.

The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system under the department's child restraint system program; provided that rules

Substitute Version as Presented to the Senate Finance and Financial Institutions

relating to the verification of pediatric trauma centers shall not 29636
be adopted under this section. 29637

Sec. 4519.03. (A) The owner of every snowmobile, off-highway 29638
motorcycle, and all-purpose vehicle required to be registered 29639
under section 4519.02 of the Revised Code shall file an 29640
application for registration with the registrar of motor vehicles 29641
or a deputy registrar, on blanks furnished by the registrar for 29642
that purpose and containing all of the following information: 29643

(1) A brief description of the snowmobile, off-highway 29644
motorcycle, or all-purpose vehicle, including the name of the 29645
manufacturer, the factory or model number, and the vehicle 29646
identification number; 29647

(2) The name, residence, and business address of the owner; 29648

(3) A statement that the snowmobile, off-highway motorcycle, 29649
or all-purpose vehicle is equipped as required by section 4519.20 29650
of the Revised Code, and any rule adopted thereunder. The 29651
statement shall include a check list of the required equipment 29652
items in such form as the registrar shall prescribe. 29653

The application shall be signed by the owner of the 29654
snowmobile, off-highway motorcycle, or all-purpose vehicle and 29655
shall be accompanied by a fee as provided in division (C) of 29656
section 4519.04 of the Revised Code. 29657

If the application is not in proper form, or if the vehicle 29658
for which registration is sought does not appear to be equipped as 29659
required by section 4519.20 of the Revised Code or any rule 29660
adopted thereunder, the registration shall be refused and no 29661
registration sticker shall be issued. 29662

(B) On and after ~~the effective date of this amendment~~ July 1, 29663
1999, no certificate of registration or renewal of such a 29664
certificate shall be issued for an off-highway motorcycle or 29665

Substitute Version as Presented to the Senate Finance and Financial Institutions

all-purpose vehicle required to be registered under section 29666
4519.02 of the Revised Code, and no certificate of registration 29667
issued under this chapter for an off-highway motorcycle or 29668
all-purpose vehicle that is sold or otherwise transferred shall be 29669
transferred to the new owner of the off-highway motorcycle or 29670
all-purpose vehicle as permitted by division (B) of section 29671
4519.05 of the Revised Code, unless a certificate of title has 29672
been issued under this chapter for the motorcycle or vehicle, and 29673
the owner or new owner, as the case may be, presents the 29674
certificate of title or a memorandum certificate of title for 29675
inspection at the time the owner or new owner first submits a 29676
registration application, registration renewal application, or 29677
registration transfer application for the motorcycle or vehicle on 29678
or after ~~the effective date of this amendment~~ July 1, 1999. 29679

(C) When the owner of an off-highway motorcycle or 29680
all-purpose vehicle first registers it in the owner's name, and a 29681
certificate of title has been issued for the motorcycle or 29682
vehicle, the owner shall present for inspection a certificate of 29683
title or memorandum certificate of title showing title to the 29684
off-highway motorcycle or all-purpose vehicle in the name of the 29685
owner. If, when the owner of such a motorcycle or vehicle first 29686
makes application to register it in the owner's name, the 29687
application is not in proper form or if the certificate of title 29688
or memorandum certificate of title does not accompany the 29689
registration, the registration shall be refused and neither a 29690
certificate of registration nor a registration sticker shall be 29691
issued. When a certificate of registration and registration 29692
sticker are issued upon the first registration of an off-highway 29693
motorcycle or all-purpose vehicle by or on behalf of the owner, 29694
the official issuing them shall indicate the issuance with a stamp 29695
on the certificate of title or memorandum certificate of title. 29696

(D) Each deputy registrar shall be allowed a fee of ~~two~~ 29697

Substitute Version as Presented to the Senate Finance and Financial Institutions

~~dollars and twenty-five cents~~ three dollars commencing on July 1, 29698
2001, three dollars and twenty-five cents commencing on January 1, 29699
2003, and three dollars and fifty cents commencing on January 1, 29700
2004, for each application or renewal application received by the 29701
deputy registrar, which shall be for the purpose of compensating 29702
the deputy registrar for services, and office and rental expense, 29703
as may be necessary for the proper discharge of the deputy 29704
registrar's duties in the receiving of applications and the 29705
issuing of certificates of registration. 29706

Each deputy registrar, upon receipt of any application for 29707
registration, together with the registration fee, shall transmit 29708
the fee, together with the original and duplicate copy of the 29709
application, to the registrar in such manner and at such times as 29710
the registrar, subject to the approval of the director of public 29711
safety and the treasurer of state, shall prescribe by rule. 29712

Sec. 4519.10. (A) The purchaser of an off-highway motorcycle 29713
or all-purpose vehicle, upon application and proof of purchase, 29714
may obtain a temporary license placard for it. The application for 29715
such a placard shall be signed by the purchaser of the off-highway 29716
motorcycle or all-purpose vehicle. The temporary license placard 29717
shall be issued only for the applicant's use of the off-highway 29718
motorcycle or all-purpose vehicle to enable the applicant to 29719
operate it legally while proper title and a registration sticker 29720
are being obtained and shall be displayed on no other off-highway 29721
motorcycle or all-purpose vehicle. A temporary license placard 29722
issued under this section shall be in a form prescribed by the 29723
registrar of motor vehicles, shall differ in some distinctive 29724
manner from a placard issued under section 4503.182 of the Revised 29725
Code, shall be valid for a period of thirty days from the date of 29726
issuance, and shall not be transferable or renewable. The placard 29727
either shall consist of or be coated with such material as will 29728
enable it to remain legible and relatively intact despite the 29729

Substitute Version as Presented to the Senate Finance and Financial Institutions

environmental conditions to which the placard is likely to be 29730
exposed during the thirty-day period for which it is valid. The 29731
purchaser of an off-highway motorcycle or all-purpose vehicle 29732
shall attach the temporary license placard to it, in a manner 29733
prescribed by rules the registrar shall adopt, so that the placard 29734
numerals or letters are clearly visible. 29735

29736

The fee for a temporary license placard issued under this 29737
section shall be two dollars. If the placard is issued by a deputy 29738
registrar, the deputy registrar shall charge an additional fee of 29739
~~two dollars and twenty-five cents~~ three dollars commencing on July 29740
1, 2001, three dollars and twenty-five cents commencing on January 29741
1, 2003, and three dollars and fifty cents commencing on January 29742
1, 2004, which the deputy registrar shall retain. The deputy 29743
registrar shall transmit each two-dollar fee received by the 29744
deputy registrar under this section to the registrar, who shall 29745
pay the two dollars to the treasurer of state for deposit into the 29746
state bureau of motor vehicles fund established by section 4501.25 29747
of the Revised Code. 29748

(B) The registrar may issue temporary license placards to a 29749
dealer to be issued to purchasers for use on vehicles sold by the 29750
dealer, in accordance with rules prescribed by the registrar. The 29751
dealer shall notify the registrar within forty-eight hours of 29752
proof of issuance on a form prescribed by the registrar. 29753

The fee for each such placard issued by the registrar to a 29754
dealer shall be two dollars plus a fee of two dollars and 29755
twenty-five cents. 29756

Sec. 4519.56. (A) An application for a certificate of title 29757
shall be sworn to before a notary public or other officer 29758
empowered to administer oaths by the lawful owner or purchaser of 29759
the off-highway motorcycle or all-purpose vehicle and shall 29760

Substitute Version as Presented to the Senate Finance and Financial Institutions

contain at least the following information in a form and together 29761
with any other information the registrar of motor vehicles may 29762
require: 29763

(1) Name, address, and social security number or employer's 29764
tax identification number of the applicant; 29765

(2) Statement of how the off-highway motorcycle or 29766
all-purpose vehicle was acquired; 29767

(3) Name and address of the previous owner; 29768

(4) A statement of all liens, mortgages, or other 29769
encumbrances on the off-highway motorcycle or all-purpose vehicle, 29770
and the name and address of each holder thereof; 29771

(5) If there are no outstanding liens, mortgages, or other 29772
encumbrances, a statement of that fact; 29773

(6) A description of the off-highway motorcycle or 29774
all-purpose vehicle, including the make, year, series or model, if 29775
any, body type, and manufacturer's vehicle identification number. 29776

If the off-highway motorcycle or all-purpose vehicle contains 29777
a permanent identification number placed thereon by the 29778
manufacturer, this number shall be used as the vehicle 29779
identification number. Except as provided in division (B) of this 29780
section, if the application for a certificate of title refers to 29781
an off-highway motorcycle or all-purpose vehicle that contains 29782
such a permanent identification number, but for which no 29783
certificate of title has been issued previously by this state, the 29784
application shall be accompanied by a physical inspection 29785
certificate as described in that division. 29786

If there is no manufacturer's vehicle identification number 29787
or if the manufacturer's vehicle identification number has been 29788
removed or obliterated, the registrar, upon receipt of a 29789
prescribed application and proof of ownership, but prior to 29790
issuance of a certificate of title, shall assign a vehicle 29791

Substitute Version as Presented to the Senate Finance and Financial Institutions

identification number for the off-highway motorcycle or
all-purpose vehicle. This assigned vehicle identification number
shall be permanently affixed to or imprinted upon the off-highway
motorcycle or all-purpose vehicle by the state highway patrol. The
state highway patrol shall assess a fee of fifty dollars for
affixing the number to the off-highway motorcycle or all-purpose
vehicle and shall deposit each such fee in the state highway
safety fund established by section 4501.06 of the Revised Code.

(B) Except in the case of a new off-highway motorcycle or
all-purpose vehicle sold by a dealer licensed under Chapter 4517.
of the Revised Code title to which is evidenced by a
manufacturer's or importer's certificate, if the application for a
certificate of title refers to an off-highway motorcycle or
all-purpose vehicle that contains a permanent identification
number placed thereon by the manufacturer, but for which no
certificate of title previously has been issued by this state, the
application shall be accompanied by a physical inspection
certificate issued by the department of public safety verifying
the make, year, series or model, if any, body type, and
manufacturer's vehicle identification number of the off-highway
motorcycle or all-purpose vehicle for which the certificate of
title is desired. The physical inspection certificate shall be in
such form as is designated by the registrar. The physical
inspection shall be made at a deputy registrar's office or at an
established place of business operated by a licensed motor vehicle
dealer. The deputy registrar or motor vehicle dealer may charge a
maximum fee of ~~one dollar and fifty cents~~ three dollars commencing
on July 1, 2001, three dollars and twenty-five cents commencing on
January 1, 2003, and three dollars and fifty cents commencing on
January 1, 2004, for conducting the physical inspection.

The clerk of the court of common pleas shall charge a fee of
one dollar and fifty cents for the processing of each physical

Substitute Version as Presented to the Senate Finance and Financial Institutions

inspection certificate. The clerk shall retain fifty cents of the
one dollar and fifty cents so charged and shall pay the remaining
one dollar to the registrar by monthly returns, which shall be
forwarded to the registrar not later than the fifth day of the
month next succeeding that in which the certificate is received by
the clerk. The registrar shall pay such remaining sums into the
state bureau of motor vehicles fund established by section 4501.25
of the Revised Code.

Sec. 4519.69. If the application for a certificate of title
refers to an off-highway motorcycle or all-purpose vehicle last
previously registered in another state, the application shall be
accompanied by a physical inspection certificate issued by the
department of public safety verifying the make, year, series or
model, if any, body type, and manufacturer's identification number
of the off-highway motorcycle or all-purpose vehicle for which the
certificate of title is desired. The physical inspection
certificate shall be in such form as is designated by the
registrar of motor vehicles. The physical inspection of the
off-highway motorcycle or all-purpose vehicle shall be made at a
deputy registrar's office, or at an established place of business
operated by a licensed motor vehicle dealer. Additionally, the
physical inspection of a salvage off-highway motorcycle or
all-purpose vehicle owned by an insurance company may be made at
an established place of business operated by a salvage motor
vehicle dealer licensed under Chapter 4738. of the Revised Code.
The deputy registrar, the motor vehicle dealer, or the salvage
motor vehicle dealer may charge a maximum fee of ~~one dollar and
fifty cents~~ three dollars commencing on July 1, 2001, three
dollars and twenty-five cents commencing on January 1, 2003, and
three dollars and fifty cents commencing on January 1, 2004, for
conducting the physical inspection.

The clerk of the court of common pleas shall charge a fee of

Substitute Version as Presented to the Senate Finance and Financial Institutions

one dollar and fifty cents for the processing of each physical
inspection certificate. The clerk shall retain fifty cents of the
one dollar and fifty cents so charged and shall pay the remaining
one dollar to the registrar by monthly returns, which shall be
forwarded to the registrar not later than the fifth day of the
month next succeeding that in which the certificate is received by
the clerk. The registrar shall pay such remaining sums into the
state treasury to the credit of the state bureau of motor vehicles
fund established in section 4501.25 of the Revised Code.

Sec. 4701.10. (A) The accountancy board, upon application,
shall issue Ohio permits to practice public accounting to holders
of the CPA certificate of certified public accountant issued under
~~section 4701.06 or 4701.061 of the Revised Code and to persons~~
~~registered under sections 4701.07 and 4701.09 of the Revised Code~~
or the PA registration. Subject to division ~~(D)~~(H)(1) of this
section, there shall be a triennial Ohio permit fee in an amount
to be determined by the board not to exceed one hundred fifty
dollars. All Ohio permits shall expire on the last day of December
of the year assigned by the board and, subject to division
~~(D)~~(H)(1) of this section, shall be renewed triennially for a
period of three years by certificate holders and registrants in
good standing upon payment of a triennial renewal fee not to
exceed one hundred fifty dollars. ~~For the purpose of implementing~~
~~this section and enforcing section 4701.11 of the Revised Code,~~
~~the board may issue an Ohio permit for less than three years'~~
~~duration. A prorated fee shall be determined by the board for that~~
~~Ohio permit.~~

(B) The accountancy board may issue Ohio registrations to
holders of the CPA certificate and the PA registration who are not
engaged in the practice of public accounting. Such persons shall
not convey to the general public that they are actively engaged in
the practice of public accounting in this state. Subject to

Substitute Version as Presented to the Senate Finance and Financial Institutions

division (H)(1) of this section, there shall be a triennial Ohio registration fee in an amount to be determined by the board but not exceeding fifty-five dollars. All Ohio registrations shall expire on the last day of December of the year assigned by the board and, subject to division (H)(1) of this section, shall be renewed triennially for a period of three years upon payment by certificate holders and registrants in good standing of a renewal fee not to exceed fifty-five dollars.

29888
29889
29890
29891
29892
29893
29894
29895

(C) Any person who receives a CPA certificate and who applies for an initial Ohio permit or Ohio registration more than sixty days after issuance of the CPA certificate may, at the board's discretion, be subject to a late filing fee not exceeding one hundred dollars.

29896
29897
29898
29899
29900

(D) Any person to whom the board has issued an Ohio permit who is engaged in the practice of public accounting and who fails to renew the permit by the expiration date shall be subject to a late filing fee not exceeding one hundred dollars for each full month or part of a month after the expiration date in which such person did not possess a permit, up to a maximum of one thousand two hundred dollars. The board may waive or reduce the late filing fee for just cause upon receipt of a written request from such person.

29901
29902
29903
29904
29905
29906
29907
29908
29909

(E) Any person to whom the board has issued an Ohio permit or Ohio registration who is not engaged in the practice of public accounting and who fails to renew the permit or registration by the expiration date shall be subject to a late filing fee not exceeding fifty dollars for each full month or part of a month after the expiration date in which such person did not possess a permit or registration, up to a maximum of three hundred dollars. The board may waive or reduce the late filing fee for just cause upon receipt of a written request from such person.

29910
29911
29912
29913
29914
29915
29916
29917
29918

(F) Failure of any a CPA certificate holder or registrant PA

29919

Substitute Version as Presented to the Senate Finance and Financial Institutions

registration holder to apply for ~~a triennial~~ either an Ohio permit 29920
~~to practice or an Ohio registration~~ within ~~three years~~ one year 29921
from the expiration date of the Ohio permit ~~to practice or Ohio~~ 29922
registration last obtained or renewed, or ~~three years~~ one year 29923
from the date upon which the CPA certificate holder ~~or registrant~~ 29924
was granted a CPA certificate ~~or registration~~, shall result in 29925
suspension of the CPA certificate or PA registration until all 29926
fees required under divisions (D) and (E) of this section have 29927
been paid, unless the board determines the failure to have been 29928
due to excusable neglect. In that case, the ~~renewal fee or the fee~~ 29929
for the issuance or renewal of the ~~original~~ Ohio permit or Ohio 29930
registration, as the case may be, shall be the amount that the 29931
board shall determine, but not in excess of fifty dollars plus the 29932
fee for each triennial period or part of a period the certificate 29933
holder or registrant did not have either an Ohio permit or an Ohio 29934
registration. 29935

~~(B) All certificate holders and registrants who are not in~~ 29936
~~the practice of public accounting in this state shall register~~ 29937
~~with the board every three years at a fee, not to exceed~~ 29938
~~fifty-five dollars, established by the board. Such persons shall~~ 29939
~~not convey to the general public that they are actively engaged in~~ 29940
~~the practice of public accounting in this state.~~ 29941

~~(C)(G)~~ The board ~~shall suspend the certificate or~~ 29942
~~registration of any person failing to obtain an Ohio permit in~~ 29943
~~accordance with this section, except that the board by rule may~~ 29944
exempt persons from the requirement of holding an Ohio permit or 29945
Ohio registration for specified reasons, including, but not 29946
limited to, retirement, health reasons, military service, foreign 29947
residency, or other just cause. 29948

~~(D)(H)(1) On and after January 1, 1995, the~~ The board, by 29949
rule ~~adopted in accordance with Chapter 119. of the Revised Code,~~ 29950
~~shall increase:~~ 29951

Substitute Version as Presented to the Senate Finance and Financial Institutions

(a) May provide for the issuance of Ohio permits and Ohio registrations for less than three years' duration at prorated fees; 29952
29953
29954

(b) Shall add a surcharge to the ~~triennial~~ Ohio permit and renewal Ohio registration fee imposed pursuant to this section by of at least fifteen dollars but no more than thirty dollars for a three-year Ohio permit or Ohio registration, at least ten dollars but no more than twenty dollars for a two-year Ohio permit or Ohio registration, and at least five dollars but no more than ten dollars for a one-year Ohio permit or Ohio registration. 29955
29956
29957
29958
29959
29960
29961

(2) ~~Beginning with the first quarter of 1995 and each~~ Each 29962
quarter thereafter, the board, for the purpose provided in section 29963
4743.05 of the Revised Code, shall certify to the director of 29964
budget and management the number of ~~triennial~~ Ohio permits and 29965
Ohio registrations issued or renewed under this chapter during the 29966
preceding quarter and the amount equal to that number times the 29967
amount ~~by which~~ of the ~~triennial~~ surcharge added to each Ohio 29968
permit and ~~renewal~~ Ohio registration fee ~~is increased~~ by the board 29969
under division ~~(D)~~(H)(1) of this section. 29970

Sec. 4701.16. (A) After notice and hearing as provided in 29971
Chapter 119. of the Revised Code, the accountancy board may 29972
discipline as described in division (B) of this section a person 29973
holding an Ohio permit, an Ohio registration, a firm registration, 29974
a CPA certificate, or a PA registration or any other person whose 29975
activities are regulated by the board for any one or any 29976
combination of the following causes: 29977

(1) Fraud or deceit in obtaining a firm registration or in 29978
obtaining a CPA certificate, a PA registration, an Ohio permit, or 29979
an Ohio registration; 29980

(2) Dishonesty, fraud, or gross negligence in the practice of 29981
public accounting; 29982

Substitute Version as Presented to the Senate Finance and Financial Institutions

(3) Violation of any of the provisions of section 4701.14 of the Revised Code;	29983 29984
(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter;	29985 29986
(5) Conviction of a felony under the laws of any state or of the United States;	29987 29988
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	29989 29990 29991
(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;	29992 29993 29994 29995 29996
(8) Suspension or revocation of the right to practice before any state or federal agency;	29997 29998
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	29999 30000 30001 30002
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	30003 30004 30005
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	30006 30007
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	30008 30009
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	30010 30011 30012

Substitute Version as Presented to the Senate Finance and Financial Institutions

(2) Disqualify a person who is not a holder of an Ohio permit	30013
or a foreign certificate from owning an equity interest in a	30014
public accounting firm or qualified firm;	30015
(3) Publicly censure a registered firm or a holder of a CPA	30016
certificate, a PA registration, an Ohio permit, or an Ohio	30017
registration;	30018
(4) Levy against a registered firm or a holder of a CPA	30019
certificate, a PA registration, an Ohio permit, or an Ohio	30020
registration a penalty or fine not to exceed one <u>five</u> thousand	30021
dollars for each offense. Any fine shall be reasonable and in	30022
relation to the severity of the offense.	30023
(5) In the case of violations of division (A)(2) or (4) of	30024
this section, require completion of remedial continuing education	30025
programs prescribed by the board in addition to those required by	30026
section 4701.11 of the Revised Code;	30027
(6) In the case of violations of division (A)(2) or (4) of	30028
this section, require the holder of a CPA certificate, PA	30029
registration, or firm registration to submit to a peer review by a	30030
professional committee designated by the board, which committee	30031
shall report to the board concerning that holder's compliance with	30032
generally accepted accounting principles, generally accepted	30033
auditing standards, or other generally accepted technical	30034
standards;	30035
(7) Revoke or suspend the privileges to offer or render	30036
attest services in this state or to use a CPA title or designation	30037
in this state of an individual who holds a foreign certificate.	30038
(C) If the board levies a fine against or suspends the	30039
certificate of a person or registration of a person or firm for a	30040
violation of division (A)(2) or (4) of this section, it may waive	30041
all or any portion of the fine or suspension if the holder of the	30042
CPA certificate, PA registration, or firm registration complies	30043

Substitute Version as Presented to the Senate Finance and Financial Institutions

fully with division (B)(5) or (6) of this section. 30044

Sec. 4707.01. As used in sections 4707.01 to 4707.22 and 30045
4707.99 of the Revised Code: 30046

(A) "Auction" means a sale of real or personal property, 30047
goods, or chattels by means of verbal exchange or physical gesture 30048
between an auctioneer or apprentice auctioneer and members of ~~his~~ 30049
the audience, the exchanges and gestures consisting of a series of 30050
invitations for offers made by the auctioneer and offers by 30051
members of the audience, with the right to acceptance of offers 30052
with the auctioneer or apprentice auctioneer. 30053

(B) "Auctioneer" means any person who engages, or who by 30054
advertising or otherwise holds ~~himself~~ self out as being able to 30055
engage, in the calling for, recognition of, and the acceptance of, 30056
offers for the purchase of real or personal property, goods, or 30057
chattels at auction either directly or through the use of other 30058
licensed auctioneers or apprentice auctioneers. 30059

(C) "Apprentice auctioneer" means any individual who is 30060
sponsored by an auctioneer to deal or engage in any activities 30061
mentioned in division (A) of this section. 30062

(D) "Auction company" means any person, excluding licensed 30063
auctioneers, who does business solely in ~~his~~ the auctioneer's 30064
individual name, who sells, either directly or through agents, 30065
real or personal property, goods, or chattels at auction, or who 30066
arranges, sponsors, manages, conducts, or advertises auctions and 30067
who was licensed as an auction company by the department of 30068
~~commerce~~ agriculture as of May 1, 1991. An auction company does 30069
not mean either of the following: 30070

(1) A sale barn or livestock auction market that is used 30071
exclusively for the auctioneering of livestock and is licensed by 30072
the department of agriculture under Chapter 943. of the Revised 30073

Substitute Version as Presented to the Senate Finance and Financial Institutions

Code;	30074
(2) A business that is licensed by the bureau of motor	30075
vehicles under Chapter 4517. of the Revised Code and is	30076
exclusively engaged in the auction sale of motor vehicles to	30077
dealers licensed by either the bureau of motor vehicles or a	30078
bureau of motor vehicles of another jurisdiction or its	30079
equivalent.	30080
(E) "Special auctioneer" means any person who is licensed as	30081
an auction company by the department of commerce <u>agriculture</u> as of	30082
May 1, 1991, and currently is subject to section 4707.071 of the	30083
Revised Code.	30084
Sec. 4707.011. The department of commerce <u>agriculture</u> shall	30085
administer this chapter through the division of real estate and	30086
professional licensing and the superintendent of real estate and	30087
professional licensing.	30088
Sec. 4707.02. No person shall act as an auctioneer,	30089
apprentice auctioneer, or special auctioneer within this state	30090
without a license issued by the department of commerce	30091
<u>agriculture</u> . No auction shall be conducted in this state except by	30092
an auctioneer licensed by the department.	30093
The department shall not issue or renew a license if the	30094
applicant or licensee has been convicted of a felony or crime	30095
involving fraud in this or another state at any time during the	30096
ten years immediately preceding application or renewal.	30097
This section does not apply to:	30098
(A) Sales at auction conducted by or under the direction of	30099
any public authority, or sales required by law to be at auction	30100
other than sales pursuant to a judicial order or decree;	30101
(B) The owner of any real or personal property desiring to	30102

Substitute Version as Presented to the Senate Finance and Financial Institutions

sell the property at auction, provided that the property was not
acquired for the purpose of resale.

30103
30104

Sec. 4707.03. A state auctioneers commission shall be created
within the department of ~~commerce~~ agriculture as follows:

30105
30106

(A) The governor, with the advice and consent of the senate,
shall appoint a commission consisting of three members, each of
whom immediately prior to the date of ~~his~~ appointment has been a
resident of this state for five years, and whose vocation for a
period of at least five years has been that of an auctioneer.
Terms of office shall be for three years, commencing on the tenth
day of October and ending on the ninth day of October. Each member
shall hold office from the date of ~~his~~ appointment until the end
of the term for which ~~he was~~ appointed. Any member appointed to
fill a vacancy occurring prior to the expiration of the term for
which ~~his~~ 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 ~~his~~ the member's term
until ~~his~~ the member's successor takes office, or until a period
of sixty days has elapsed, whichever occurs first.

30107
30108
30109
30110
30111
30112
30113
30114
30115
30116
30117
30118
30119
30120
30121
30122

(B) At no time shall there be more than two members of the
same political party serving on the commission.

30123
30124

Sec. 4707.04. (A) The state auctioneers commission shall,
upon qualification of the member appointed in each year, select
from its members a ~~chairman~~ chairperson, and shall serve in an
advisory capacity to the department of ~~commerce~~ agriculture for
the purpose of carrying out sections 4707.01 to 4707.22 of the
Revised Code. The commission shall meet not less than four times
annually.

30125
30126
30127
30128
30129
30130
30131

(B) Each commissioner shall receive ~~his~~ the commissioner's

30132

Substitute Version as Presented to the Senate Finance and Financial Institutions

actual and necessary expenses incurred in the discharge of such 30133
duties. 30134

Sec. 4707.05. All fees and charges collected by the 30135
department of ~~commerce~~ agriculture pursuant to this chapter shall 30136
be paid into the state treasury to the credit of the auctioneers 30137
fund, which is hereby created. All expenses incurred by the 30138
department in administering this chapter shall be paid out of the 30139
fund. The total expenses incurred by the department in the 30140
administration of this chapter shall not exceed the total fees, 30141
charges, fines, and penalties imposed under sections 4707.08, 30142
4707.10, and 4707.99 of the Revised Code and paid to the treasurer 30143
of state. The department may conduct education programs for the 30144
enlightenment and benefit of all auctioneers who have paid fees 30145
pursuant to sections 4707.08 and 4707.10 of the Revised Code. 30146

Out of the moneys credited pursuant to this section, the fund 30147
shall be assessed a proportionate share of the administrative 30148
costs of the department in accordance with procedures prescribed 30149
by the director of ~~commerce~~ agriculture and approved by the 30150
director of budget and management. The assessment shall be paid 30151
from the auctioneers fund to the division of administration fund. 30152

Sec. 4707.06. The department of ~~commerce~~ agriculture shall 30153
maintain a record of the names and addresses of all auctioneers 30154
and apprentice auctioneers, and special auctioneers licensed by 30155
the department. This record shall also include a list of all 30156
persons whose licenses have been suspended or revoked, as well as 30157
any other information relative to the enforcement of sections 30158
4707.01 to 4707.22 of the Revised Code, as the department may deem 30159
of interest to the public. 30160

Sec. 4707.07. (A) The department of ~~commerce~~ agriculture may 30161
grant auctioneers' licenses to those persons deemed qualified by 30162

Substitute Version as Presented to the Senate Finance and Financial Institutions

the department. Each person who applies for an auctioneer's license shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

- (1) Has a good reputation;
- (2) Is of trustworthy character;
- (3) Has attained the age of at least eighteen years;
- (4) Has done one of the following:
 - (a) Met the apprenticeship requirements set forth in section 4707.09 of the Revised Code;
 - (b) Met the requirements of section 4707.12 of the Revised Code.
- (5) Has a general knowledge of the following:
 - (a) The requirements of the Revised Code relative to auctioneers;
 - (b) The auction profession;
 - (c) The principles involved in conducting an auction.

(B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section 4707.08 of the Revised Code.

(C) The department may issue an auctioneer's license to a partnership, association, or corporation if all the partners, members, or officers thereof who are authorized to perform the functions of an auctioneer as agents of the applicant are themselves licensed as auctioneers under this chapter.

An application for an auctioneer's license filed by a partnership or association shall contain a listing of the names of all of the licensed partners, members, or other persons who are authorized to perform the functions of an auctioneer as agents of

Substitute Version as Presented to the Senate Finance and Financial Institutions

the applicant. An application filed by a corporation shall contain
the names of its president and of each of its licensed officers
and any other person who is authorized to perform the functions of
an auctioneer as an agent of the applicant.

(D) A licensee may do business under more than one registered
name if the names have been approved by the department. The
department may reject the application of any person seeking
licensure under this chapter if the name or names to be used by
the applicant are likely to mislead the public, or if the name or
names do not distinguish the applicant from the name or names of
any existing person licensed under this chapter. If an applicant
applies to the department to do business under more than two
names, the department may charge a fee of ten dollars for the
third name and each additional name.

Sec. 4707.071. (A) On May 1, 1991, all persons licensed as
auction companies under former section 4707.071 of the Revised
Code shall comply with all provisions of this chapter that are
applicable to auctioneers except as provided in divisions (B) and
(C) of this section. Such persons, however, do not have to serve
an apprenticeship or attend a course of study under section
4707.09 of the Revised Code or submit to an examination under
section 4707.08 of the Revised Code as long as they do not engage
in the calling for, recognition of, and the acceptance of, offers
for the purchase of personal property at auction and do not
conduct auctions at any location other than the definite place of
business required in section 4707.14 of the Revised Code.

(B) The principal owner of each auction company which is
licensed as of May 1, 1991, who pays the annual renewal fee
specified in division (A) of section 4707.10 of the Revised Code
during the first renewal period following May 1, 1991, shall be
issued a special auctioneer's license, for the sale of personal

Substitute Version as Presented to the Senate Finance and Financial Institutions

property subject to division (A) of this section. Each principal
owner shall apply for an annual license. In applying for an annual
license, each person licensed as an auction company on May 1,
1991, shall designate an individual as principal owner by
submitting documentation substantiating that the individual is in
fact the principal owner and shall identify a definite place of
business as required in section 4707.14 of the Revised Code. A
person licensed as an auctioneer shall not be entitled to a
special auctioneer's license.

(C) A special auctioneer's license issued under this section
to the principal owner of a former auction company does not
entitle the principal owner or former auction company to conduct
auctions at any location other than the definite place of business
required in section 4707.14 of the Revised Code. Notwithstanding
section 4707.10 of the Revised Code, the department of agriculture
shall not issue a new special auctioneer's license if the definite
place of business identified by the licensee in the licensee's
initial application for a special auctioneer license has changed
or if the name under which the licensee is doing business has
changed. No person other than an owner, officer, member, or agent
of the former auction company who personally has ~~himself~~ passed
the examination prescribed in section 4707.08 of the Revised Code
and been licensed as an auctioneer shall engage in the calling
for, recognition of, and the acceptance of, offers for the
purchase of real or personal property, goods, or chattels at
auction in connection with a former auction company that has been
issued a special auctioneer's license.

(D) A person licensed as a special auctioneer shall not
engage in the sale of real property at auction.

Sec. 4707.072. The department of ~~commerce~~ agriculture may
grant one-auction licenses to any nonresident person deemed

Substitute Version as Presented to the Senate Finance and Financial Institutions

qualified by the department. Any person who applies for a 30254
one-auction license shall attest, on forms provided by the 30255
department, and furnish to the department, satisfactory proof that 30256
the license applicant or any auctioneer affiliated with the 30257
applicant meets the following requirements: 30258

(A) Has a good reputation; 30259

(B) Is of trustworthy character; 30260

(C) Has attained the age of at least eighteen years; 30261

(D) Has a general knowledge of the requirements of the 30262
Revised Code relative to auctioneers, the auction profession, and 30263
the principles involved in conducting an auction; 30264

(E) Has two years of professional auctioneering experience 30265
immediately preceding the date of application and the experience 30266
includes the personal conduct by the applicant of at least twelve 30267
auction sales in any state, or has met the requirements of section 30268
4707.12 of the Revised Code; 30269

(F) Has paid a fee of one hundred dollars, which shall be 30270
credited to the auctioneers fund; 30271

(G) Has provided proof of the bond required under section 30272
4707.11 of the Revised Code. 30273

Sec. 4707.08. (A) The department of ~~commerce~~ agriculture 30274
shall hold written examinations four times each year for the 30275
purpose of testing the qualifications required for obtaining a 30276
license under section 4707.07 of the Revised Code and twelve times 30277
each year for obtaining a license under section 4707.09 of the 30278
Revised Code. In addition to the written examination, auctioneer 30279
license applicants shall pass an oral examination administered by 30280
the state auctioneers commission on the same date and at the same 30281
location as the written examination. An examination shall not be 30282
required for the renewal of any license unless such license has 30283

Substitute Version as Presented to the Senate Finance and Financial Institutions

been revoked, suspended, or allowed to expire without renewal, in 30284
which case the applicant shall take and pass the appropriate 30285
examinations offered by the department. 30286

An examination fee of twenty-five dollars shall be collected 30287
from each person taking the auctioneer examination and fifteen 30288
dollars from each person taking the apprentice auctioneer 30289
examination to defray expenses of holding such examinations. 30290

(B) All applications and proofs must be filed by each 30291
applicant before the scheduled date of examination, and must be 30292
accompanied by a bond and license fee. 30293

Sec. 4707.09. The department of ~~commerce~~ agriculture may 30294
grant apprentice auctioneers' licenses to those persons deemed 30295
qualified by the department. Every applicant for an apprentice 30296
auctioneer's license must pass an examination relating to the 30297
skills, knowledge, and statutes and regulations governing 30298
auctioneers. Every applicant for an apprentice auctioneer's 30299
license shall furnish to the department, on forms provided by the 30300
department, satisfactory proof that the applicant: 30301

(A) Has a good reputation; 30302

(B) Is of trustworthy character; 30303

(C) Has attained the age of at least eighteen years; 30304

(D) Has obtained a written promise of a licensed auctioneer 30305
to sponsor the applicant during ~~his~~ the applicant's 30306
apprenticeship. 30307

Before an apprentice may take the auctioneer's license 30308
examination, ~~he~~ the apprentice shall serve an apprenticeship of at 30309
least twelve months, successfully complete a course of study in 30310
auctioneering at an institution that is approved every three years 30311
by the state auctioneers commission, and conduct, as a bid caller, 30312
at least twelve auction sales under the direct supervision of the 30313

Substitute Version as Presented to the Senate Finance and Financial Institutions

sponsoring licensed auctioneer, which sales shall be certified by 30314
the licensed auctioneer on the apprentice's application for an 30315
auctioneer's license. 30316

If an auctioneer intends to terminate ~~his~~ sponsorship of an 30317
apprentice auctioneer, the sponsoring auctioneer shall notify the 30318
apprentice auctioneer of ~~his~~ the sponsoring auctioneer's intention 30319
by certified mail, return receipt requested, at least ten days 30320
prior to the effective date of termination and, at the same time, 30321
shall deliver or mail by certified mail to the department of 30322
~~commerce~~ agriculture a copy of the termination notice and the 30323
license of the apprentice auctioneer. No apprentice auctioneer 30324
shall perform any acts under authority of ~~his~~ the apprentice's 30325
license after the effective date of the termination until ~~he~~ the 30326
apprentice receives a new license bearing the name and address of 30327
~~his~~ the apprentice's new sponsor. No more than one license shall 30328
be issued to any apprentice auctioneer for the same period of 30329
time. 30330

No licensed auctioneer shall have under ~~his~~ the licensed 30331
auctioneer's sponsorship more than two apprentice auctioneers at 30332
one time. 30333

An apprentice auctioneer may terminate ~~his~~ the apprentice's 30334
sponsorship with an auctioneer by notifying the auctioneer of ~~his~~ 30335
the apprentice's intention by certified mail, return receipt 30336
requested, at least ten days prior to the effective date of 30337
termination. At the same time, ~~he~~ the apprentice shall deliver or 30338
mail by certified mail to the department of ~~commerce~~ agriculture a 30339
copy of the termination notice. Upon receiving the termination 30340
notice, the sponsoring auctioneer shall promptly deliver or mail 30341
by certified mail to the department the license of the apprentice 30342
auctioneer. 30343

The termination of a sponsorship, regardless of who initiates 30344
the termination, shall not be cause for an apprentice auctioneer 30345

Substitute Version as Presented to the Senate Finance and Financial Institutions

to lose credit for any certified sales ~~he~~ the apprentice conducted 30346
or apprenticeship time ~~he~~ the apprentice served under the direct 30347
supervision of the former sponsor. 30348

Sec. 4707.10. (A) The fee for each auctioneer's, apprentice 30349
auctioneer's, or special auctioneer's license issued by the 30350
department of ~~commerce~~ agriculture is one hundred dollars, and the 30351
annual renewal fee for any such license is one hundred dollars. 30352
All licenses expire annually on the last day of June of each year 30353
and shall be renewed according to the standard renewal procedures 30354
of Chapter 4745. of the Revised Code, or the procedures of this 30355
section. Any licensee under this chapter who wishes to renew ~~his~~ 30356
the licensee's license but fails to do so before the first day of 30357
July shall reapply for licensure in the same manner and pursuant 30358
to the same requirements as for initial licensure, unless before 30359
the first day of September of the year of expiration, the former 30360
licensee pays to the department, in addition to the regular 30361
renewal fee, a late renewal penalty of one hundred dollars. 30362

(B) Any person who fails to renew ~~his~~ the person's license 30363
before the first day of July is prohibited from engaging in any 30364
activity specified or comprehended in section 4707.01 of the 30365
Revised Code until such time as ~~his~~ the person's license is 30366
renewed or a new license is issued. Renewal of a license between 30367
the first day of July and the first day of September does not 30368
relieve any person from complying with this division. The 30369
department may refuse to renew the license of or issue a new 30370
license to any person who violates this division. 30371

(C) The department shall prepare and deliver to each licensee 30372
a permanent license certificate and an annual renewal card, the 30373
appropriate portion of which shall be carried on the person of the 30374
licensee at all times when engaged in any type of auction 30375
activity, and part of which shall be posted with the permanent 30376

Substitute Version as Presented to the Senate Finance and Financial Institutions

certificate in a conspicuous location at the licensee's place of
business. 30377
30378

(D) Notice in writing shall be given to the department by 30379
each auctioneer or apprentice auctioneer licensee of any change of 30380
principal business location or any change or addition to the name 30381
or names under which business is conducted, whereupon the 30382
department shall issue a new license for the unexpired period. Any 30383
change of business location or change or addition of names without 30384
notification to the department shall automatically cancel any 30385
license previously issued. For each new auctioneer or apprentice 30386
auctioneer license issued upon the occasion of a change in 30387
business location or a change in or an addition of names under 30388
which business is conducted, the department may collect a fee of 30389
ten dollars for each change in location, or name or each added 30390
name unless the notification of the change occurs concurrently 30391
with the renewal application. 30392

Sec. 4707.11. Each application for an auctioneer's, 30393
apprentice auctioneer's, or auction company license shall be 30394
accompanied by a bond in the sum of ten thousand dollars, except 30395
that: 30396

(A) An individual licensed as an auctioneer under this 30397
chapter that applies for an auction company license shall not be 30398
required to file a bond for the auction company license if the 30399
applicant has filed a bond in connection with the auctioneer's 30400
license. 30401

(B) A partnership, association, or corporation that applies 30402
for an auction company license shall file a blanket bond in the 30403
name of such partnership, association, or corporation in an amount 30404
equal to ten thousand dollars times the number of members, 30405
employees, or officers thereof who are authorized to perform the 30406
functions of an auctioneer as agents of the applicant. The maximum 30407

Substitute Version as Presented to the Senate Finance and Financial Institutions

total amount payable under such blanket bond for a failure of each 30408
such individual member or officer of the applicant to conduct 30409
business in accordance with sections 4707.01 to 4707.22 of the 30410
Revised Code shall be ten thousand dollars. 30411

(C) A licensed auctioneer member, employee, or officer of a 30412
partnership, association, or corporation licensed as an auction 30413
company under this chapter shall not be required to file a bond in 30414
~~his~~ the licensee's own name in connection with ~~his~~ the 30415
auctioneer's license; except that if such auctioneer acts at any 30416
time in any auction capacity other than as an agent for such 30417
auction company, the auctioneer must file an individual bond, as 30418
set forth in this section. The bond may be either a cash bond or a 30419
surety bond and, if a surety bond, it shall be executed by a 30420
surety company authorized to do business in this state. Such 30421
surety bond shall be made to the department of agriculture and the 30422
bond shall be conditioned that the applicant shall conduct ~~his~~ the 30423
applicant's business in accordance with sections 4707.01 to 30424
4707.22 of the Revised Code. All bonds shall be in a form approved 30425
by the department. 30426

The department shall not issue an auctioneer's, apprentice 30427
auctioneer's, or auction company license until bond has been filed 30428
in accordance with this section. 30429

Sec. 4707.111. The state, through the department of ~~commerce~~ 30430
agriculture and in accordance with this chapter, shall solely 30431
regulate auctioneers and the conduct of auction sales. 30432

By enactment of this chapter, it is the intent of the general 30433
assembly to preempt municipal corporations and other political 30434
subdivisions from the regulation and licensing of auctioneers and 30435
auction sales. 30436

At least twenty-four hours prior to an auction, the person 30437
licensed under this chapter to conduct the auction shall notify 30438

Substitute Version as Presented to the Senate Finance and Financial Institutions

the chief of police of the municipal corporation in which the
auction site is located, or if the site is in the unincorporated
area of a county, the county sheriff as to the location and time
of the auction and give to that officer a general description of
the items offered for sale.

Sec. 4707.12. A nonresident may operate as an auctioneer,
apprentice auctioneer, or special auctioneer within the state by
conforming to this chapter.

The department of ~~commerce~~ agriculture may, within its
discretion, waive the testing and schooling requirements for a
nonresident, provided ~~he~~ the nonresident holds a valid auctioneer
or apprentice auctioneer license issued by a state with which the
department has entered into a reciprocal licensing agreement.
Nonresidents wishing to so operate in this state shall make
application in writing to the department and furnish the
department with proof of their ability to conduct an auction,
proof of license and bond if they reside in a state with these
requirements, as well as other information which the department
may request.

This section does not apply to nonresident auctioneers who
reside in states under the laws of which similar recognition and
courtesies are not extended to licensed auctioneers of this state.

Sec. 4707.13. Any nonresident who applies for permission to
operate as an auctioneer within this state shall file an
irrevocable consent with the department of ~~commerce~~ agriculture
that suits and actions may be commenced against such applicant in
any court of competent jurisdiction within this state by service
of process upon the secretary of state. Said consent shall agree

Substitute Version as Presented to the Senate Finance and Financial Institutions

that the service of such process shall be held in all courts to be 30467
valid and binding as if service had been made upon the applicant 30468
within this state. 30469

Sec. 4707.15. The department of ~~commerce~~ agriculture may 30470
suspend or revoke the license of any auctioneer, apprentice 30471
auctioneer, or special auctioneer for any of the following causes: 30472

(A) Obtaining a license through false or fraudulent 30473
representation; 30474

(B) Making any substantial misrepresentation in an 30475
application for an auctioneer's, apprentice auctioneer's, or 30476
special auctioneer's license; 30477

(C) A continued course of misrepresentation or for making 30478
false promises through agents, advertising, or otherwise; 30479

(D) Failing to account for or remit, within a reasonable 30480
time, any money belonging to others that comes into ~~his~~ the 30481
licensee's possession, and for commingling funds of others with 30482
~~his~~ the licensee's own, or failing to keep such funds of others in 30483
an escrow or trustee account, except that in the case of a 30484
transaction involving real estate, such funds shall be maintained 30485
in accordance with division (A)(26) of section 4735.18 of the 30486
Revised Code; 30487

(E) Paying valuable consideration to any person who has 30488
violated this chapter; 30489

(F) Conviction in a court of competent jurisdiction of this 30490
state or any other state of a criminal offense involving fraud or 30491
a felony; 30492

(G) Violation of this chapter; 30493

(H) Failure to furnish voluntarily at the time of execution, 30494
copies of all written instruments prepared by the auctioneer; 30495

Substitute Version as Presented to the Senate Finance and Financial Institutions

(I) Any conduct of an auctioneer which demonstrates bad faith, dishonesty, incompetency, or untruthfulness;	30496
	30497
(J) Any other conduct that constitutes improper, fraudulent, or dishonest dealings;	30498
	30499
(K) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which such licensee received the property for sale;	30500
	30501
	30502
	30503
(L) The use of any power of attorney to circumvent this chapter;	30504
	30505
(M) Failure to display a notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the sale, the name of the auctioneer or special auctioneer conducting the sale, and that the auctioneer or special auctioneer is licensed by the department of commerce <u>agriculture</u> and has filed a bond;	30506
	30507
	30508
	30509
	30510
	30511
(N) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;	30512
	30513
(O) Acting in the capacity of an auctioneer, whether for valuable consideration or not, for any special auctioneer that is not licensed under this chapter.	30514
	30515
	30516
Sec. 4707.152. In lieu of suspending or revoking a license under section 4707.15 of the Revised Code, the department of commerce <u>agriculture</u> may issue a written reprimand to any licensee who violates any provision of this chapter.	30517
	30518
	30519
	30520
Sec. 4707.16. (A) The department of commerce <u>agriculture</u> may, upon its own motion, and shall upon the verified written complaint of any person, investigate the actions of any auctioneer, apprentice auctioneer, or special auctioneer, any applicant for an	30521
	30522
	30523
	30524

Substitute Version as Presented to the Senate Finance and Financial Institutions

auctioneer's, apprentice auctioneer's, or special auctioneer's 30525
license, or any person who assumes to act in that capacity, if the 30526
complaint, together with other evidence presented in connection 30527
with it, makes out a prima-facie case. 30528

If the department determines that any such applicant is not 30529
entitled to receive a license, a license shall not be granted to 30530
such applicant, and if the department determines that any licensee 30531
is guilty of a violation of section 4707.14 or 4707.15 of the 30532
Revised Code, the department may suspend or revoke the license. 30533
Any auctioneer, apprentice auctioneer, or special auctioneer who 30534
has had ~~his~~ the auctioneer's, apprentice auctioneer's, or special 30535
auctioneer's license revoked shall not be issued another such 30536
license for a period of two years from the date of revocation. 30537

(B) The department ~~of commerce~~ may investigate complaints 30538
concerning the violation of sections 4707.02 and 4707.15 of the 30539
Revised Code and may subpoena witnesses in connection with such 30540
investigations as provided in this section. The department may 30541
make application to the court of common pleas for an order 30542
enjoining the violation of sections 4707.02 and 4707.15 of the 30543
Revised Code, and upon a showing by the department that any 30544
licensed auctioneer, apprentice auctioneer, or special auctioneer 30545
has violated or is about to violate section 4707.15 of the Revised 30546
Code, or any person has violated or is about to violate section 30547
4707.02 of the Revised Code, an injunction, restraining order, or 30548
other order as may be appropriate shall be granted by the court. 30549

(C) The department ~~of commerce~~ may compel by subpoena the 30550
attendance of witnesses to testify in relation to any matter over 30551
which it has jurisdiction and which is the subject of inquiry and 30552
investigation by it, and require the production of any book, 30553
paper, or document pertaining to such matter. In case any person 30554
fails to file any statement or report, obey any subpoena, give 30555
testimony, or produce any books, records, or papers as required by 30556

Substitute Version as Presented to the Senate Finance and Financial Institutions

such a subpoena, the court of common pleas of any county in the 30557
state, upon application made to it by the department, shall compel 30558
obedience by attachment proceedings for contempt, as in the case 30559
of disobedience of the requirements of a subpoena issued from such 30560
court, or a refusal to testify therein. 30561

(D) When the department determines that a person not licensed 30562
under this chapter is engaged in or is believed to be engaged in 30563
activities for which a license is required under this chapter, the 30564
department may issue an order to that person requiring ~~him~~ the 30565
person to show cause as to why ~~he~~ the person should not be subject 30566
to licensing under this chapter. If the department, after a 30567
hearing, determines that the activities in which the person is 30568
engaged are subject to licensing under this chapter, the 30569
department may issue a cease-and-desist order which shall describe 30570
the person and activities which are subject to the order. A 30571
cease-and-desist order issued under this section shall be 30572
enforceable in and may be appealed to the common pleas courts of 30573
this state under Chapter 119. of the Revised Code. 30574

Sec. 4707.19. The department of ~~commerce~~ agriculture may make 30575
reasonable rules necessary for the implementation of the 30576
provisions of this chapter pursuant to Chapter 119. of the Revised 30577
Code. The department may hear testimony in matters relating to the 30578
duties imposed on it, and any person authorized by the director of 30579
~~commerce~~ agriculture may administer oaths. The department may 30580
require other proof of the honesty, truthfulness, and good 30581
reputation of any person named in the application for an 30582
auctioneer's, apprentice auctioneer's, or special auctioneer's 30583
license before admitting the applicant to an examination or 30584
issuing a license. 30585

Sec. 4707.20. (A) No person shall act as an auctioneer or 30586
special auctioneer on a sale at auction until the person has first 30587

Substitute Version as Presented to the Senate Finance and Financial Institutions

entered into a written contract or agreement in duplicate with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee receives or accepts the property for sale at auction. The contracts or agreements shall, for a period of two years, be kept on file in the office of every person so licensed. No apprentice auctioneer shall be authorized to enter into such contract or agreement without the written consent of the apprentice auctioneer's sponsoring auctioneer and all contracts or agreements shall be made in the name of and on behalf of the sponsoring auctioneer.

(B) On all contracts or agreements between an auctioneer or special auctioneer and the owner or consignee, there shall appear a prominent statement indicating that the auctioneer or special auctioneer is licensed by the department of ~~commerce~~ agriculture, and is bonded in favor of the state.

(C) The auctioneer or special auctioneer who contracts with the owner is liable for the settlement of all money received, including the payment of all expenses incurred only by the licensee and the distribution of all funds, in connection with an auction.

Sec. 4707.21. No auctioneer, apprentice auctioneer, or special auctioneer shall willfully neglect or refuse to furnish the department of ~~commerce~~ agriculture statistics or other information in ~~his~~ the auctioneer's, apprentice auctioneer's, or special auctioneer's possession or under ~~his~~ the auctioneer's, apprentice auctioneer's, or special auctioneer's control, which ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer is authorized to collect; nor shall ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer neglect or refuse, for more than thirty days, to answer questions submitted on circulars; nor shall ~~he~~ the auctioneer, apprentice auctioneer, or special auctioneer knowingly answer any such questions falsely; nor shall ~~he~~ the

Substitute Version as Presented to the Senate Finance and Financial Institutions

auctioneer, apprentice auctioneer, or special auctioneer refuse to 30620
obey subpoenas and give testimony. Licensees shall keep records 30621
relative to any auction sale for at least two years from the date 30622
of sale. These records shall include settlement sheets, written 30623
contracts, and copies of any advertising that lists the items for 30624
sale. 30625

Sec. 4707.23. On receipt of a notice pursuant to section 30626
3123.43 of the Revised Code, the department of ~~commerce~~ 30627
agriculture shall comply with sections 3123.41 to 3123.50 of the 30628
Revised Code and any applicable rules adopted under section 30629
3123.63 of the Revised Code with respect to a license issued 30630
pursuant to this chapter. 30631

Sec. 4707.99. (A) Whoever acts as an auctioneer, apprentice 30632
auctioneer, or special auctioneer as defined in section 4707.01 of 30633
the Revised Code, without first obtaining a license, upon 30634
conviction thereof, shall be fined not less than one hundred nor 30635
more than one thousand dollars, or imprisoned not more than ninety 30636
days, or both. 30637

(B) Whoever violates this chapter or any rule promulgated by 30638
the department of ~~commerce~~ agriculture in the administration of 30639
this chapter, for the violation of which no penalty is provided, 30640
shall be fined not less than fifty nor more than two hundred 30641
dollars. 30642

(C) Whoever violates section 4707.151 of the Revised Code 30643
shall be fined not more than fifty thousand dollars, or imprisoned 30644
not more than one year, or both. 30645

Sec. 4713.10. The state board of cosmetology shall charge and 30646
collect the following fees: 30647

(A) For application to take the examination for a license to 30648

Substitute Version as Presented to the Senate Finance and Financial Institutions

practice cosmetology, or any branch thereof, twenty-one dollars;	30649
(B) For the re-examination of any applicant who has	30650
previously failed to pass the examination, fourteen <u>twenty-one</u>	30651
dollars;	30652
(C) For the issuance or renewal of a cosmetology, manicurist,	30653
or esthetics instructor's license, thirty dollars;	30654
(D) For the issuance or renewal of a managing	30655
cosmetologist's, managing manicurist's, or managing esthetician's	30656
license, thirty dollars;	30657
(E) For the issuance or renewal of a cosmetology school	30658
license, two hundred fifty dollars;	30659
(F) For the inspection and issuance of a new beauty salon,	30660
nail salon, or esthetics salon or the change of name or ownership	30661
of a beauty salon, nail salon, or esthetics salon license, sixty	30662
dollars;	30663
(G) For the renewal of a beauty salon, nail salon, or	30664
esthetics salon license, fifty dollars;	30665
(H) For the issuance or renewal of a cosmetologist's,	30666
manicurist's, or esthetician's license, thirty dollars;	30667
(I) For the restoration of any lapsed license which may be	30668
restored pursuant to section 4713.11 of the Revised Code, and in	30669
addition to the payments required by that section, thirty dollars;	30670
(J) For the issuance of a license under section 4713.09 of	30671
the Revised Code, sixty dollars;	30672
(K) For the issuance of a duplicate of any license, fifteen	30673
dollars;	30674
(L) For the preparation and mailing of a licensee's records	30675
to another state for a reciprocity license, fifty dollars;	30676
(M) For the processing of any fees related to a check from a	30677

Substitute Version as Presented to the Senate Finance and Financial Institutions

licensee returned to the board for insufficient funds, an 30678
additional twenty dollars. 30679

Each applicant shall, in addition to the fees specified, 30680
furnish the applicant's own models. 30681

Sec. 4715.03. (A) The state dental board shall organize by 30682
the election from its members of a president and a secretary. It 30683
shall hold meetings monthly at least eight months a year at such 30684
times and places as the board designates. A majority of the 30685
members of the board shall constitute a quorum. The board shall 30686
make such reasonable rules as it determines necessary pursuant to 30687
Chapter 119. of the Revised Code. 30688

(B) A concurrence of a majority of the members of the board 30689
shall be required to grant, refuse, suspend, place on probationary 30690
status, revoke, refuse to renew, or refuse to reinstate a license 30691
or censure a license holder. 30692

(C) The board shall adopt rules establishing standards for 30693
the safe practice of dentistry and dental hygiene by qualified 30694
practitioners and shall, through its policies and activities, 30695
promote such practice. 30696

The board shall adopt rules in accordance with Chapter 119. 30697
of the Revised Code establishing universal blood and body fluid 30698
precautions that shall be used by each person licensed under this 30699
chapter who performs exposure prone invasive procedures. The rules 30700
shall define and establish requirements for universal blood and 30701
body fluid precautions that include the following: 30702

(1) Appropriate use of hand washing; 30703

(2) Disinfection and sterilization of equipment; 30704

(3) Handling and disposal of needles and other sharp 30705
instruments; 30706

Substitute Version as Presented to the Senate Finance and Financial Institutions

(4) Wearing and disposal of gloves and other protective 30707
garments and devices. 30708

(D) The board shall administer and enforce the provisions of 30709
this chapter. The board shall investigate evidence which appears 30710
to show that any person has violated any provision of this 30711
chapter. Any person may report to the board under oath any 30712
information such person may have appearing to show a violation of 30713
any provision of this chapter. In the absence of bad faith, any 30714
person who reports such information or who testifies before the 30715
board in any disciplinary proceeding conducted pursuant to Chapter 30716
119. of the Revised Code is not liable for civil damages as a 30717
result of ~~his~~ making the report or providing testimony. If after 30718
investigation the board determines that there are reasonable 30719
grounds to believe that a violation of this chapter has occurred, 30720
the board shall conduct disciplinary proceedings pursuant to 30721
Chapter 119. of the Revised Code or provide for a license holder 30722
to participate in the quality intervention program established 30723
under section 4715.031 of the Revised Code. The board shall not 30724
dismiss any complaint or terminate any investigation except by a 30725
majority vote of its members. For the purpose of any disciplinary 30726
proceeding or any investigation conducted ~~prior to a disciplinary~~ 30727
~~proceeding~~ under this division, the board may administer oaths, 30728
order the taking of depositions, issue subpoenas, compel the 30729
attendance and testimony of persons at depositions and compel the 30730
production of books, accounts, papers, documents, or other 30731
tangible things. The hearings and investigations of the board 30732
shall be considered civil actions for the purposes of section 30733
2305.251 of the Revised Code. Notwithstanding section 121.22 of 30734
the Revised Code, proceedings of the board relative to the 30735
investigation of a complaint or the determination whether there 30736
are reasonable grounds to believe that a violation of this chapter 30737
has occurred are confidential and are not subject to discovery in 30738

Substitute Version as Presented to the Senate Finance and Financial Institutions

any civil action. 30739

(E) The board shall examine or cause to be examined eligible 30740
applicants to practice dentistry and dental hygiene. The board may 30741
distinguish by rule different classes of qualified personnel 30742
according to skill levels and require all or only certain of these 30743
classes of qualified personnel to be examined and certified by the 30744
board. 30745

(F) In accordance with Chapter 119. of the Revised Code, the 30746
board shall adopt, and may amend or rescind, rules establishing 30747
the eligibility criteria, the application and permit renewal 30748
procedures, and safety standards applicable to a dentist licensed 30749
under this chapter who applies for a permit to employ or use 30750
conscious intravenous sedation. These rules shall include all of 30751
the following: 30752

(1) The eligibility requirements and application procedures 30753
for an eligible dentist to obtain a conscious intravenous sedation 30754
permit; 30755

(2) The minimum educational and clinical training standards 30756
required of applicants, which shall include satisfactory 30757
completion of an advanced cardiac life support course; 30758

(3) The facility equipment and inspection requirements; 30759

(4) Safety standards; 30760

(5) Requirements for reporting adverse occurrences. 30761

Sec. 4715.031. (A) The state dental board shall develop and 30762
implement a quality intervention program. The board may propose 30763
that the holder of a license issued by the board participate in 30764
the program if the board determines pursuant to an investigation 30765
conducted under section 4715.03 of the Revised Code that there are 30766
reasonable grounds to believe the license holder has violated a 30767
provision of this chapter due to a clinical or communication 30768

Substitute Version as Presented to the Senate Finance and Financial Institutions

problem that could be improved through participation in the
program and determines that the license holder's participation in
the program is appropriate. The board shall refer a license holder
who agrees to participate in the program to an educational and
assessment service provider selected by the board.

30769
30770
30771
30772
30773

The board shall select educational and assessment service
providers, which may include quality intervention program panels
of case reviewers. A provider selected by the board to provide
services to a license holder shall recommend to the board the
educational and assessment services the license holder should
receive under the program. The license holder may begin
participation in the program if the board approves the services
the provider recommends. The license holder shall pay the amounts
charged by the provider for the services.

30774
30775
30776
30777
30778
30779
30780
30781
30782

The board shall monitor a license holder's progress in the
program and determine whether the license holder has successfully
completed the program. If the board determines that the license
holder has successfully completed the program, it may continue to
monitor the license holder, take other action it considers
appropriate, or both. If the board determines that the license
holder has not successfully completed the program, it shall
commence disciplinary proceedings against the license holder under
section 4715.03 of the Revised Code.

30783
30784
30785
30786
30787
30788
30789
30790
30791

The board may adopt rules in accordance with Chapter 119. of
the Revised Code to further implement the quality intervention
program.

30792
30793
30794

Sec. 4715.13. Applicants for licenses to practice dentistry
or for a general anesthesia permit or a conscious intravenous
sedation permit shall pay to the secretary of the state dental
board the following fees:

30795
30796
30797
30798

Substitute Version as Presented to the Senate Finance and Financial Institutions

(A) For license by examination, one hundred forty-one <u>ninety</u>	30799
dollars if issued in an odd-numbered year or two <u>three</u> hundred	30800
thirty-five <u>seventeen</u> dollars if issued in an even-numbered year;	30801
(B) For license by endorsement, one hundred forty-one <u>ninety</u>	30802
dollars if issued in an odd-numbered year or two <u>three</u> hundred	30803
thirty-five <u>seventeen</u> dollars if issued in an even-numbered year;	30804
(C) For duplicate license, to be granted upon proof of loss	30805
of the original, fifteen <u>twenty</u> dollars;	30806
(D) For a general anesthesia permit, ninety-four <u>one hundred</u>	30807
<u>twenty-seven</u> dollars;	30808
(E) For a conscious intravenous sedation permit, ninety-four	30809
<u>one hundred twenty-seven</u> dollars.	30810
The fee in division (A) of this section may be refunded to an	30811
applicant who is unavoidably prevented from attending the	30812
examination, or the applicant may be examined at the next regular	30813
or special meeting of the board without an additional fee.	30814
An applicant who fails the first examination may be	30815
re-examined at the next regular or special meeting of the board	30816
without an additional fee.	30817
Sec. 4715.14. (A) Each person who is licensed to practice	30818
dentistry in Ohio shall, on or before the first day of January of	30819
each even-numbered year, register with the state dental board. The	30820
registration shall be made on a form prescribed by the board and	30821
furnished by the secretary, shall include the licensee's name,	30822
address, license number, and such other reasonable information as	30823
the board may consider necessary, and shall include payment of a	30824
biennial registration fee of one <u>two</u> hundred sixty-three <u>twenty</u>	30825
dollars. This fee shall be paid to the treasurer of state. All	30826
such registrations shall be in effect for the two-year period	30827
beginning on the first day of January of the even-numbered year	30828

Substitute Version as Presented to the Senate Finance and Financial Institutions

and ending on the last day of December of the following 30829
odd-numbered year, and shall be renewed in accordance with the 30830
standard renewal procedure of sections 4745.01 to 4745.03 of the 30831
Revised Code. The failure of a licensee to renew the licensee's 30832
registration in accordance with this section shall result in an 30833
automatic suspension of the licensee's license to practice 30834
dentistry. 30835

(B) Any dentist whose license has been suspended under this 30836
section may be reinstated by the payment of the biennial 30837
registration fee and in addition thereto ~~sixty~~ eighty-one dollars 30838
to cover costs of the reinstatement; excepting that to any 30839
licensed dentist who desires to temporarily retire from practice, 30840
and who has given the board notice in writing to that effect, the 30841
board shall grant such a retirement, provided only that at that 30842
time all previous registration fees and additional costs of 30843
reinstatement have been paid. 30844

(C) Each dentist licensed to practice, whether a resident or 30845
not, shall notify the secretary in writing of any change in the 30846
dentist's office address or employment within ten days after such 30847
change has taken place. On the first day of July of every 30848
even-numbered year, the secretary shall issue a printed roster of 30849
the names and addresses so registered. 30850

Sec. 4715.16. (A) Upon payment of a fee of ~~seven~~ ten dollars 30851
~~and fifty cents~~, the state dental board may without examination 30852
issue a limited resident's license to any person who is a graduate 30853
of a dental college, is authorized to practice in another state or 30854
country or qualified to take the regular licensing examination in 30855
this state, and furnishes the board satisfactory proof of having 30856
been appointed a dental resident at an accredited dental college 30857
in this state or at an accredited program of a hospital in this 30858
state, but has not yet been licensed as a dentist by the board. 30859
Any person receiving a limited resident's license may practice 30860

Substitute Version as Presented to the Senate Finance and Financial Institutions

dentistry only in connection with programs operated by the dental college or hospital at which the person is appointed as a resident as designated on the person's limited resident's license, and only under the direction of a licensed dentist who is a member of the dental staff of the college or hospital or a dentist holding a current limited teaching license issued under division (B) of this section, and only on bona fide patients of such programs. The holder of a limited resident's license may be disciplined by the board pursuant to section 4715.30 of the Revised Code.

(B) Upon payment of ~~seventy-five~~ one hundred one dollars and upon application endorsed by an accredited dental college in this state, the board may without examination issue a limited teaching license to a dentist who is a graduate of a dental college, is authorized to practice dentistry in another state or country, and has full-time appointment to the faculty of the endorsing dental college. A limited teaching license is subject to annual renewal in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code, and automatically expires upon termination of the full-time faculty appointment. A person holding a limited teaching license may practice dentistry only in connection with programs operated by the endorsing dental college. The board may discipline the holder of a limited teaching license pursuant to section 4715.30 of the Revised Code.

(C)(1) As used in this division:

(a) "Continuing dental education practicum" or "practicum" means a course of instruction, approved by the American dental association, Ohio dental association, or academy of general dentistry, that is designed to improve the clinical skills of a dentist by requiring the dentist to participate in clinical exercises on patients.

(b) "Director" means the person responsible for the operation

Substitute Version as Presented to the Senate Finance and Financial Institutions

of a practicum.

30893

(2) Upon payment of ~~seventy-five~~ one hundred one dollars and application endorsed by the director of a continuing dental education practicum, the board shall, without examination, issue a temporary limited continuing education license to a resident of a state other than Ohio who is licensed to practice dentistry in such state and is in good standing, is a graduate of an accredited dental college, and is registered to participate in the endorsing practicum. The determination of whether a dentist is in good standing shall be made by the board.

30894

30895

30896

30897

30898

30899

30900

30901

30902

A dentist holding a temporary limited continuing education license may practice dentistry only on residents of the state in which the dentist is permanently licensed or on patients referred by a dentist licensed pursuant to section 4715.12 or 4715.15 of the Revised Code to an instructing dentist licensed pursuant to one of those sections, and only while participating in a required clinical exercise of the endorsing practicum on the premises of the facility where the practicum is being conducted.

30903

30904

30905

30906

30907

30908

30909

30910

Practice under a temporary limited continuing education license shall be under the direct supervision and full professional responsibility of an instructing dentist licensed pursuant to section 4715.12 or 4715.15 of the Revised Code, shall be limited to the performance of those procedures necessary to complete the endorsing practicum, and shall not exceed thirty days of actual patient treatment in any year.

30911

30912

30913

30914

30915

30916

30917

(3) A director of a continuing dental education practicum who endorses an application for a temporary limited continuing education license shall, prior to making the endorsement, notify the state dental board in writing of the identity of the sponsors and the faculty of the practicum and the dates and locations at which it will be offered. The notice shall also include a brief description of the course of instruction. The board may prohibit a

30918

30919

30920

30921

30922

30923

30924

Substitute Version as Presented to the Senate Finance and Financial Institutions

continuing dental education practicum from endorsing applications 30925
for temporary limited continuing education licenses if the board 30926
determines that the practicum is engaged in activities that 30927
constitute a threat to public health and safety or do not 30928
constitute bona fide continuing dental education, or that the 30929
practicum permits activities which otherwise violate this chapter. 30930
Any continuing dental education practicum prohibited from 30931
endorsing applications may request an adjudication pursuant to 30932
Chapter 119. of the Revised Code. 30933

A temporary limited continuing education license shall be 30934
valid only when the dentist is participating in the endorsing 30935
continuing dental education practicum and shall expire at the end 30936
of one year. If the dentist fails to complete the endorsing 30937
practicum in one year, the board may, upon the dentist's 30938
application and payment of a fee of seventy-five dollars, renew 30939
the temporary limited continuing education license for a 30940
consecutive one-year period. Only two renewals may be granted. The 30941
holder of a temporary limited continuing education license may be 30942
disciplined by the board pursuant to section 4715.30 of the 30943
Revised Code. 30944

(D) The board shall act either to approve or to deny any 30945
application for a limited license pursuant to division (A), (B), 30946
or (C) of this section not later than sixty days of the date the 30947
board receives the application. 30948

Sec. 4715.21. Each person who desires to practice as a dental 30949
hygienist shall file with the secretary of the state dental board 30950
a written application for a license, under oath, upon the form 30951
prescribed. Such applicant shall furnish satisfactory proof of 30952
being at least eighteen years of age and of good moral character. 30953
An applicant shall present a diploma or certificate of graduation 30954
from an accredited dental hygiene school and shall pay the 30955

Substitute Version as Presented to the Senate Finance and Financial Institutions

examination fee of ~~seventy-one~~ ninety-six dollars if the license 30956
is issued in an odd-numbered year or one hundred ~~nine~~ forty-seven 30957
dollars if issued in an even-numbered year. Those passing such 30958
examination as the board prescribes relating to dental hygiene 30959
shall receive a certificate of registration entitling them to 30960
practice. If an applicant fails to pass the first examination the 30961
applicant may apply for a re-examination at the next regular or 30962
special examination meeting of the board. 30963

No applicant shall be admitted to more than two examinations 30964
without first presenting satisfactory proof that the applicant has 30965
successfully completed such refresher courses in an accredited 30966
dental hygiene school as the state dental board may prescribe. 30967

An accredited dental hygiene school shall be one accredited 30968
by the council on dental education of the American dental 30969
association or whose educational standards are recognized by the 30970
council on dental education of the American dental association and 30971
approved by the state dental board. 30972

Sec. 4715.24. (A) Each person who is licensed to practice as 30973
a dental hygienist in Ohio shall, on or before the first day of 30974
January of each even-numbered year, register with the state dental 30975
board. The registration shall be made on a form prescribed by the 30976
board and furnished by the secretary, shall include the licensee's 30977
name, address, license number, and such other reasonable 30978
information as the board may consider necessary, and shall include 30979
payment of a biennial registration fee of ~~seventy-five~~ one hundred 30980
one dollars. This fee shall be paid to the treasurer of state. All 30981
such registrations shall be in effect for the two-year period 30982
beginning on the first day of January of each even-numbered year 30983
and ending on the last day of December of the following 30984
odd-numbered year, and shall be renewed in accordance with the 30985
standard renewal procedure of sections 4745.01 to 4745.03 of the 30986
Revised Code. The failure of a licensee to renew registration in 30987

Substitute Version as Presented to the Senate Finance and Financial Institutions

accordance with this section shall result in the automatic 310988
suspension of the licensee's license to practice as a dental 310989
hygienist. 310990

(B) Any dental hygienist whose license has been suspended 310991
under this section may be reinstated by the payment of the 310992
biennial registration fee and in addition thereto ~~twenty-three~~ 310993
thirty-one dollars to cover the costs of reinstatement. 310994

(C) The license of a dental hygienist shall be exhibited in a 310995
conspicuous place in the room in which the dental hygienist 310996
practices. Each dental hygienist licensed to practice, whether a 310997
resident or not, shall notify the secretary in writing of any 310998
change in the dental hygienist's office address or employment 310999
within ten days after the change takes place. 31000

Sec. 4715.27. The state dental board may issue a license to 31001
an applicant who furnishes satisfactory proof of being at least 31002
eighteen years of age, of good moral character and who 31003
demonstrates, to the satisfaction of the board, knowledge of the 31004
laws, regulations, and rules governing the practice of a dental 31005
hygienist; who proves, to the satisfaction of the board, intent to 31006
practice as a dental hygienist in this state; who is a graduate 31007
from an accredited school of dental hygiene and who holds a 31008
license by examination from a similar dental board, and who passes 31009
an examination as prescribed by the board relating to dental 31010
hygiene. 31011

Upon payment of ~~forty-three~~ fifty-eight dollars and upon 31012
application endorsed by an accredited dental hygiene school in 31013
this state, the state dental board may without examination issue a 31014
teacher's certificate to a dental hygienist, authorized to 31015
practice in another state or country. A teacher's certificate 31016
shall be subject to annual renewal in accordance with the standard 31017
renewal procedure of sections 4745.01 to 4745.03 of the Revised 31018

Substitute Version as Presented to the Senate Finance and Financial Institutions

Code, and shall not be construed as authorizing anything other 31019
than teaching or demonstrating the skills of a dental hygienist in 31020
the educational programs of the accredited dental hygiene school 31021
which endorsed the application. 31022

Sec. 4717.02. (A) There is hereby created the board of 31023
embalmers and funeral directors consisting of seven members to be 31024
appointed by the governor with the advice and consent of the 31025
senate. ~~Four~~ Five members shall be licensed embalmers and 31026
practicing funeral directors, each with at least ten consecutive 31027
years of experience in this state immediately preceding the date 31028
of the person's appointment. ~~One member; one of these members~~ 31029
shall be knowledgeable and experienced in operating a crematory 31030
~~and is not required to be, but may be, a licensed embalmer or~~ 31031
~~funeral director.~~ Two members shall represent the public; at least 31032
one of ~~the two~~ these members shall be at least sixty years of age. 31033
31034

(B) Terms of office are for five years, commencing on the 31035
first day of July and ending on the last day of June. Each member 31036
shall hold office from the date of the member's appointment until 31037
the end of the term for which the member was appointed. Before 31038
entering upon the duties of the office, each member shall take and 31039
file with the secretary of state an oath of office as required by 31040
Section 7 of Article XV, Ohio Constitution. 31041

(C) The governor may remove a member of the board for neglect 31042
of duty, incompetency, or immoral conduct. Vacancies shall be 31043
filled in the manner provided for original appointments. Any 31044
member appointed to fill a vacancy occurring prior to the 31045
expiration date of the term for which the member's predecessor was 31046
appointed shall hold office as a member for the remainder of that 31047
term. A member shall continue in office subsequent to the 31048
expiration date of the member's term until the member's successor 31049
takes office, or until a period of sixty days has elapsed, 31050

Substitute Version as Presented to the Senate Finance and Financial Institutions

whichever occurs first.

31051

(D) Each member of the board shall receive an amount fixed under division (J) of section 124.15 of the Revised Code for each day, not to exceed sixty days per year, employed in the discharge of the member's duties as a board member, together with any necessary expenses incurred in the performance of those duties.

31052

31053

31054

31055

31056

Sec. 4717.07. (A) The board of embalmers and funeral directors shall charge and collect the following fees:

31057

31058

(1) For the issuance of an initial embalmer's or funeral director's license, five dollars;

31059

31060

(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars;

31061

31062

(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars;

31063

31064

(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;

31065

31066

31067

(5) For the biennial renewal of an embalmer's or funeral director's license, ~~sixty~~ one hundred twenty dollars;

31068

31069

(6) For the initial issuance ~~and renewal~~ of a license to operate a funeral home, one hundred twenty-five dollars and biennial renewal of a license to operate a funeral home, two hundred fifty dollars;

31070

31071

31072

31073

(7) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement;

31074

31075

31076

31077

(8) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(6) of

31078

31079

Substitute Version as Presented to the Senate Finance and Financial Institutions

this section plus fifty dollars for each month or portion of a	31080
month the license is lapsed until reinstatement;	31081
(9) For the <u>initial</u> issuance and renewal of a license to	31082
operate an embalming facility, one hundred dollars <u>and biennial</u>	31083
<u>renewal of a license to operate an embalming facility, two hundred</u>	31084
<u>dollars;</u>	31085
(10) For the reinstatement of a lapsed license to operate an	31086
embalming facility, the renewal fee prescribed in division (A)(9)	31087
of this section plus fifty dollars for each month or portion of a	31088
month the license is lapsed until reinstatement;	31089
(11) For the <u>initial</u> issuance and renewal of a license to	31090
operate a crematory facility, one hundred dollars <u>and biennial</u>	31091
<u>renewal of a license to operate a crematory facility, two hundred</u>	31092
<u>dollars;</u>	31093
(12) For the reinstatement of a lapsed license to operate a	31094
crematory facility, the renewal fee prescribed in division (A)(11)	31095
of this section plus fifty dollars for each month or portion of a	31096
month the license is lapsed until reinstatement;	31097
(13) For the issuance of a duplicate of a license issued	31098
under this chapter, four dollars.	31099
(B) In addition to the fees set forth in division (A) of this	31100
section, an applicant shall pay the examination fee assessed by	31101
any examining agency the board uses for any section of an	31102
examination required under this chapter.	31103
(C) Subject to the approval of the controlling board, the	31104
board of embalmers and funeral directors may establish fees in	31105
excess of the amounts set forth in this section, provided that	31106
these fees do not exceed the amounts set forth in this section by	31107
more than fifty per cent.	31108
Sec. 4717.08. (A) Every license issued under this chapter	31109

Substitute Version as Presented to the Senate Finance and Financial Institutions

expires on the last day of December of ~~the~~ each even-numbered year 31110
~~of its issuance~~ and shall be renewed on or before that date 31111
according to the standard license renewal procedure set forth in 31112
Chapter 4745. of the Revised Code. Licenses not renewed by the 31113
last day of December of each even-numbered year are lapsed. 31114

(B) A holder of a lapsed license to operate a funeral home, 31115
license to operate an embalming facility, or license to operate a 31116
crematory facility may reinstate the license with the board by 31117
paying the lapsed license fee established under section 4717.07 of 31118
the Revised Code. 31119

(C) A holder of a lapsed embalmer's or funeral director's 31120
license may reinstate the license with the board by paying the 31121
lapsed license fee established under section 4717.07 of the 31122
Revised Code, except that if the license is lapsed for more than 31123
one hundred eighty days after its expiration date, the holder also 31124
shall take and pass the Ohio laws examination for each license as 31125
a condition for reinstatement. 31126

Sec. 4717.09. (A) Every two years, licensed embalmers and 31127
funeral directors shall attend between twelve and thirty hours of 31128
educational programs as a condition for renewal of their licenses. 31129
The board of embalmers and funeral directors shall ~~determine, by~~ 31130
~~rule, the educational programs that meet the continuing education~~ 31131
~~requirements and the number of hours a licensee shall attend~~ adopt 31132
rules governing the administration and enforcement of the 31133
continuing education requirements of this section. The board may 31134
contract with a professional organization or association or other 31135
third party to assist it in performing functions necessary to 31136
administer and enforce the continuing education requirements of 31137
this section. A professional organization or association or other 31138
third party with whom the board so contracts may charge a 31139
reasonable fee for performing these functions to licensees or to 31140
the persons who provide continuing education programs. 31141

Substitute Version as Presented to the Senate Finance and Financial Institutions

(B) A person holding both an embalmer's license and a funeral director's license need meet only the continuing education requirements established by the board for one or the other of those licenses in order to satisfy the requirement of division (A) of this section.

(C) The board shall not renew the license of a licensee who fails to meet the continuing education requirements of this section and who has not been granted a waiver or exemption under division (D) of this section.

(D) Any licensee who fails to meet the continuing education requirements of this section because of undue hardship or disability, or who is not actively engaged in the practice of funeral directing or embalming in this state, may apply to the board for a waiver or an exemption. The board shall determine, by rule, the procedures for applying for a waiver or an exemption from continuing education requirements under this section and under what conditions a waiver or an exemption may be granted.

Sec. 4723.062. The board of nursing may solicit and accept grants and services to develop and maintain a program that addresses patient safety and health care issues related to the supply of and demand for nurses and other health care workers. The board shall not solicit or accept a grant or service that interferes with the board's independence or objectivity.

All money received by the board under this section shall be deposited into the nursing special issue fund which is hereby created in the state treasury. The board shall use money in the fund to pay the costs it incurs in implementing this section.

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

Substitute Version as Presented to the Senate Finance and Financial Institutions

nursing as a registered nurse or as a licensed practical nurse,	31172
fifty dollars;	31173
(2) For application for licensure by endorsement to practice	31174
nursing as a registered nurse or as a licensed practical nurse,	31175
fifty dollars;	31176
(3) For application for a certificate of authority to	31177
practice nursing as a certified registered nurse anesthetist,	31178
clinical nurse specialist, certified nurse-midwife, or certified	31179
nurse practitioner, one hundred dollars;	31180
(4) For application for a temporary dialysis technician	31181
certificate, the amount specified in rules adopted under section	31182
4723.79 of the Revised Code;	31183
(5) For application for a full dialysis technician	31184
certificate, the amount specified in rules adopted under section	31185
4723.79 of the Revised Code;	31186
(6) For application for a certificate to prescribe, fifty	31187
dollars;	31188
(7) For verification of a nursing license, certificate of	31189
authority, or dialysis technician certificate to another	31190
jurisdiction, fifteen dollars;	31191
(8) For providing a replacement copy of a nursing license,	31192
certificate of authority, or dialysis technician certificate,	31193
fifteen dollars;	31194
(9) For biennial renewal of a nursing license <u>that expires on</u>	31195
<u>or before August 31, 2003</u> , thirty-five dollars;	31196
(10) Except as provided in division (C) of this section, for	31197
<u>For biennial renewal of a nursing license that expires on or after</u>	31198
<u>September 1, 2003, forty-five dollars;</u>	31199
(11) <u>For biennial renewal of a certificate of authority to</u>	31200
<u>practice nursing as a certified registered nurse anesthetist,</u>	31201

Substitute Version as Presented to the Senate Finance and Financial Institutions

<u>clinical nurse specialist, certified nurse mid-wife, or certified</u>	31202
<u>nurse practitioner that expires on or before August 31, 2005, one</u>	31203
<u>hundred dollars;</u>	31204
<u>(12) For</u> biennial renewal of a certificate of authority to	31205
practice nursing as a certified registered nurse anesthetist,	31206
clinical nurse specialist, certified nurse-midwife, or certified	31207
nurse practitioner <u>that expires on or after September 1, 2005,</u>	31208
eighty-five dollars;	31209
(11) <u>(13)</u> For renewal of a certificate to prescribe, fifty	31210
dollars;	31211
(12) <u>(14)</u> For biennial renewal of a dialysis technician	31212
certificate, the amount specified in rules adopted under section	31213
4723.79 of the Revised Code;	31214
(13) <u>(15)</u> For processing a late application for renewal of a	31215
nursing license, certificate of authority, or dialysis technician	31216
certificate, fifty dollars;	31217
(14) <u>(16)</u> For application for authorization to approve	31218
continuing nursing education programs and courses from an	31219
applicant accredited by a national accreditation system for	31220
nursing, five hundred dollars;	31221
(15) <u>(17)</u> For application for authorization to approve	31222
continuing nursing education programs and courses from an	31223
applicant not accredited by a national accreditation system for	31224
nursing, one thousand dollars;	31225
(16) <u>(18)</u> For each year for which authorization to approve	31226
continuing nursing education programs and courses is renewed, one	31227
hundred fifty dollars;	31228
(17) <u>(19)</u> For application for approval to operate a dialysis	31229
training program, the amount specified in rules adopted under	31230
section 4723.79 of the Revised Code;	31231

Substitute Version as Presented to the Senate Finance and Financial Institutions

~~(18)~~(20) For reinstatement of a lapsed nursing license or, 31232
certificate of authority, or dialysis technician certificate, one 31233
hundred dollars; 31234

~~(19)~~(21) For written verification of a nursing license, 31235
certificate of authority, or dialysis technician certificate, 31236
other than verification to another jurisdiction, five dollars. The 31237
board may contract for services pertaining to this verification 31238
process and the collection of the fee, and may permit the 31239
contractor to retain a portion of the fees as compensation, before 31240
any amounts are deposited into the state treasury. 31241

(22) For processing a check returned to the board by a 31242
financial institution as noncollectible, twenty-five dollars. 31243

(B) Each quarter, for purposes of transferring funds under 31244
section 4743.05 of the Revised Code to the nurse education 31245
assistance fund created in section 3333.28 of the Revised Code, 31246
the board of nursing shall certify to the director of budget and 31247
management the number of biennial licenses renewed under this 31248
chapter during the preceding quarter and the amount equal to that 31249
number times five dollars. 31250

~~(C) The fee for biennial renewal of a certificate of~~ 31251
~~authority to practice nursing as a certified nurse-midwife,~~ 31252
~~certified registered nurse anesthetist, certified nurse~~ 31253
~~practitioner, or clinical nurse specialist that expires on or~~ 31254
~~before August 31, 2005, is one hundred dollars.~~ 31255

Sec. 4723.32. This chapter does not prohibit any of the 31256
following: 31257

(A) The practice of nursing by a student currently enrolled 31258
in and actively pursuing completion of a prelicensure nursing 31259
education program approved by the board of nursing, if the 31260
student's practice is under the auspices of the program and the 31261

Substitute Version as Presented to the Senate Finance and Financial Institutions

student acts under the supervision of a registered nurse serving 31262
for the program as a faculty member, teaching assistant, or 31263
preceptor; 31264

(B) The rendering of medical assistance to a licensed 31265
physician, licensed dentist, or licensed podiatrist by a person 31266
under the direction, supervision, and control of such licensed 31267
physician, dentist, or podiatrist; 31268

(C) The activities of persons employed as nursing aides, 31269
attendants, orderlies, or other auxiliary workers in patient 31270
homes, nurseries, nursing homes, hospitals, home health agencies, 31271
or other similar institutions; 31272

(D) The provision of nursing services to family members or in 31273
emergency situations; 31274
31275

(E) The care of the sick when done in connection with the 31276
practice of religious tenets of any church and by or for its 31277
members; 31278

(F) The practice of nursing as a certified registered nurse 31279
anesthetist, clinical nurse specialist, certified nurse-midwife, 31280
or certified nurse practitioner by a student currently enrolled in 31281
and actively pursuing completion of a program of study leading to 31282
initial authorization by the board to practice nursing in the 31283
specialty, if the program qualifies the student to sit for the 31284
examination of a national certifying organization listed in 31285
division (A)(3) of section 4723.41 of the Revised Code or approved 31286
by the board under section 4723.46 of the Revised Code, or the 31287
program prepares the student to receive a master's degree in 31288
accordance with division (A)(2) of section 4723.41 of the Revised 31289
Code, the student's practice is under the auspices of the program, 31290
and the student acts under the supervision of a registered nurse 31291
serving for the program as a faculty member, teaching assistant, 31292

Substitute Version as Presented to the Senate Finance and Financial Institutions

or preceptor; 31293

(G) The activities of an individual who currently holds a 31294
license to practice nursing in another jurisdiction, if the 31295
individual's license has not been revoked, the individual is not 31296
currently under suspension or on probation, the individual does 31297
not represent the individual as being licensed under this chapter, 31298
and one of the following is the case: 31299

(1) The individual is engaging in the practice of nursing by 31300
discharging official duties while employed by or under contract 31301
with the United States government or any agency thereof; 31302

(2) The individual is engaging in the practice of nursing as 31303
an employee of an individual, agency, or corporation located in 31304
the other jurisdiction in a position with employment 31305
responsibilities that include transporting patients into, out of, 31306
or through this state, as long as each trip in this state does not 31307
exceed seventy-two hours; 31308

(3) The individual is consulting with an individual licensed 31309
in this state to practice any health-related profession; 31310

(4) The individual is engaging in activities associated with 31311
teaching in this state as a guest lecturer at or for a nursing 31312
education program, continuing nursing education program, or 31313
in-service presentation; 31314

(5) The individual is conducting evaluations of nursing care 31315
that are undertaken on behalf of an accrediting organization, 31316
including the national league for nursing accrediting committee, 31317
the joint commission on accreditation of healthcare organizations, 31318
or any other nationally recognized accrediting organization; 31319

(6) The individual is providing nursing care to an individual 31320
who is in this state on a temporary basis, not to exceed six 31321
months in any one calendar year, if the nurse is directly employed 31322
by or under contract with the individual or a guardian or other 31323

Substitute Version as Presented to the Senate Finance and Financial Institutions

person acting on the individual's behalf; 31324

(7) The individual is providing nursing care during any 31325
disaster, natural or otherwise, that has been officially declared 31326
to be a disaster by a public announcement issued by an appropriate 31327
federal, state, county, or municipal official. 31328

Sec. 4723.79. The board of nursing shall adopt rules to 31329
administer and enforce sections 4723.71 to 4723.79 of the Revised 31330
Code. The board shall adopt the rules in accordance with Chapter 31331
119. of the Revised Code. The rules shall establish or specify all 31332
of the following: 31333

(A) The application process, fee, and requirements for 31334
approval, reapproval, and withdrawing the approval of a dialysis 31335
training program under section 4723.74 of the Revised Code. The 31336
requirements shall include standards that must be satisfied 31337
regarding curriculum, length of training, and instructions in 31338
patient care. 31339

(B) The application process, fee, and requirements for 31340
issuance of a certificate under section 4723.75 of the Revised 31341
Code, except that the amount of the fee shall be no greater than 31342
the fee charged under division (A)(1) of section 4723.08 of the 31343
Revised Code; 31344

(C) The application process, fee, and requirements for 31345
issuance of a temporary certificate under section 4723.76 of the 31346
Revised Code; 31347

(D) The process for approval of testing organizations under 31348
section 4723.751 of the Revised Code; 31349

(E) Subjects to be included in a certification examination 31350
provided for in division (B)(1) of section 4723.75 of the Revised 31351
Code; 31352

(F) The schedule, fees, and continuing education requirements 31353

Substitute Version as Presented to the Senate Finance and Financial Institutions

for renewal of a certificate under section 4723.77 of the Revised Code, except that the fee for the renewal of a certificate shall be no greater than the fee charged under division (A)(9) of section 4723.08 of the Revised Code or, effective September 1, 2003, division (A)(10) of that section;

(G) Standards and procedures for establishing and maintaining the dialysis registry required by section 4723.78 of the Revised Code, including standards and procedures that persons must follow in providing the information to be included in the registry;

(H) Standards for the administration of medication by dialysis technicians under section 4723.72 of the Revised Code;

(I) The information a dialysis provider is to provide to the board when attesting to a person's competence to perform dialysis;

(J) Standards and procedures for the supervision of dialysis technicians who provide dialysis care in a patient's home, including monthly home visits by a registered nurse to monitor the quality of the dialysis care;

(K) Any other procedures or requirements necessary for the administration and enforcement of sections 4723.71 to 4723.79 of the Revised Code.

Sec. 4725.44. (A) The Ohio optical dispensers board shall be responsible for the administration of sections 4725.40 to 4725.59 of the Revised Code and, in particular, shall process applications for licensure as licensed dispensing opticians; schedule, administer, and supervise the qualifying examinations for licensure or contract with a testing service to schedule, administer, and supervise the qualifying examination for licensure; issue licenses to qualified individuals; revoke and suspend licenses; and maintain adequate records with respect to

Substitute Version as Presented to the Senate Finance and Financial Institutions

its operations and responsibilities. 31384

(B) The board shall adopt, amend, or rescind rules, pursuant 31385
to Chapter 119. of the Revised Code, for the licensure of 31386
dispensing opticians, and such other rules as are required by or 31387
necessary to carry out the responsibilities imposed by sections 31388
4725.40 to 4725.59 of the Revised Code. 31389

(C) The board shall have no authority to adopt rules 31390
governing the employment of dispensing opticians, the location or 31391
number of optical stores, advertising of optical products or 31392
services, or the manner in which such products can be displayed. 31393

Sec. 4725.48. (A) Any person who desires to engage in optical 31394
dispensing, except as provided in section 4725.47 of the Revised 31395
Code, shall file a properly completed written application for an 31396
examination with the Ohio optical dispensers board or with the 31397
testing service the board has contracted with pursuant to section 31398
4725.49 of the Revised Code. The application for examination shall 31399
be made on a form provided by the board or testing service and 31400
shall be accompanied by an examination fee the board shall 31401
establish by rule. Applicants must return the application to the 31402
board or testing service at least sixty days prior to the date the 31403
examination is scheduled to be administered. 31404

(B) Except as provided in section 4725.47 of the Revised 31405
Code, any person who desires to engage in optical dispensing shall 31406
file a properly completed written application for a license with 31407
the board with the appropriate license fee as set forth under 31408
section 4725.50 of the Revised Code. 31409

No person shall be eligible to ~~take any examination~~ apply for 31410
a license under this division, unless ~~he~~ the person is at least 31411
eighteen years of age, is of good moral character, is free of 31412
contagious or infectious disease, ~~and~~ has received a passing 31413
score, as determined by the board, on the examination administered 31414

Substitute Version as Presented to the Senate Finance and Financial Institutions

under division (A) of this section, is a graduate of an accredited 31415
high school of any state, or has received an equivalent education 31416
~~equivalent thereto.~~ 31417

~~(B) Except as provided in division (C) of this section, each~~ 31418
~~person who desires to dispense optical aids shall be eligible to~~ 31419
~~take the qualifying examination for such practice, if, in addition~~ 31420
~~to satisfying the criteria of division (A) of this section, he and~~ 31421
has successfully completed either of the following: 31422

(1) Two years of supervised experience under a licensed 31423
dispensing optician, optometrist, or physician engaged in the 31424
practice of ophthalmology, up to one year of which may be 31425
continuous experience of not less than thirty hours a week in an 31426
optical laboratory; 31427

(2) A two-year college level program in optical dispensing 31428
that has been approved by the board and that includes, but is not 31429
limited to, courses of study in mathematics, science, English, 31430
anatomy and physiology of the eye, applied optics, ophthalmic 31431
optics, measurement and inspection of lenses, lens grinding and 31432
edging, ophthalmic lens design, keratometry, and the fitting and 31433
adjusting of spectacle lenses and frames and contact lenses, 31434
including methods of fitting contact lenses and post-fitting care. 31435

~~(C) A registered apprentice or a student in an approved~~ 31436
~~college level program in optical dispensing may take the~~ 31437
~~qualifying examination after completion of one year of the~~ 31438
~~apprenticeship or program but shall not be eligible for licensure~~ 31439
~~until he has completed the second year of the apprenticeship or~~ 31440
~~program.~~ 31441

~~(D)~~ Any person who desires to obtain a license to practice as 31442
an ocularist shall file a properly completed written application 31443
with the board accompanied by the appropriate fee and proof that 31444
the applicant has met the requirements for licensure. The board 31445
shall establish, by rule, the application fee and the minimum 31446

Substitute Version as Presented to the Senate Finance and Financial Institutions

requirements for licensure, including education, examination, or 31447
experience standards recognized by the board as national standards 31448
for ocularists. The board shall issue a license to practice as an 31449
ocularist to an applicant who satisfies the requirements of this 31450
division and rules adopted pursuant to this division. 31451
31452

Sec. 4725.49. (A) The Ohio optical dispensers board ~~shall~~ 31453
~~examine each applicant eligible for examination under section~~ 31454
~~4725.48 of the Revised Code. The board~~ may provide for the 31455
examination of applicants by designing, preparing, and 31456
administering the qualifying examinations or by contracting with a 31457
testing service that is nationally recognized as being capable of 31458
determining competence to dispense optical aids as a licensed 31459
spectacle dispensing optician, a licensed contact lens dispensing 31460
optician, or a licensed spectacle-contact lens dispensing 31461
optician. Any examination used shall be designed to measure 31462
specific performance requirements, be professionally constructed 31463
and validated, and be independently and objectively administered 31464
and scored in order to determine the applicant's competence to 31465
dispense optical aids. 31466

(B) The board shall ensure that it, or the testing service it 31467
contracts with, does all of the following: 31468

(1) Provides public notice as to the date, time, and place 31469
for each examination at least ninety days prior to the 31470
examination; 31471

(2) Offers each qualifying examination at least twice each 31472
year in Columbus, except as provided in division (C) of this 31473
section; 31474

(3) Provides to each applicant all forms necessary to apply 31475
for examination; 31476

(4) Provides all materials and equipment necessary for the 31477

Substitute Version as Presented to the Senate Finance and Financial Institutions

applicant to take the examination.

31478

(C) If the number of applicants for any qualifying examination is less than ten, the examination may be postponed. The board or testing service shall provide the applicant with written notification of the postponement and of the next date the examination is scheduled to be administered.

31479

31480

31481

31482

31483

(D) No limitation shall be placed upon the number of times that an applicant may repeat any qualifying examination, except that, if an applicant fails an examination for a third time, the board may require that the applicant, prior to retaking the examination, undergo additional study in the areas of the examination in which ~~he~~ the applicant experienced difficulty.

31484

31485

31486

31487

31488

31489

Sec. 4729.65. (A) Except as provided in division (B) of this section, all receipts of the state board of pharmacy, from any source, shall be deposited into the state treasury to the credit of the ~~occupational licensing and regulatory~~ pharmacy board operating fund, which is hereby created. All moneys derived from fees the board is entitled to collect under this chapter shall be deposited to the credit of the fund. All moneys deposited into the state treasury pursuant to this section shall be used solely for the administration and enforcement of this chapter. All vouchers of the board shall be approved by the president or executive director of the board, or both, as authorized by the board. All initial issuance fees and renewal fees required by sections 4729.01 to 4729.54 of the Revised Code shall be payable by the applicant at the time of making application.

31490

31491

31492

31493

31494

31495

31496

31497

31498

31499

31500

31501

31502

31503

(B)(1) There is hereby created in the state treasury the board of pharmacy drug law enforcement fund. All moneys that are derived from any fines, mandatory fines, or forfeited bail to which the board may be entitled under Chapter 2925., division (C)(1) of section 2923.42, or division (B)(5) of section 2925.42

31504

31505

31506

31507

31508

Substitute Version as Presented to the Senate Finance and Financial Institutions

of the Revised Code and all moneys that are derived from
forfeitures of property to which the board may be entitled
pursuant to Chapter 2925. of the Revised Code, section 2923.32,
2923.35, 2923.44, 2923.45, 2923.46, or 2933.43 of the Revised
Code, any other section of the Revised Code, or federal law shall
be deposited into the fund. Subject to division (B)(2) of this
section, division (D)(2)(c) of section 2923.35, division (B)(5) of
section 2923.44, division (B)(7)(c) of section 2923.46, and
divisions (D)(1)(c) and (3) of section 2933.43 of the Revised
Code, the moneys in the fund shall be used solely to subsidize the
drug law enforcement efforts of the board.

(2) Notwithstanding any contrary provision in the Revised
Code, moneys that are derived from forfeitures of property
pursuant to federal law and that are deposited into the board of
pharmacy drug law enforcement fund in accordance with division
(B)(1) of this section shall be used and accounted for in
accordance with the applicable federal law, and the board
otherwise shall comply with that law in connection with the
moneys.

(C) All fines and forfeited bonds assessed and collected
under prosecution or prosecution commenced in the enforcement of
this chapter shall be paid to the executive director of the board
within thirty days and by the executive director paid into the
state treasury to the credit of the ~~occupational licensing and~~
~~regulatory~~ pharmacy board operating fund. The board, subject to
the approval of the controlling board and except for fees required
to be established by the board at amounts "adequate" to cover
designated expenses, may establish fees in excess of the amounts
provided by this chapter, provided that such fees do not exceed
the amounts permitted by this chapter by more than fifty per cent.

Sec. 4731.14. (A) As used in this section, "graduate medical

Substitute Version as Presented to the Senate Finance and Financial Institutions

education" has the same meaning as in section 4731.091 of the Revised Code.

(B) The state medical board shall issue its certificate to practice medicine and surgery or osteopathic medicine and surgery as follows:

(1) The board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(1) or (3) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, and submits evidence satisfactory to the board that the individual has successfully completed not less than twelve months of graduate medical education or its equivalent as determined by the board.

(2) Except as provided in section 4731.142 of the Revised Code, the board shall issue its certificate to each individual who was admitted to the board's examination by meeting the educational requirements specified in division (B)(2) of section 4731.091 of the Revised Code if the individual passes the examination, pays a certificate issuance fee of three hundred dollars, submits evidence satisfactory to the board that the individual has successfully completed not less than twenty-four months of graduate medical education through the second-year level of graduate medical education or its equivalent as determined by the board, and, if the individual passed the examination prior to completing twenty-four months of graduate medical education or its equivalent, the individual continues to meet the moral character requirements for admission to the board's examination.

(C) Each certificate issued by the board shall be signed by its president and secretary, and attested by its seal. The certificate shall be on a form prescribed by the board and shall indicate the medical degree held by the individual to whom the

Substitute Version as Presented to the Senate Finance and Financial Institutions

certificate is issued. If the individual holds the degree of
doctor of medicine, the certificate shall state that the
individual is authorized to practice medicine and surgery pursuant
to the laws of this state. If the individual holds the degree of
doctor of osteopathic medicine, the certificate shall state that
the individual is authorized to practice osteopathic medicine and
surgery pursuant to the laws of this state. If the individual
holds a medical degree other than the degree of doctor of medicine
or doctor of osteopathic medicine, the certificate shall indicate
the diploma, degree, or other document issued by the medical
school or institution the individual attended and shall state that
the individual is authorized to practice medicine and surgery
pursuant to the laws of this state.

(D) The certificate shall be prominently displayed in the
certificate holder's office or place where a major portion of the
certificate holder's practice is conducted and shall entitle the
holder to practice either medicine and surgery or osteopathic
medicine and surgery provided the certificate holder maintains
current registration as required by section 4731.281 of the
Revised Code and provided further that such certificate has not
been revoked, suspended, or limited by action of the state medical
board pursuant to this chapter.

(E) An affirmative vote of not less than six members of the
board is required for the issuance of a certificate.

~~(F) If an individual receives an initial or renewed training
certificate under section 4731.291 of the Revised Code and not
later than four months thereafter applies for a certificate under
this section, the fee required by division (B)(1) of this section
shall be reduced by the amount of the fee paid for the training
certificate.~~

Sec. 4731.53. At the time an applicant files an application,

Substitute Version as Presented to the Senate Finance and Financial Institutions

the applicant shall file with the secretary of the state medical board evidence of preliminary education showing that the applicant has satisfactorily completed at least two years of collegiate work in an approved college of arts and sciences in addition to high school graduation. When the entrance examiner finds the preliminary education of the applicant sufficient, the entrance examiner shall issue a certificate of preliminary examination upon the payment to the treasurer of the board of a fee of thirty-five dollars. Such certificate shall be attested by the secretary.

The applicant shall also present a diploma from a college of podiatric medicine and surgery in good standing as defined by the board at the time the diploma was issued. The applicant shall present an affidavit that the applicant is the person named in the diploma and is the lawful possessor thereof stating the applicant's age, residence, the school at which the applicant obtained education in podiatric medicine and surgery, the time spent in the study of podiatric medicine and surgery, and such other facts as the board may require.

The applicant shall also present proof of completion of one year of postgraduate training in a podiatric internship, residency, or clinical fellowship program accredited by the council on podiatric medical education or the American podiatric medical association.

Sec. 4731.573. (A) An individual seeking to pursue an internship, residency, or clinical fellowship program in podiatric medicine and surgery in this state, who does not hold a certificate to practice podiatric medicine and surgery issued under this chapter, shall apply to the state medical board for a training certificate. The application shall be made on forms that the board shall furnish and shall be accompanied by an application fee of seventy-five dollars.

Substitute Version as Presented to the Senate Finance and Financial Institutions

An applicant for a training certificate shall furnish to the 31635
board all of the following: 31636

(1) Evidence satisfactory to the board that the applicant is 31637
at least eighteen years of age and is of good moral character; 31638

(2) Evidence satisfactory to the board that the applicant has 31639
been accepted or appointed to participate in this state in one of 31640
the following: 31641

(a) An internship or residency program accredited by either 31642
the council on podiatric medical education or the American 31643
podiatric medical association; 31644

(b) A clinical fellowship program at an institution with a 31645
residency program accredited by either the council on podiatric 31646
medical education or the American podiatric medical association 31647
that is in a clinical field the same as or related to the clinical 31648
field of the fellowship program. 31649

(3) Information identifying the beginning and ending dates of 31650
the period for which the applicant has been accepted or appointed 31651
to participate in the internship, residency, or clinical 31652
fellowship program; 31653

(4) Any other information that the board requires. 31654

(B) If no grounds for denying a certificate under section 31655
4731.22 of the Revised Code apply and the applicant meets the 31656
requirements of division (A) of this section, the board shall 31657
issue a training certificate to the applicant. The board shall not 31658
require an examination as a condition of receiving a training 31659
certificate. 31660

A training certificate issued pursuant to this section shall 31661
be valid only for the period of one year, but may in the 31662
discretion of the board and upon application duly made, be renewed 31663
annually for a maximum of five years. The fee for renewal of a 31664

Substitute Version as Presented to the Senate Finance and Financial Institutions

training certificate shall be thirty-five dollars.

31665

The board shall maintain a register of all individuals who hold training certificates.

31666

31667

(C) The holder of a valid training certificate shall be entitled to perform such acts as may be prescribed by or incidental to the holder's internship, residency, or clinical fellowship program, but the holder shall not be entitled otherwise to engage in the practice of podiatric medicine and surgery in this state. The holder shall limit activities under the certificate to the programs of the hospitals or facilities for which the training certificate is issued. The holder shall train only under the supervision of the podiatrists responsible for supervision as part of the internship, residency, or clinical fellowship program. A training certificate may be revoked by the board upon proof, satisfactory to the board, that the holder thereof has engaged in practice in this state outside the scope of the internship, residency, or clinical fellowship program for which the training certificate has been issued, or upon proof, satisfactory to the board, that the holder thereof has engaged in unethical conduct or that there are grounds for action against the holder under section 4731.22 of the Revised Code.

31668

31669

31670

31671

31672

31673

31674

31675

31676

31677

31678

31679

31680

31681

31682

31683

31684

31685

(D) The board may adopt rules as the board finds necessary to effect the purpose of this section.

31686

31687

Sec. 4734.20. (A) Except for persons seeking to practice chiropractic under a special limited license issued pursuant to section 4734.27 of the Revised Code, each person seeking to practice chiropractic in this state shall apply in writing to the state chiropractic board for a license to practice chiropractic. The application shall be made under oath, on a form prescribed by the board, and shall be accompanied by a fee of two hundred fifty dollars.

31689

31690

31691

31692

31693

31694

31695

31696

Substitute Version as Presented to the Senate Finance and Financial Institutions

(B) Except as provided in sections 4734.23 and 4734.24 of the Revised Code, to receive a chiropractic license, an applicant must meet the following conditions:

(1) The applicant must be at least twenty-one years of age, be of good moral character, and possess a high school education or its equivalent.

(2) The applicant must have successfully completed, prior to matriculation at a school or college of chiropractic, at least two years of college credit in the arts and sciences at a college or university accredited by a state or regional accrediting organization recognized by the board, except that the board may adopt rules in accordance with Chapter 119. of the Revised Code that require completion of additional years of college credit or receipt of a college degree in an area specified in the rules.

(3) The applicant must be a graduate of and hold the degree of doctor of chiropractic from a school or college of chiropractic approved by the board under section 4734.21 of the Revised Code.

(4) The applicant must have received one of the following from the national board of chiropractic examiners, as appropriate according to the date of the applicant's graduation from a school or college of chiropractic:

(a) If the applicant graduated on or after January 1, 1970, but before January 1, 1989, a "diplomate certificate" or "certificate of attainment" evidencing passage of parts I and II and the physiotherapy section of the national board's examinations;

(b) If the applicant graduated on or after January 1, 1989, but before January 1, ~~2000~~ 2002, a "certificate of attainment" evidencing passage of parts I, II, and III and the physiotherapy section of the national board's examinations;

Substitute Version as Presented to the Senate Finance and Financial Institutions

(c) If the applicant graduated on or after January 1, ~~2000~~ 31728
2002, a "certificate of attainment" evidencing passage of parts I, 31729
II, III, and IV and the physiotherapy section of the national 31730
board's examinations. 31731

(5) The applicant must have passed the board's jurisprudence 31732
examination conducted under section 4734.22 of the Revised Code. 31733

(C) The board shall issue a license to practice chiropractic 31734
to each applicant who files a complete application, pays all 31735
applicable fees, and meets the conditions specified in division 31736
(B) of this section. The burden of proof is on the applicant, to 31737
prove by clear and convincing evidence to the board, that the 31738
applicant meets the conditions for receipt of the license. 31739

The board may conduct any investigation it considers 31740
appropriate to verify an applicant's credentials, moral character, 31741
and fitness to receive a license. In conducting an investigation, 31742
the board may request information from the records maintained by 31743
the federal bureau of investigation, the bureau of criminal 31744
identification and investigation, and any other repositories of 31745
criminal records held in this or another state. The board may 31746
charge the applicant a fee for conducting the investigation. The 31747
amount of the fee shall not exceed the expenses the board incurs 31748
in conducting the investigation and may include any fees that must 31749
be paid to obtain information in the criminal record. 31750

Sec. 4736.12. (A) The state board of sanitarian registration 31751
shall charge the following fees: 31752

(1) To apply as a sanitarian-in-training, ~~fifty-five~~ 31753
fifty-seven dollars; 31754

(2) For sanitarians-in-training to apply for registration as 31755
sanitarians, ~~fifty-five~~ fifty-seven dollars. The applicant shall 31756
pay this fee only once regardless of the number of times the 31757

Substitute Version as Presented to the Senate Finance and Financial Institutions

applicant takes an examination required under section 4736.08 of the Revised Code. 31758
31759

(3) For persons other than sanitarians-in-training to apply for registration as sanitarians, including persons meeting the requirements of section 4736.16 of the Revised Code, one hundred ~~ten~~ fourteen dollars. The applicant shall pay this fee only once regardless of the number of times the applicant takes an examination required under section 4736.08 of the Revised Code. 31760
31761
31762
31763
31764
31765

(4) The renewal fee for registered sanitarians shall be fixed by the board and shall not exceed ~~fifty-eight~~ sixty-one dollars. 31766
31767
31768

(5) The renewal fee for sanitarians-in-training shall be fixed by the board and shall not exceed ~~fifty-eight~~ sixty-one dollars. 31769
31770
31771

(6) For late application for renewal, twenty-five dollars. 31772

The board of sanitarian registration, with the approval of the controlling board, may establish fees in excess of the amounts provided in this section, provided that such fees do not exceed the amounts permitted by this section by more than fifty per cent. 31773
31774
31775
31776

(B) The board of sanitarian registration shall charge separate fees for examinations as required by section 4736.08 of the Revised Code, provided that the fees are not in excess of the actual cost to the board of conducting the examinations. 31777
31778
31779
31780

(C) The board of sanitarian registration may adopt rules establishing fees for all of the following: 31781
31782

(1) Application for the registration of a training agency approved under rules adopted by the board pursuant to section 4736.11 of the Revised Code and for the annual registration renewal of an approved training agency. 31783
31784
31785
31786

(2) Application for the review of continuing education hours 31787

Substitute Version as Presented to the Senate Finance and Financial Institutions

submitted for the board's approval by approved training agencies 31788
or by registered sanitarians or sanitarians-in-training. 31789

Sec. 4736.14. The state board of sanitarian registration may, 31790
upon application and proof of valid registration, issue a 31791
certificate of registration to any ~~resident of this state~~ person 31792
who is or has been registered as a sanitarian by any other state, 31793
if the requirements of that state at the time of such registration 31794
are determined by the board to be at least equivalent to the 31795
requirements of this chapter. 31796

Sec. 4743.05. Except as otherwise provided in ~~sections~~ 31797
section 4701.20, ~~and 4729.65~~ of the Revised Code, all money 31798
collected under Chapters 3773., 4701., 4703., 4709., 4713., 4715., 31799
4717., 4723., 4725., ~~4729.,~~ 4732., 4733., 4734., 4736., 4741., 31800
4753., 4755., 4757., 4759., and 4761. of the Revised Code, and 31801
until December 31, 2004, money collected under Chapter 4779. of 31802
the Revised Code, shall be paid into the state treasury to the 31803
credit of the occupational licensing and regulatory fund, which is 31804
hereby created for use in administering such chapters. ~~Money~~ 31805
~~deposited to the credit of the fund under section 4731.24 of the~~ 31806
~~Revised Code shall be used until July 1, 1998, for administering~~ 31807
~~Chapters 4730. and 4731. of the Revised Code.~~ 31808

At the end of each quarter, the director of budget and 31809
management shall transfer from the occupational licensing and 31810
regulatory fund to the nurse education assistance fund created in 31811
section 3333.28 of the Revised Code the amount certified to the 31812
director under division (B) of section 4723.08 of the Revised 31813
Code. 31814

~~At the end of the first quarter of 1995 and at the end of~~ 31815
~~each quarter thereafter,~~ the director shall transfer from the 31816
occupational licensing and regulatory fund to the certified public 31817

Substitute Version as Presented to the Senate Finance and Financial Institutions

accountant education assistance fund created in section 4701.26 of 31818
the Revised Code the amount certified to the director under 31819
division ~~(D)~~(H)(2) of section 4701.10 of the Revised Code. 31820

Sec. 4755.01. As used in sections 4755.01 to 4755.12 and 31821
section 4755.99 of the Revised Code: 31822

(A) "Occupational therapy" means the evaluation of learning 31823
and performance skills and the analysis, selection, and adaptation 31824
of activities for an individual whose abilities to cope with daily 31825
living, perform tasks normally performed at ~~his~~ the individual's 31826
stage of development, and perform vocational tasks are threatened 31827
or impaired by developmental deficiencies, the aging process, 31828
environmental deprivation, or physical, psychological, or social 31829
injury or illness, through specific techniques which include: 31830

(1) Planning and implementing activities and programs to 31831
improve sensory and motor functioning at the level of performance 31832
normal for the individual's stage of development; 31833

(2) Teaching skills, behaviors, and attitudes crucial to the 31834
individual's independent, productive, and satisfying social 31835
functioning; 31836

(3) Designing, fabricating, applying, recommending, and 31837
instructing in the use of selected orthotic or prosthetic devices 31838
and other equipment which assists the individual to adapt to ~~his~~ 31839
the individual's potential or actual impairment; 31840

(4) Analyzing, selecting, and adapting activities to maintain 31841
the individual's optimal performance of tasks and to prevent 31842
further disability; 31843

(5) Administration of topical drugs that have been prescribed 31844
by a licensed health professional authorized to prescribe drugs, 31845
as defined in section 4729.01 of the Revised Code. 31846

(B) "Occupational therapist" means a person who is licensed 31847

Substitute Version as Presented to the Senate Finance and Financial Institutions

to practice occupational therapy and who offers such services to 31848
the public under any title incorporating the words "occupational 31849
therapy," "occupational therapist," or any similar title or 31850
description of services. 31851

(C) "Occupational therapy assistant" means a person licensed 31852
to apply the more standard occupational therapy techniques under 31853
the general supervision of an occupational therapist. 31854

Sec. 4761.05. (A) The Ohio respiratory care board shall issue 31855
a license to any applicant who complies with the requirements of 31856
section 4761.04 of the Revised Code, files the prescribed 31857
application form, and pays the fee or fees required under section 31858
4761.07 of the Revised Code. The license entitles the holder to 31859
practice respiratory care. The licensee shall display the license 31860
in a conspicuous place at the licensee's principal place of 31861
business. 31862

(B)(1) The board shall issue a limited permit to any 31863
applicant who meets the requirements of division (A)(1) of section 31864
4761.04 of the Revised Code, files the prescribed application 31865
form, pays the fee required under section 4761.07 of the Revised 31866
Code, and meets either of the following requirements: 31867

(a) Is enrolled in and is in good standing in a respiratory 31868
care educational program approved by the board that meets the 31869
requirements of division (A)(2) of section 4761.04 of the Revised 31870
Code leading to a degree or certificate of completion or is a 31871
graduate of the program; 31872

(b) Is employed as a provider of respiratory care in this 31873
state and was employed as a provider of respiratory care in this 31874
state prior to March 14, 1989. 31875

(2) The limited permit authorizes the holder to provide 31876
respiratory care under the supervision of a respiratory care 31877

Substitute Version as Presented to the Senate Finance and Financial Institutions

professional. A person issued a limited permit under division 31878
(B)(1)(a) of this section may practice respiratory care under the 31879
limited permit for not more than the earliest of the following: 31880

(a) Three years after the date the limited permit is issued; 31881

(b) One year following the date of receipt of a certificate 31882
of completion from a board-approved respiratory care education 31883
program; 31884

(c) Until the holder ~~completes or~~ discontinues participation 31885
in the educational program. 31886

The board may extend the term of a limited permit in cases of 31887
unusual hardship. The holder seeking an extension shall petition 31888
the board in the form and manner prescribed by the board in rules 31889
adopted under section 4761.03 of the Revised Code. This division 31890
does not require a student enrolled in an educational program 31891
leading to a degree or certificate of completion in respiratory 31892
care approved by the board to obtain a limited permit to perform 31893
any duties that are part of the required course of study. 31894

(3) A person issued a limited permit under division (B)(1)(b) 31895
of this section may practice under a limited permit for not more 31896
than three years, except that this restriction does not apply to a 31897
permit holder who, on March 14, 1989, has been employed as a 31898
provider of respiratory care for an average of not less than 31899
twenty-five hours per week for a period of not less than five 31900
years by a hospital. 31901

(C) All holders of licenses and limited permits issued under 31902
this section shall display, in a conspicuous place on their 31903
persons, information that identifies the type of authorization 31904
under which they practice. 31905

Sec. 4775.01. As used in this chapter: 31906

(A) "Motor vehicle" has the same meaning as in section 31907

Substitute Version as Presented to the Senate Finance and Financial Institutions

4501.01 of the Revised Code. 31908

(B) "Collision" means an occurrence in which two or more objects, whether mobile or stationary, contact one another in a manner that causes the alteration of the surface, structure, or appearance, whether separately or collectively, of an object that is party to the occurrence. 31909
31910
31911
31912
31913

(C) "Collision repair" means any and all restorative or replacement procedures that are performed on and affect or potentially affect the structural, life safety, and cosmetic components of a motor vehicle that has been damaged as a result of a collision. "Collision repair" also includes any procedure that is employed for the purpose of repairing, restoring, replacing, or refinishing, whether wholly or separately, any structural, life safety, or cosmetic component of a motor vehicle to a condition approximating or replicating the function, use, or appearance of the component prior to a collision. 31914
31915
31916
31917
31918
31919
31920
31921
31922
31923

(D) "Motor vehicle collision repair operator" means a any person who owns or manages, in whole or in part, a motor vehicle collision repair facility, whether or not mechanical or other repairs also are performed at the facility, sole proprietorship, foreign or domestic partnership, limited liability corporation, or other legal entity that is not an employee or agent of a principal and performs five or more motor vehicle collision repairs in a calendar year, but does not mean any of the following: 31924
31925
31926
31927
31928
31929
31930
31931

(1) An employee, other than a manager, of a motor vehicle collision repair operator; 31933
31934

(2) A motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code; 31935
31936

(3) A motor vehicle dealer licensed pursuant to sections 4517.01 to 4517.45 of the Revised Code who also is the owner, part 31937
31938

Substitute Version as Presented to the Senate Finance and Financial Institutions

owner, or operator of a motor vehicle collision repair facility;	31939
(4) A motor vehicle auction owner licensed pursuant to	31940
sections 4517.01 to 4517.45 of the Revised Code;	31941
(5) A motor vehicle leasing dealer licensed pursuant to	31942
sections 4517.01 to 4517.45 of the Revised Code;	31943
(6) A motor vehicle salvage dealer licensed pursuant to	31944
sections 4738.01 to 4738.18 <u>Chapter 4738.</u> of the Revised Code;	31945
(7) A person or lessee who owns or leases ten or more motor	31946
vehicles used principally in connection with any established	31947
business and who does not perform motor vehicle collision repairs	31948
on motor vehicles other than the motor vehicles used principally	31949
in connection with the established business;	31950
(8) A motor vehicle renting dealer as defined in division	31951
(A)(2) of section 4549.65 of the Revised Code who does not perform	31952
motor vehicle collision repairs on motor vehicles other than the	31953
motor vehicles used in connection with the established motor	31954
vehicle renting business;	31955
(9) A person who performs collision repairs to the motor	31956
vehicles of a single commercial, industrial, or governmental	31957
establishment exclusively and does not offer or provide motor	31958
vehicle collision repair service to the general public;	31959
(10) The owner, part owner, or officer of, or instructor	31960
employed by, an educational institution that provides instruction	31961
in motor vehicle collision repair while the owner, part owner,	31962
officer of, or instructor is engaging in activity in furtherance	31963
of instruction in motor vehicle collision repair.	31964
(C)(E) "Motor vehicle collision repair facility" means a	31965
business location in <u>from</u> which five or more separate motor	31966
vehicle collision repairs are performed for the general public on	31967
<u>motor vehicles</u> in a twelve-month period, commencing with the day	31968

Substitute Version as Presented to the Senate Finance and Financial Institutions

of the month in which the first such repair is made. 31969

Sec. 4775.02. (A) No person shall act as a motor vehicle 31970
collision repair operator unless the person is registered in 31971
accordance with this chapter. 31972

(B) Any person or entity that conducts or attempts to conduct 31973
business as a motor vehicle collision repair operator in violation 31974
of this chapter performs an unfair and deceptive act or practice 31975
in violation of section 1345.02 of the Revised Code. 31976

Sec. 4775.08. (A) The initial and annual renewal fee for a 31977
motor vehicle collision repair registration certificate and for a 31978
temporary motor vehicle collision repair registration certificate 31979
is one hundred fifty dollars for each business location at which 31980
the motor vehicle collision repair operator conducts business as 31981
an operator, except that the board of motor vehicle collision 31982
repair registration, with the approval of the controlling board, 31983
may establish fees in excess of or less than that amount, provided 31984
that such fees do not exceed or are not less than that amount by 31985
more than fifty per cent. 31986

The board shall adjust the fees as necessary in order to 31987
provide for the expenses associated with carrying out this chapter 31988
without causing an excessive build-up of surplus funds in the 31989
motor vehicle collision repair registration fund, which is hereby 31990
created in the state treasury. 31991

(B) If the board has notified or attempted to notify a motor 31992
vehicle collision repair operator that the operator is required to 31993
be registered under this chapter, and the operator fails to 31994
register, the initial fee for the registration of such an 31995
unregistered operator for each business location at which the 31996
operator conducts business as an operator, is the initial fee then 31997
in effect plus an additional amount equal to the initial fee then 31998

Substitute Version as Presented to the Senate Finance and Financial Institutions

in effect for each calendar year that the operator is not 31999
registered after the board has notified or attempted to notify the 32000
operator. 32001

(C) The board shall deposit all fees and fines collected 32002
under this chapter into the motor vehicle collision repair 32003
registration fund, which is hereby created in the state treasury. 32004
The board shall use the fund solely for the administration and 32005
enforcement of this chapter. 32006

Sec. 4775.99. (A) Whoever violates section 4775.02 of the 32007
Revised Code shall be fined not more than one thousand dollars on 32008
a first offense. On each subsequent offense, the offender shall be 32009
fined not less than one thousand nor more than five thousand 32010
dollars. 32011

(B) After conducting an investigation and upon establishing 32012
that a violation of section 4775.02 of the Revised Code has 32013
occurred, the board of motor vehicle collision repair 32014
registration, in addition to any other action it may take or any 32015
other penalty imposed pursuant to this chapter, may impose an 32016
administrative fine on the person or entity that committed the 32017
violation in an amount of not more than one thousand dollars on a 32018
first offense. On each subsequent offense, the board may impose an 32019
administrative fine of not less than one thousand dollars nor more 32020
than five thousand dollars. If the administrative fine is not 32021
paid, the attorney general, upon the board's request, shall 32022
commence a civil action to collect the administrative fine. 32023

Sec. 4779.01. As used in this chapter: 32024

(A) "Accommodative" means designed with the primary goal of 32025
conforming to the anatomy of a particular individual. 32026

(B) "Full-time" means not less than one thousand six hundred 32027
hours per year. 32028

Substitute Version as Presented to the Senate Finance and Financial Institutions

(C) "Inlay" means any removable material on which the foot rests inside a shoe and that may be an integral design component of the shoe.

(D) "Orthotics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of an orthotic or pedorthic device, or the repair, replacement, adjustment, or service of an existing orthotic or pedorthic device. It does not include upper extremity adaptive equipment used to facilitate the activities of daily living, finger splints, wrist splints, prefabricated elastic or fabric abdominal supports with or without metal or plastic reinforcing stays and other prefabricated soft goods requiring minimal fitting, nontherapeutic accommodative inlays, shoes that are not manufactured or modified for a particular individual, prefabricated foot care products, durable medical equipment, dental appliances, pedorthic devices, or devices implanted into the body by a physician.

(E) "Orthotic device" means a custom fabricated or fitted medical device used to support, correct, or alleviate neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity.

(F) "Pedorthics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a pedorthic device, or the repair, replacement, adjustment, or servicing of a pedorthic device.

(G) "Pedorthics device" means a custom fabricated or fitted therapeutic shoe, shoe modification for therapeutic purposes, prosthetic filler of the forefoot, or foot orthosis for use from the apex of the ~~medial malleolus~~ medial malleolus and below. It does not include an arch support, a nontherapeutic accommodative inlay, nontherapeutic accommodative footwear, prefabricated footcare products, or unmodified, over-the-counter shoes.

Substitute Version as Presented to the Senate Finance and Financial Institutions

(H) "Prosthetics" means the evaluation, measurement, design, fabrication, assembly, fitting, adjusting, servicing, or training in the use of a prosthesis or pedorthic device, or the repair, replacement, adjustment, or service of a prosthesis or pedorthic device.

(I) "Prosthesis" means a custom fabricated or fitted medical device used to replace a missing appendage or other external body part. It includes an artificial limb, hand, or foot, but does not include devices implanted into the body by a physician, artificial eyes, intraocular lenses, dental appliances, ostomy products, cosmetic devices such as breast prostheses, eyelashes, wigs, or other devices that do not have a significant impact on the musculoskeletal functions of the body.

Sec. 4779.02. (A) Except as provided in division (B) of this section, no person shall practice or represent that the person is authorized to practice orthotics, prosthetics, or pedorthics unless the person holds a current, valid license issued or renewed under this chapter.

(B) Division (A) of this section does not apply to any of the following:

(1) An individual who holds a current, valid license, certificate, or registration issued under Chapter 4723., 4730., 4731., 4734., or 4755. of the Revised Code and is practicing within the individual's scope of practice under statutes and rules regulating the individual's profession;

(2) An individual who practices orthotics, prosthetics, or pedorthics as an employee of the federal government and is engaged in the performance of duties prescribed by statutes and regulations of the United States;

(3) An individual who provides orthotic, prosthetic, or

Substitute Version as Presented to the Senate Finance and Financial Institutions

pedorthic services under the supervision of a licensed orthotist, 32091
 prosthetist, or pedorthist in accordance with section 4779.04 of 32092
 the Revised Code; 32093

(4) An individual who provides orthotic, prosthetic, or 32094
 pedorthic services as part of an educational, certification, or 32095
 residency program approved by the board under sections 4779.25 to 32096
 4779.27 of the Revised Code; 32097

(5) An individual who provides orthotic, prosthetic, or 32098
pedorthic services under the direct supervision of an individual 32099
authorized under Chapter 4731. of the Revised Code to practice 32100
medicine and surgery or osteopathic medicine and surgery. 32101

Sec. 4779.16. The state board of orthotics, prosthetics, and 32102
 pedorthics shall issue a license under section 4779.09 of the 32103
 Revised Code to practice orthotics, prosthetics, orthotics and 32104
 prosthetics, or pedorthics without examination to an applicant who 32105
 meets the requirements of divisions (A) and (B) of this section: 32106

(A) Not later than July 27, 2001, applies to the board in 32107
 accordance with section 4779.09 of the Revised Code; 32108

(B)(1) In the case of an applicant for a license to practice 32109
 orthotics, is actively practicing or teaching orthotics on October 32110
 27, 2000, and complies with division (B)~~(2)~~(1)(a) or (b) of this 32111
 section: 32112

(a) The applicant meets all of the following requirements: 32113

(i) Holds a bachelor's degree or higher from a nationally 32114
 accredited college or university in the United States; 32115

(ii) Has completed a certificate program in orthotics 32116
 approved by the board under section 4779.26 of the Revised Code; 32117

(iii) Is certified in orthotics by the American board for 32118
 certification in orthotics and prosthetics, the board of 32119

Substitute Version as Presented to the Senate Finance and Financial Institutions

orthotist/prosthetist certification, or an equivalent successor	32120
organization recognized by the board;	32121
(iv) Has completed a residency program approved by the board	32122
under section 4779.27 of the Revised Code.	32123
(b) The individual meets both of the following requirements:	32124
(i) Has a minimum of three years of documented, full-time	32125
experience practicing or teaching orthotics;	32126
(ii) Has passed the certification examination in orthotics	32127
developed by the American board of certification in orthotics and	32128
prosthetics, the board of orthotist/prosthetist certification, or	32129
an equivalent organization recognized by the board.	32130
(2) In the case of an applicant for a license to practice	32131
prosthetics, is actively practicing or teaching prosthetics on	32132
October 27, 2000, and complies with division (B)(2)(a) or (b) of	32133
this section:	32134
(a) The applicant meets all of the following requirements:	32135
(i) Holds a bachelor's degree or higher from a nationally	32136
accredited college or university in the United States;	32137
(ii) Has completed a certificate program in prosthetics	32138
approved by the board under section 4779.26 of the Revised Code;	32139
(iii) Is certified in prosthetics by the American board for	32140
certification in orthotics and prosthetics, the board of	32141
orthotist/prosthetist certification, or an equivalent successor	32142
organization recognized by the board;	32143
(iv) Has completed a residency program approved by the board	32144
under section 4779.27 of the Revised Code.	32145
(b) The applicant meets both of the following requirements:	32146
(i) Has a minimum of three years of documented, full-time	32147
experience practicing or teaching prosthetics;	32148

Substitute Version as Presented to the Senate Finance and Financial Institutions

(ii) Has passed the certification examination in prosthetics	32149
of the American board of certification in orthotics and	32150
prosthetics, the board of orthotist/prosthetist certification, or	32151
an equivalent organization recognized by the board.	32152
(3) In the case of an applicant for a license to practice	32153
orthotics and prosthetics, the applicant complies with division	32154
(B)(3)(a) or (b) of this section:	32155
(a) The applicant meets all of the following requirements:	32156
(i) Holds a bachelor's degree or higher from an accredited	32157
college or university in the United States;	32158
(ii) Has completed a certificate program in orthotics and	32159
prosthetics approved by the board under section 4779.26 of the	32160
Revised Code;	32161
(iii) Has completed a residency program in orthotics and	32162
prosthetics approved under section 4779.27 of the Revised Code;	32163
(iv) Is certified in orthotics and prosthetics by the	32164
American board for certification in orthotics and prosthetics, the	32165
board of orthotist/prosthetist certification, or an equivalent	32166
successor organization recognized by the board;	32167
(b) The applicant meets both of the following requirements:	32168
(i) Has a minimum of six years of documented, full-time	32169
experience practicing or teaching orthotics and prosthetics;	32170
(ii) Has passed the orthotics and prosthetics certification	32171
examination requirements of the American board for certification	32172
in orthotics and prosthetics, the board of orthotist/prosthetist	32173
certification, or an equivalent organization recognized by the	32174
board.	32175
(4) In the case of an applicant for a license to practice	32176
pedorthics, is actively practicing or teaching pedorthics on	32177
October 27, 2000, and is certified in pedorthics by the board for	32178

Substitute Version as Presented to the Senate Finance and Financial Institutions

certification in pedorthics.

32179

Sec. 4779.19. A license issued under section 4779.09 of the Revised Code or renewed under section 4779.20 of the Revised Code is ~~valid for not less than three years and not more than four years and~~ from the date of issuance until the date it expires, unless earlier suspended or revoked. An initial license and each renewed license expires on the thirty-first day of January immediately succeeding the date of issuance.

32180

32181

32182

32183

32184

32185

32186

Sec. 4779.20. (A) An individual seeking to renew a license issued under section 4779.09 of the Revised Code shall, on or before the ~~thirty-first day of January of the year in which the~~ license expires pursuant to section 4779.19 of the Revised Code, apply for renewal. The state board of orthotics, prosthetics, and pedorthics shall send renewal notices at least one month prior to the expiration date.

32187

32188

32189

32190

32191

32192

32193

Applications shall be submitted to the board on forms the board prescribes and furnishes. Each application shall be accompanied by a renewal fee specified in rules adopted by the board under section 4779.08 of the Revised Code, except that the board may waive part of the renewal fee for the first renewal of an initial license that expires one hundred days or less after it is issued.

32194

32195

32196

32197

32198

32199

32200

(B) ~~To be eligible for renewal other than a first renewal, the~~ Beginning with the fourth renewal and every third renewal thereafter, a license holder must certify to the board one of the following:

32201

32202

32203

32204

(1) In the case of an individual licensed as an orthotist or prosthetist, the individual has completed within the preceding three years forty-five continuing education units granted by the board under section 4779.24 of the Revised Code;

32205

32206

32207

32208

Substitute Version as Presented to the Senate Finance and Financial Institutions

(2) In the case of an individual licensed as a prosthetist and orthotist, the individual has completed within the preceding three years seventy-five continuing education units granted by the board under section 4779.24 of the Revised Code;

(3) In the case of an individual licensed as a pedorthist, the individual has completed within the previous three years the continuing education courses required by the board for certification in pedorthics or an equivalent organization recognized by the board.

Sec. 4779.26. The state board of orthotics, prosthetics, and pedorthics shall recognize a certificate program in orthotics, prosthetics, or orthotics and prosthetics if the program satisfies all of the following requirements:

(A) Meets the requirements in divisions (B), (C), (D), (E), (F), (K), and (L) of section ~~4779.24~~ 4779.25 of the Revised Code;

(B) In the case of a certificate program in orthotics, the program does all of the following:

(1) Provides not less than two semesters or three quarters of instruction in orthotics;

(2) Requires students to complete not less than two hundred fifty hours of supervised clinical experience that focuses on patient-related activities, recommendation, measurement, impression-taking, model rectification, fabrication, fitting, and evaluating patients in the use and function of orthotics;

(3) Meets the requirements in divisions (G) and (H) of section 4779.25 of the Revised Code.

(C) In the case of a certificate program in prosthetics, the program does all of the following:

(1) Provides not less than two semesters or three quarters of

Substitute Version as Presented to the Senate Finance and Financial Institutions

instruction in prosthetics;	32238
(2) Requires students to complete not less than two hundred	32239
fifty hours of supervised clinical experience that focuses on	32240
patient-related activities, recommendation, measurement,	32241
impression-taking, model rectification, fabrication, fitting, and	32242
evaluating patients in the use and function of prosthetics;	32243
(3) Meets the requirements in divisions (F) and (I) of	32244
section 4779.25 of the Revised Code.	32245
(D) In the case of a certificate program in orthotics and	32246
prosthetics, the program does both of the following:	32247
(1) Provides not less than two semesters or three quarters of	32248
instruction in orthotics and two semesters or three quarters of	32249
instruction in prosthetics;	32250
(2) Meets the requirements in divisions (H) and (I) of	32251
section 4779.25 of the Revised Code.	32252
<u>Sec. 4905.87.</u> (A) To the extent funding is available in the	32253
<u>biomass energy program fund, the public utilities commission shall</u>	32254
<u>maintain a program to promote the development and use of biomass</u>	32255
<u>energy.</u>	32256
(B) <u>The biomass energy program fund is hereby created in the</u>	32257
<u>state treasury. Money received by the commission for the program</u>	32258
<u>maintained under this section shall be credited to the fund, and</u>	32259
<u>used for that program.</u>	32260
<u>Sec. 4911.02.</u> (A) The consumers' counsel shall be appointed	32262
by the consumers' counsel governing board, and shall hold office	32263
at the pleasure of the board.	32264
(B)(1) The counsel may sue or be sued and has the powers and	32265
duties granted him <u>the counsel</u> under this chapter, and all	32266
necessary powers to carry out the purposes of this chapter.	32267

Substitute Version as Presented to the Senate Finance and Financial Institutions

(2) Without limitation because of enumeration, the counsel:	32268
(a) Shall have all the rights and powers of any party in	32269
interest appearing before the public utilities commission	32270
regarding examination and cross-examination of witnesses,	32271
presentation of evidence, and other matters;	32272
(b) May take appropriate action with respect to residential	32273
consumer complaints concerning quality of service, service	32274
charges, and the operation of the public utilities commission;	32275
(c) May institute, intervene in, or otherwise participate in	32276
proceedings in both state and federal courts and administrative	32277
agencies on behalf of the residential consumers concerning review	32278
of decisions rendered by, or failure to act by, the public	32279
utilities commission;	32280
(d) May conduct long range studies concerning various topics	32281
relevant to the rates charged to residential <u>residential</u> consumers;	32282
(e) <u>May promote and encourage training opportunities,</u>	32283
<u>awareness initiatives, educational programs, research, and</u>	32284
<u>dissemination of information helpful and useful to residential</u>	32285
<u>consumers. To carry out those purposes, the counsel may promote</u>	32286
<u>the availability of the office of the consumers' counsel's</u>	32287
<u>services, educational efforts, awareness initiatives, and</u>	32288
<u>programs.</u>	32289
Sec. 4911.17. There is hereby created a nine-member	32290
consumers' counsel governing board consisting of three	32291
representatives of organized groups representing each of the	32292
following areas: labor; residential consumers; <u>and</u> family farmers.	32293
No more than five members of this board may be members of the same	32294
political party.	32295
The members of the board shall be appointed by the attorney	32296
general with the advice and consent of the senate.	32297

Substitute Version as Presented to the Senate Finance and Financial Institutions

No later than January 1, 1977, the attorney general shall 32298
make initial appointments to the board. Of the initial 32299
appointments made to the board, three shall be for a term ending 32300
one year after September 1, 1976, three shall be for a term ending 32301
two years after that date, and three shall be for a term ending 32302
three years after that date. Thereafter, terms of office shall be 32303
for three years, each term ending on the same day of the same 32304
month of the year as did the term that it succeeds. Each member 32305
shall hold office from the date of the member's appointment until 32306
the end of the term for which the member was appointed. Any member 32307
appointed to fill a vacancy occurring prior to the expiration of 32308
the term for which the member's predecessor was appointed shall 32309
hold office for the remainder of that term. Any member shall 32310
continue in office subsequent to the expiration date of the 32311
member's term until the member's successor takes office. 32312

The governing board ~~shall meet within thirty days after all~~ 32313
~~appointments have been made and select from among its membership a~~ 32314
~~chairperson and vice-chairperson. The board shall meet at least~~ 32315
every ~~other~~ third month ~~thereafter~~ of the year. Meetings may be 32316
held more often at the request of a majority of the members or 32317
upon call of the chairperson. ~~A~~ At the first meeting of each year, 32318
the board shall select a chairperson and vice-chairperson. With 32319
the approval of the board, the chairperson may designate the 32320
vice-chairperson to perform the duties of the chairperson, 32321
including those provided in section 4901.021 of the Revised Code. 32322

A majority of the members constitutes a quorum. No action 32323
shall be taken without the concurrence of a majority of the full 32324
membership of the board. The consumers' counsel shall at all times 32325
remain responsible to the governing board. Members of the board 32326
shall be compensated at the rate of one hundred fifty dollars per 32327
board meeting attended in person, not to exceed one thousand two 32328
hundred dollars per year. All members shall be reimbursed for 32329

Substitute Version as Presented to the Senate Finance and Financial Institutions

actual and necessary expenses incurred in the performance of ~~the~~ 32330
their official duties. 32331

The board shall submit to the general assembly no later than 32332
the first day of April, annually, a report outlining the 32333
expenditures of the office of consumers' counsel, a full record of 32334
participation in any and all proceedings, and an outline of other 32335
relevant activities of the office. 32336

Sec. 5101.14. (A) Within available funds, the department of 32337
job and family services shall make payments to the counties within 32338
thirty days after the beginning of each calendar quarter for a 32339
part of their costs for services to children performed pursuant to 32340
Chapter 5153. of the Revised Code. 32341

Funds provided to the county under this section shall be 32342
deposited into the children services fund created pursuant to 32343
section 5101.144 of the Revised Code. 32344

(B)(1) The funds distributed under this section shall be used 32345
for the following: 32346

(a) Home-based services to children and families; 32347

(b) Protective services to children; 32348

(c) To find, develop, and approve adoptive homes; 32349

(d) Short-term, out-of-home care and treatment for children; 32350

(e) Costs for the care of a child who resides with a 32351
caretaker relative, other than the child's parent, and is in the 32352
legal custody of a public children services agency pursuant to a 32353
voluntary temporary custody agreement entered into under division 32354
(A) of section 5103.15 of the Revised Code or in the legal custody 32355
of a public children services agency or the caretaker relative 32356
pursuant to an allegation or adjudication of abuse, neglect, or 32357
dependency made under Chapter 2151. of the Revised Code; 32358

Substitute Version as Presented to the Senate Finance and Financial Institutions

(f) Other services a public children services agency 32359
considers necessary to protect children from abuse, neglect, or 32360
dependency. 32361

(2) No funds distributed under this section shall be used for 32362
the costs of maintaining a child in a children's home owned and 32363
operated by the county. 32364

(C) In each fiscal year, the amount of funds available for 32365
distribution under this section shall be allocated to counties as 32366
follows: 32367

(1) If the amount is less than the amount initially 32368
appropriated for the immediately preceding fiscal year, each 32369
county shall receive an amount equal to the percentage of the 32370
funding it received in the immediately preceding fiscal year, 32371
exclusive of any releases from or additions to the allocation or 32372
any sanctions imposed under this section; 32373

(2) If the amount is equal to the amount initially 32374
appropriated for the immediately preceding fiscal year, each 32375
county shall receive an amount equal to the amount it received in 32376
the preceding fiscal year, exclusive of any releases from or 32377
additions to the allocation or any sanctions imposed under this 32378
section; 32379

(3) If the amount is greater than the amount initially 32380
appropriated for the immediately preceding fiscal year, each 32381
county shall receive the amount determined under division (C)(2) 32382
of this section as a base allocation, plus a percentage of the 32383
amount that exceeds the amount initially appropriated for the 32384
immediately preceding fiscal year. The amount exceeding the amount 32385
initially appropriated in the immediately preceding fiscal year 32386
shall be allocated to the counties as follows: 32387

(a) Twelve per cent divided equally among all counties; 32388

(b) Forty-eight per cent in the ratio that the number of 32389

Substitute Version as Presented to the Senate Finance and Financial Institutions

residents of the county under the age of eighteen bears to the 32390
total number of such persons residing in this state; 32391

(c) Forty per cent in the ratio that the number of residents 32392
of the county with incomes under the federal poverty guideline 32393
bears to the total number of such persons in this state. 32394

As used in division (C)(3)(c) of this section, "federal 32395
poverty guideline" means the poverty guideline as defined by the 32396
United States office of management and budget and revised by the 32397
United States secretary of health and human services in accordance 32398
with section 673 of the "Community Services Block Grant Act," 95 32399
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 32400

(D) The director of job and family services may adopt rules 32401
as necessary for the allocation of funds under this section. The 32402
rules shall be adopted in accordance with section 111.15 of the 32403
Revised Code. 32404

(E)(1) As used in this division, "services to children" 32405
~~includes only~~ means children's protective services, home-based 32406
services to children and families, foster home services, 32407
residential treatment services, adoptive services, and independent 32408
living services. 32409

(2) Except as otherwise provided in this section, the 32410
allocation of funds for a fiscal year to a county under this 32411
section shall be reduced by the department if in the preceding 32412
calendar year the total amount expended for services to children 32413
from local funds ~~and funds distributed to the county under section~~ 32414
~~5101.46 of the Revised Code~~ was less than the total expended from 32415
~~those sources~~ that source in the second preceding calendar year. 32416
The reduction shall be equal to the difference between the total 32417
expended in the preceding calendar year and the total expended in 32418
the second preceding calendar year. 32419

The determination of whether the amount expended for services 32420

Substitute Version as Presented to the Senate Finance and Financial Institutions

to children was less in the preceding calendar year than in the 32421
second preceding calendar year shall not include a difference due 32422
to any of the following factors to the extent that the difference 32423
does not exceed the amount attributable to that factor: 32424

(a) An across-the-board reduction in the county budget as a 32425
whole; 32426

(b) A reduced or failed levy specifically earmarked for 32427
children services; 32428

(c) ~~A reduced allocation of funds to the county under section 32429
5101.24 of the Revised Code;~~ 32430

~~(d)~~ The closure of, or a reduction in the operating capacity 32431
of, a children's home owned and operated by the county. 32432

(3) Funds withheld under this division may be reallocated by 32433
the department to other counties. The department may grant whole 32434
or partial waivers of the provisions of this division. 32435

(F) Children who are in the temporary or permanent custody of 32436
a certified public or private nonprofit agency or institution, or 32437
who are in adoptions subsidized under division (B) of section 32438
5153.163 of the Revised Code are eligible for medical assistance 32439
through the medical assistance program established under section 32440
5111.01 of the Revised Code. 32441

(G) Within ninety days after the end of each fiscal year, 32442
each county shall return any unspent funds to the department. 32443

~~(H) The department shall prepare an annual report detailing 32444
on a county-by-county basis the services provided with funds 32445
distributed under this section. The report shall be submitted to 32446
the general assembly by the thirtieth day of September each year 32447
and also shall be made available to the public. 32448~~

~~(I)~~ In accordance with Chapter 119. of the Revised Code, the 32449
director shall adopt, and may amend and rescind, rules prescribing 32450

Substitute Version as Presented to the Senate Finance and Financial Institutions

reports on expenditures to be submitted by the counties as 32451
necessary for the implementation of this section. 32452

Sec. 5101.141. (A) The department of job and family services 32453
shall act as the single state agency to administer federal 32454
payments for foster care and adoption assistance made pursuant to 32455
Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 32456
670 (1980), as amended. The director of job and family services 32457
shall adopt rules to implement this authority. Internal management 32458
rules governing financial and administrative requirements 32459
applicable to public children services agencies, private child 32460
placing agencies, and private noncustodial agencies shall be 32461
adopted in accordance with section 111.15 of the Revised Code. 32462
Rules establishing eligibility, program participation, and other 32463
requirements shall be adopted in accordance with Chapter 119. of 32464
the Revised Code. A public children services agency to which the 32465
department distributes Title IV-E funds shall administer the funds 32466
in accordance with those rules. 32467

(B)(1) The county, on behalf of each child eligible for 32468
foster care maintenance payments under Title IV-E of the "Social 32469
Security Act," shall make payments to cover the cost of providing 32470
all of the following: 32471

(a) The child's food, clothing, shelter, daily supervision, 32472
and school supplies; 32473

(b) The child's personal incidentals; 32474

(c) Reasonable travel to the child's home for visitation. 32475

(2) In addition to payments made under division (B)(1) of 32476
this section, the county may, on behalf of each child eligible for 32477
foster care maintenance payments under Title IV-E of the "Social 32478
Security Act," make payments to cover the cost of providing the 32479
following: 32480

Substitute Version as Presented to the Senate Finance and Financial Institutions

(a) Liability insurance with respect to the child;	32481
(b) If the county is participating in the demonstration	32482
project established under division (A) of section 5101.142 of the	32483
Revised Code, services provided under the project.	32484
(3) With respect to a child who is in a child-care	32485
institution, including any type of group home designed for the	32486
care of children or any privately operated program consisting of	32487
two or more certified foster homes operated by a common	32488
administrative unit, the foster care maintenance payments made by	32489
the county on behalf of the child shall include the reasonable	32490
cost of the administration and operation of the institution, group	32491
home, or program, as necessary to provide the items described in	32492
divisions (B)(1) and (2) of this section.	32493
(C) To the extent that either foster care maintenance	32494
payments under division (B) of this section or Title IV-E adoption	32495
assistance payments for maintenance costs require the expenditure	32496
of county funds, the board of county commissioners shall report	32497
the nature and amount of each expenditure of county funds to the	32498
department.	32499
(D) The department shall distribute to public children	32500
services agencies that incur and report such expenditures federal	32501
financial participation received for administrative and training	32502
costs incurred in the operation of foster care maintenance and	32503
adoption assistance programs. The department may withhold not more	32504
than two <u>three</u> per cent of the federal financial participation	32505
received. The funds withheld may be used only to fund the Ohio	32506
child welfare training program established under section 5153.60	32507
of the Revised Code <u>and the university partnership program for</u>	32508
<u>college and university students majoring in social work who have</u>	32509
<u>committed to work for a public children services agency upon</u>	32510
<u>graduation</u> . The funds withheld shall be in addition to any	32511
administration and training cost for which the department is	32512

Substitute Version as Presented to the Senate Finance and Financial Institutions

reimbursed through its own cost allocation plan. 32513

(E) All federal financial participation funds received by a 32514
county pursuant to this section shall be deposited into the 32515
county's children services fund created pursuant to section 32516
5101.144 of the Revised Code. 32517

(F) The department shall periodically publish and distribute 32518
the maximum amounts that the department will reimburse public 32519
children services agencies for making payments on behalf of 32520
children eligible for foster care maintenance payments. 32521

(G) The department, by and through its director, is hereby 32522
authorized to develop, participate in the development of, 32523
negotiate, and enter into one or more interstate compacts on 32524
behalf of this state with agencies of any other states, for the 32525
provision of medical assistance and other social services to 32526
children in relation to whom all of the following apply: 32527

(1) They have special needs. 32528

(2) This state or another state that is a party to the 32529
interstate compact is providing adoption assistance on their 32530
behalf. 32531

(3) They move into this state from another state or move out 32532
of this state to another state. 32533

Sec. 5101.145. (A) For the purposes of this section, "Title 32534
IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 32535
42 U.S.C.A. 670 (1980). 32536

(B) In adopting rules under section 5101.141 of the Revised 32537
Code regarding financial requirements applicable to public 32538
children services agencies, private child placing agencies, and 32539
private noncustodial agencies, the department of job and family 32540
services shall establish both of the following: 32541

(1) A single form for the agencies to report costs 32542

Substitute Version as Presented to the Senate Finance and Financial Institutions

reimbursable under Title IV-E and costs reimbursable under 32543
 medicaid; 32544

(2) Procedures to monitor cost reports submitted by the 32545
 agencies. 32546

(C) The procedures established under division (B)(2) of this 32547
section shall be implemented not later than October 1, 2003. The 32548
procedures shall be used to do both of the following: 32549

(1) Determine which of the costs are reimbursable under Title 32550
IV-E; 32551

(2) Ensure that costs reimbursable under medicaid are 32552
excluded from determinations made under division (C)(1) of this 32553
section. 32554

Sec. 5101.184. (A) The director of job and family services 32555
 shall work with the tax commissioner to collect overpayments of 32556
 assistance under Chapter 5107., 5111., or 5115., former Chapter 32557
 5113., or ~~sections~~ section 5101.54 to ~~5101.543~~ of the Revised Code 32558
 from refunds of state income taxes for taxable year 1992 and 32559
 thereafter that are payable to the recipients of such 32560
 overpayments. 32561

Any overpayment of assistance, whether obtained by fraud or 32562
 misrepresentation, as the result of an error by the recipient or 32563
 by the agency making the payment, or in any other manner, may be 32564
 collected under this section. Any reduction under section 5747.12 32565
 or 5747.121 of the Revised Code to an income tax refund shall be 32566
 made before a reduction under this section. No reduction shall be 32567
 made under this section if the amount of the refund is less than 32568
 twenty-five dollars after any reduction under section 5747.12 of 32569
 the Revised Code. A reduction under this section shall be made 32570
 before any part of the refund is contributed under section 32571
 5747.113 of the Revised Code to the natural areas and preserves 32572

Substitute Version as Presented to the Senate Finance and Financial Institutions

fund or the nongame and endangered wildlife fund, or is credited 32573
under section 5747.12 of the Revised Code against tax due in any 32574
subsequent year. 32575

The director and the tax commissioner, by rules adopted in 32576
accordance with Chapter 119. of the Revised Code, shall establish 32577
procedures to implement this division. The procedures shall 32578
provide for notice to a recipient of assistance and an opportunity 32579
for the recipient to be heard before the recipient's income tax 32580
refund is reduced. 32581

(B) The director of job and family services may enter into 32582
agreements with the federal government to collect overpayments of 32583
assistance from refunds of federal income taxes that are payable 32584
to recipients of the overpayments. 32585

Sec. ~~5101.071~~ 5101.251. (A) Not later than ninety days after 32586
~~the effective date of this section~~ December 8, 1994, the director 32587
of job and family services shall develop and provide a training 32588
program to assist caseworkers in county departments of job and 32589
family services and public children services agencies in 32590
understanding the dynamics of domestic violence and the 32591
relationship domestic violence has to child abuse. ~~The program~~ 32592
~~shall be coordinated with other department of job and family~~ 32593
~~services programs regarding family violence.~~ 32594

(B) Not later than ninety days after ~~the effective date of~~ 32595
~~this section~~ December 9, 1994, the director of job and family 32596
services shall adopt internal management rules in accordance with 32597
section 111.15 of the Revised Code establishing policies for 32598
dealing with domestic violence and the victims of domestic 32599
violence. The rules shall include all of the following: 32600

(1) A rule designating types and categories of employees of 32601
county departments of job and family services and employees of 32602
public children services agencies to receive training in the 32603

Substitute Version as Presented to the Senate Finance and Financial Institutions

handling of domestic violence cases and a policy for the training 32604
of the designated types and categories of employees in the 32605
handling of those cases. 32606

(2) Guidelines directing how county departments of job and 32607
family services and county children services boards shall respond 32608
to identified domestic violence problems and to the needs of 32609
children directly or indirectly involved in situations involving 32610
domestic violence. 32611

(C) Each county department of job and family services and 32612
each public children services agency shall require its employees 32613
to complete the training described in divisions (A) and (B) of 32614
this section in accordance with the rules adopted by the director 32615
of job and family services pursuant to division (B) of this 32616
section. 32617

Sec. 5101.36. Any application for public assistance gives a 32618
right of subrogation to the department of job and family services 32619
for any workers' compensation benefits payable to a person who is 32620
subject to a support order, as defined in section 3119.01 of the 32621
Revised Code, on behalf of the applicant, to the extent of any 32622
public assistance payments made on the applicant's behalf. If the 32623
director of job and family services, in consultation with a child 32624
support enforcement agency and the administrator of the bureau of 32625
workers' compensation, determines that a person responsible for 32626
support payments to a recipient of public assistance is receiving 32627
workers' compensation, the director shall notify the administrator 32628
of the amount of the benefit to be paid to the department of job 32629
and family services. 32630

For purposes of this section, "public assistance" means 32631
medical assistance provided through the medical assistance program 32632
established under section 5111.01 of the Revised Code; i Ohio works 32633
first provided under Chapter 5107. of the Revised Code; i 32634

Substitute Version as Presented to the Senate Finance and Financial Institutions

prevention, retention, and contingency ~~assistance~~ benefits and 32635
services provided under Chapter 5108. of the Revised Code~~;~~ or 32636
disability assistance provided under Chapter 5115. of the Revised 32637
Code. 32638

Sec. 5101.521. When the body of a dead person is found in a 32639
township or municipal corporation, and such person was not an 32640
inmate of a correctional, benevolent, or charitable institution of 32641
this state, and the body is not claimed by any person for private 32642
interment or cremation at the person's own expense, or delivered 32643
for the purpose of medical or surgical study or dissection in 32644
accordance with section 1713.34 of the Revised Code, ~~or the person~~ 32645
~~was not eligible for burial assistance under section 5101.52 of~~ 32646
~~the Revised Code,~~ it shall be disposed of as follows: 32647

(A) If the person was a legal resident of the county, the 32648
proper officers of the township or municipal corporation in which 32649
the person's body was found shall cause it to be buried or 32650
cremated at the expense of the township or municipal corporation 32651
in which the person had a legal residence at the time of death. 32652

(B) If the person had a legal residence in any other county 32653
of the state at the time of death, the superintendent of the 32654
county home of the county in which such body was found shall cause 32655
it to be buried or cremated at the expense of the township or 32656
municipal corporation in which the person had a legal residence at 32657
the time of death. 32658

(C) If the person was an inmate of a correctional institution 32659
of the county or a patient or resident of a benevolent institution 32660
of the county, the person had no legal residence in the state, or 32661
the person's legal residence is unknown, the superintendent shall 32662
cause the person to be buried or cremated at the expense of the 32663
county. 32664

Such officials shall provide, at the grave of the person or, 32665

Substitute Version as Presented to the Senate Finance and Financial Institutions

if the person's cremated remains are buried, at the grave of the 32666
person's cremated remains, a stone or concrete marker on which the 32667
person's name and age, if known, and date of death shall be 32668
inscribed. 32669

A political subdivision is not relieved of its duty to bury 32670
or cremate a person at its expense under this section when the 32671
body is claimed by an indigent person. 32672

Sec. 5101.54. (A) The director of job and family services 32673
shall administer the food stamp program in accordance with the 32674
"Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 32675
amended. The department may: 32676

(1) Prepare and submit to the secretary of the United States 32677
department of agriculture a plan for the administration of the 32678
food stamp program; 32679

(2) Prescribe forms for applications, certificates, reports, 32680
records, and accounts of county departments of job and family 32681
services, and other matters; 32682

(3) Require such reports and information from each county 32683
department of job and family services as may be necessary and 32684
advisable; 32685

(4) Administer and expend any sums appropriated by the 32686
general assembly for the purposes of this section and all sums 32687
paid to the state by the United States as authorized by the Food 32688
Stamp Act of 1977; 32689

(5) Conduct such investigations as are necessary; 32690

(6) Enter into interagency agreements and cooperate with 32691
investigations conducted by the department of public safety, 32692
including providing information for investigative purposes, 32693
exchanging property and records, passing through federal financial 32694
participation, modifying any agreements with the United States 32695

Substitute Version as Presented to the Senate Finance and Financial Institutions

department of agriculture, providing for the supply, security, and
accounting of food stamp ~~coupons~~ benefits for investigative
purposes, and meeting any other requirements necessary for the
detection and deterrence of illegal activities in the state food
stamp program;

(7) Adopt rules in accordance with Chapter 119. of the
Revised Code governing employment and training requirements of
recipients of food stamp benefits, including rules specifying
which recipients are subject to the requirements and establishing
sanctions for failure to satisfy the requirements. The rules shall
be consistent with 7 U.S.C.A. 2015 and, to the extent practicable,
may provide for food stamp benefit recipients to participate in
work activities, developmental activities, and alternative work
activities established under sections 5107.40 to 5107.69 of the
Revised Code that are comparable to programs authorized by 7
U.S.C.A. 2015(d)(4). The rules may reference rules adopted under
section 5107.05 of the Revised Code governing work activities,
developmental activities, and alternative work activities
established under sections 5107.40 to 5107.69 of the Revised Code.

(8) Adopt rules in accordance with section 111.15 of the
Revised Code that are consistent with the Food Stamp Act of 1977,
as amended, and regulations adopted thereunder governing the
following:

- (a) Eligibility requirements for the food stamp program;
- (b) Sanctions for failure to comply with eligibility
requirements;
- (c) Allotment of food stamp ~~coupons~~ benefits;
- (d) To the extent permitted under federal statutes and
regulations, a system under which some or all recipients of food
stamp benefits subject to employment and training requirements

Substitute Version as Presented to the Senate Finance and Financial Institutions

established by rules adopted under division (A)(7) of this section 32727
receive food stamp benefits after satisfying the requirements; 32728

(e) Administration of the program by county departments of 32729
job and family services; 32730

(f) Other requirements necessary for the efficient 32731
administration of the program. 32732

(9) Submit a plan to the United States secretary of 32733
agriculture for the department of job and family services to 32734
operate a simplified food stamp program pursuant to 7 U.S.C.A. 32735
2035 under which requirements governing the Ohio works first 32736
program established under Chapter 5107. of the Revised Code also 32737
govern the food stamp program in the case of households receiving 32738
food stamp benefits and participating in Ohio works first. 32739

(B) Except while in the custody of the United States postal 32740
service, food stamps and any document necessary to obtain food 32741
stamps are the property of the department of job and family 32742
services from the time they are received in accordance with 32743
federal regulations by the department from the federal agency 32744
responsible for such delivery until they are received by a 32745
household entitled to receive them or by the authorized 32746
representative of the household. 32747

(C) A household that is entitled to receive food stamps under 32748
the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as 32749
amended, and that is determined to be in immediate need of food 32750
assistance, shall receive certification of eligibility for program 32751
benefits, pending verification, within twenty-four hours, or, if 32752
mitigating circumstances occur, within seventy-two hours, after 32753
application, if: 32754

(1) The results of the application interview indicate that 32755
the household will be eligible upon full verification; 32756

(2) Information sufficient to confirm the statements in the 32757

Substitute Version as Presented to the Senate Finance and Financial Institutions

application has been obtained from at least one additional source, 32758
not a member of the applicant's household. Such information shall 32759
be recorded in the case file, and shall include: 32760

(a) The name of the person who provided the name of the 32761
information source; 32762

(b) The name and address of the information source; 32763

(c) A summary of the information obtained. 32764

The period of temporary eligibility shall not exceed one 32765
month from the date of certification of temporary eligibility. If 32766
eligibility is established by full verification, benefits shall 32767
continue without interruption as long as eligibility continues. 32768

At the time of application, the county department of job and 32769
family services shall provide to a household described in this 32770
division a list of community assistance programs that provide 32771
emergency food. 32772

(D) All applications shall be approved or denied through full 32773
verification within thirty days from receipt of the application by 32774
the county department of job and family services. 32775

(E) Nothing in this section shall be construed to prohibit 32776
the certification of households that qualify under federal 32777
regulations to receive food stamps without charge under the "Food 32778
Stamp Act of 1977," 91 Stat. 958, 7 U.S.C.A. 2011, as amended. 32779

(F) Any person who applies for food stamps under this section 32780
shall receive a voter registration application under section 32781
3503.10 of the Revised Code. 32782

Sec. 5101.80. (A) The department of job and family services 32783
shall do all of the following: 32784

(1) Prepare and submit to the United States secretary of 32785
health and human services a Title IV-A state plan, and amendments 32786

Substitute Version as Presented to the Senate Finance and Financial Institutions

to the plan that the department determines necessary, for the Ohio
works first program established under Chapter 5107. of the Revised
Code and the prevention, retention, and contingency program
established under Chapter 5108. of the Revised Code;

(2) Prescribe forms for applications, certificates, reports,
records, and accounts of county departments of job and family
services, and other matters related to the Ohio works first
program and the prevention, retention, and contingency program;

(3) Make such reports, in such form and containing such
information as the department may find necessary to assure the
correctness and verification of such reports, regarding the Ohio
works first program and the prevention, retention, and contingency
program;

(4) Require reports and information from each county
department of job and family services as may be necessary or
advisable regarding the Ohio works first program and the
prevention, retention, and contingency program;

(5) Afford a fair hearing in accordance with section 5101.35
of the Revised Code to any applicant for, or participant or former
participant of, the Ohio works first program or the prevention,
retention, and contingency program aggrieved by a decision
regarding either program;

(6) Administer and expend, pursuant to Chapters 5107. and
5108. of the Revised Code, any sums appropriated by the general
assembly for the purpose of those chapters and all sums paid to
the state by the secretary of the treasury of the United States as
authorized by Title IV-A of the "Social Security Act," 49 Stat.
620 (1935), 42 U.S.C. 301, as amended;

(7) Conduct investigations as are necessary regarding the
Ohio works first program and the prevention, retention, and
contingency program;

Substitute Version as Presented to the Senate Finance and Financial Institutions

(8) Enter into reciprocal agreements with other states 32818
relative to the provision of Ohio works first and prevention, 32819
retention, and contingency to residents and nonresidents; 32820

(9) Contract with a private entity to conduct an independent 32821
on-going evaluation of the Ohio works first program and the 32822
prevention, retention, and contingency program. The contract must 32823
require the private entity to do all of the following: 32824

(a) Examine issues of process, practice, impact, and 32825
outcomes; 32826

(b) Study former participants of Ohio works first who have 32827
not participated in Ohio works first for at least one year to 32828
determine whether they are employed, the type of employment in 32829
which they are engaged, the amount of compensation they are 32830
receiving, whether their employer provides health insurance, 32831
whether and how often they have received ~~assistance~~ benefits or 32832
services under the prevention, retention, and contingency program, 32833
and whether they are successfully self sufficient; 32834

(c) Provide the department ~~an initial report of the~~ 32835
~~evaluation not later than two years after October 1, 1997, and~~ 32836
~~provide subsequent~~ with reports at times the department specifies. 32837

(10) ~~Not later than March 1, 1998, and the first day of each~~ 32838
~~September and March thereafter until September 1, 2001, prepare a~~ 32839
~~county by county report concerning individuals who cease to~~ 32840
~~participate in Ohio works first that contains the reasons the~~ 32841
~~individuals ceased to participate, including employment, marital~~ 32842
~~status, and relocation;~~ 32843

~~(11)~~ Not later than January 1, 2001, and the first day of 32844
each January and July thereafter, prepare a report containing 32845
information on the following: 32846

(a) ~~A county by county breakdown of individuals who cease to~~ 32847
~~participate in Ohio works first and the reasons the individuals~~ 32848

Substitute Version as Presented to the Senate Finance and Financial Institutions

~~ceased to participate, including Individuals~~ exhausting the time 32849
limits for participation set forth in section 5107.18 of the 32850
Revised Code. 32851

(b) Individuals who have been exempted from the time limits 32852
set forth in section 5107.18 of the Revised Code and the reasons 32853
for the exemption. 32854

~~(12)~~(11) Not later than January 1, 2001, and on a quarterly 32855
basis thereafter until December 1, 2003, prepare, to the extent 32856
the necessary data is available to the department, a report based 32857
on information determined under section 5107.80 of the Revised 32858
Code that states how many former Ohio works first participants 32859
entered the workforce during the most recent previous quarter for 32860
which the information is known and includes information regarding 32861
the earnings of those former participants. The report shall 32862
include a county-by-county breakdown and shall not contain the 32863
names or social security numbers of former participants. 32864

(B) The department shall provide copies of the reports it 32865
receives under division (A)(9) of this section and prepares under 32866
divisions (A)(10), (11), and (12) of this section to the governor, 32867
the president and minority leader of the senate, and the speaker 32868
and minority leader of the house of representatives. The 32869
department shall provide copies of the reports to any private or 32870
government entity on request. 32871

(C) An authorized representative of the department or a 32872
county department of job and family services shall have access to 32873
all records and information bearing thereon for the purposes of 32874
investigations conducted pursuant to this section. 32875

Sec. 5101.821. Except as otherwise approved by the director 32876
of budget and management, the department of job and family 32877
services shall deposit federal funds received under Title IV-A of 32878
the "Social Security Act," 42 U.S.C.A. 601, 110 Stat. 2113 (1996), 32879

Substitute Version as Presented to the Senate Finance and Financial Institutions

into the temporary assistance for needy families (TANF) federal fund, which is hereby created in the state treasury. The department shall use money in the fund for the Ohio works first program established under Chapter 5107. of the Revised Code; the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code; and any other purposes consistent with Title IV-A, federal regulations, federal waivers granted by the United States secretary of health and human services, state law, the Title IV-A state plan and amendments submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and rules adopted by the department under section 5107.05 of the Revised Code.

Sec. 5101.83. (A) As used in this section:

(1) "Assistance group" has the same meaning as in sections 5107.02 and 5108.01 of the Revised Code, except that it also means a group provided benefits and services under the prevention, retention, and contingency program because the members of the group share a common need for benefits and services.

(2) "Fraudulent assistance" means assistance and service, including cash assistance, provided under the Ohio works first program established under Chapter 5107., or benefits and services provided under the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code, to or on behalf of an assistance group that is provided as a result of fraud by a member of the assistance group, including an intentional violation of the program's requirements. "Fraudulent assistance" does not include assistance or ~~services~~ services to or on ~~be-half~~ behalf of an assistance group that is provided as a result of an error that is the fault of a county department of job and family services or the state department of job and family

Substitute Version as Presented to the Senate Finance and Financial Institutions

services. 32911

(B) If a county director of job and family services 32912
determines that an assistance group has received fraudulent 32913
assistance, the assistance group is ineligible to participate in 32914
the Ohio works first program or the prevention, retention, and 32915
contingency program until a member of the assistance group repays 32916
the cost of the fraudulent assistance. If a member repays the cost 32917
of the fraudulent assistance and the assistance group otherwise 32918
meets the eligibility requirements for the Ohio works first 32919
program or the prevention, retention, and contingency program, the 32920
assistance group shall not be denied the opportunity to 32921
participate in the program. 32922

This section does not limit the ability of a county 32923
department of job and family services to recover erroneous 32924
payments under section 5107.76 of the Revised Code. 32925

The state department of job and family services shall adopt 32926
rules in accordance with Chapter 119. of the Revised Code to 32927
implement this section. 32928

Sec. 5101.85. As used in sections 5101.851 to ~~5101.854~~ 32929
~~5101.853~~ of the Revised Code, "kinship caregiver" means any of the 32930
following who is eighteen years of age or older and is caring for 32931
a child in place of the child's parents: 32932

(A) The following individuals related by blood or adoption to 32933
the child: 32934

(1) Grandparents, including grandparents with the prefix 32935
"great," "great-great," or "great-great-great"; 32936

(2) Siblings; 32937

(3) Aunts, uncles, nephews, and nieces, including such 32938
relatives with the prefix "great," "great-great," "grand," or 32939
"great-grand"; 32940

Substitute Version as Presented to the Senate Finance and Financial Institutions

(4) First cousins and first cousins once removed.	32941
(B) Stepparents and stepsiblings of the child;	32942
(C) Spouses and former spouses of individuals named in	32943
divisions (A) and (B) of this section;	32944
(D) A legal guardian of the child;	32945
(E) A legal custodian of the child.	32946
Sec. 5101.853 <u>5101.851</u>. (A) As used in this section,	32947
"qualified state expenditures" has the meaning provided by section	32948
409(a)(7)(B)(i) of the "Personal Responsibility and Work	32949
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42	32950
U.S.C.A. 609(a)(7)(B)(i).	32951
(B) Using qualified state expenditures and based on the	32952
recommendations of the kinship care services planning council, the	32953
<u>The</u> department of job and family services shall <u>may</u> establish a	32954
program providing support services to kinship caregivers statewide	32955
<u>program of kinship care navigators to assist kinship caregivers</u>	32956
<u>who are seeking information regarding, or assistance obtaining,</u>	32957
<u>services and benefits available at the state and local level that</u>	32958
<u>addresses address</u> the needs of those caregivers <u>residing in each</u>	32959
<u>county</u> . The department shall establish the program no later than	32960
March 31, 2000. The program shall provide <u>to kinship caregivers</u>	32961
<u>information and referral services and assistance obtaining</u> support	32962
services that include <u>including</u> the following:	32963
(1) <u>(A)</u> Publicly funded child day-care;	32964
(2) <u>(B)</u> Respite care;	32965
(3) <u>(C)</u> Training related to caring for special needs children;	32966
	32967
(4) <u>(D)</u> A toll-free telephone number that may be called to	32968
obtain basic information about the rights of, and services	32969

Substitute Version as Presented to the Senate Finance and Financial Institutions

available to, kinship caregivers; 32970

+5)+(E) Legal services. 32971

Sec. 5101.852. Within available funds, the department of job 32972
and family services shall make payments to public children 32973
services agencies for the purpose of permitting the agencies to 32974
provide kinship care navigator information and referral services 32975
and assistance obtaining support services to kinship caregivers 32976
pursuant to the kinship care navigator program. The department may 32977
provide training and technical assistance concerning the needs of 32978
kinship caregivers to employees of public children services 32979
agencies and to persons or entities that serve kinship caregivers 32980
or perform the duties of a kinship care navigator and are under 32981
contract with an agency. 32982

~~Sec. 5101.854~~ 5101.853. The department of job and family 32983
 services ~~shall~~ may adopt rules ~~in accordance with Chapter 119. of~~ 32984
~~the Revised Code~~ to implement the kinship care navigators program 32985
~~to provide support services to kinship caregivers. To the extent~~ 32986
~~permitted by federal law and the Revised Code, the rules may~~ 32987
~~expand eligibility for programs administered by the department in~~ 32988
~~a manner making kinship caregivers eligible for the programs. The~~ 32989
rules shall be adopted under Chapter 119. of the Revised Code, 32990
except that rules governing fiscal and administrative matters 32991
related to implementation of the navigators program are internal 32992
management rules and shall be adopted under section 111.15 of the 32993
Revised Code. 32994

Sec. 5103.031. (A) Except as provided in section 5103.033 of 32995
 the Revised Code, the department of job and family services may 32996
 not issue a certificate under section 5103.03 of the Revised Code 32997
 to a foster home unless the foster caregiver successfully 32998
 completes the following amount of preplacement training through 32999

Substitute Version as Presented to the Senate Finance and Financial Institutions

the Ohio child welfare training program or a preplacement training 33000
program operated under section 5103.034 of the Revised Code: 33001

(1) If the foster home is a family foster home, at least 33002
twelve hours; 33003

(2) If the foster home is a specialized foster home, at least 33004
thirty-six hours. 33005

(B) No child may be placed in a family foster home unless the 33006
foster caregiver completes at least twelve additional hours of 33007
preplacement training through the Ohio child welfare training 33008
program or a preplacement training program operated under section 33009
5103.034 of the Revised Code. 33010

Sec. 5103.033. The department of job and family services may 33011
issue or renew a certificate under section 5103.03 of the Revised 33012
Code to a foster home for the care of a child who is in the 33013
custody of a public children services agency or private child 33014
placing agency pursuant to an agreement entered into under section 33015
5103.15 of the Revised Code regarding a child who was less than 33016
six months of age on the date the agreement was executed if the 33017
foster caregiver successfully completes the following amount of 33018
training: 33019

(A) For an initial certificate, at least twelve hours of 33020
preplacement training through the Ohio child welfare training 33021
program or a preplacement training program operated under section 33022
5103.034 of the Revised Code; 33023

(B) For renewal of a certificate, at least twelve hours each 33024
year of continuing training in accordance with the foster 33025
caregiver's needs assessment and continuing training plan 33026
developed and implemented under section ~~5103.034~~ 5103.035 of the 33027
Revised Code. 33028

Sec. 5103.036. For the purpose of determining whether a 33029

Substitute Version as Presented to the Senate Finance and Financial Institutions

foster caregiver has satisfied the requirement of section 5103.031 33030
or 5103.032 of the Revised Code, a recommending agency shall 33031
accept training obtained from the Ohio child welfare training 33032
program or pursuant to a preplacement training program or 33033
continuing training program operated under section 5103.034 of the 33034
Revised Code regardless of whether the agency operated the 33035
preplacement training program or continuing training program. The 33036
agency may require that the foster caregiver successfully complete 33037
additional training as a condition of the agency recommending that 33038
the department of job and family services certify or recertify the 33039
foster caregiver's foster home under section 5103.03 of the 33040
Revised Code. 33041

Sec. 5103.0312. ~~The department of job and family services~~ A 33042
public children services agency, private child placing agency, or 33043
private noncustodial agency acting as a recommending agency for 33044
foster caregivers who hold certificates issued under section 33045
5103.03 of the Revised Code shall pay those foster caregivers who 33046
~~have been issued a foster home certificate and~~ had at least one 33047
foster child placed in their home a stipend to reimburse them for 33048
attending training courses provided by the Ohio child welfare 33049
training program or pursuant to a preplacement training program or 33050
continuing training program operated under section 5103.034 of the 33051
Revised Code. The payment shall be based on a ~~per diem~~ stipend 33052
rate established by the department of job and family services. The 33053
~~payment to foster caregivers~~ stipend rate shall be the same 33054
regardless of the type of recommending agency from which a foster 33055
caregiver seeks a recommendation. The department shall ~~pay a~~ 33056
~~foster caregiver for attending preplacement training courses~~ 33057
~~during the first month a foster child is placed in the foster~~ 33058
~~caregiver's home,~~ pursuant to rules adopted under section 33059
5103.0316 of the Revised Code, reimburse the recommending agency 33060
for stipend payments it makes in accordance with this section. 33061

Substitute Version as Presented to the Senate Finance and Financial Institutions

Sec. 5103.0313. The department of job and family services 33062
shall reimburse ~~a~~ the following for the cost of providing 33063
preplacement and continuing training to foster caregivers: 33064

(A) The Ohio child welfare training program; 33065

(B) A public children services agency, private child placing 33066
agency, or private noncustodial agency ~~for the cost to the agency~~ 33067
~~of providing training to a foster caregiver~~ through a preplacement 33068
training program or continuing training program operated under 33069
section 5103.034 of the Revised Code. ~~The~~ 33070

The reimbursement shall be on a per diem basis and limited to 33071
the cost associated with the trainer, obtaining a site at which 33072
the training is provided, and the administration of the training. 33073
A reimbursement rate shall be the same regardless of whether the 33074
training program is operated by the Ohio child welfare training 33075
program or a public children services agency, private child 33076
placing agency, or private noncustodial agency. 33077

Sec. 5103.0314. The department of job and family services 33078
shall not reimburse a recommending agency for the cost of any 33079
training the agency requires a foster caregiver to undergo as a 33080
condition of the agency recommending the department certify or 33081
recertify the foster caregiver's foster home under section 5103.03 33082
of the Revised Code if the training is in addition to the minimum 33083
training required by section 5103.031 or 5103.032 of the Revised 33084
Code. 33085

Sec. 5103.0316. Not later than ninety days after ~~the~~ 33086
~~effective date of this section~~ January 1, 2001, the department of 33087
job and family services shall adopt rules in accordance with 33088
Chapter 119. of the Revised Code as necessary for the efficient 33089
administration of sections 5103.031 to 5103.0316 of the Revised 33090

Substitute Version as Presented to the Senate Finance and Financial Institutions

Code. The rules shall provide for all of the following: 33091

(A) For the purpose of section 5103.038 of the Revised Code, 33092
the date by which a public children services agency, private child 33093
placing agency, or private noncustodial agency that seeks to 33094
operate a preplacement training program or continuing training 33095
program under section 5103.034 of the Revised Code must submit to 33096
the department a proposal outlining the program; 33097

(B) Requirements governing the department's reimbursement of 33098
the Ohio child welfare training program and public children 33099
services agencies, private child placing agencies, and private 33100
noncustodial agencies under ~~section~~ sections 5103.0312 and 33101
5103.0313 of the Revised Code; 33102

(C) Any other matter the department considers appropriate. 33103

Sec. 5103.07. The department of job and family services shall 33104
administer funds received under Title IV-B of the "Social Security 33105
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 620, as amended, and the 33106
"Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 33107
U.S.C.A. 5101, as amended, ~~and the "Family Violence Prevention and~~ 33108
~~Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A. 10401, as~~ 33109
~~amended.~~ In administering these funds, the department may 33110
establish a child welfare services program, and a child abuse and 33111
neglect prevention and adoption reform program, ~~and a family~~ 33112
~~violence prevention program.~~ The department has all powers 33113
necessary for the adequate administration of these funds and 33114
programs. The director of job and family services may adopt 33115
internal management rules in accordance with section 111.15 of the 33116
Revised Code ~~and issue appropriate orders~~ as necessary for the 33117
~~adequate administration of these funds and programs to carry out~~ 33118
the purposes of this section. 33119

Sec. 5107.02. As used in this chapter: 33120

Substitute Version as Presented to the Senate Finance and Financial Institutions

- (A) "Adult" means an individual who is not a minor child. 33121
- (B) "Assistance group" means a group of individuals treated 33122
as a unit for purposes of determining eligibility for and the 33123
amount of assistance provided under Ohio works first. 33124
- (C) "Custodian" means an individual who has legal custody, as 33125
defined in section 2151.011 of the Revised Code, of a minor child 33126
or comparable status over a minor child created by a court of 33127
competent jurisdiction in another state. 33128
- (D) "Guardian" means an individual that is granted authority 33129
by a probate court pursuant to Chapter 2111. of the Revised Code, 33130
or a court of competent jurisdiction in another state, to exercise 33131
parental rights over a minor child to the extent provided in the 33132
court's order and subject to residual parental rights of the minor 33133
child's parents. 33134
- (E) "Minor child" means either of the following: 33135
- (1) An individual who has not attained age eighteen; 33136
- (2) An individual who has not attained age nineteen and is a 33137
full-time student in a secondary school or in the equivalent level 33138
of vocational or technical training. 33139
- (F) "Minor head of household" means a minor child who is a 33140
either of the following: 33141
- (1) At least six months pregnant and a member of an 33142
assistance group that does not include an adult; 33143
- (2) A parent of a child included in the same assistance group 33144
that does not include an adult. 33145
- (G) "Ohio works first" means the program established by this 33146
chapter known as temporary assistance for needy families in Title 33147
IV-A. 33148
- (H) "Payment standard" means the amount specified in rules 33149

Substitute Version as Presented to the Senate Finance and Financial Institutions

adopted under section 5107.05 of the Revised Code that is the 33150
maximum amount of cash assistance an assistance group may receive 33151
under Ohio works first from state and federal funds. 33152

(I) "Specified relative" means the following individuals who 33153
are age eighteen or older: 33154

(1) The following individuals related by blood or adoption: 33155

(a) Grandparents, including grandparents with the prefix 33156
"great," "great-great," or "great-great-great"; 33157

(b) Siblings; 33158

(c) Aunts, uncles, nephews, and nieces, including such 33159
relatives with the prefix "great," "great-great," "grand," or 33160
"great-grand"; 33161

(d) First cousins and first cousins once removed. 33162

(2) Stepparents and stepsiblings; 33163

(3) Spouses and former spouses of individuals named in 33164
division (I)(1) or (2) of this section. 33165

(J) "Title IV-A" or "Title IV-D" means Title IV-A or Title 33166
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 33167
301, as amended. 33168

Sec. 5107.10. (A) As used in this section: 33169

(1) "Countable income," "gross earned income," and "gross 33170
unearned income" have the meanings established in rules adopted 33171
under section 5107.05 of the Revised Code. 33172

(2) "Gross income" means gross earned income and gross 33173
unearned income. 33174

(3) "Strike" means continuous concerted action in failing to 33175
report to duty; willful absence from one's position; or stoppage 33176
of work in whole from the full, faithful, and proper performance 33177

Substitute Version as Presented to the Senate Finance and Financial Institutions

of the duties of employment, for the purpose of inducing, 33178
influencing, or coercing a change in wages, hours, terms, and 33179
other conditions of employment. "Strike" does not include a 33180
stoppage of work by employees in good faith because of dangerous 33181
or unhealthful working conditions at the place of employment that 33182
are abnormal to the place of employment. 33183

(B) Under the Ohio works first program, an assistance group 33184
shall receive, except as otherwise provided by this chapter, 33185
time-limited cash assistance. In the case of an assistance group 33186
that includes a minor head of household or adult, assistance shall 33187
be provided in accordance with the self-sufficiency contract 33188
entered into under section 5107.14 of the Revised Code. 33189

(C) To be eligible to participate in Ohio works first, an 33190
assistance group must meet all of the following requirements: 33191

(1) The assistance group, except as provided in division (E) 33192
of this section, must include at least one of the following: 33193

(a) A minor child who, except as provided in section 5107.24 33194
of the Revised Code, resides with a parent, or specified relative 33195
caring for the child, or, to the extent permitted by Title IV-A 33196
and federal regulations adopted until Title IV-A, resides with a 33197
guardian or custodian caring for the child; 33198

(b) A parent residing with and caring for the parent's minor 33199
child who receives supplemental security income under Title XVI of 33200
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 33201
as amended, or federal, state, or local adoption assistance; 33202

(c) A specified relative residing with and caring for a minor 33203
child who is related to the specified relative in a manner that 33204
makes the specified relative a specified relative and receives 33205
supplemental security income or federal, state, or local foster 33206
care or adoption assistance; 33207

(d) A woman at least six months pregnant. 33208

Substitute Version as Presented to the Senate Finance and Financial Institutions

(2) The assistance group must meet the income requirements established by division (D) of this section. 33209 33210

(3) No member of the assistance group may be involved in a strike. 33211 33212

(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and sections ~~5101.19~~, 5101.58, 5101.59, and 5101.83 of the Revised Code. 33213 33214 33215

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code. 33216 33217 33218

(D)(1) Except as provided in division (D)(3) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following: 33219 33220 33221 33222

(a) Determine whether the assistance group's gross income exceeds the following amount: 33223 33224

Size of Assistance Group	Gross Income	
1	\$423	33226
2	\$537	33227
3	\$630	33228
4	\$750	33229
5	\$858	33230
6	\$942	33231
7	\$1,038	33232
8	\$1,139	33233
9	\$1,241	33234
10	\$1,343	33235
11	\$1,440	33236
12	\$1,542	33237
13	\$1,643	33238
14	\$1,742	33239

Substitute Version as Presented to the Senate Finance and Financial Institutions

15

\$1,844

33240

For each person in the assistance group that brings the
assistance group to more than fifteen persons, add one hundred two
dollars to the amount of gross income for an assistance group of
fifteen specified in division (D)(1)(a) of this section.

33241

33242

33243

33244

In making this determination, the county department shall
disregard amounts that federal statutes or regulations and
sections 5101.17 and 5117.10 of the Revised Code require be
disregarded. The assistance group is ineligible to participate in
Ohio works first if the assistance group's gross income, less the
amounts disregarded, exceeds the amount specified in division
(D)(1)(a) of this section.

33245

33246

33247

33248

33249

33250

33251

(b) If the assistance group's gross income, less the amounts
disregarded pursuant to division (D)(1)(a) of this section, does
not exceed the amount specified in that division, determine
whether the assistance group's countable income is less than the
payment standard. The assistance group is ineligible to
participate in Ohio works first if the assistance group's
countable income equals or exceeds the payment standard.

33252

33253

33254

33255

33256

33257

33258

(2) To determine whether an assistance group participating in
Ohio works first continues to be eligible to participate, a county
department of job and family services shall determine whether the
assistance group's countable income continues to be less than the
payment standard. In making this determination, the county
department shall disregard the first two hundred fifty dollars and
fifty per cent of the remainder of the assistance group's gross
earned income. No amounts shall be disregarded from the assistance
group's gross unearned income. The assistance group ceases to be
eligible to participate in Ohio works first if its countable
income, less the amounts disregarded, equals or exceeds the
payment standard.

33259

33260

33261

33262

33263

33264

33265

33266

33267

33268

33269

33270

(3) If an assistance group reapplies to participate in Ohio

33271

Substitute Version as Presented to the Senate Finance and Financial Institutions

works first not more than four months after ceasing to 33272
participate, a county department of job and family services shall 33273
use the income requirement established by division (D)(2) of this 33274
section to determine eligibility for resumed participation rather 33275
than the income requirement established by division (D)(1) of this 33276
section. 33277

(E)(1) An assistance group may continue to participate in 33278
Ohio works first even though a public children services agency 33279
removes the assistance group's minor children from the assistance 33280
group's home due to abuse, neglect, or dependency if the agency 33281
does both of the following: 33282

(a) Notifies the county department of job and family services 33283
at the time the agency removes the children that it believes the 33284
children will be able to return to the assistance group within six 33285
months; 33286

(b) Informs the county department at the end of each of the 33287
first five months after the agency removes the children that the 33288
parent, guardian, custodian, or specified relative of the children 33289
is cooperating with the case plans prepared for the children under 33290
section 2151.412 of the Revised Code and that the agency is making 33291
reasonable efforts to return the children to the assistance group. 33292

(2) An assistance group may continue to participate in Ohio 33293
works first pursuant to division (E)(1) of this section for not 33294
more than six payment months. This division does not affect the 33295
eligibility of an assistance group that includes a woman at least 33296
six months pregnant. 33297

Sec. 5107.14. An assistance group is ineligible to 33298
participate in Ohio works first unless the minor head of household 33299
or each adult member of the assistance group, not later than 33300
thirty days after applying for or undergoing a redetermination of 33301
eligibility for the program, enters into a written 33302

Substitute Version as Presented to the Senate Finance and Financial Institutions

self-sufficiency contract with the county department of job and 33303
family services. The contract shall set forth the rights and 33304
responsibilities of the assistance group as applicants for and 33305
participants of the program, including work responsibilities 33306
established under sections 5107.40 to 5107.69 of the Revised Code 33307
and other requirements designed to assist the assistance group in 33308
achieving self sufficiency and personal responsibility. The county 33309
department shall provide without charge a copy of the contract to 33310
each assistance group member who signs it. 33311

Each self-sufficiency contract shall include, based on 33312
appraisals conducted under section 5107.41 of the Revised Code and 33313
assessments conducted under section 5107.70 of the Revised Code, 33314
the following: 33315

(A) The assistance group's plan, developed under section 33316
5107.41 of the Revised Code, to achieve the goal of self 33317
sufficiency and personal responsibility through unsubsidized 33318
employment within the time limit for participating in Ohio works 33319
first established by section 5107.18 of the Revised Code; 33320

(B) Work activities, developmental activities, and 33321
alternative work activities to which members of the assistance 33322
group are assigned under sections 5107.40 to 5107.69 of the 33323
Revised Code; 33324

(C) The responsibility of a caretaker member of the 33325
assistance group to cooperate in establishing a minor child's 33326
paternity and establishing, modifying, and enforcing a support 33327
order for the child in accordance with section 5107.22 of the 33328
Revised Code; 33329

(D) Other responsibilities that members of the assistance 33330
group must satisfy to participate in Ohio works first and the 33331
consequences for failure or refusal to satisfy the 33332
responsibilities; 33333

Substitute Version as Presented to the Senate Finance and Financial Institutions

(E) An agreement that the assistance group will comply with the conditions of participating in Ohio works first established by this chapter and sections ~~5101.19~~, 5101.58, 5101.59, and 5101.83 of the Revised Code;

(F) Assistance and services the county department will provide to the assistance group;

(G) Assistance and services the child support enforcement agency and public children services agency will provide to the assistance group pursuant to a plan of cooperation entered into under section 307.983 of the Revised Code;

(H) Other provisions designed to assist the assistance group in achieving self sufficiency and personal responsibility;

(I) Procedures for assessing whether responsibilities are being satisfied and whether the contract should be amended;

(J) Procedures for amending the contract.

Sec. 5107.18. (A) Except as provided in divisions (B), (C), (D), and (E) of this section, an assistance group is ineligible to participate in Ohio works first if the assistance group includes an ~~adult~~ individual who has participated in the program for thirty-six months as any of the following: an adult head of household, minor head of household, or spouse of an adult head of household or minor head of household. The time limit applies regardless of whether the thirty-six months are consecutive.

(B) An assistance group that has ceased to participate in Ohio works first pursuant to division (A) of this section for at least twenty-four months, whether consecutive or not, may reapply to participate in the program if good cause exists as determined by the county department of job and family services. Good cause may include losing employment, inability to find employment, divorce, domestic violence considerations, and unique personal

Substitute Version as Presented to the Senate Finance and Financial Institutions

circumstances. The assistance group must provide a county 33364
department of job and family services verification acceptable to 33365
the county department of whether any members of the assistance 33366
group had employment during the period the assistance group was 33367
not participating in Ohio works first and the amount and sources 33368
of the assistance group's income during that period. If a county 33369
department is satisfied that good cause exists for the assistance 33370
group to reapply to participate in Ohio works first, the 33371
assistance group may reapply. Except as provided in divisions (C), 33372
(D), and (E) of this section, the assistance group may not 33373
participate in Ohio works first for more than twenty-four 33374
additional months. The time limit applies regardless of whether 33375
the twenty-four months are consecutive. 33376

(C) In determining the number of months a parent or pregnant 33377
woman has received assistance under Title IV-A, a county 33378
department of job and family services shall disregard any month 33379
during which the parent or pregnant woman was a minor child but 33380
was neither a minor head of household nor married to the head of 33381
an assistance group. 33382

(D) In determining the number of months an adult has received 33383
assistance under Title IV-A, a county department of job and family 33384
services shall disregard any month during which the adult lived on 33385
an Indian reservation or in an Alaska native village, as those 33386
terms are used in 42 U.S.C.A. 608(a)(7)(D), if, during the month, 33387
at least one thousand individuals lived on the reservation or in 33388
the village and at least fifty per cent of the adults living on 33389
the reservation or in the village were unemployed. 33390

(E) A county department of job and family services may exempt 33392
not more than twenty per cent of the average monthly number of 33393
Ohio works first ~~participants~~ assistance groups from the time 33394
limit established by this section on the grounds that the county 33395

Substitute Version as Presented to the Senate Finance and Financial Institutions

department determines that the time limit is a hardship. In the 33396
 case of the time limit established by division (A) of this 33397
 section, a county department may not exempt an assistance group 33398
 until the group has exhausted its thirty-six months of cash 33399
 assistance. 33400

(F) The department of job and family services shall 33401
 continually monitor the percentage of the average monthly number 33402
 of Ohio works first ~~participants~~ assistance groups in each county 33403
 that is exempted under division (E) of this section from the time 33404
 limit established by this section. On determining that the 33405
 percentage in any county equals or exceeds eighteen per cent, the 33406
 department shall immediately notify the county department of job 33407
 and family services. 33408

(G) Only participation in Ohio works first on or after 33409
 October 1, 1997, applies to the time limit established by this 33410
 section. The time limit applies regardless of the source of 33411
 funding for the program. Assistance under Title IV-A provided by 33412
 any state applies to the time limit. The time limit is a lifetime 33413
 limit. No assistance group shall receive assistance under the 33414
 program in violation of the time limit for assistance under Title 33415
 IV-A established by section 408(a)(7) of the "Social Security 33416
 Act," as amended by the "Personal Responsibility and Work 33417
 Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 33418
 U.S.C.A. 608 (a)(7). 33419

Sec. 5108.01. As used in this chapter: 33420

(A) "Assistance group" means a group of individuals treated 33421
 as a unit for purposes of determining eligibility for the 33422
 prevention, retention, and contingency program. 33423

(B) ~~"Minor child" means either of the following:~~ 33424

~~(1) An individual who has not attained age eighteen;~~ 33425

Substitute Version as Presented to the Senate Finance and Financial Institutions

~~(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.~~ 33426
33427
33428

~~(C)~~ "Prevention, retention, and contingency program" means the program established by this chapter and funded in part with federal funds provided under Title IV-A. 33429
33430
33431

~~(D)~~(C) "Title IV-A" means Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. 33432
33433

Sec. ~~5108.06~~ 5108.03. Under the prevention, retention, and contingency program, ~~an assistance group that includes at least one minor child or a pregnant woman and meets the program's eligibility requirements~~ a county department of job and family services shall receive assistance or provide benefits and services needed that individuals need to overcome immediate barriers to achieving or maintaining self sufficiency and personal responsibility. A county department shall provide the benefits and services in accordance with either the model design for the program that the department of job and family services develops under section 5108.05 of the Revised Code or the county department's own policies for the program developed under section 5108.06 of the Revised Code. 33434
33435
33436
33437
33438
33439
33440
33441
33442
33443
33444
33445
33446

Sec. ~~5108.07~~ 5108.05. The department of job and family services shall develop a model design for the prevention, retention, and contingency program that county departments of job and family services may adopt under section ~~5108.08~~ 5108.06 of the Revised Code. ~~The model design must be consistent with Title IV-A, federal regulations, state law, the Title IV-A state plan submitted to the United States secretary of health and human services under section 5101.80 of the Revised Code, and amendments to the plan.~~ No rules shall be adopted to develop the model 33447
33448
33449
33450
33451
33452
33453
33454
33455

Substitute Version as Presented to the Senate Finance and Financial Institutions

design. The department shall provide each county department a 33456
written copy of the model design. 33457

Sec. ~~5108.08~~ 5108.06. Each county department of job and 33458
family services shall either adopt the model design for the 33459
prevention, retention, and contingency program the department of 33460
job and family services develops under section ~~5108.07~~ 5108.05 of 33461
the Revised Code or develop its own policies for the program. To 33462
develop its own policies, a county department shall adopt a 33463
written statement of the policies governing the program. The 33464
policies may be a modification of the model design, different from 33465
the model design, or a combination. ~~The policies shall establish~~ 33466
~~or specify eligibility requirements, assistance or services to be~~ 33467
~~provided under the program, administrative requirements, and other~~ 33468
~~matters the county department determines necessary.~~ A county 33469
department may amend its statement of policies to modify, 33470
terminate, and establish new policies. ~~The policies must be~~ 33471
~~consistent with Title IV-A, federal regulations, state law, the~~ 33472
~~Title IV-A state plan submitted to the United States secretary of~~ 33473
~~health and human services under section 5101.80 of the Revised~~ 33474
~~Code, and amendments to the plan.~~ 33475

A county department of job and family services shall inform 33476
the department of job and family services of whether it has 33477
adopted the model design or developed its own policies for the 33478
prevention, retention, and contingency program. If a county 33479
department develops its own policies, it shall provide the 33480
department a written copy of the statement of policies and any 33481
amendments it adopts to the statement. 33482

Sec. 5108.07. The model design for the prevention, retention, 33483
and contingency program that the department of job and family 33484
services develops under section 5108.05 of the Revised Code and 33485
policies for the program that a county department of job and 33486

Substitute Version as Presented to the Senate Finance and Financial Institutions

family services may develop under section 5108.06 of the Revised 33487
Code shall establish or specify eligibility requirements for 33488
assistance groups that apply for the program under section 5108.10 33489
of the Revised Code, benefits and services to be provided under 33490
the program to assistance groups, administrative requirements, and 33491
other matters the department, in the case of the model design, or 33492
a county department, in the case of county policies, determine are 33493
necessary. 33494

The model design and a county department's policies may 33495
establish eligibility requirements for, and specify benefits and 33496
services to be provided to, types of groups, such as students in 33497
the same class, that share a common need for the benefits and 33498
services. If the model design or a county department's policies 33499
include such a provision, the model design or county department's 33500
policies shall require that each individual who is to receive the 33501
benefits and services meet the eligibility requirements 33502
established for the type of group of which the individual is a 33503
member. The model design or county department's policies also 33504
shall require that the county department providing the benefits 33505
and services certify the group's eligibility, specify the duration 33506
that the group is to receive the benefits and services, and 33507
maintain the eligibility information for each member of the group 33508
receiving the benefits and services. 33509

The model design and a county department's policies may 33510
specify benefits and services that a county department may provide 33511
for the general public, including billboards that promote the 33512
prevention, and reduction in the incidence, of out-of-wedlock 33513
pregnancies or encourage the formation and maintenance of 33514
two-parent families. 33515

The model design and a county department's policies must be 33516
consistent with Title IV-A, federal regulations, state law, the 33517
Title IV-A state plan submitted to the United States secretary of 33518

Substitute Version as Presented to the Senate Finance and Financial Institutions

health and human services under section 5101.80 of the Revised Code, and amendments to the plan. All benefits and services to be provided under the model design or a county department's policies must be allowable uses of federal Title IV-A funds as specified in 42 U.S.C.A. 604(a), except that they may not be "assistance" as defined in 45 C.F.R. 260.31(a). The benefits and services shall be benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

Sec. 5108.08. Benefits and services provided under the prevention, retention, and contingency program are inalienable whether by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other like process.

Sec. 5108.09. When a state hearing under division (B) of section 5101.35 of the Revised Code or an administrative appeal under division (C) of that section is held regarding the prevention, retention, and contingency program, the hearing officer, director of job and family services, or director's designee shall base the decision in the hearing or appeal on the following:

(A) If the county department of job and family services involved in the hearing or appeal adopted the department of job and family services' model design for the program developed under section ~~5108.07~~ 5108.05 of the Revised Code, the model design;

(B) If the county department developed its own policies for the program, the county department's written statement of policies adopted under section ~~5108.08~~ 5108.06 of the Revised Code and any amendments the county department adopted to the statement.

Sec. 5108.10. An assistance group seeking to participate in the prevention, retention, and contingency program shall apply to

Substitute Version as Presented to the Senate Finance and Financial Institutions

a county department of job and family services using an 33548
application containing information the county department requires. 33549

When a county department receives an application for 33550
participation in the prevention, retention, and contingency 33551
program, it shall promptly make an investigation and record of the 33552
circumstances of the applicant in order to ascertain the facts 33553
surrounding the application and to obtain such other information 33554
as may be required. On completion of the investigation, the county 33555
department shall determine whether the applicant is eligible to 33556
participate, the ~~assistance~~ benefits or services the applicant 33557
should receive, and the approximate date when participation is to 33558
begin. 33559

Sec. 5111.01. As used in this chapter, "medical assistance 33560
program" or "medicaid" means the program that is authorized by 33561
this ~~section~~ chapter and provided by the department ~~if~~ of job and 33562
family services under this chapter, Title XIX of the "Social 33563
Security Act," 49 79 Stat. 620 286 (1935 1965), 42 U.S.C.A. 301 33564
1396, as amended, and the waivers of Title XIX requirements 33565
granted to the department by the health care financing 33566
administration of the United States department of health and human 33567
services. 33568

The department of job and family services shall act as the 33569
single state agency to supervise the administration of the 33570
medicaid program. As the single state agency, the department shall 33571
comply with 42 C.F.R. 431.10(e). The department's rules governing 33572
medicaid are binding on other agencies that administer components 33573
of the medicaid program. No agency may establish, by rule or 33574
otherwise, a policy governing medicaid that is inconsistent with a 33575
medicaid policy established, in rule or otherwise, by the director 33576
of job and family services. 33577

(A) The department of job and family services may provide 33578

Substitute Version as Presented to the Senate Finance and Financial Institutions

medical assistance under the medicaid program as long as federal 33579
funds are provided for such assistance, to the following: 33580

(1) Families with children that meet either of the following 33581
conditions: 33582

(a) The family meets the income, resource, and family 33583
composition requirements in effect on July 16, 1996, for the 33584
former aid to dependent children program as those requirements 33585
were established by Chapter 5107. of the Revised Code, federal 33586
waivers granted pursuant to requests made under former section 33587
5101.09 of the Revised Code, and rules adopted by the department 33588
or any changes the department makes to those requirements in 33589
accordance with paragraph (a)(2) of section 114 of the "Personal 33590
Responsibility and Work Opportunity Reconciliation Act of 1996," 33591
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 33592
implementing section 5111.019 of the Revised Code. An adult loses 33593
eligibility for medical assistance under division (A)(1)(a) of 33594
this section pursuant to division (E) of section 5107.16 of the 33595
Revised Code. 33596

(b) The family does not meet the requirements specified in 33597
division (A)(1)(a) of this section but is eligible for medical 33598
assistance pursuant to section 5101.18 of the Revised Code. 33599

(2) Aged, blind, and disabled persons who meet the following 33600
conditions: 33601

(a) Receive federal aid under Title XVI of the "Social 33602
Security Act," or are eligible for but are not receiving such aid, 33603
provided that the income from all other sources for individuals 33604
with independent living arrangements shall not exceed one hundred 33605
seventy-five dollars per month. The income standards hereby 33606
established shall be adjusted annually at the rate that is used by 33607
the United States department of health and human services to 33608
adjust the amounts payable under Title XVI. 33609

Substitute Version as Presented to the Senate Finance and Financial Institutions

(b) Do not receive aid under Title XVI, but meet any of the 33610
following criteria: 33611

(i) Would be eligible to receive such aid, except that their 33612
income, other than that excluded from consideration as income 33613
under Title XVI, exceeds the maximum under division (A)(2)(a) of 33614
this section, and incurred expenses for medical care, as 33615
determined under federal regulations applicable to section 209(b) 33616
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 33617
U.S.C.A. 1396a(f), as amended, equal or exceed the amount by which 33618
their income exceeds the maximum under division (A)(2)(a) of this 33619
section; 33620

(ii) Received aid for the aged, aid to the blind, or aid for 33621
the permanently and totally disabled prior to January 1, 1974, and 33622
continue to meet all the same eligibility requirements; 33623

(iii) Are eligible for medical assistance pursuant to section 33624
5101.18 of the Revised Code. 33625

(3) Persons to whom federal law requires, as a condition of 33626
state participation in the medicaid program, that medical 33627
assistance be provided; 33628

(4) Persons under age twenty-one who meet the income 33629
requirements for the Ohio works first program established under 33630
Chapter 5107. of the Revised Code but do not meet other 33631
eligibility requirements for the program. The director shall adopt 33632
rules in accordance with Chapter 119. of the Revised Code 33633
specifying which Ohio works first requirements shall be waived for 33634
the purpose of providing medicaid eligibility under division 33635
(A)(4) of this section. 33636

(B) If funds are appropriated for such purpose by the general 33637
assembly, the department may provide medical assistance to persons 33638
in groups designated by federal law as groups to which a state, at 33639
its option, may provide medical assistance under the medicaid 33640

Substitute Version as Presented to the Senate Finance and Financial Institutions

program. 33641

(C) The department may expand eligibility for medical 33642
assistance to include individuals under age nineteen with family 33643
incomes at or below one hundred fifty per cent of the federal 33644
poverty guidelines, except that the eligibility expansion shall 33645
not occur unless the department receives the approval of the 33646
federal government. The department may implement the eligibility 33647
expansion authorized under this division on any date selected by 33648
the department, but not sooner than January 1, 1998. 33649

(D) In addition to any other authority or requirement to 33650
adopt rules under this chapter, the director may adopt rules in 33651
accordance with section 111.15 of the Revised Code as the director 33652
considers necessary to establish standards, procedures, and other 33653
requirements regarding the provision of medical assistance. The 33654
rules may establish requirements to be followed in applying for 33655
medical assistance, making determinations of eligibility for 33656
medical assistance, and verifying eligibility for medical 33657
assistance. The rules may include special conditions as the 33658
department determines appropriate for making applications, 33659
determining eligibility, and verifying eligibility for any medical 33660
assistance that the department may provide pursuant to division 33661
(C) of this section and section 5111.014 or 5111.019 of the 33662
Revised Code. 33663

Sec. 5111.0110. (A) The director of job and family services 33664
shall submit to the United States secretary of health and human 33665
services an amendment to the state medicaid plan to implement the 33666
"Breast and Cervical Cancer Prevention and Treatment Act of 2000," 33667
114 Stat. 1381, 42 U.S.C.A. 1396a, as amended, to provide medical 33668
assistance to women who meet all of the following requirements: 33669

(1) Are under age sixty-five; 33670

(2) Are not otherwise eligible for medicaid; 33671

Substitute Version as Presented to the Senate Finance and Financial Institutions

(3) Have been screened for breast and cervical cancer under 33672
the centers for disease control and prevention breast and cervical 33673
cancer early detection program established under 42 U.S.C.A. 300k 33674
in accordance with 42 U.S.C.A. 300n; 33675

(4) Need treatment for breast or cervical cancer; 33676

(5) Are not otherwise covered under creditable coverage, as 33677
defined in 42 U.S.C.A. 300gg(c). 33678

(B) If the United States secretary of health and human 33679
services approves the state medicaid plan amendment submitted 33680
under division (A) of this section, the director of job and family 33681
services shall implement the amendment. The medical assistance 33682
provided under the amendment shall be limited to medical 33683
assistance provided during the period in which a woman who meets 33684
the requirements of division (A) of this section requires 33685
treatment for breast or cervical cancer. 33686

Sec. 5111.041. (A) As used in this section, "habilitation 33687
center" means a habilitation center certified under section 33688
5123.041 of the Revised Code by the director of mental retardation 33689
and developmental disabilities ~~for the provision of~~ to provide 33690
habilitation center services under this section. 33691

~~(B) Habilitation centers shall verify the availability of~~ 33692
~~matching funds for Title XIX of the Social Security Act for~~ 33693
~~reimbursement of habilitation services as defined in section~~ 33694
~~5123.041 of the Revised Code and such matching funds shall be~~ 33695
~~provided in accordance with 42 C.F.R. 433.45~~ To the extent 33696
provided in rules adopted under division (C) of this section, the 33697
medicaid program shall cover habilitation center services provided 33698
by a habilitation center. 33699

(C) The director of job and family services shall adopt rules 33700
in accordance with Chapter 119. of the Revised Code governing the 33701

Substitute Version as Presented to the Senate Finance and Financial Institutions

medicaid program's coverage of habilitation services provided by 33702
habilitation centers. The rules shall establish or provide for all 33703
of the following: 33704

(1) The requirements a habilitation center must meet to 33705
obtain certification under section 5123.041 of the Revised Code; 33706

(2) Making habilitation center services provided by 33707
habilitation centers available to medicaid recipients with a 33708
medical need for the services; 33709

(3) The amount, duration, and scope of the medicaid program's 33710
coverage of the habilitation center services, including all of the 33711
following: 33712

(a) The conditions under which the medicaid program covers 33713
the habilitation center services; 33714

(b) The amount the medicaid program pays for the habilitation 33715
center services or the method by which the amount is determined; 33716
33717

(c) The manner in which the medicaid program pays for the 33718
habilitation center services. 33719

(D) A county board of mental retardation and developmental 33720
disabilities that has local administrative authority under 33721
division (B) of section 5126.055 of the Revised Code for 33722
habilitation center services shall pay the nonfederal share of 33723
medicaid expenditures for the services if all of the following 33724
apply: 33725

(1) The habilitation center services are provided to a 33726
medicaid recipient who is a current resident of the county that 33727
the county board serves; 33728

(2) The county board has determined, under section 5126.041 33729
of the Revised Code, that the medicaid recipient is eligible for 33730
county board services; 33731

Substitute Version as Presented to the Senate Finance and Financial Institutions

<u>(3) The habilitation center services are provided by a</u>	33732
<u>habilitation center with a medicaid provider agreement and the</u>	33733
<u>habilitation center meets either of the following requirements:</u>	33734
<u>(a) Is operated by the county board;</u>	33735
<u>(b) Has contracted with the county board or the department of</u>	33736
<u>mental retardation and developmental disabilities to provide the</u>	33737
<u>habilitation center services.</u>	33738
<u>(4) No school district is required to pay the nonfederal</u>	33739
<u>share under division (E) of this section.</u>	33740
<u>(E) A school district shall pay the nonfederal share of</u>	33741
<u>medicaid expenditures for habilitation center services if all of</u>	33742
<u>the following apply:</u>	33743
<u>(1) The habilitation center services are provided to a</u>	33744
<u>medicaid recipient who is a student enrolled in a school of the</u>	33745
<u>district;</u>	33746
<u>(2) The habilitation center services are included in the</u>	33747
<u>student's individualized education program provided under section</u>	33748
<u>3323.08 of the Revised Code;</u>	33749
<u>(3) The habilitation center services are provided by a</u>	33750
<u>habilitation center with a medicaid provider agreement and the</u>	33751
<u>habilitation center meets either of the following requirements:</u>	33752
<u>(a) Is operated by the school district;</u>	33753
<u>(b) Has contracted with the school district to provide the</u>	33754
<u>habilitation center services.</u>	33755
<u>(F) The departments of mental retardation and developmental</u>	33756
<u>disabilities and job and family services may approve, reduce,</u>	33757
<u>deny, or terminate a service included in the individualized</u>	33758
<u>service plan developed for a medicaid recipient eligible for</u>	33759
<u>habilitation center services. The departments shall consider the</u>	33760
<u>recommendations a county board of mental retardation and</u>	33761

Substitute Version as Presented to the Senate Finance and Financial Institutions

developmental disabilities makes under division (B)(1) of section 5126.055 of the Revised Code. If either department reduces, denies, or terminates a service, that department shall timely notify the medicaid recipient that the recipient may request a hearing under section 5101.35 of the Revised Code.

Sec. 5111.042. The departments of mental retardation and developmental disabilities and job and family services may approve, reduce, deny, or terminate a service included in the individualized service plan developed for a medicaid recipient with mental retardation or other developmental disability who is eligible for medicaid case management services. The departments shall consider the recommendations a county board of mental retardation and developmental disabilities makes under division (B)(1) of section 5126.055 of the Revised Code. If either department reduces, denies, or terminates a service, that department shall timely notify the medicaid recipient that the recipient may request a hearing under section 5101.35 of the Revised Code.

Sec. 5111.081. The prescription drug rebates fund is hereby created in the state treasury. All rebates paid by drug manufacturers to the department of job and family services in accordance with a rebate agreement required by 42 U.S.C.A. 1396r-8 shall be credited to the fund. The department of job and family services shall use money credited to the fund to pay for medicaid services and contracts.

Sec. 5111.17. (A) As used in this section, "community-based clinic" means a clinic that provides prenatal, family planning, well child, or primary care services and is funded in whole or in part by the state or federal government.

(B) On receipt of a waiver from the United States department

Substitute Version as Presented to the Senate Finance and Financial Institutions

of health and human services of any federal requirement that would 33792
otherwise be violated, the department of job and family services 33793
~~shall~~ may establish in ~~Franklin, Hamilton, and Lucas~~ some or all 33794
counties a managed care system under which designated recipients 33795
of medical assistance are required to obtain ~~medical~~ health care 33796
services from providers designated by the department. The 33797
~~department may stagger implementation of the managed care system,~~ 33798
~~but the system shall be implemented in at least one county not~~ 33799
~~later than January 1, 1995, and in all three counties not later~~ 33800
~~than July 1, 1996.~~ 33801

~~(C)(B)~~ The department, ~~by rule adopted under this section,~~ 33802
~~may require any recipients in any other county to receive all or~~ 33803
~~some of their care through managed care organizations that~~ 33804
~~contract with the department and are paid by the department~~ 33805
~~pursuant to a capitation or other risk-based methodology~~ 33806
~~prescribed in the rules, and to receive their care only from~~ 33807
~~providers designated by the organizations~~ may enter into contracts 33808
with managed care organizations to authorize the organizations to 33809
provide health care services to medical assistance recipients 33810
participating in a managed care system established under this 33811
section. 33812

~~(D)~~ In accordance with rules adopted under division ~~(G)~~ of 33813
this section, the department ~~may issue requests for proposals from~~ 33814
~~managed care organizations interested in contracting with the~~ 33815
~~department to provide managed care to participating medical~~ 33816
~~assistance recipients.~~ 33817

~~(E)~~ A health insuring corporation under contract with the 33818
department under this section ~~may enter into an agreement with any~~ 33819
~~community-based clinic for the provision of medical services to~~ 33820
~~medical assistance recipients participating in the managed care~~ 33821
~~system if the clinic is willing to accept the terms, conditions,~~ 33822
~~and payment procedures established by the health insuring~~ 33823

Substitute Version as Presented to the Senate Finance and Financial Institutions

corporation.

33824

~~(F)~~(C) For the purpose of determining the amount the department pays hospitals under section 5112.08 of the Revised Code and the amount of disproportionate share hospital payments paid by the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, each managed care organization under contract with the department to provide ~~managed~~ health care services to participating medical assistance recipients shall keep detailed records for each hospital with which it contracts about the cost to the hospital of providing the care, payments made by the organization to the hospital for the care, utilization of hospital services by medical assistance recipients participating in managed care, and other utilization data required by the department.

33825

33826

33827

33828

33829

33830

33831

33832

33833

33834

33835

33836

33837

~~(G)~~(D) The director of job and family services ~~shall~~ may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

33838

33839

33840

Sec. 5111.171. (A) The department of job and family services may provide financial incentive awards to managed care organizations that contract with the department under section 5111.17 of the Revised Code to provide health care services to participating medical assistance recipients and that meet or exceed performance standards specified in provider agreements or rules adopted by the department. The department may specify in a contract with a managed care organization the amounts of financial incentive awards, methodology for distributing awards, types of awards, and standards for administration by the department.

33841

33842

33843

33844

33845

33846

33847

33848

33849

33850

(B) There is hereby created in the state treasury the health care compliance fund. The fund shall consist of all fines imposed on and collected from managed care organizations for failure to meet performance standards or other requirements specified in

33851

33852

33853

33854

Substitute Version as Presented to the Senate Finance and Financial Institutions

provider agreements or rules adopted by the department. All 33855
investment earnings of the fund shall be credited to the fund. 33856
Moneys credited to the fund shall be used solely for the following 33857
purposes: 33858

(1) To reimburse managed care organizations that have paid 33859
finances for failures to meet performance standards or other 33860
requirements and that have come into compliance by meeting 33861
requirements as specified by the department; 33862

(2) To provide financial incentive awards established 33863
pursuant to division (A) of this section and specified in 33864
contracts between managed care organizations and the department. 33865

Sec. 5111.25. (A) The department of job and family services 33866
shall pay each eligible nursing facility a per resident per day 33867
rate for its reasonable capital costs established prospectively 33868
each fiscal year for each facility. Except as otherwise provided 33869
in sections 5111.20 to 5111.32 of the Revised Code, the rate shall 33870
be based on the facility's capital costs for the calendar year 33871
preceding the fiscal year in which the rate will be paid. The rate 33872
shall equal the sum of divisions (A)(1) to (3) of this section: 33873
33874

(1) The lesser of the following: 33875

(a) Eighty-eight and sixty-five one-hundredths per cent of 33876
the facility's desk-reviewed, actual, allowable, per diem cost of 33877
ownership and eighty-five per cent of the facility's actual, 33878
allowable, per diem cost of nonextensive renovation determined 33879
under division (F) of this section; 33880

(b) Eighty-eight and sixty-five one-hundredths per cent of 33881
the following limitation: 33882

(i) For the fiscal year beginning July 1, 1993, sixteen 33883
dollars per resident day; 33884

Substitute Version as Presented to the Senate Finance and Financial Institutions

(ii) For the fiscal year beginning July 1, 1994, sixteen 33885
dollars per resident day, adjusted to reflect the rate of 33886
inflation for the twelve-month period beginning July 1, 1992, and 33887
ending June 30, 1993, using the consumer price index for shelter 33888
costs for all urban consumers for the north central region, 33889
published by the United States bureau of labor statistics; 33890

(iii) For subsequent fiscal years, the limitation in effect 33891
during the previous fiscal year, adjusted to reflect the rate of 33892
inflation for the twelve-month period beginning on the first day 33893
of July for the calendar year preceding the calendar year that 33894
precedes the fiscal year and ending on the following thirtieth day 33895
of June, using the consumer price index for shelter costs for all 33896
urban consumers for the north central region, published by the 33897
United States bureau of labor statistics. 33898

(2) Any efficiency incentive determined under division (D) of 33899
this section; 33900

(3) Any amounts for return on equity determined under 33901
division (H) of this section. 33902

Buildings shall be depreciated using the straight line method 33903
over forty years or over a different period approved by the 33904
department. Components and equipment shall be depreciated using 33905
the straight-line method over a period designated in rules adopted 33906
by the director of job and family services in accordance with 33907
Chapter 119. of the Revised Code, consistent with the guidelines 33908
of the American hospital association, or over a different period 33909
approved by the department. Any rules adopted under this division 33910
that specify useful lives of buildings, components, or equipment 33911
apply only to assets acquired on or after July 1, 1993. 33912
Depreciation for costs paid or reimbursed by any government agency 33913
shall not be included in cost of ownership or renovation unless 33914
that part of the payment under sections 5111.20 to 5111.32 of the 33915
Revised Code is used to reimburse the government agency. 33916

Substitute Version as Presented to the Senate Finance and Financial Institutions

(B) The capital cost basis of nursing facility assets shall 33917
be determined in the following manner: 33918

(1) For purposes of calculating the rate to be paid for the 33919
fiscal year beginning July 1, 1993, for facilities with dates of 33920
licensure on or before June 30, 1993, the capital cost basis shall 33921
be equal to the following: 33922

(a) For facilities that have not had a change of ownership 33923
during the period beginning January 1, 1993, and ending June 30, 33924
1993, the desk-reviewed, actual, allowable capital cost basis that 33925
is listed on the facility's cost report for the cost reporting 33926
period ending December 31, 1992, plus the actual, allowable 33927
capital cost basis of any assets constructed or acquired after 33928
December 31, 1992, but before July 1, 1993, if the aggregate 33929
capital costs of those assets would increase the facility's rate 33930
for capital costs by twenty or more cents per resident per day. 33931

(b) For facilities that have a date of licensure or had a 33932
change of ownership during the period beginning January 1, 1993, 33933
and ending June 30, 1993, the actual, allowable capital cost basis 33934
of the person or government entity that owns the facility on June 33935
30, 1993. 33936

Capital cost basis shall be calculated as provided in 33937
division (B)(1) of this section subject to approval by the United 33938
States health care financing administration of any necessary 33939
amendment to the state plan for providing medical assistance. 33940

The department shall include the actual, allowable capital 33941
cost basis of assets constructed or acquired during the period 33942
beginning January 1, 1993, and ending June 30, 1993, in the 33943
calculation for the facility's rate effective July 1, 1993, if the 33944
aggregate capital costs of the assets would increase the 33945
facility's rate by twenty or more cents per resident per day and 33946
the facility provides the department with sufficient documentation 33947

Substitute Version as Presented to the Senate Finance and Financial Institutions

of the costs before June 1, 1993. If the facility provides the
documentation after that date, the department shall adjust the
facility's rate to reflect the costs of the assets one month after
the first day of the month after the department receives the
documentation.

(2) Except as provided in division (B)(4) of this section,
for purposes of calculating the rates to be paid for fiscal years
beginning after June 30, 1994, for facilities with dates of
licensure on or before June 30, 1993, the capital cost basis of
each asset shall be equal to the desk-reviewed, actual, allowable,
capital cost basis that is listed on the facility's cost report
for the calendar year preceding the fiscal year during which the
rate will be paid.

(3) For facilities with dates of licensure after June 30,
1993, the capital cost basis shall be determined in accordance
with the principles of the medicare program established under
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42
U.S.C.A. 301, as amended, except as otherwise provided in sections
5111.20 to 5111.32 of the Revised Code.

(4) Except as provided in division (B)(5) of this section, if
a provider transfers an interest in a facility to another provider
after June 30, 1993, there shall be no increase in the capital
cost basis of the asset if the providers are related parties. If
the providers are not related parties or if they are related
parties and division (B)(5) of this section requires the
adjustment of the capital cost basis under this division, the
basis of the asset shall be adjusted by the lesser of the
following:

(a) One-half of the change in construction costs during the
time that the transferor held the asset, as calculated by the
department of job and family services using the "Dodge building
cost indexes, northeastern and north central states," published by

Substitute Version as Presented to the Senate Finance and Financial Institutions

Marshall and Swift; 33980

(b) One-half of the change in the consumer price index for 33981
all items for all urban consumers, as published by the United 33982
States bureau of labor statistics, during the time that the 33983
transferor held the asset. 33984

(5) If a provider transfers an interest in a facility to 33985
another provider who is a related party, the capital cost basis of 33986
the asset shall be adjusted as specified in division (B)(4) of 33987
this section for a transfer to a provider that is not a related 33988
party if all of the following conditions are met: 33989

(a) The related party is a relative of owner; 33990

(b) Except as provided in division (B)(5)(c)(ii) of this 33991
section, the provider making the transfer retains no ownership 33992
interest in the facility; 33993

(c) The department of job and family services determines that 33994
the transfer is an arm's length transaction pursuant to rules the 33995
department shall adopt in accordance with Chapter 119. of the 33996
Revised Code no later than December 31, 2000. The rules shall 33997
provide that a transfer is an arm's length transaction if all of 33998
the following apply: 33999

(i) Once the transfer goes into effect, the provider that 34000
made the transfer has no direct or indirect interest in the 34001
provider that acquires the facility or the facility itself, 34002
including interest as an owner, officer, director, employee, 34003
independent contractor, or consultant, but excluding interest as a 34004
creditor. 34005

(ii) The provider that made the transfer does not reacquire 34006
an interest in the facility except through the exercise of a 34007
creditor's rights in the event of a default. If the provider 34008
reacquires an interest in the facility in this manner, the 34009
department shall treat the facility as if the transfer never 34010

Substitute Version as Presented to the Senate Finance and Financial Institutions

occurred when the department calculates its reimbursement rates 34011
for capital costs. 34012

(iii) The transfer satisfies any other criteria specified in 34013
the rules. 34014

(d) Except in the case of hardship caused by a catastrophic 34015
event, as determined by the department, or in the case of a 34016
provider making the transfer who is at least sixty-five years of 34017
age, not less than twenty years have elapsed since, for the same 34018
facility, the capital cost basis was adjusted most recently under 34019
division (B)(5) of this section or actual, allowable cost of 34020
ownership was determined most recently under division (C)(9) of 34021
this section. 34022

(C) As used in this division, "lease expense" means lease 34023
payments in the case of an operating lease and depreciation 34024
expense and interest expense in the case of a capital lease. As 34025
used in this division, "new lease" means a lease, to a different 34026
lessee, of a nursing facility that previously was operated under a 34027
lease. 34028

(1) Subject to the limitation specified in division (A)(1) of 34029
this section, for a lease of a facility that was effective on May 34030
27, 1992, the entire lease expense is an actual, allowable cost of 34031
ownership during the term of the existing lease. The entire lease 34032
expense also is an actual, allowable cost of ownership if a lease 34033
in existence on May 27, 1992, is renewed under either of the 34034
following circumstances: 34035

(a) The renewal is pursuant to a renewal option that was in 34036
existence on May 27, 1992; 34037

(b) The renewal is for the same lease payment amount and 34038
between the same parties as the lease in existence on May 27, 34039
1992. 34040

(2) Subject to the limitation specified in division (A)(1) of 34041

Substitute Version as Presented to the Senate Finance and Financial Institutions

this section, for a lease of a facility that was in existence but
not operated under a lease on May 27, 1992, actual, allowable cost
of ownership shall include the lesser of the annual lease expense
or the annual depreciation expense and imputed interest expense
that would be calculated at the inception of the lease using the
lessor's entire historical capital asset cost basis, adjusted by
the lesser of the following amounts:

(a) One-half of the change in construction costs during the
time the lessor held each asset until the beginning of the lease,
as calculated by the department using the "Dodge building cost
indexes, northeastern and north central states," published by
Marshall and Swift;

(b) One-half of the change in the consumer price index for
all items for all urban consumers, as published by the United
States bureau of labor statistics, during the time the lessor held
each asset until the beginning of the lease.

(3) Subject to the limitation specified in division (A)(1) of
this section, for a lease of a facility with a date of licensure
on or after May 27, 1992, that is initially operated under a
lease, actual, allowable cost of ownership shall include the
annual lease expense if there was a substantial commitment of
money for construction of the facility after December 22, 1992,
and before July 1, 1993. If there was not a substantial commitment
of money after December 22, 1992, and before July 1, 1993, actual,
allowable cost of ownership shall include the lesser of the annual
lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated
at the inception of the lease using the lessor's entire historical
capital asset cost basis;

(b) The greater of the lessor's actual annual amortization of
financing costs and interest expense at the inception of the lease

Substitute Version as Presented to the Senate Finance and Financial Institutions

or the imputed interest expense calculated at the inception of the 34073
lease using seventy per cent of the lessor's historical capital 34074
asset cost basis. 34075

(4) Subject to the limitation specified in division (A)(1) of 34076
this section, for a lease of a facility with a date of licensure 34077
on or after May 27, 1992, that was not initially operated under a 34078
lease and has been in existence for ten years, actual, allowable 34079
cost of ownership shall include the lesser of the annual lease 34080
expense or the annual depreciation expense and imputed interest 34081
expense that would be calculated at the inception of the lease 34082
using the entire historical capital asset cost basis of the 34083
lessor, adjusted by the lesser of the following: 34084

(a) One-half of the change in construction costs during the 34085
time the lessor held each asset until the beginning of the lease, 34086
as calculated by the department using the "Dodge building cost 34087
indexes, northeastern and north central states," published by 34088
Marshall and Swift; 34089

(b) One-half of the change in the consumer price index for 34090
all items for all urban consumers, as published by the United 34091
States bureau of labor statistics, during the time the lessor held 34092
each asset until the beginning of the lease. 34093

(5) Subject to the limitation specified in division (A)(1) of 34094
this section, for a new lease of a facility that was operated 34095
under a lease on May 27, 1992, actual, allowable cost of ownership 34096
shall include the lesser of the annual new lease expense or the 34097
annual old lease payment. If the old lease was in effect for ten 34098
years or longer, the old lease payment from the beginning of the 34099
old lease shall be adjusted by the lesser of the following: 34100

(a) One-half of the change in construction costs from the 34101
beginning of the old lease to the beginning of the new lease, as 34102
calculated by the department using the "Dodge building cost 34103

Substitute Version as Presented to the Senate Finance and Financial Institutions

indexes, northeastern and north central states," published by 34104
Marshall and Swift; 34105

(b) One-half of the change in the consumer price index for 34106
all items for all urban consumers, as published by the United 34107
States bureau of labor statistics, from the beginning of the old 34108
lease to the beginning of the new lease. 34109

(6) Subject to the limitation specified in division (A)(1) of 34110
this section, for a new lease of a facility that was not in 34111
existence or that was in existence but not operated under a lease 34112
on May 27, 1992, actual, allowable cost of ownership shall include 34113
the lesser of annual new lease expense or the annual amount 34114
calculated for the old lease under division (C)(2), (3), (4), or 34115
(6) of this section, as applicable. If the old lease was in effect 34116
for ten years or longer, the lessor's historical capital asset 34117
cost basis shall be adjusted by the lesser of the following for 34118
purposes of calculating the annual amount under division (C)(2), 34119
(3), (4), or (6) of this section: 34120

(a) One-half of the change in construction costs from the 34121
beginning of the old lease to the beginning of the new lease, as 34122
calculated by the department using the "Dodge building cost 34123
indexes, northeastern and north central states," published by 34124
Marshall and Swift; 34125

(b) One-half of the change in the consumer price index for 34126
all items for all urban consumers, as published by the United 34127
States bureau of labor statistics, from the beginning of the old 34128
lease to the beginning of the new lease. 34129

In the case of a lease under division (C)(3) of this section 34130
of a facility for which a substantial commitment of money was made 34131
after December 22, 1992, and before July 1, 1993, the old lease 34132
payment shall be adjusted for the purpose of determining the 34133
annual amount. 34134

Substitute Version as Presented to the Senate Finance and Financial Institutions

(7) For any revision of a lease described in division (C)(1), (2), (3), (4), (5), or (6) of this section, or for any subsequent lease of a facility operated under such a lease, other than execution of a new lease, the portion of actual, allowable cost of ownership attributable to the lease shall be the same as before the revision or subsequent lease.

(8) Except as provided in division (C)(9) of this section, if a provider leases an interest in a facility to another provider who is a related party, the related party's actual, allowable cost of ownership shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable cost of ownership shall include the annual lease expense, subject to the limitations specified in divisions (C)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (C)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department of job and family services determines that the lease is an arm's length transaction pursuant to rules the department shall adopt in accordance with Chapter 119. of the Revised Code no later than December 31, 2000. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (C)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent

Substitute Version as Presented to the Senate Finance and Financial Institutions

contractor, or consultant, but excluding interest as a lessor. 34166
34167

(ii) The lessor does not reacquire an interest in the 34168
facility except through the exercise of a lessor's rights in the 34169
event of a default. If the lessor reacquires an interest in the 34170
facility in this manner, the department shall treat the facility 34171
as if the lease never occurred when the department calculates its 34172
reimbursement rates for capital costs. 34173

(iii) The lease satisfies any other criteria specified in the 34174
rules. 34175

(d) Except in the case of hardship caused by a catastrophic 34176
event, as determined by the department, or in the case of a lessor 34177
who is at least sixty-five years of age, not less than twenty 34178
years have elapsed since, for the same facility, the capital cost 34179
basis was adjusted most recently under division (B)(5) of this 34180
section or actual, allowable cost of ownership was determined most 34181
recently under division (C)(9) of this section. 34182

(10) This division does not apply to leases of specific items 34183
of equipment. 34184

(D)(1) Subject to division (D)(2) of this section, the 34185
department shall pay each nursing facility an efficiency incentive 34186
that is equal to fifty per cent of the difference between the 34187
following: 34188

(a) Eighty-eight and sixty-five one-hundredths per cent of 34189
the facility's desk-reviewed, actual, allowable, per diem cost of 34190
ownership; 34191

(b) The applicable amount specified in division (E) of this 34192
section. 34193

(2) The efficiency incentive paid to a nursing facility shall 34194
not exceed the greater of the following: 34195

Substitute Version as Presented to the Senate Finance and Financial Institutions

(a) The efficiency incentive the facility was paid during the fiscal year ending June 30, 1994;	34196 34197
(b) Three dollars per resident per day, adjusted annually for rates paid beginning July 1, 1994, for the inflation rate for the twelve-month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which the efficiency incentive is determined and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.	34198 34199 34200 34201 34202 34203 34204 34205 34206
(3) For purposes of calculating the efficiency incentive, depreciation for costs that are paid or reimbursed by any government agency shall be considered as costs of ownership, and renovation costs that are paid under division (F) of this section shall not be considered costs of ownership.	34207 34208 34209 34210 34211
(E) The following amounts shall be used to calculate efficiency incentives for nursing facilities under this section:	34212 34213
(1) For facilities with dates of licensure prior to January 1, 1958, four dollars and twenty-four cents per patient day;	34214 34215
(2) For facilities with dates of licensure after December 31, 1957, but prior to January 1, 1968:	34216 34217
(a) Five dollars and twenty-four cents per patient day if the cost of construction was three thousand five hundred dollars or more per bed;	34218 34219 34220
(b) Four dollars and twenty-four cents per patient day if the cost of construction was less than three thousand five hundred dollars per bed.	34221 34222 34223
(3) For facilities with dates of licensure after December 31, 1967, but prior to January 1, 1976:	34224 34225

Substitute Version as Presented to the Senate Finance and Financial Institutions

(a) Six dollars and twenty-four cents per patient day if the	34226
cost of construction was five thousand one hundred fifty dollars	34227
or more per bed;	34228
(b) Five dollars and twenty-four cents per patient day if the	34229
cost of construction was less than five thousand one hundred fifty	34230
dollars per bed, but exceeded three thousand five hundred dollars	34231
per bed;	34232
(c) Four dollars and twenty-four cents per patient day if the	34233
cost of construction was three thousand five hundred dollars or	34234
less per bed.	34235
(4) For facilities with dates of licensure after December 31,	34236
1975, but prior to January 1, 1979:	34237
(a) Seven dollars and twenty-four cents per patient day if	34238
the cost of construction was six thousand eight hundred dollars or	34239
more per bed;	34240
(b) Six dollars and twenty-four cents per patient day if the	34241
cost of construction was less than six thousand eight hundred	34242
dollars per bed but exceeded five thousand one hundred fifty	34243
dollars per bed;	34244
(c) Five dollars and twenty-four cents per patient day if the	34245
cost of construction was five thousand one hundred fifty dollars	34246
or less per bed, but exceeded three thousand five hundred dollars	34247
per bed;	34248
(d) Four dollars and twenty-four cents per patient day if the	34249
cost of construction was three thousand five hundred dollars or	34250
less per bed.	34251
(5) For facilities with dates of licensure after December 31,	34252
1978, but prior to January 1, 1981:	34253
(a) Seven dollars and seventy-four cents per patient day if	34254
the cost of construction was seven thousand six hundred	34255

Substitute Version as Presented to the Senate Finance and Financial Institutions

twenty-five dollars or more per bed;	34256
(b) Seven dollars and twenty-four cents per patient day if	34257
the cost of construction was less than seven thousand six hundred	34258
twenty-five dollars per bed but exceeded six thousand eight	34259
hundred dollars per bed;	34260
(c) Six dollars and twenty-four cents per patient day if the	34261
cost of construction was six thousand eight hundred dollars or	34262
less per bed but exceeded five thousand one hundred fifty dollars	34263
per bed;	34264
(d) Five dollars and twenty-four cents per patient day if the	34265
cost of construction was five thousand one hundred fifty dollars	34266
or less but exceeded three thousand five hundred dollars per bed;	34267
	34268
(e) Four dollars and twenty-four cents per patient day if the	34269
cost of construction was three thousand five hundred dollars or	34270
less per bed.	34271
(6) For facilities with dates of licensure in 1981 or any	34272
year thereafter prior to December 22, 1992, the following amount:	34273
(a) For facilities with construction costs less than seven	34274
thousand six hundred twenty-five dollars per bed, the applicable	34275
amounts for the construction costs specified in divisions	34276
(E)(5)(b) to (e) of this section;	34277
(b) For facilities with construction costs of seven thousand	34278
six hundred twenty-five dollars or more per bed, six dollars per	34279
patient day, provided that for 1981 and annually thereafter prior	34280
to December 22, 1992, department shall do both of the following to	34281
the six-dollar amount:	34282
(i) Adjust the amount for fluctuations in construction costs	34283
calculated by the department using the "Dodge building cost	34284
indexes, northeastern and north central states," published by	34285

Substitute Version as Presented to the Senate Finance and Financial Institutions

Marshall and Swift, using 1980 as the base year; 34286

(ii) Increase the amount, as adjusted for inflation under 34287
division (E)(6)(b)(i) of this section, by one dollar and 34288
seventy-four cents. 34289

(7) For facilities with dates of licensure on or after 34290
January 1, 1992, seven dollars and ninety-seven cents, adjusted 34291
for fluctuations in construction costs between 1991 and 1993 as 34292
calculated by the department using the "Dodge building cost 34293
indexes, northeastern and north central states," published by 34294
Marshall and Swift, and then increased by one dollar and 34295
seventy-four cents. 34296

For the fiscal year that begins July 1, 1994, each of the 34297
amounts listed in divisions (E)(1) to (7) of this section shall be 34298
increased by twenty-five cents. For the fiscal year that begins 34299
July 1, 1995, each of those amounts shall be increased by an 34300
additional twenty-five cents. For subsequent fiscal years, each of 34301
those amounts, as increased for the prior fiscal year, shall be 34302
adjusted to reflect the rate of inflation for the twelve-month 34303
period beginning on the first day of July of the calendar year 34304
preceding the calendar year that precedes the fiscal year and 34305
ending on the following thirtieth day of June, using the consumer 34306
price index for shelter costs for all urban consumers for the 34307
north central region, as published by the United States bureau of 34308
labor statistics. 34309

If the amount established for a nursing facility under this 34310
division is less than the amount that applied to the facility 34311
under division (B) of former section 5111.25 of the Revised Code, 34312
as the former section existed immediately prior to December 22, 34313
1992, the amount used to calculate the efficiency incentive for 34314
the facility under division (D)(2) of this section shall be the 34315
amount that was calculated under division (B) of the former 34316
section. 34317

Substitute Version as Presented to the Senate Finance and Financial Institutions

(F) Beginning July 1, 1993, regardless of the facility's date of licensure or the date of the nonextensive renovations, the rate for the costs of nonextensive renovations for nursing facilities shall be eighty-five per cent of the desk-reviewed, actual, allowable, per diem, nonextensive renovation costs. This division applies to nonextensive renovations regardless of whether they are made by an owner or a lessee. If the tenancy of a lessee that has made nonextensive renovations ends before the depreciation expense for the renovation costs has been fully reported, the former lessee shall not report the undepreciated balance as an expense.

(1) For a nonextensive renovation made after July 1, 1993, to qualify for payment under this division, both of the following conditions must be met:

(a) At least five years have elapsed since the date of licensure of the portion of the facility that is proposed to be renovated, except that this condition does not apply if the renovation is necessary to meet the requirements of federal, state, or local statutes, ordinances, rules, or policies.

(b) The provider has obtained prior approval from the department of job and family services, and if required the director of health has granted a certificate of need for the renovation under section 3702.52 of the Revised Code. The provider shall submit a plan that describes in detail the changes in capital assets to be accomplished by means of the renovation and the timetable for completing the project. The time for completion of the project shall be no more than eighteen months after the renovation begins. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code that specify criteria and procedures for prior approval of renovation projects. No provider shall separate a project with the intent to evade the characterization of the project as a

Substitute Version as Presented to the Senate Finance and Financial Institutions

renovation or as an extensive renovation. No provider shall
increase the scope of a project after it is approved by the
department of job and family services unless the increase in scope
is approved by the department.

(2) The payment provided for in this division is the only
payment that shall be made for the costs of a nonextensive
renovation. Nonextensive renovation costs shall not be included in
costs of ownership, and a nonextensive renovation shall not affect
the date of licensure for purposes of calculating the efficiency
incentive under divisions (D) and (E) of this section.

(G) The owner of a nursing facility operating under a
provider agreement shall provide written notice to the department
of job and family services at least forty-five days prior to
entering into any contract of sale for the facility or voluntarily
terminating participation in the medical assistance program. After
the date on which a transaction of sale is closed, the owner shall
refund to the department the amount of excess depreciation paid to
the facility by the department for each year the owner has
operated the facility under a provider agreement and prorated
according to the number of medicaid patient days for which the
facility has received payment. If a nursing facility is sold after
five or fewer years of operation under a provider agreement, the
refund to the department shall be equal to the excess depreciation
paid to the facility. If a nursing facility is sold after more
than five years but less than ten years of operation under a
provider agreement, the refund to the department shall equal the
excess depreciation paid to the facility multiplied by twenty per
cent, multiplied by the difference between ten and the number of
years that the facility was operated under a provider agreement.
If a nursing facility is sold after ten or more years of operation
under a provider agreement, the owner shall not refund any excess
depreciation to the department. The owner of a facility that is

Substitute Version as Presented to the Senate Finance and Financial Institutions

34382 sold or that voluntarily terminates participation in the medical
34383 assistance program also shall refund any other amount that the
34384 department properly finds to be due after the audit conducted
34385 under this division. For the purposes of this division,
34386 "depreciation paid to the facility" means the amount paid to the
34387 nursing facility for cost of ownership pursuant to this section
34388 less any amount paid for interest costs, amortization of financing
34389 costs, and lease expenses. For the purposes of this division,
34390 "excess depreciation" is the nursing facility's depreciated basis,
34391 which is the owner's cost less accumulated depreciation,
34392 subtracted from the purchase price net of selling costs but not
34393 exceeding the amount of depreciation paid to the facility.
34394

34395 A cost report shall be filed with the department within
34396 ninety days after the date on which the transaction of sale is
34397 closed or participation is voluntarily terminated. The report
34398 shall show the accumulated depreciation, the sales price, and
34399 other information required by the department. The department shall
34400 provide for a bank, trust company, or savings and loan association
34401 to hold in escrow the amount of the last two monthly payments to a
34402 nursing facility made pursuant to division (A)(1) of section
34403 5111.22 of the Revised Code before a sale or termination of
34404 participation shall be held in escrow by a bank, trust company, or
34405 savings and loan association, except that if or, if the owner
34406 fails, within the time required by this division, to notify the
34407 department before entering into a contract of sale for the
34408 facility, the amount of the first two monthly payments made to the
34409 facility after the department learns of the contract, regardless
34410 of whether a new owner is in possession of the facility. If the
34411 amount the owner will be required to refund under this section is
34412 likely to be less than the amount of the last two monthly payments
34413 otherwise put into escrow under this division, the department
34414 shall take one of the following actions instead of withholding the

Substitute Version as Presented to the Senate Finance and Financial Institutions

amount of the ~~last~~ two monthly payments: 34415

(1) In the case of an owner that owns other facilities that 34416
participate in the medical assistance program, obtain a promissory 34417
note in an amount sufficient to cover the amount likely to be 34418
refunded; 34419

(2) In the case of all other owners, withhold the amount of 34420
the last monthly payment to the nursing facility or, if the owner 34421
fails, within the time required by this division, to notify the 34422
department before entering into a contract of sale for the 34423
facility, the amount of the first monthly payment made to the 34424
facility after the department learns of the contract, regardless 34425
of whether a new owner is in possession of the facility. 34426

The department shall, within ninety days following the filing 34427
of the cost report, audit the cost report and issue an audit 34428
report to the owner. The department also may audit any other cost 34429
report that the facility has filed during the previous three 34430
years. In the audit report, the department shall state its 34431
findings and the amount of any money owed to the department by the 34432
nursing facility. The findings shall be subject to adjudication 34433
conducted in accordance with Chapter 119. of the Revised Code. No 34434
later than fifteen days after the owner agrees to a settlement, 34435
any funds held in escrow less any amounts due to the department 34436
shall be released to the owner and amounts due to the department 34437
shall be paid to the department. If the amounts in escrow are less 34438
than the amounts due to the department, the balance shall be paid 34439
to the department within fifteen days after the owner agrees to a 34440
settlement. If the department does not issue its audit report 34441
within the ninety-day period, the department shall release any 34442
money held in escrow to the owner. For the purposes of this 34443
section, a transfer of corporate stock, the merger of one 34444
corporation into another, or a consolidation does not constitute a 34445
sale. 34446

Substitute Version as Presented to the Senate Finance and Financial Institutions

If a nursing facility is not sold or its participation is not terminated after notice is provided to the department under this division, the department shall order any payments held in escrow released to the facility upon receiving written notice from the owner that there will be no sale or termination. After written notice is received from a nursing facility that a sale or termination will not take place, the facility shall provide notice to the department at least forty-five days prior to entering into any contract of sale or terminating participation at any future time.

(H) The department shall pay each eligible proprietary nursing facility a return on the facility's net equity computed at the rate of one and one-half times the average interest rate on special issues of public debt obligations issued to the federal hospital insurance trust fund for the cost reporting period, except that no facility's return on net equity shall exceed ~~one dollar~~ fifty cents per patient day.

When calculating the rate for return on net equity, the department shall use the greater of the facility's inpatient days during the applicable cost reporting period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.

(I) If a nursing facility would receive a lower rate for capital costs for assets in the facility's possession on July 1, 1993, under this section than it would receive under former section 5111.25 of the Revised Code, as the former section existed immediately prior to December 22, 1992, the facility shall receive for those assets the rate it would have received under the former section for each fiscal year beginning on or after July 1, 1993, until the rate it would receive under this section exceeds the rate it would have received under the former section. Any facility that receives a rate calculated under the former section 5111.25

Substitute Version as Presented to the Senate Finance and Financial Institutions

of the Revised Code for assets in the facility's possession on 34479
July 1, 1993, also shall receive a rate calculated under this 34480
section for costs of any assets it constructs or acquires after 34481
July 1, 1993. 34482

Sec. 5111.251. (A) The department of job and family services 34483
shall pay each eligible intermediate care facility for the 34484
mentally retarded for its reasonable capital costs, a per resident 34485
per day rate established prospectively each fiscal year for each 34486
intermediate care facility for the mentally retarded. Except as 34487
otherwise provided in sections 5111.20 to 5111.32 of the Revised 34488
Code, the rate shall be based on the facility's capital costs for 34489
the calendar year preceding the fiscal year in which the rate will 34490
be paid. The rate shall equal the sum of the following: 34491

(1) The facility's desk-reviewed, actual, allowable, per diem 34492
cost of ownership for the preceding cost reporting period, limited 34493
as provided in divisions (C) and (F) of this section; 34494

(2) Any efficiency incentive determined under division (B) of 34495
this section; 34496

(3) Any amounts for renovations determined under division (D) 34497
of this section; 34498

(4) Any amounts for return on equity determined under 34499
division (I) of this section. 34500

Buildings shall be depreciated using the straight line method 34501
over forty years or over a different period approved by the 34502
department. Components and equipment shall be depreciated using 34503
the straight line method over a period designated by the director 34504
of job and family services in rules adopted in accordance with 34505
Chapter 119. of the Revised Code, consistent with the guidelines 34506
of the American hospital association, or over a different period 34507
approved by the department of job and family services. Any rules 34508

Substitute Version as Presented to the Senate Finance and Financial Institutions

adopted under this division that specify useful lives of 34509
buildings, components, or equipment apply only to assets acquired 34510
on or after July 1, 1993. Depreciation for costs paid or 34511
reimbursed by any government agency shall not be included in costs 34512
of ownership or renovation unless that part of the payment under 34513
sections 5111.20 to 5111.32 of the Revised Code is used to 34514
reimburse the government agency. 34515

(B) The department of job and family services shall pay to 34516
each intermediate care facility for the mentally retarded an 34517
efficiency incentive equal to fifty per cent of the difference 34518
between any desk-reviewed, actual, allowable cost of ownership and 34519
the applicable limit on cost of ownership payments under division 34520
(C) of this section. For purposes of computing the efficiency 34521
incentive, depreciation for costs paid or reimbursed by any 34522
government agency shall be considered as a cost of ownership, and 34523
the applicable limit under division (C) of this section shall 34524
apply both to facilities with more than eight beds and facilities 34525
with eight or fewer beds. The efficiency incentive paid to a 34526
facility with eight or fewer beds shall not exceed three dollars 34527
per patient day, adjusted annually for the inflation rate for the 34528
twelve-month period beginning on the first day of July of the 34529
calendar year preceding the calendar year that precedes the fiscal 34530
year for which the efficiency incentive is determined and ending 34531
on the thirtieth day of the following June, using the consumer 34532
price index for shelter costs for all urban consumers for the 34533
north central region, as published by the United States bureau of 34534
labor statistics. 34535

(C) Cost of ownership payments to intermediate care 34536
facilities for the mentally retarded with more than eight beds 34537
shall not exceed the following limits: 34538

(1) For facilities with dates of licensure prior to January 34539
1, 1958, not exceeding two dollars and fifty cents per patient 34540

Substitute Version as Presented to the Senate Finance and Financial Institutions

day; 34541

(2) For facilities with dates of licensure after December 31, 34542
1957, but prior to January 1, 1968, not exceeding: 34543

(a) Three dollars and fifty cents per patient day if the cost 34544
of construction was three thousand five hundred dollars or more 34545
per bed; 34546

(b) Two dollars and fifty cents per patient day if the cost 34547
of construction was less than three thousand five hundred dollars 34548
per bed. 34549

(3) For facilities with dates of licensure after December 31, 34550
1967, but prior to January 1, 1976, not exceeding: 34551

(a) Four dollars and fifty cents per patient day if the cost 34552
of construction was five thousand one hundred fifty dollars or 34553
more per bed; 34554

(b) Three dollars and fifty cents per patient day if the cost 34555
of construction was less than five thousand one hundred fifty 34556
dollars per bed, but exceeds three thousand five hundred dollars 34557
per bed; 34558

(c) Two dollars and fifty cents per patient day if the cost 34559
of construction was three thousand five hundred dollars or less 34560
per bed. 34561

(4) For facilities with dates of licensure after December 31, 34562
1975, but prior to January 1, 1979, not exceeding: 34563

(a) Five dollars and fifty cents per patient day if the cost 34564
of construction was six thousand eight hundred dollars or more per 34565
bed; 34566

(b) Four dollars and fifty cents per patient day if the cost 34567
of construction was less than six thousand eight hundred dollars 34568
per bed but exceeds five thousand one hundred fifty dollars per 34569
bed; 34570

Substitute Version as Presented to the Senate Finance and Financial Institutions

(c) Three dollars and fifty cents per patient day if the cost 34571
of construction was five thousand one hundred fifty dollars or 34572
less per bed, but exceeds three thousand five hundred dollars per 34573
bed; 34574

(d) Two dollars and fifty cents per patient day if the cost 34575
of construction was three thousand five hundred dollars or less 34576
per bed. 34577

(5) For facilities with dates of licensure after December 31, 34578
1978, but prior to January 1, 1980, not exceeding: 34579

(a) Six dollars per patient day if the cost of construction 34580
was seven thousand six hundred twenty-five dollars or more per 34581
bed; 34582

(b) Five dollars and fifty cents per patient day if the cost 34583
of construction was less than seven thousand six hundred 34584
twenty-five dollars per bed but exceeds six thousand eight hundred 34585
dollars per bed; 34586

(c) Four dollars and fifty cents per patient day if the cost 34587
of construction was six thousand eight hundred dollars or less per 34588
bed but exceeds five thousand one hundred fifty dollars per bed; 34589

(d) Three dollars and fifty cents per patient day if the cost 34590
of construction was five thousand one hundred fifty dollars or 34591
less but exceeds three thousand five hundred dollars per bed; 34592

(e) Two dollars and fifty cents per patient day if the cost 34593
of construction was three thousand five hundred dollars or less 34594
per bed. 34595

(6) For facilities with dates of licensure after December 31, 34596
1979, but prior to January 1, 1981, not exceeding: 34597

(a) Twelve dollars per patient day if the beds were 34598
originally licensed as residential facility beds by the department 34599
of mental retardation and developmental disabilities; 34600

Substitute Version as Presented to the Senate Finance and Financial Institutions

(b) Six dollars per patient day if the beds were originally	34601
licensed as nursing home beds by the department of health.	34602
(7) For facilities with dates of licensure after December 31,	34603
1980, but prior to January 1, 1982, not exceeding:	34604
(a) Twelve dollars per patient day if the beds were	34605
originally licensed as residential facility beds by the department	34606
of mental retardation and developmental disabilities;	34607
(b) Six dollars and forty-five cents per patient day if the	34608
beds were originally licensed as nursing home beds by the	34609
department of health.	34610
(8) For facilities with dates of licensure after December 31,	34611
1981, but prior to January 1, 1983, not exceeding:	34612
(a) Twelve dollars per patient day if the beds were	34613
originally licensed as residential facility beds by the department	34614
of mental retardation and developmental disabilities;	34615
(b) Six dollars and seventy-nine cents per patient day if the	34616
beds were originally licensed as nursing home beds by the	34617
department of health.	34618
(9) For facilities with dates of licensure after December 31,	34619
1982, but prior to January 1, 1984, not exceeding:	34620
(a) Twelve dollars per patient day if the beds were	34621
originally licensed as residential facility beds by the department	34622
of mental retardation and developmental disabilities;	34623
(b) Seven dollars and nine cents per patient day if the beds	34624
were originally licensed as nursing home beds by the department of	34625
health.	34626
(10) For facilities with dates of licensure after December	34627
31, 1983, but prior to January 1, 1985, not exceeding:	34628
(a) Twelve dollars and twenty-four cents per patient day if	34629

Substitute Version as Presented to the Senate Finance and Financial Institutions

the beds were originally licensed as residential facility beds by 34630
the department of mental retardation and developmental 34631
disabilities; 34632

(b) Seven dollars and twenty-three cents per patient day if 34633
the beds were originally licensed as nursing home beds by the 34634
department of health. 34635

(11) For facilities with dates of licensure after December 34636
31, 1984, but prior to January 1, 1986, not exceeding: 34637

(a) Twelve dollars and fifty-three cents per patient day if 34638
the beds were originally licensed as residential facility beds by 34639
the department of mental retardation and developmental 34640
disabilities; 34641

(b) Seven dollars and forty cents per patient day if the beds 34642
were originally licensed as nursing home beds by the department of 34643
health. 34644

(12) For facilities with dates of licensure after December 34645
31, 1985, but prior to January 1, 1987, not exceeding: 34646

(a) Twelve dollars and seventy cents per patient day if the 34647
beds were originally licensed as residential facility beds by the 34648
department of mental retardation and developmental disabilities; 34649

(b) Seven dollars and fifty cents per patient day if the beds 34650
were originally licensed as nursing home beds by the department of 34651
health. 34652

(13) For facilities with dates of licensure after December 34653
31, 1986, but prior to January 1, 1988, not exceeding: 34654

(a) Twelve dollars and ninety-nine cents per patient day if 34655
the beds were originally licensed as residential facility beds by 34656
the department of mental retardation and developmental 34657
disabilities; 34658

(b) Seven dollars and sixty-seven cents per patient day if 34659

Substitute Version as Presented to the Senate Finance and Financial Institutions

the beds were originally licensed as nursing home beds by the
department of health.

(14) For facilities with dates of licensure after December
31, 1987, but prior to January 1, 1989, not exceeding thirteen
dollars and twenty-six cents per patient day;

(15) For facilities with dates of licensure after December
31, 1988, but prior to January 1, 1990, not exceeding thirteen
dollars and forty-six cents per patient day;

(16) For facilities with dates of licensure after December
31, 1989, but prior to January 1, 1991, not exceeding thirteen
dollars and sixty cents per patient day;

(17) For facilities with dates of licensure after December
31, 1990, but prior to January 1, 1992, not exceeding thirteen
dollars and forty-nine cents per patient day;

(18) For facilities with dates of licensure after December
31, 1991, but prior to January 1, 1993, not exceeding thirteen
dollars and sixty-seven cents per patient day;

(19) For facilities with dates of licensure after December
31, 1992, not exceeding fourteen dollars and twenty-eight cents
per patient day.

(D) Beginning January 1, 1981, regardless of the original
date of licensure, the department of job and family services shall
pay a rate for the per diem capitalized costs of renovations to
intermediate care facilities for the mentally retarded made after
January 1, 1981, not exceeding six dollars per patient day using
1980 as the base year and adjusting the amount annually until June
30, 1993, for fluctuations in construction costs calculated by the
department using the "Dodge building cost indexes, northeastern
and north central states," published by Marshall and Swift. The
payment provided for in this division is the only payment that
shall be made for the capitalized costs of a nonextensive

Substitute Version as Presented to the Senate Finance and Financial Institutions

renovation of an intermediate care facility for the mentally
retarded. Nonextensive renovation costs shall not be included in
cost of ownership, and a nonextensive renovation shall not affect
the date of licensure for purposes of division (C) of this
section. This division applies to nonextensive renovations
regardless of whether they are made by an owner or a lessee. If
the tenancy of a lessee that has made renovations ends before the
depreciation expense for the renovation costs has been fully
reported, the former lessee shall not report the undepreciated
balance as an expense.

For a nonextensive renovation to qualify for payment under
this division, both of the following conditions must be met:

(1) At least five years have elapsed since the date of
licensure or date of an extensive renovation of the portion of the
facility that is proposed to be renovated, except that this
condition does not apply if the renovation is necessary to meet
the requirements of federal, state, or local statutes, ordinances,
rules, or policies.

(2) The provider has obtained prior approval from the
department of job and family services. The provider shall submit a
plan that describes in detail the changes in capital assets to be
accomplished by means of the renovation and the timetable for
completing the project. The time for completion of the project
shall be no more than eighteen months after the renovation begins.
The director of job and family services shall adopt rules in
accordance with Chapter 119. of the Revised Code that specify
criteria and procedures for prior approval of renovation projects.
No provider shall separate a project with the intent to evade the
characterization of the project as a renovation or as an extensive
renovation. No provider shall increase the scope of a project
after it is approved by the department of job and family services
unless the increase in scope is approved by the department.

Substitute Version as Presented to the Senate Finance and Financial Institutions

(E) The amounts specified in divisions (C) and (D) of this section shall be adjusted beginning July 1, 1993, for the estimated inflation for the twelve-month period beginning on the first day of July of the calendar year preceding the calendar year that precedes the fiscal year for which rate will be paid and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.

(F)(1) For facilities of eight or fewer beds that have dates of licensure or have been granted project authorization by the department of mental retardation and developmental disabilities before July 1, 1993, and for facilities of eight or fewer beds that have dates of licensure or have been granted project authorization after that date if the facilities demonstrate that they made substantial commitments of funds on or before that date, cost of ownership shall not exceed eighteen dollars and thirty cents per resident per day. The eighteen-dollar and thirty-cent amount shall be increased by the change in the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift, during the period beginning June 30, 1990, and ending July 1, 1993, and by the change in the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics, annually thereafter.

(2) For facilities with eight or fewer beds that have dates of licensure or have been granted project authorization by the department of mental retardation and developmental disabilities on or after July 1, 1993, for which substantial commitments of funds were not made before that date, cost of ownership payments shall not exceed the applicable amount calculated under division (F)(1) of this section, if the department of job and family services

Substitute Version as Presented to the Senate Finance and Financial Institutions

gives prior approval for construction of the facility. If the
department does not give prior approval, cost of ownership
payments shall not exceed the amount specified in division (C) of
this section.

(3) Notwithstanding divisions (D) and (F)(1) and (2) of this
section, the total payment for cost of ownership, cost of
ownership efficiency incentive, and capitalized costs of
renovations for an intermediate care facility for the mentally
retarded with eight or fewer beds shall not exceed the sum of the
limitations specified in divisions (C) and (D) of this section.

(G) Notwithstanding any provision of this section or section
5111.24 of the Revised Code, the director of job and family
services may adopt rules in accordance with Chapter 119. of the
Revised Code that provide for a calculation of a combined maximum
payment limit for indirect care costs and cost of ownership for
intermediate care facilities for the mentally retarded with eight
or fewer beds.

(H) After June 30, 1980, the owner of an intermediate care
facility for the mentally retarded operating under a provider
agreement shall provide written notice to the department of job
and family services at least forty-five days prior to entering
into any contract of sale for the facility or voluntarily
terminating participation in the medical assistance program. After
the date on which a transaction of sale is closed, the owner shall
refund to the department the amount of excess depreciation paid to
the facility by the department for each year the owner has
operated the facility under a provider agreement and prorated
according to the number of medicaid patient days for which the
facility has received payment. If an intermediate care facility
for the mentally retarded is sold after five or fewer years of
operation under a provider agreement, the refund to the department
shall be equal to the excess depreciation paid to the facility. If

Substitute Version as Presented to the Senate Finance and Financial Institutions

an intermediate care facility for the mentally retarded is sold 34787
after more than five years but less than ten years of operation 34788
under a provider agreement, the refund to the department shall 34789
equal the excess depreciation paid to the facility multiplied by 34790
twenty per cent, multiplied by the number of years less than ten 34791
that a facility was operated under a provider agreement. If an 34792
intermediate care facility for the mentally retarded is sold after 34793
ten or more years of operation under a provider agreement, the 34794
owner shall not refund any excess depreciation to the department. 34795
For the purposes of this division, "depreciation paid to the 34796
facility" means the amount paid to the intermediate care facility 34797
for the mentally retarded for cost of ownership pursuant to this 34798
section less any amount paid for interest costs. For the purposes 34799
of this division, "excess depreciation" is the intermediate care 34800
facility for the mentally retarded's depreciated basis, which is 34801
the owner's cost less accumulated depreciation, subtracted from 34802
the purchase price but not exceeding the amount of depreciation 34803
paid to the facility. 34804

A cost report shall be filed with the department within 34805
ninety days after the date on which the transaction of sale is 34806
closed or participation is voluntarily terminated for an 34807
intermediate care facility for the mentally retarded subject to 34808
this division. The report shall show the accumulated depreciation, 34809
the sales price, and other information required by the department. 34810
The department shall provide for a bank, trust company, or savings 34811
and loan association to hold in escrow the amount of the last two 34812
monthly payments to an intermediate care facility for the mentally 34813
retarded made pursuant to division (A)(1) of section 5111.22 of 34814
the Revised Code before a sale or voluntary termination of 34815
participation ~~shall be held in escrow by a bank, trust company, or~~ 34816
~~savings and loan association, except that if~~ or, if the owner 34817
fails, within the time required by this division, to notify the 34818

Substitute Version as Presented to the Senate Finance and Financial Institutions

department before entering into a contract of sale for the 34819
facility, the amount of the first two monthly payments made to the 34820
facility after the department learns of the contract, regardless 34821
of whether a new owner is in possession of the facility. If the 34822
amount the owner will be required to refund under this section is 34823
likely to be less than the amount of the ~~last~~ two monthly payments 34824
otherwise put into escrow under this division, the department 34825
shall take one of the following actions instead of withholding the 34826
amount of the ~~last~~ two monthly payments: 34827

(1) In the case of an owner that owns other facilities that 34829
participate in the medical assistance program, obtain a promissory 34830
note in an amount sufficient to cover the amount likely to be 34831
refunded; 34832

(2) In the case of all other owners, withhold the amount of 34833
the last monthly payment to the intermediate care facility for the 34834
mentally retarded or, if the owner fails, within the time required 34835
by this division, to notify the department before entering into a 34836
contract of sale for the facility, the amount of the first monthly 34837
payment made to the facility after the department learns of the 34838
contract, regardless of whether a new owner is in possession of 34839
the facility. 34840

The department shall, within ninety days following the filing 34841
of the cost report, audit the report and issue an audit report to 34842
the owner. The department also may audit any other cost reports 34843
for the facility that have been filed during the previous three 34844
years. In the audit report, the department shall state its 34845
findings and the amount of any money owed to the department by the 34846
intermediate care facility for the mentally retarded. The findings 34847
shall be subject to an adjudication conducted in accordance with 34848
Chapter 119. of the Revised Code. No later than fifteen days after 34849
the owner agrees to a settlement, any funds held in escrow less 34850

Substitute Version as Presented to the Senate Finance and Financial Institutions

any amounts due to the department shall be released to the owner 34851
and amounts due to the department shall be paid to the department. 34852
If the amounts in escrow are less than the amounts due to the 34853
department, the balance shall be paid to the department within 34854
fifteen days after the owner agrees to a settlement. If the 34855
department does not issue its audit report within the ninety-day 34856
period, the department shall release any money held in escrow to 34857
the owner. For the purposes of this section, a transfer of 34858
corporate stock, the merger of one corporation into another, or a 34859
consolidation does not constitute a sale. 34860

If an intermediate care facility for the mentally retarded is 34862
not sold or its participation is not terminated after notice is 34863
provided to the department under this division, the department 34864
shall order any payments held in escrow released to the facility 34865
upon receiving written notice from the owner that there will be no 34866
sale or termination of participation. After written notice is 34867
received from an intermediate care facility for the mentally 34868
retarded that a sale or termination of participation will not take 34869
place, the facility shall provide notice to the department at 34870
least forty-five days prior to entering into any contract of sale 34871
or terminating participation at any future time. 34872

(I) The department of job and family services shall pay each 34873
eligible proprietary intermediate care facility for the mentally 34874
retarded a return on the facility's net equity computed at the 34875
rate of one and one-half times the average of interest rates on 34876
special issues of public debt obligations issued to the federal 34877
hospital insurance trust fund for the cost reporting period. No 34878
facility's return on net equity paid under this division shall 34879
exceed one dollar per patient day. 34880

In calculating the rate for return on net equity, the 34881
department shall use the greater of the facility's inpatient days 34882

Substitute Version as Presented to the Senate Finance and Financial Institutions

during the applicable cost reporting period or the number of 34883
inpatient days the facility would have had during that period if 34884
its occupancy rate had been ninety-five per cent. 34885

(J)(1) Except as provided in division (J)(2) of this section, 34886
if a provider leases or transfers an interest in a facility to 34887
another provider who is a related party, the related party's 34888
allowable cost of ownership shall include the lesser of the 34889
following: 34890

(a) The annual lease expense or actual cost of ownership, 34891
whichever is applicable; 34892

(b) The reasonable cost to the lessor or provider making the 34893
transfer. 34894

(2) If a provider leases or transfers an interest in a 34895
facility to another provider who is a related party, regardless of 34896
the date of the lease or transfer, the related party's allowable 34897
cost of ownership shall include the annual lease expense or actual 34898
cost of ownership, whichever is applicable, subject to the 34899
limitations specified in divisions (B) to (I) of this section, if 34900
all of the following conditions are met: 34901

(a) The related party is a relative of owner; 34902

(b) In the case of a lease, if the lessor retains any 34903
ownership interest, it is, except as provided in division 34904
(J)(2)(d)(ii) of this section, in only the real property and any 34905
improvements on the real property; 34906

(c) In the case of a transfer, the provider making the 34907
transfer retains, except as provided in division (J)(2)(d)(iv) of 34908
this section, no ownership interest in the facility; 34909

(d) The department of job and family services determines that 34910
the lease or transfer is an arm's length transaction pursuant to 34911
rules the department shall adopt in accordance with Chapter 119. 34912

Substitute Version as Presented to the Senate Finance and Financial Institutions

of the Revised Code no later than December 31, 2000. The rules
shall provide that a lease or transfer is an arm's length
transaction if all of the following, as applicable, apply:

(i) In the case of a lease, once the lease goes into effect,
the lessor has no direct or indirect interest in the lessee or,
except as provided in division (J)(2)(b) of this section, the
facility itself, including interest as an owner, officer,
director, employee, independent contractor, or consultant, but
excluding interest as a lessor.

(ii) In the case of a lease, the lessor does not reacquire an
interest in the facility except through the exercise of a lessor's
rights in the event of a default. If the lessor reacquires an
interest in the facility in this manner, the department shall
treat the facility as if the lease never occurred when the
department calculates its reimbursement rates for capital costs.

(iii) In the case of a transfer, once the transfer goes into
effect, the provider that made the transfer has no direct or
indirect interest in the provider that acquires the facility or
the facility itself, including interest as an owner, officer,
director, employee, independent contractor, or consultant, but
excluding interest as a creditor.

(iv) In the case of a transfer, the provider that made the
transfer does not reacquire an interest in the facility except
through the exercise of a creditor's rights in the event of a
default. If the provider reacquires an interest in the facility in
this manner, the department shall treat the facility as if the
transfer never occurred when the department calculates its
reimbursement rates for capital costs.

(v) The lease or transfer satisfies any other criteria
specified in the rules.

Substitute Version as Presented to the Senate Finance and Financial Institutions

(e) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor or provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, allowable cost of ownership was determined most recently under this division.

Sec. 5111.262. ~~Costs~~ For costs incurred during calendar year 2000 and thereafter, costs reported in nursing facilities' cost reports for purchased nursing services shall be allowable direct care costs up to ~~the following amounts:~~

~~(A) For costs incurred during calendar year 1992, twenty per cent of the nursing facility's direct care costs specified in the cost report for services provided that year by registered nurses, licensed practical nurses, and nurse aides who are employees of the facility, plus one-half of the amount by which the reported costs for purchased nursing services exceed that percentage;~~

~~(B) For costs incurred during calendar year 1993, fifteen per cent of the nursing facility's costs specified in the cost report for services provided that year by registered nurses, licensed practical nurses, and nurse aides who are employees of the facility, plus one-half of the amount by which the reported costs for purchased nursing services exceed that percentage;~~

~~(C) For costs incurred during calendar year 1994 and each calendar year thereafter, ten twenty per cent of the nursing facility's costs specified in the cost report for services provided that year by registered nurses, licensed practical nurses, and nurse aides who are employees of the facility, plus one-half of the amount by which the reported costs for purchased nursing services exceed that percentage.~~

Sec. 5111.28. (A) If a provider properly amends its cost

Substitute Version as Presented to the Senate Finance and Financial Institutions

report under section 5111.27 of the Revised Code and the amended 34974
report shows that the provider received a lower rate under the 34975
original cost report than it was entitled to receive, the 34976
department shall adjust the provider's rate prospectively to 34977
reflect the corrected information. The department shall pay the 34978
adjusted rate beginning two months after the first day of the 34979
month after the provider files the amended cost report. If the 34980
department finds, from an exception review of resident assessment 34981
information conducted after the effective date of the rate for 34982
direct care costs that is based on the assessment information, 34983
that inaccurate assessment information resulted in the provider 34984
receiving a lower rate than it was entitled to receive, the 34985
department prospectively shall adjust the provider's rate 34986
accordingly and shall make payments using the adjusted rate for 34987
the remainder of the calendar quarter for which the assessment 34988
information is used to determine the rate, beginning one month 34989
after the first day of the month after the exception review is 34990
completed. 34991

(B) If the provider properly amends its cost report under 34992
section 5111.27 of the Revised Code, the department makes a 34993
finding based on an audit under that section, or the department 34994
makes a finding based on an exception review of resident 34995
assessment information conducted under that section after the 34996
effective date of the rate for direct care costs that is based on 34997
the assessment information, any of which results in a 34998
determination that the provider has received a higher rate than it 34999
was entitled to receive, the department shall recalculate the 35000
provider's rate using the revised information. The department 35001
shall apply the recalculated rate to the periods when the provider 35002
received the incorrect rate to determine the amount of the 35003
overpayment. The provider shall refund the amount of the 35004
overpayment. 35005

Substitute Version as Presented to the Senate Finance and Financial Institutions

In addition to requiring a refund under this division, the department may charge the provider interest at the applicable rate specified in this division from the time the overpayment was made.

(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be no greater than one and one-half times the average bank prime rate.

(2) If the overpayment resulted from costs reported for subsequent calendar years:

(a) The interest shall be no greater than two times the average bank prime rate if the overpayment was equal to or less than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.

(b) The interest shall be no greater than two and one-half times the current average bank prime rate if the overpayment was greater than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.

~~(3) The department shall determine the average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor publication. If statistical release H.15, or its successor, ceases to contain the bank prime rate information or ceases to be published, the department shall request a written statement of the average bank prime rate from the federal reserve bank of Cleveland or the federal reserve board.~~

(C) The department also may impose the following penalties:

(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty-five per cent of the

Substitute Version as Presented to the Senate Finance and Financial Institutions

cumulative amount by which the costs for which documentation was
not furnished increased the total medicaid payments to the
provider during the fiscal year for which the costs were used to
establish a rate;

(2) If an owner fails to provide notice of sale of the
facility or voluntary termination of participation in the medical
assistance program, as required by section 5111.25 or 5111.251 of
the Revised Code, no more than two the current average bank prime
rate plus four per cent of the last two monthly payments.

(D) If the provider continues to participate in the medical
assistance program, the department shall deduct any amount that
the provider is required to refund under this section, and the
amount of any interest charged or penalty imposed under this
section, from the next available payment from the department to
the provider. The department and the provider may enter into an
agreement under which the amount, together with interest, is
deducted in installments from payments from the department to the
provider.

(E) The department shall transmit refunds and penalties to
the treasurer of state for deposit in the general revenue fund.

(F) For the purpose of this section, the department shall
determine the average bank prime rate using statistical release
H.15, "selected interest rates," a weekly publication of the
federal reserve board, or any successor publication. If
statistical release H.15, or its successor, ceases to contain the
bank prime rate information or ceases to be published, the
department shall request a written statement of the average bank
prime rate from the federal reserve bank of Cleveland or the
federal reserve board.

Sec. 5111.29. (A) The director of job and family services
shall adopt rules in accordance with Chapter 119. of the Revised